



## LEGISLATION FUNCTIONS OF MEMBERS OF THE DPRD OF CENTRAL BENGKULU DISTRICT (PERIOD 2019 - 2024)

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### A B S T R A C T

*This study aims to examine the legislative function of Members of the Central Bengkulu regency DPRD. this research uses qualitative research methods that Focus on finding information about the implementation of legislative functions by collecting methods through interviews and documentation. the results of the research obtained are that in the preparation of regional regulations, there are three stages passed, namely the initiative stage, the discussion stage and the ratification stage. The initiative stage is to collect the information needed in drafting regional regulations. In general, the aspirations of the community become one of the sources of information in the preparation of draft regional regulations. in the discussion stage, four discussions were carried out, discussions one and two Focused on submitting proposals and responses to drafts regional regulations from the DPRD and regional heads. the third discussions was carried out only by members of the commissions and its equipment. Later, the results of the third discussion will be presented in the fourth discussion which will determine whether the regulation is approved or rejected. The Regent has a maximum of thirty days to ratify the approved drafts regional regulation. Obstacles in the implementation of the legislative function are juridical barriers, and technical obstacles infrastructure obstacles. Based on the results of the study, it shows that the implementation of the legislative function is in according with applicable regulations, it's just that the optimization of the function still needs to be improved, especially in improving the results of regional regulations issued. In addition, in order to improve the function of legislation, it is better to improve the quality of human resources, as well as infrastructure supporting the performance of board members.*



## INTRODUCTION

Since the stipulation of regional autonomy as stipulated in Law No 23 of 2014 concerning Regional Government, article 19 explains that the administrator government area is local government And DPRD. Regional People's Legislative Council or DPRD is one of the people's bodies which describes the system and arrangement of democratic local government as has been contained in Article 18 of the 1945 Constitution. (2), Paragraph (3) of the 1945 Constitution states that the state The unity of the Republic of Indonesia is divided into several provinces and within the provinces it becomes regency And city, respectively with Representative Council People Region (DPRD).

One of the strategic tasks of DPRD is to determine its sustainability and future area. DPRD is process Which notice difference interest para parties/stakeholders. The DPRD's role is currently quite strategic, but there are still signs asked how the DPRD had so far managed the tasks and functions assigned to it, specifically in the field legislation.

Function legislation is function First And most important from body representative (parliament) in the constitutional system. Article 20A Paragraph 1 of the 1945 Constitution states that The DPR has legislative, budgetary and control functions. Article 18(6) of the 1945 Constitution states: Government country part entitled emit order country And order other For carry out task administration autonomous And together. Chapter This show that regulation about task legislation too attached to representative body regional people.

In its legislative function, the commission can issue draft state regulations and discuss draft state regulations with state governments, and initiatives Board And initiative government country part. In matter design regulation area is proposal

on initiative Board (committee), so task compile, compile, editing, and perfecting the draft regional regulations can be carried out according to space scope.

The Regional People's Representative Council is given an authority to make regulations area, as well as in the implementation of this function can be used through initiative rights or rights ideas and the right of amendment or right of transfiguration. When viewed from the data of regional regulations Central Bengkulu Regency, in the formation of regional regulations, regulations were formed originate from initiative government area, whereas DPRD can occasionally submit suggestion related initiatives regulatory draft area, Because DPRD owns right of initiative. DPRD serves as an element of regional government, which together with the head area establish regional regulations and regional budgets.

Observation beginning Which has done by researcher, found that in implementation of legislative functions on Members House of Representatives District area Central Bengkulu felt not optimal. In the process of creating draft regulations regions, it is still felt that there is no sense of responsibility, accountability and responsiveness during process implementation function legislation. Matter This seen from Still often happen postponement of the meeting, both in the draft submission meeting and discussion, so that meeting forums sometimes do not meet to continue. (Interview in initial observation with Chairman DPRD, 2023)

Related less productive House of Representatives perform function legislation, this was expressed by Nur Sholikin that "Entering a one-year period In his position, the People's Representative Council failed to prove the results of its legislative work. No issue of numbers, but performance so far has not provided real evidence in the field of legislation, more carry on he said that evaluation



performance legislation No only seen from side the quantity of products made, but in terms of quality is also an important factor in evaluate legislation product. (Ratna & Siti, 2016:292)

According to the researchers' observations on initial observations, policies and regulations produced by the Central Bengkulu Regency DPRD was felt to be not optimal. It is visible from amount policies/regulations Which issued by DPRD And Government Area. The number of regional regulations produced or those originating from the DPRD was less realized as regional regulations compared to the draft regional regulations proposed by Government Region, in this case the Regency Central Bangalore.

Based on conditions above, the researcher is interested in discussing more further as well as to find out the process of implementing legislation in making a draft regional regulations until the issuance of the regional regulations. In addition, researchers will examine obstacle Which faced by para member Board Representative People Area in carry out legislative function. Therefore the researcher raised the title research about “**Function Legislation Member DPRD Regency Bengkulu Middle (Period 2019 - 2024)**”

## MATERIALS AND METHODE

This type of research utilizes qualitative research methods. In this study, the informants will be individuals who are knowledgeable about the proper implementation of legislative functions by members of the DPRD within the community. The research will be conducted at the Regional People's Representative Council of Central Bengkulu District.

For this research, the researcher will employ the data collection technique of

triangulation, which involves combining three data collection methods: observation, interviews, and documentation.

## RESULTS AND DISCUSSION

### Function Legislation In Implementation Task DprdRegency Central Bengkulu

#### 1. Initiative in Preparation Draft Regulation Area

Preparation of Regional Regulations in the Regional Government of Central Bengkulu Regency, guided on Decision Minister In Country Number 169 Year 2004 about Guidelines for the Preparation of Regional Legislation Programs. Every process of drafting Regional Regulations, The DPRD and the Regional Head always coordinate well with the Regional Apparatus Organizations those in the ranks of the Central Bengkulu Regency Government, as well as the people who give related aspirations plan Local regulation Which will arranged. kindly line big mechanism drafting Program Legislation Area as specified in Article 3 and Article 5 Decree of the Minister of Home Affairs mentioned above as following:

1. Leader units Work prepare Plan Program Legislation Area Province/District/City every year in accordance with need maintenance government based on task and each function work unit;
2. The discussion on the Regional Legislation Program plan mentioned above is coordinated by the Bureau Law Provincial Secretariat/Legal Section Regency/City Secretariat;
3. The results of the Regional Legislation Program Discussion above were submitted by the Legal Bureau Provincial Secretariat to the Governor and by the City District Secretariat Legal Section to the Regent/Mayor;
4. Program Legislation Area Province set



by Governor And Program Legislation Area District/City determined by the Regent/Mayor.

Procedure setup Regulation Area arranged in Regulation Minister In Country Number 16 Year 2006 about Procedure Preparation Product Law Area Chapter 5 state that setup in environment government done by Unit Work Regional Devices (SKPD). However, SKPD can delegate it to the Legal Bureau or to the legal department. Then they will form what is called a Team between Regional Work Units. Team Leaders between work units must report progress to the Regional Secretary for direction. A draft Regional Regulation those that have been discussed must obtain initials from the Head of the Legal Bureau and the Head The Legal Department and SKPD leaders are related as a sign of coordination. Furthermore SKPD leadership submits a Draft Regional Regulation to the Regional Head via Secretary Area. Secretary Area can do change or improvement to design Regulation Area the. Draft Which Already finals submitted to Representative Council People area for done discussion.

The preparation process for the Regional Legislation Program in Central Bengkulu Regency involves whole Unit Work Device Area start from level Ward until Secretariat Area, following Suite preparation based on information Which obtained by researcher :

1. Head Area instruct For prepare plan Program Legislation Area to every Unit Work Device Area Which There is in environment Government Regency Central Bengkulu;
2. Every head units on Unit Work Device Area, based on instructions from The Regional Head then conducts a coordination meeting with all section leaders Which There is on every units Unit Work Device Area For compile plan Regional Legislation Programs that

will be submitted in accordance with the duties and functions of each respectively work unit;

3. The Regional Legislation Program Plan for each work unit is then proposed to the Section Central Bengkulu District Secretariat Law as coordinator which then later there will be a discussion of the planned Regional Legislation Program has been collected from each work unit, before the plan is submitted to the Regent through the Regional Secretary;
4. Plan Program Legislation Area Which Already submitted to Part Law Regional Secretariat of Central Bengkulu Regency, then a discussion was held involve Head Bureau Law, Head Part Law And all element leader every units Work. later If has finished done discussion, every element the leader gives signatures / initials on the planned Regional Legislation Program Already discussed, as proof that plan have been discussed together; After the discussion, the Legal Section of the Central Bengkulu Regency Secretariat submit Legislation Program Area the to Regent through Secretary Area;
5. The Regional Secretary then conducts an examination of the Legislative Program plan Area Which filed. Secretary Area Also entitled do repair or improvement to plan the;
6. Draft Program Legislation Area Which Already finished legalized by Secretary Regions/Regents are then proposed to the Regency Regional People's Legislative Assembly Bengkulu Middle for discussion is carried out.

## 2. Draft Regulation Area

Basically the rules about the discussion process Local regulation is inside Rules of the Regional People's Legislative Assembly for each region. However In general, almost all the Rules of the Regional People's



Legislative Assembly in Indonesia refer to this to Government Regulation Number 25 of 2004 concerning Guidelines for Making Orders Board Representatives of the People Area.

Discussion Draft Program Legislation Area which has proposed by Regent through the Regional Secretary to the Regional People's Representative Council of Bengkulu Regency Middle, through four stages of talks as stipulated in Government Regulations Number 25 of 2004 concerning Guidelines for Making the Standing Orders of the House of Representatives Area. The process of deliberating the Draft Regional Regulation at the House of Representatives Area Regency Central Bengkulu as follows:

#### 1. Talks Stage First

In talks stage First, Regent/Secretary Area convey before the members Board who attended the relevant plenary meeting Draft Local regulation The proposed. Delivery must be clear and detailed so para Board members present understand the intent and purpose of the proposed draft the Regional Regulations. In addition to the Regent/Regional Secretary submitting the draft Regional Regulations before the members of the Council, the Commission Leaders also conveyed Draft Regulation Area Which arranged by member Board in front of Regent/Secretary Area And member Which present. For is known that Board The Regional People's Representative for Central Bengkulu Regency also submitted a draft Regional Regulations that have been prepared before the Regent/Regional Secretary for discussion together. Board members make arrangements based on information or aspirations Which obtained moment do Recess in public nor on moment do visit Work on Board Representatives of the People Area in outside Bengkulu Province.

#### 2. Talks Stage Second

The Second Phase of the discussion is

still being carried out in the plenary session/meeting process. Where in the second phase of the discussion, Regent/Regional Secretary and Leadership Commission each other do or give response to exposure about Draft Regulation Area Which Already be delivered by each. The District Head/Regional Secretary will respond to the draft regional regulation Which be delivered by Leader Commission. So even on the contrary Leader Commission And members will respond to the results of the presentation of the draft regional regulations submitted by the Regent/Regional Secretary. In discussion or discussion stage second This, Regent/Secretary Area along Leader And member Board Representative People Area Regency Bengkulu Middle only do or provide responses to each point of the draft regional regulation until the second party agree or approve draft local regulations.

#### 3. Talks Stage Third

Talks stage third No Again done in meeting plenary. However discussions are carried out specifically in commission meetings and joint commission meetings. In this third stage of discussion, discussing the related necessary fittings with the draft regional regulations that have been discussed in the previous plenary meeting between Regent/Secretary Area Regency Bengkulu Middle along Leader And member of the Regional People's Representative Council. In determining the fittings Which needed in meeting commission And meeting combined commission, Already formed committee deliberations to arrange or determine the fittings that participate in discussion committee meetings and meetings combined.

#### 4. Talks Stage Fourth

Talks Stage Fourth This is talks Which very important, because at this stage the Draft Regional Regulations have already



been discussed in the talks the first to the third stage, it will be decided whether the draft is accepted/validated or not regulation area the. In talks This, meeting or talks started by listening to the results of commission meetings and joint commission meetings held onstage third talk.

Chairman committee discussion will expose results meeting with details to Regent/Regional Secretary and Leaders and members of the Regional People's Representative Council Regency Bengkulu Middle Which present on meeting plenary. After chairman committee discussion convey results meeting, member fraction Still can do response to results meeting the, including Regent/Secretary Area. Every member can agreed or reject direct results from meeting on commission previously.

If every fraction And Which present in discussion final agreed the regional regulation draft, the next stage is the Representative Council The people of the Central Bengkulu Regency area report the results of the approval of the design regulation the area to the Regent. However If on the contrary There is member DPRD Which do not agree with these results can submit objections and refuse. However so far This seldom happen member DPRD Which No agreed results discussion draft regional regulations. Usually what happens is not meeting an agreement or agreement in the process commission meeting commission meeting.

### 3. Endorsement Draft Regulation Area

Each regional regulation that has been approved by the DPRD and the Bengkulu District Head In the middle, the next step is for the Regional Head to sign the Regional Regulation maximum of 30 (thirty) days from the time the regional regulation was approved by DPRD and the Regent before the regulation was issued. If the Regional Regulations are discussed by the Regent of Central Bengkulu Regency with DPRD related to APBD, local taxes, regional levies

and regional spatial planning, then the regional regulation must first reported to the Central Government and Bengkulu Provincial Government to be carried out evaluation. Apart from that, if it is related to the budget, then the regional regulations too shipped to Ministry Finance For done evaluation before regulation was published. If there is a discrepancy between the regional regulations and the regulations or policy Which is at in government center, so will done repair in accordance with advice from the Government Center as well Ministry Finance.

### 4. Implementation of the Legislative Function of Members of the Bengkulu Regency DPRD in the Middle Period 2019-2024

Board Representative People Area And Head Area domiciled as element organizer government area given mandate by people For carry out Government affairs delegated to the Regions. Thus, the DPRD and the regional head is positioned as an equal partner who has a function different. DPRD have function formation Regulation Area, budget And supervision, whereas head area own task carry out Regulation Area And policy Area.

As consequence position DPRD as element organizer Regional Government then the composition, position, roles, rights, obligations, duties, authority, And function DPRD arranged in constitution Country Constitution Country 1945 And regulation legislation other.

In carrying out Government Affairs which are the authority of the Region, head regional government and the DPRD as administrators of regional government make regional regulations as a legal basis for the region in implementing regional autonomy in accordance with conditions and aspirations of the people as well as the uniqueness of the area. Regional Regulations made by the DPRD together



with the regional head is only valid within the limits of regional jurisdiction concerned. Even so, the Regional Regulations stipulated by the regions are not contrary with provision regulation legislation Which more tall the level is in accordance with the hierarchy of laws and regulations. Besides that Rules Regions as part of the system of laws and regulations may not conflict with interest general as stipulated in rule drafting Regulation Area.

This is regulated in Article 18 paragraph (2) of the Constitution of the Republic of Indonesia Indonesia Year 1945 Which explain that Government Area authorized For arrange And look after Alone affairs government according to principle autonomy And task assistance in system Country Unity Republic Indonesia. Administration government in a country is not only in the center of government, but Government center give authority to Government area For run the government Alone. Authority Government Area in form regulation area have formal juridical legitimacy is based on Article 18 paragraph (6) of the 1945 Constitution which states that "The Regional Government has the right to stipulate regional regulations and regulations others to carry out autonomy and co-administration tasks. Article 242 paragraph (1) of the Law Number 23 of 2014 concerning Regional Government which states that "Draft regulation area Approved together by DPRD And Head Area be delivered by Leadership of the DPRD to the Regional Head to be enacted into a Regional Regulation. As well as Chapter 96 (1) arrange with firm that DPRD province have function: a. formation Provincial Regional Regulations; b. budget; And c. supervision.

## **5. Obstacle in Implementation Function Legislation Member DPRD Regency Bengkulu Middle Period 2019-2024**

In carrying out the legislative functions of members of the Bengkulu Regency

DPRD in the Middle Period 2019-2024 is certainly inseparable from the obstacles in implementing this function. Because in operate every task nor function as member Board Representative People Area Regency Bengkulu Middle, Of course No entirely walk well or running optimally, especially in carrying out legislative functions that focus on on the task of issuing or approving regional regulations drafted by the Regent nor by DPRD That Alone. A number of obstacle Which become reason not enough optimal implementation function legislation Member DPRD Regency Bengkulu Middle Period 2019-2024 between others are:

1. Juridical barriers are obstacles that arise because of the existence of laws and regulations. a new invitation from the central government while the DPRD is discussing the draft regulation area.

Obstacle This often happen in process planning something regulation area. The emergence of new regulations, as well as the cancellation of regulations issued by the government center make process drafting nor planning regulation area often hampered or stop to continue the discussion;

As has been explained, juridical obstacles are obstacles that occur as a result the emergence of new regulations or the cancellation of regulations that have been issued. Matter This also applies to the legislative function of the Regency Regional People's Representative Council Central Bangalore. Where when discussing the draft regional regulations, often time happen delay nor cancellation in process the discussion. Sometimes the draft regional regulation that is being discussed will be postponed first the discussion until the rules from the central government are clear and definite. Or sometimes the draft regional regulation is canceled to continue the discussion because of a regulation from



the center that cancels the previous rule or there is a revision or repair to central government regulations Which new.

Changes in rules and policies from the central government are often hampered birth of regional regulations both derivative rules and new rules based central government rules. Of course, this is not the only factor that matters obstacles to the birth of regional regulations in Central Bengkulu Regency, but they still exist factor other Which become inhibitor in implementation function legislation Board Representative District People Bengkulu Middle.

2. Obstacle technical is a bottleneck Which appear Because various matter like:
  - Busyness legislators who make meeting no reach forum;
  - Not enough Parliament members ready For discuss draft bylaws;
  - Still lack of ability from member DPRD in compile Regulation Area

Board Representative People Area Regency Bengkulu Middle in carry out function legislation or in discuss as well as authorize design regional regulations in addition to being faced with juridical factors that hinder the publication a regional regulation, another obstacle in the implementation of this function is the obstacle technical. In process discussion regulation area by member Board Representative Local people, there are often delays in the discussion of regulations area because a number of obstacle technical like every time done discussion amount member DPRD Which present No fulfil minimum amount member Which must present so that discussion can be continued. Causes of non-fulfillment of the minimum number of members who attended for several reasons such as doing external service work, there were other matters of interest so he could not attend the meeting forum. Matter the often happened inside process a discussion design regulation area.

Besides factor forum Which not enough complete, factor or obstacle other that is lack of preparation member in preparation discussion design regulation area.

3. Legislative infrastructure constraints are obstacles due to a lack of supporting facilities in process making regulation area Which used For ensure quality discussion local regulation.

Infrastructure constraints in this case are faced by members of the House of Representatives People Area Regency Bengkulu Middle that is obstacle related facility means And meeting support facilities. In work, of course, the comfort of the environment or conditions space is very important. Because it can affect the quality of work from Council members. Obstacle faced is often the case technical problem at the plenary session. Where is the main screen as a data viewer during meetings often problematic, often dead And No function with Good. Besides That, condition room Which not enough comfortable Because cooler room Also often experience problem with less cold meeting room. Microphones in meetings too experience sometimes technical constraints do not turn on at the moment meeting going on. Besides That Also Still minimal facility laptops For support on moment meeting. Because sometimes board members don't bring laptops while when they are going to do so meeting need laptops For open data. Condition the often time experienced by board member, so that bother process Work from board member.

## CONCLUSION

Based on discussion results study about Implementation Function Legislation DPRD members Bangalore Regency Middle, conclusion was found as follows :

1. In process drafting regulation area done in three stage, ie Initiative, Discussion and Ratification;





2. In the initiative process, sources of information in designing regional regulations are sourced mainly from the aspirations of the people, work visits and also new regulations from the government center;
3. In the validation process, discussions were carried out in four stages, namely stage one and two are plenary meetings attended by the DPRD and the Regent with the aim to submit proposals for draft regional regulations from each party as well make an immediate response. In the third phase of the discussion is the commission meeting only attended by member board as well as tool completeness. Talks final ie meeting plenary convey results meeting commission And determine design rule is accepted or rejected;
4. In process ratification, Regent given time maximum 30 day For sign draft regional regulations which has been approved;
5. In process drafting regulation area found a number of obstacle, that is obstacle juridical, technical and infrastructure.

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