

Political Interests of The Regional People's Representative Council (DPRD) in The Making of Regional Regulations

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Abstract. The purpose of this research in this paper is to find out about the political interests contained in the Regional People's Representative Council in making regional regulations. The focus in this research is on the political interests of the Regional House of Representatives in making regional regulations. This paper is the result of research using descriptive methods with a qualitative approach. The data collection techniques that researchers use are literature studies and field studies which are divided into three, namely observation, interviews and documentation. The technique of determining informants in this study used a purposive technique, with informants coming from members of the regional parliament of West Bandung Regency. The results of this study indicate that the political interests contained in the Regional People's Legislative Assembly in making regional regulations vary greatly depending on the existence of certain interests which should aim for the benefit of the community.

Keywords: Political Interests, Regional People's Representative Council (DPRD), Regional Regulations

1. Introduction

At this time the local government, especially the Governor, which was very dependent on and determined by the central government, is now increasingly distributed based on the principle of decentralization. The basic value of decentralization is realized in the administration of governance in the regions in the form of autonomy, in order to regulate and manage government affairs themselves according to the principle of autonomy and co-administration, the Regional Government is given the right to establish regional regulations with the Regional People's Representative Council [1]. Therefore, cooperation with the House of Representatives to produce quality regional regulations is very crucial. Furthermore, Article 18 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that provincial, district and city regional governments regulate and manage their own government affairs according to the principle of autonomy and co-administration. Meanwhile Article 18 paragraph (6) emphasizes that regional governments have the right to stipulate regional regulations and other regulations to carry out autonomy and co-administration tasks.

Regional authority in the implementation of this autonomy has been derived by Law Number 23 of 2014 concerning Regional Government in the general explanation it is stated that the region as a legal community unit that has autonomy has the authority to regulate and manage its area according to the aspirations and interests of the community as long as it does not conflict with the legal order, national and public interest. In order to provide wider space for the Region to regulate and manage the lives of its citizens. In the context of regional autonomy, the Regional Government is given the authority to form regional regulations [2].

Government affairs are divided into three, among others, absolute, concurrent, and general government affairs. Concurrent government affairs are government affairs which are divided between the central government and provincial and district/city regions. These concurrent government affairs are divided into those that are mandatory and optional to be implemented by regional governments in the form of regional regulations. This situation makes regional regulations increasingly have a strategic position in the life of the nation and state or in other words the role of regional regulations in carrying out government affairs becomes very large.

The guidelines for forming regional regulations should be based on Law no. 12 of 2011 concerning Formation of Laws and Regulations, in Article 5 it is formulated that in forming laws and regulations it must be carried out based on the principle of Forming good Legislation, which includes: clarity of purpose, proper forming institutions or officials, existence of conformity between types, hierarchies and content material, workability, usability and effectiveness, clarity of formulation and openness.

Whereas Article 13 of Law Number 12 of 2011 states that: "The content material for Provincial Regional Regulations and Regency/City Regional Regulations contains content material in the context of implementing regional autonomy and co-administration tasks as well as accommodating special regional conditions and/or further elaboration of Legislation higher.

This is intended so that each regional regulation that is formed can be implemented and does not conflict with other regulations. Regional regulations that conflict with higher laws and regulations are regional regulations that have good procedures for formation and or contents conflict with other laws and regulations which in the order of laws and regulations are above regional regulations.

Meanwhile, Article 250 of Law No. 23 of 2014 concerning Regional Government regulates a more detailed prohibition. In this case, regional regulations may not contradict the public interest and/or decency, in the form of disturbing: (1) harmony between members of the community; (2) access to public services; (3) peace and public order; and (4) economic activities to improve people's welfare. In addition, regional regulations are prohibited from discriminating against ethnicity, religion and belief, race, inter-group, and gender. In the event that the prohibition is not heeded, regional regulations will result in cancellation. Therefore the formation of regional regulations cannot be separated from supervision and control. Actually this is related to the control of legal norms contained in laws and regulations, through what is commonly referred to as a mechanism for controlling legal norms [3].

West Bandung Regency is a regional government whose Regent was involved in a corruption case in the procurement of goods for the emergency response to the Covid-19 pandemic at the West Bandung Regency Regional Government Social Service in 2020. This resulted in the process of making regional regulations out of sync between the Regional Head and the Bandung Regency DPRD West. in the DPRD there are still factions that previously supported the Regions affected by the case.

One of the problems that occurs is the emergence of various kinds of DPRD political interests in

making regional regulations. The novelty of this study with previous research is that the subjects studied by previous researchers focused more on the Regional People's Representative Council (DPRD) in making regional regulations, while in this study researchers focused more on the political interests of the Regional People's Representative Council (DPRD) in making regional regulations which became the main object of research.

The purpose of this study is to see and know the political interests of the Regional People's Representative Council (DPRD) in making regional regulations.

Based on this background, the researcher is interested in writing about the political interests of the Regional People's Representative Council (DPRD) in making regional regulations.

2. Method

The research method used in this writing is a descriptive analysis method which includes theoretical and empirical analysis with data collection techniques in the form of literature studies and field studies of relevant parties relevant to the issues discussed, as well as conducting interviews with relevant officials and filling out a list of questions by board member. Descriptive research method is a problem-solving procedure that is carried out by describing/describing the condition of the subject/object of research (a person, an institution, society and others) at the present time based on visible facts or as they are [4].

This is in line with what Bungin said, that qualitative descriptive is an exploration research and plays a very important role in creating people's understanding of various social dynamics [5]. In descriptive research, the data collected is in the form of words, pictures and numbers. This relates to the application of qualitative methods in data collection (qualitative data). Descriptive research aims to provide an overview to researchers about the state of the data and how, how much, and how much. The data collected is in the form of words and photos, not in the form of numbers.[6] As for the nature of the research regarding the political interests of the DPRD in the policy of making regional regulations.

The location of the research conducted in data collection, the author visited the DPRD West Bandung Regency Office a lot. The data collection method is based on the nature of descriptive research, to obtain the required data, the data collection method is carried out by:

1. Interviews were conducted to obtain data/information from subjects or respondents (in this case informants) related to the problem under study. For this purpose, the informants were selected purposively, namely informants who have knowledge competence in the legislative field. Interviews were conducted using an interview guide with a list of questions tailored to the characteristics of each informant. The interviews took place informally and were open (open interview) with the intention that the conversation took place freely without being fixated on the order of the list of questions.
2. Documentation or literature study methods are carried out by searching scientific literature, both from scientific books and magazines/journals, statistical data, official documents, scientific works (thesis papers). The data source from the documentation is the second data source (secondary data).

For this type of data obtained from various informants selected selectively from policy makers or policy stake holders or various parties who are competent and represent relevant departments, especially institutions or institutions that have power in making policies in the legislative sector. The types of research data to be used in this study are:

1. Secondary data taken from competent institutions in the legislative field.
2. Primary data in the form of interview results means taking sample data directly from experts in the field,

3. namely members of the DPRD of West Bandung Regency.

Then the data obtained from this study were analyzed using qualitative methods. This is closely related to the type of research that is descriptive in nature and constitutes normative legal research. From the results of the analysis it is hoped that an overview and understanding of the political interests of the Regional People's Representative Council (DPRD) will be obtained in making regional regulations.

3. Results and Discussion

Regional Governments have the authority to form regional regulations to assist the process of implementing governance in the regions. In Article 1 paragraph 7 of Law No. 12 of 2011 which states Provincial Regulations are Legislation established by the Provincial People's Representative Council with the approval of the Governor. However, it must be in accordance with the provisions of Article 14 of Law Number 12 of 2011 Concerning the Formation of Legislation, namely, "the content material for Provincial Regulations and Regency/City Regional Regulations contains content material in the context of implementing regional autonomy and assistance tasks and accommodating regional special conditions and/or elaboration of higher laws and regulations. Guidelines for the formation of regional regulations must be based on Law no. 12 of 2011 concerning Formation of Laws and Regulations, Article 5 formulates that in forming laws and regulations it must be carried out based on the principle of Forming good Legislation, which includes: clarity of purpose, proper forming institutions or officials, existence of conformity between types, hierarchy, and content material, workability, usability and effectiveness, clarity of formulation and openness.

The principle of autonomy applied in the Indonesian state divides authority between the center and the regions, it is hoped that all matters, both mandatory and optional, can be carried out in accordance with their respective authorities granted by Law Number 23 of 2014 concerning Regional Government.

Regional authority in the implementation of this autonomy has been implied by Law Number 23 of 2014 concerning Regional Government in the general explanation it is stated that the region as a legal community unit that has autonomy, has the authority to regulate and administer its area according to the aspirations and interests of the community as long as it does not conflict with the regional order. national law and public interest. Furthermore, the harmonization, unification, and consolidation of the draft provincial regional regulations originating from the governor are coordinated by the legal bureau and can include vertical agencies from ministries that carry out government affairs in the field of law, while those originating from the provincial DPRD are coordinated by special provincial DPRD fittings. handling the field of legislation [7]

According to Jimly Asshiddiqie, the formation of a good rule must be based on philosophical, sociological, juridical, political and administrative aspects and its application must also be reflected philosophically, sociologically, juridically and politically [8]

The first is juridical consideration which is the source of ratifying and effective sources of laws and regulations. The existence of higher laws and regulations that form the basis of orders and objectives for their formation. This aspect can definitely be fulfilled and realized even in practice it tends to be excessive. Meanwhile, from the aspect of formulating the norms, it must guarantee legal certainty, namely the clarity of the goals that must be realized (manifest goals) and the clarity of efforts to realize their goals.

To realize these two goals, the regional regulation has formulated efforts as stated in articles 2 and 3 which must be fulfilled by everyone (individuals or legal entities).

Furthermore, the second consideration, philosophical related to the values that form the basis of the norms contained in the laws and regulations. It's just that these philosophical considerations are not fully understood and used except for very partial-pragmatic ones.

Even though this philosophical consideration is related to at least two values, namely:

1. The values of justice that should generally be referred to are:

a) Commutative, which pays attention to the common interests of the whole community.

b) Distributive justice which pays attention to the interests of those who contribute or serve the common interest.

c) Corrective justice that pays attention to the interests of socio-economically weak groups of people who will receive negative impacts from the enactment of laws and regulations.

The three values of justice above must be accommodated as a whole, if the laws and regulations that are formed are to be effective instruments, namely realizing their main objectives and preventing negative side effects as described above.

2. Ideological values are related to the paradigm that forms the basis of every formation of laws and regulations that function as engineering tools to create certain socio-economic-political conditions. There are 2 (two) ideologies that underlie but conflict with each other so that a choice must be made, namely:

a. The ideology of authoritarianism which emphasizes coercion and subservience of the will of all groups in society to the wishes or interests of the Government/Regional Government. Behind the government's interests, it is not impossible to hide the interests of other groups, such as the behavior of members of the parliament;

b. The ideology of egalitarianism which emphasizes efforts to provide protection and protection for the interests of weak community groups while still realizing the manifest goals of laws and regulations. So far, our statutory politics is still colored by authoritarian ideology. Coercion is still the big frame, while protecting the interests of weak groups still tends to be neglected. In fact, current developments in Indonesia have been driven through public control and the courage of the people to monitor the ideology of egalitarianism. Therefore DPRD must pay attention to this so that the legal product does not create new problems but instead eliminates negative side effects.

The third consideration, sociological, is related to paying attention to the reality of Indonesian society, which has a plurality of socio-economic conditions. There are groups of people who are strong socio-economically and politically with large wealth or capital power and good relations with state authorities. There is a middle class group with relatively large wealth or capital power and relatively good relations with state authorities. There are also groups who are weak socio-economically and politically with limited wealth, capital strength, just barely surviving, with relatively closed access to communications with state authorities, except when there are "general elections" or legislative elections or presidential or regional head elections. This is where the real role of the DPRD as the people's representative must come forward to form regional regulations that protect groups that have and prevent unregistered marriages between those in power and the powerful.

The number of affairs handed over to the regions is not followed by the capacity and number of available human resources (HR) of the apparatus. The limited quality and number of apparatus human resources is one of the problems faced by the Regional Government in forming regional regulations. The drafting of regional regulations is crucial for the smooth running of deliberations in the DPRD. Therefore, the quality of a regional regulation and the decision making on the draft regional regulation to become a regional regulation is largely determined by the way in which the draft regional regulation is drafted. At least a draft regional regulation must be preceded by drafting an academic text. This, of course, requires

that local regulations are not made on a chase basis. Preceded or accompanied by academic papers, it will greatly facilitate the discussion of draft regional regulations to be enacted into regional regulations. At least in the discussion of the formulation of the material from the regional regulations, the regional regulations were not trapped in surface debates, which in the end resulted in the formation of regional regulations not being optimal. Accompanied by academic papers, the stages of discussion of regional regulations will be more in-depth and each stage of discussion that must be passed can run well. Because a draft regional regulation can be enacted as a regional regulation, there are several stages that must be passed as stipulated in statutory regulations [9]. However, all of this will be hampered if the presence of West Bandung Regency DPRD members is minimal.

The existence of the Team in contributing juridical thinking and analysis plays an important role in planning, formulating, harmonizing, and synchronizing every draft regional regulation and regional regulation, so that the Regional Head as the head of government in his policies is in accordance with the Laws and Regulations. The formation of regional regulations requires an aspect of openness, namely providing opportunities for the community, both from elements of academia, practice and other related elements of society for other related communities to participate both in the process of planning, preparation, preparation and/or in discussing the draft regional regulations by providing input or advice or consideration orally or in writing with the provisions of the Legislation [10]

The basic objective of the community's role is to generate input and perceptions that are useful for citizens and interested communities (public interest) in order to improve the quality of decision making, because by involving communities potentially affected by policies and interest groups, decision makers can capture the views, needs and expectations of these communities and groups, to then translate them into concepts [11]

Regarding control participation in Law Number 12 of 2011 concerning Formation of Legislation, it has been expressly regulated in Article 96 which states that: The public has the right to provide input orally and/or in writing in the formation of Legislation. Furthermore Article 1 point 1 states that the formation of laws and regulations includes the stages of planning, drafting, discussing, ratifying or stipulating, and enactment. And in the elucidation of Article 5 letter g it says that each stage of formation must uphold the principle of openness, which is transparent and open. Thus, all layers of society have the widest opportunity to provide input in the formation of laws and regulations.

The existence of public participation is one form in order to realize good governance (good governance). Communities in government play such a large role, community involvement in government activities related to control policies indicates that democracy has been running [12]. Participation allows the community to convey aspirations or contribute their thoughts on a policy to be taken by the Regional Government. In the event that input is submitted orally, then the person concerned can convey it himself except in the case of verbal input submitted by a community group, then he must be represented by the group leader [13]

The main function of public participation in a political process is to protect and develop people's interests in the life of a country. In every formation of Regional Regulations, it is necessary to have openness, namely giving opportunities to the community from academics, practitioners, and other related elements of society to participate, both in the process of planning, preparation, drafting and/or in discussing Raperda by differentiating opportunities to provide input. or advice or consideration orally or in writing in accordance with the provisions of the applicable Laws and Regulations.

The formation of regional regulations that contain the order of life in society, nation and state is part of the control decision-making process. Control decisions in the form of regulations will be binding and apply to all people in a country. Its formation must provide control space for the wider community to participate in the process of its formation [12]. Community participation will be able to encourage the formation of responsive regional regulations.

After the government has fulfilled its obligation to facilitate community participation, the community must be able to actively and effectively exercise their right to supervise and monitor the DPRD, which is also involved in making regional regulations so that the community can become a separate power of control. There are many ways to attract and facilitate the public in participating in forming laws, one of which is by utilizing technology, namely the internet.[14]

Regional regulations, or what is often shortened to regional regulations, actually do not have a simple formulation process. This is the case due to several factors affecting the manufacturing process. Usually it can be influenced by the growing political interests of the regional government and DPRD. However, it is precisely the benefits of providing support to improve people's welfare. In fact, the formulation of the objectives of the regional regulations has more political differences than the interests regarding the correct and objective regional regulations.

The coloring of political differences in the making of regional regulations can be understood by following the guidelines that find evidence of almost all political meanings. The interests of the party responsible for making regional regulations must cooperate with representatives of regional regulations that influence regional regulations. As a result, there will be conflict. Actors influencing the decision-making process can come from local government and political parties, legislatures and NGOs. It is as found in that field

"There must be political interest in decision-making in discussing regional regulations, after all, DPRD's are all political people. A party is currently campaigning for its political promises. For example, I am from the PDI-P party when I campaign, I promise the people that if I am elected from the party, I will do it. After the election politically I will fight according to the will of the people. Then we made a program to work in the DPRD. So there was a commission visit, from there we made people's decisions. Then we follow. This includes political interests

Conflicts and differences in the interests of aspects as well as the philosophy and motivation of regional regulation actors. The legislature feels motivated to make regional regulations which are very much needed because of the high political value of their interests. This happened in the process of drafting regional regulations in West Bandung Regency, where there were often problems or problems that were in a bad condition. This is what prevents them from being influenced for the benefit of some, or the interests of the local government, DPRD or both of these institutions. This is as found in the field that

"Bureaucrats have needs, why do we use so many of our employees because they are the ones who manage administration in the DPRD. Meanwhile, there is interest in the DPRD for constituents. Every time we go to the field we have to spend more money and we understand that, sometimes the relationship is not harmonious because there are people who have different interests. The Executive and the Legislature are two different camps, how the interests of the executives are our employees are in line, so our interests must be in line and so the interests of the board are to the community"

The interests of the legislature are the same as the executive's interest in making regional regulations. There is little interest in the legislature as opposed to the executive although generally speaking the same thing. If the interests submitted by the executive are program and budget proposals for all areas of regional resource work as well as public interests that are included in the development process from sub-districts/villages, sub-districts to districts. while from the legislative side, there are two political advantages resulting from the process of people's aspirations which lasted for 3 days of recess and the benefits arising from the mission. In other words, elections are for the best interests of people and their interests. Public interest partners that are run are also related to public order and fulfillment of financial needs in the form of projects or programs allocated to the electoral district of each DPRD member, the need for the interests of elements These elements, such as political interests are also taken into account because the territory is the same as the electoral district. The political benefits offered to each member of the legislature are different. Because community needs differ between communities.

Conclusion

"Bureaucrats have needs, why do we use so many of our employees because they are the ones who manage the administration in the DPRD. Meanwhile, there is interest in the DPRD for constituents. Every time we go to the field we have to spend more money and we understand that, sometimes the relationship is not harmonious because there are people who have different interests. The Executive and the Legislature are two different camps, how the interests of the executives are our employees are in line, so our interests must be in line and so the interests of the board are to the community". The interests of the legislature are the same as the executive's interest in making regional regulations. There is little interest in the legislature as opposed to the executive although generally speaking the same thing. If the interests submitted by the executive are program and budget proposals for all areas of regional resource work as well as public interests that are included in the development process from sub-districts/villages, sub-districts to districts. while from the legislative side, there are two political advantages resulting from the process of people's aspirations which last for 3 days of recess and the benefits arising from the mission. In other words, elections are for the best interests of people and their interests. Public interest partners that are running are also related to public orders and fulfillment of financial needs in the form of projects or programs allocated to the electoral district of each DPRD member, the need for the interests of these elements, such as political interests are also taken into account because the territory is the same as the electoral district. The political benefits offered to each member of the legislature are different. Because community needs differ between communities.

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