



## Legal Ambiguities Surrounding the Role of Regional House of Representatives in Indonesia's Regional Autonomy Framework

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Article	Abstract
<p><b>Keywords:</b> Autonomy System; Regional Government; Regional Legislative Institutions.</p> <p><b>Article History</b> Received: Dec 19, 2024; Reviewed: Mar 2, 2025; Accepted: May 5, 2025; Published: May 8, 2025.</p>	<p><i>Regional autonomy gives local governments the authority to manage their resources, yet there are persistent ambiguities regarding the roles of the Regional House of Representatives (DPRD), which continue to pose governance challenges. The DPRD is intended to act as a legislative at the regional level; however, Law No. 23 of 2014 classifies it as part of the regional government, resulting in overlapping functions with regional heads. The confusion about its role leads to policy inconsistencies, diminished legislative power, and an imbalance favoring the executive branch, thus impairing effective of regional governance. This study employs a normative legal research method with an analytical approach, supplemented by empirical insights. By examining legal documents, statutory provisions, and practical governance challenges, the research investigates the DPRD's function within the regional autonomy framework. It identifies key obstacles such as regulatory inconsistencies, limited institutional capacity, and a lack of legislative initiatives. The findings indicate that constraints in human resources and political dependencies further hinder the DPRD's effectiveness. To address these issues, the study recommends clarifying the legal framework governing the DPRD, enhancing its institutional capacity, and promoting more balanced relationships between the executive and legislative branches. Implementing these measures is vital for achieving more efficient, accountable, and effective regional governance in Indonesia.</i></p>



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## INTRODUCTION

Regional authorities empower local areas to utilize their economic, natural, and cultural resources through sustainable development policies (Ristanti and Handoyo 2017). In line with this approach, Indonesia has implemented several policy reforms aimed at fostering equitable economic growth and environmental sustainability. In February 2025, the country amended its mining law to promote domestic mineral processing and increase participation from previously excluded groups like small businesses and religious organizations, enabling them to engage in activities that were once reserved for state-owned enterprises (Nangoy 2023). Additionally, starting March 1, 2025, all coal transactions will be required to use the government's benchmark coal price (HBA) as a minimum standard. This policy aims to improve pricing control and market regulation, with prices being updated bi-monthly for better accuracy (Nangoy 2025). Furthermore, to encourage investment in clean energy, Indonesia has reduced the local content requirement for solar power plants from around 40% to 20%. This change facilitates the development of solar, hydro, and wind projects aimed at reducing emissions. Until June 2025, solar projects can utilize imported panels provided they meet specific conditions, such as obtaining ministerial approval and securing a power purchase agreement by the end of 2024 (Sulaiman 2024).

Despite these initiatives, Indonesia's plan to phase out coal power within 15 years encounters significant challenges, including a heavy dependence on coal—particularly within the nickel industry—and various regulatory hurdles. Delays in securing the \$22 billion promised by developed nations also impede progress. Achieving these objectives will necessitate substantial policy reform and expedited development of renewable energy (Financial Times 2025). These legal frameworks illustrate Indonesia's efforts to balance economic growth, environmental sustainability, and social equity. With the authority granted by law (Widiarto and others 2025), regional governments are tasked with optimizing their resource use, despite their differing capacities (Rosida 2024). To effectively address political and developmental challenges, regular consultations between regional leaders and the DPRD are essential, especially during critical situations such as budget crises, governance disputes, or urgent decision-making scenarios (Prayudi 2019).

Delays in resolving investment-related issues—such as complicated licensing processes and unresolved Suitability of Space Utilization Activity (KKPR)—can impede economic growth. In response to this, President Joko Widodo has urged regional governments to take swift action, while the Minister of Home Affairs has highlighted the need to optimize regional budgets to manage inflation, stabilize prices, and protect citizens' purchasing power. Conflicting regional regulations should be revised promptly to ensure legal consistency and prevent economic disruption (Nurmawati 2021). Effectively tackling these challenges through consultation mechanisms can strengthen governance and enhance public welfare. Currently, the

main consultation forum, Regional Leadership Coordination Forum (Forkopimda)—formerly known as Regional Leadership Assembly (Muspida)—often reflects the priorities of regional executives. Prayudi (2013) notes that Muspida's effectiveness largely depends on the synergy between local and central institutions, which allows regional leaders to influence outcomes in line with their interests.

However, recent political changes complicate this dynamic. In December 2024, President Prabowo Subianto proposed eliminating direct regional elections in favor of appointments by regional legislatures. Critics contend that this shift could concentrate power in the hands of regional executives, diminishing public accountability and potentially increasing their influence in decision-making forums such as Forkopimda (Teresia and Widiyanto 2024). This situation emphasizes the need for equality among all participants in regional governance. As Davis (2015) explains, equality in partnerships goes beyond following general rules "It involves ensuring that every party has an equal voice and shared responsibilities. In the absence of clear agreements, legal defaults typically govern the equal distribution of profits, losses, and decision-making authority" (Balamurugan 2020). Maintaining this balance is crucial for fostering mutual respect and effective collaboration (Faster Capital 2024). Thus, promoting genuine equality among partners is vital to facilitate meaningful dialogue during consultation processes and encourage constructive engagement among regional leaders.

While the DPRD is an essential part of regional government administration, its role frequently overlaps with both legislative and executive functions. This overlap leads to governance challenges, as it can obscure the separation of powers and impede effective policy implementation. Law No. 23 of 2014 states, "Government administration at the central level consists of executive, legislative, and judicial institutions, whereas in the regions, it is carried out by the regional head and DPRD." This functional overlap between the DPRD and regional heads in Indonesia presents significant challenges for governance. The Law redefines the DPRD's role, placing it alongside the regional head in the realm of regional governance, thus merging legislative and executive functions. This combination can create ambiguities regarding authority, potentially resulting in conflicts and inefficiencies in policy execution. For example, the unclear delineation of responsibilities between regional heads and their deputies has been identified as a source of discord within regional administrations (Arifin 2024). Additionally, the DPRD's shift from a strictly legislative body to one that is part of the executive branch complicates the checks and balances essential for regional governance (Suparto 2021).

This study aims to examine these functional overlaps and suggest strategies to clarify the distinct roles of the DPRD and regional heads, enhancing the effectiveness and accountability of regional governance structures.

Consequently, the elections for members of the DPRD and regional heads should be conducted simultaneously, as both positions hold equal importance and are

critical components of effective local government. Holding these elections together may prevent confusion during campaign period. Many candidates for the DPRD have taken to using billboards, posters, and online platforms to promote their candidacies alongside those running for the Regional Representative Council (DPD) and the House of Representatives (DPR), which can lead to further ambiguity.

Additionally, because the functions of the DPRD and regional heads differs, conflicts in policy-making frequently arise (Azilla and Herawati 2016). The DPRD also encounters difficulties in fulfilling its legislative and oversight responsibilities due to insufficient human resources and a lack of initiatives in developing regional regulations (Widyastuti and others 2022). These challenges negatively affect the effectiveness of regional autonomy, with expectations for achieving an independent, efficient, and accountable local government often going unmet (Sudrajat 2024).

According to Suparto's research, the position and function of the DPRD, as a component of local government, are currently governed by a single law: Law No. 23 of 2014 concerning Regional Government. Previously, this law was regulated under the Law on the People's Consultative Assembly (MPR), the DPR, the Regional Representative Council (DPD), and the DPRD. Although the DPRD has been recognized as a regional legislative body, in a country that follows a unitary state structure, there is no acknowledgement of regional legislature; instead, there is only one central legislative institution, which is the House of Representatives of the Republic of Indonesia. Under the former Law No. 32 of 2004, the DPRD was assigned functions of legislation, budgeting and oversight. However, the legislative function of the DPRD has created ambiguity regarding its status as a legislative or executive institution. While the DPR holds the authority to enact laws (Hariri and Arifin 2025), the DPRD is limited to drafting Regional Regulations. Law No. 23 of 2014 addresses this ambiguity by clarifying that the DPRD's role is to formulate Regional Regulations instead of maintaining a purely legislative function. Consequently, the DPRD has progressively adopted a role that aligns more closely with the regional executive, especially following the modifications introduced by Law No. 23 of 2014 (Suparto 2021).

Meanwhile, Pone and Bakir identified a duality of roles within the DPRD in Indonesia, highlighting its legislative and executive functions within the local government system. As a body that represents the people and collaborates with the executive, the DPRD struggles to balance these roles, which can lead to conflicts of interest and weaken its supervisory capabilities. Their study reveals that these role conflicts hinder the DPRD's effectiveness in overseeing and collaborating with local governments, ultimately impacting the quality of policies and diminishing public trust (Pone and Bakir 2024).

The role of the DPRD in local government implementation remains a topic of debate, particularly concerning its functions, regulatory framework, and position

within Indonesia's governance system. Scholars such as Wildan Rofikil Anwar, Bayu Dwi Anggono, and Aan Efendi emphasize the importance of understanding the challenges and structure of the DPRD in local governance. Their research suggests that the DPRD, as an institution within local government administration, should be governed by the Regional Government Law alongside the regional head, rather than being regulated by other laws like Law No. 17 of 2014 concerning the People's Consultative Assembly, House of Representatives, Regional Representative Council, and DPRD (MD3 Law).

Furthermore, the Regional Government Law should clearly delineate the functions of the DPRD, prioritizing its supervisory role over budgeting and the formation of regional regulations, as the DPRD frequently engages in oversight activities. The selection process for DPRD members should occur simultaneously with that of regional heads, rather than joint elections with members of the DPR. Additionally, a nomenclature change is recommended, where the Provincial DPRD should be referred to simply as the Provincial DPRD, while the Regency/City level DPRD should be named the Regency/City DPRD. The study advocates for the development of a new law regarding legislative institutions that exudes provisions about the DPRD, as it operates not as a legislative body but an institution for local government administration (Anwar and others 2023).

This article provides a distinct contribution compared to the previous three studies concerning the position of the DPRD within the local government autonomy system. The research by Wildan Rofikil Anwar, Bayu Dwi Anggono, and Aan Efendi (2023) emphasizes the need to separate DPRD regulations from the MD3 Law and to change its nomenclature to clarify the DPRD's functions. In contrast, this article enhances the analysis by demonstrating how the ambiguity surrounding the DPRD's role affects the effectiveness of regional autonomy. While Anwar et al. highlight the importance of regulating the DPRD under the Regional Government Law suggests alterations to its nomenclature and functions, they do not examine how these structural issues influence the practical effectiveness of regional autonomy.

Pone and Bakir (2024) discuss the dual role of the DPRD as both a legislative institution and an executive partner, often leading to conflicts. This article expands on their findings by identifying the DPRD's limited initiative in forming regional regulations and recommending improvements to the consultation process with regional heads. It underscores the challenges stemming from the DPRD's dual role but does not consider how this duality impacts the DPRD's legislative initiatives or its relationship with regional heads.

Suparto (2021) addresses the shift in the DPRD's function from legislative to executive due to regulatory changes. This article analyzes this shift in greater depth, exploring its direct implications for the DPRD's role as a regional legislative body.

However, it falls short of discussing the broader consequences of this transition on the efficiency and accountability of regional governance.

This study employs a normative legal research approach supported by empirical insights to examine the position and functions of the DPRD. By focusing on legal norms, regulatory frameworks, and doctrinal analysis, it aims to clarify the DPRD's role within the regional autonomy system and assess its effectiveness as a local governance entity. This issue is further complicated by a tendency to centralize power within the regional executive, contradicting the principle of partnership that should exist between the DPRD and regional heads. In this context, this study seeks to analyze the position of the DPRD in the local government autonomy system more deeply and provide recommendations to address the existing ambiguities.

## **METHOD**

This study utilizes a normative legal research methodology (Negara 2023) combined with an analytical and qualitative approach to investigate the position of the DPRD within the local government autonomy system. The analytical framework is designed to identify legal inconsistencies, ambiguities, and practical challenges, while also providing solution-oriented insights regarding the DPRD's role.

The research is based on secondary data, which include legal materials such as laws and regulations, secondary materials such as scholarly articles, and tertiary materials like legal dictionaries. Additionally, qualitative data analysis is employed to interpret legal texts and contextualize the findings in relation to practical governance dynamics. A structured literature review guides the data collection process, while the analysis employs both interpretive and critical methods to ensure methodological rigor. The findings are presented in a descriptive-analytical format that integrates legal provisions with empirical insights, ultimately proposing actionable solutions to address the ambiguities surrounding the DPRD's role as a local government entity or legislative institution.

## **RESULTS AND DISCUSSION**

### **The Position of the DPRD as the Organizer of Regional Government**

The DPRD occupies a dual role in regional governance, often being debated as either an organizer of regional government or a regional legislative institution. As an organizer, the DPRD is integrated into the regional government structure alongside the regional head, as delineated in Law No. 23 of 2014 (Tauda and others 2014), which characterizes the DPRD as a representative body involved in local government administration. Unlike an independent legislative body, the DPRD operates within a unitary state framework, deriving its authority from the central government, which restricts its sovereignty.

In its role as a regional legislative institution, the DPRD is tasked with drafting and approving regional regulations (Perda) but does not possess the authority to enact laws in the same manner as the DPR at the national level. The ambiguity in its role stems from overlaps in its legislative, budgeting, and supervisory functions, which sometimes encroach upon the executive sphere. Legally, Article 18 of the 1945 Constitution provides for regional autonomy while upholding national unity, reinforcing the notion that the DPRD serves as both a policy-making body and a governing partner to the regional head (Sugeng 2021). Scholars continue to debate whether the DPRD should be strictly a legislative entity or retain its dual function within regional governance. To address these challenges, regulatory reforms are necessary to clarify its status, prevent conflicts of interest, and enhance its efficacy in legislative and supervisory roles (Tartib and Wahyuni 2023).

Following the amendment of the 1945 Constitution, particularly the Second Amendment, two new articles related to local government were added: Article 18A and Article 18B. Additionally, the content of Article 18 was revised and is now divided into seven sections. Article 18A has two sections, while Article 18B also consists of two sections. This amendment reflects a shift in the Indonesian government from a purely centralized system to one that embraces regional autonomy. Local governments—including provinces, regencies, and cities—are granted the authority and responsibility to manage their own affairs (Hariyanto and others 2024). However, this autonomy exists within the context of a unitary state, which means that local governments remain subordinate to the central government, which maintains ultimate control over national policies.

According to Article 18, Paragraph (5), local governments have significant autonomy except in matters considered to be in the national interest, which are reserved for the central government's jurisdiction (Amiq 2024). A key aspect of regional governance is that each region acts as a smaller representation of the state. As a result, all structures and legal products developed at the regional level must align with and involve both legislative and executive institutions.

The perception of the DPRD as a legislative body similar to the DPR originates from their parallels:

1. Naming: The term DPRD stands for "Regional House of Representatives," while DPR refers to the "House of Representatives," with the term "regional" distinguishing the two entities.
2. Elections: Both the DPR and DPRD are elected through public elections, and candidates must support from political parties.
3. Regulatory Duties: The DPR and DPRD share comparable regulatory responsibilities. They possess the power to create regulations that must be followed by citizens through legally binding laws, known as the regulatory function. Additionally, both bodies have similar supervisory and budgetary

responsibilities. The primary task of these representative institutions is to carry out these functions.

4. Representation: The DPR and DPRD serve as institutions representing the people and acting on their behalf.

To understand the positioning of institutions, it is essential to examine the country's governance system as a whole. A system of government cannot be compartmentalized into isolated segments; rather, it functions as an interconnected entity. This governance framework includes state organization, institutional structures, the distribution of authority, and the relationship among institutions (Faharudin 2024). Within this context, the role of the DPRD is defined by Law No. 23 of 2014, which designates it as a representative body for local communities, involved in the administration of local governance. The DPRD works alongside regional heads to implement governmental functions, emphasizing the structural similarities between local and central governance (Suniaprily 2023).

In a unitary state like Indonesia, regional governments do not have sovereignty; instead, they derive their authority from the central government. The structure of regional governance reflects that of the national government, where the DPRD and regional heads function similarly to the DPR and the President. This arrangement ensures consistency across regions while preserving national unity. The DPRD at the provincial, regency, or city level acts as a local legislative body responsible for policymaking and oversight (Ardipandanto, 2020). Despite its similarities to national institutions, the DPRD's role is limited to local governance, whereas the DPR operates on a national scale.

The functions of the Provincial and Regency/City DPRD, as outlined in Article 94 and Article 149 of Law No. 23 of 2014 concerning Regional Government, have recently been modified with the introduction of Law No. 9 of 2015. These changes include responsibilities such as "developing regional regulations, preparing budgets, and monitoring."

1. The regulatory preparation process involves collaborating with regional leaders to establish programs for developing regional regulations, consulting with them to determine whether draft regulations are acceptable, and proposing these drafts.
2. To fulfill budgetary responsibilities, regional leaders must discuss and approve draft regional regulations concerning the Regional Budget (APBD).
3. Supervisory duties include monitoring the implementation of regulations and rules by regional leaders, ensuring with other laws related to local government operations, and reviewing the results of audits conducted by the Financial Audit Board (BPK).

The designation of the DPRD as a legislative institution was initially established by Law No. 22 of 1999 concerning Regional Government. This law conferred

significant political power to the DPRD, including the authority to hold governors, regents, and mayors accountable. However, in certain situations, such as in Sampang-Madura, this broad authority led to frequent dismissals of regional heads. As a result, Law No. 22 of 1999 was amended, leading to Law 32/2004, which curtailed the DPRD's power in relation to regional heads (Asmawi 2014).

Law No. 32 of 2004, in conjunction with Law No. 23 of 2014, reaffirms that both the DPRD and regional heads have equal roles in governance but fulfill different functions. Article 40 of Law No. 32 of 2004 states that the DPRD is a representative institution of the local community and an essential part of the local government system. This provision helps to maintain a balance in local governance and prevents any single entity from monopolizing the decision-making process (Lajar and others 2024).

The role of the DPRD is consistent with the principles of a unitary state, where decentralization is permitted but not absolute. The regional government operates within a framework that upholds national unity, ensuring that local autonomy does not lead to fragmentation. The DPRD and regional heads share governance responsibilities based on the principles of autonomy and assistance (Jailolo and others 2023). The unitary state model emphasizes that while local governments exercise delegated authority, ultimate sovereignty remains with the central government.

Law No. 32 of 2004 supports democratic principles, ensuring that both DPRD and regional heads have significant roles in governance. Although their functions differ, both are crucial for executing local government policies (Suhunan and others 2023). The DPRD, as a representative institution, holds a strong position relative to regional heads, emphasizing its legislative and supervisory roles. However, this authority does not equate to complete independence, as the DPRD's power is still subject to national law and oversight (Suhartono 2024).

The relationship between regional heads and the DPRD is founded on principles of equality and cooperation. Equality ensures that neither institution overshadows the other, while cooperation facilitates the collaborative development of regional policies. This dynamic aims to establish effective governance structures within the broader framework of the unitary state. By strengthening this partnership, the government ensures that decentralization enhances governance efficiency while preserving national integrity.

### **DPRD's Involvement in Regional Policy-Making**

Achieving effective political representation in political institutions like the Provincial DPRD involves more than just political will; it also encompasses important technical issues. The DPRD's supervisory role becomes less effective when faced with bureaucratic obstacles in local government policymaking. This weakness arises from the Provincial DPRD's insufficient understanding of the local government's

bureaucratic agenda when developing political policies. Moreover, a lack of adequate human resources within the DPRD, particularly at the provincial level, hinders its ability to effectively evaluate the performance of the provincial government and fully grasp the implications of political policies (Ningrum and Sarmini 2024).

It is crucial to differentiate between regulations initiated by the regional head and those proposed by the DPRD. When a regulation is introduced by the regional head and involves technical governance issues, the DPRD may lack sufficient expertise due to its limitations in bureaucratic knowledge. In contrast, when it comes to regional regulations proposed by the DPRD—especially those aimed at addressing public concerns—the DPRD has a clearer understanding, as these regulations are more aligned with the interests of its constituents. Failing to recognize this distinction undermines the argument about the DPRD's knowledge gap and constraints a thorough analysis of its role in political representation.

Consultations between the DPRD and regional head are vital for addressing political and developmental issues that require immediate attention. However, these meetings—formerly known as *Muspida* and now called *Forkompinda*—often seem to prioritize the interests of local executive leaders, particularly when initiated by regional heads. From an empirical standpoint, establishing genuine partnerships is more critical than simply creating norms. This approach is necessary to ensure that the consultation process effectively promotes good communication between the DPRD and regional heads (Arfandy 2024).

The DPRD utilizes both active and passive methods to gather public input, such as conducting public hearings and receiving written suggestions. These strategies are intended not only to collect feedback but also to ensure meaningful participation from diverse community groups in the policy-making process, fostering transparency and inclusivity in legislative decisions. Active methods include official working visits both within and outside the region, as well as informal visits. Conversely, passive methods consist of receiving letters of complaint sent to the DPRD secretariat and direct visits from residents, either individually or in groups (Rosianti and others 2024). Follow-up actions must adhere to the established procedures for submitting public input as specified by the local government during the development planning process (Gulo and others 2023). To better align public aspirations with regional budget planning, it is essential to implement an integrated budget planning application at the DPRD Secretariat. This would enable direct recording and access to all public inputs received by the DPRD to by the relevant agencies (Siallagan and Siregar 2023).

Given the DPRD's limitations in conducting oversight, it should leverage various methods such as public complaints and public hearings. However, these efforts should be supported by measurable indicators to evaluate their effectiveness. The DPRD needs to establish clear benchmarks to assess the success of its oversight mechanisms, ensuring that public concerns result in meaningful policy actions rather

than mere symbolic gestures. Strengthening these oversight mechanisms is crucial for enhancing the DPRD's effectiveness in representing public interests and maintaining checks and balances within governance.

### **DPRD as the Organizer of Government and Regional Legislative Institutions**

Under Law No. 32 of 2004, the Regional Legislature is charged with organizing local government. Article 40 designates the Regional Representative Council as a key component of local government operations and as a representative body for the regional populace. The main perspective held by the drafters of Law No. 32 of 2004 appears to be the reclassification of the DPRD from the Regional Legislature to a participant in local government operations. Initially, the drafters articulated that in a unitary state, the legislature exists only at the national (central) level and does not extend to regional levels. Therefore, according to a logical interpretation of Law No. 32 of 2004, the DPRD is not classified as a regional legislative institution. Consequently, the DPRD must be positioned as one of the elements of local government alongside local government itself, indicating that it shares the same status in its relationship with the central government. In summary, the Regional Representative Council is integrated into the local government structure (Sola and others 2024).

Law No. 23 of 2014, which supersedes Law No. 32 of 2004, reaffirms and elaborates on the role of the DPRD within the regional government framework. This law emphasizes that local governance is based on the principles of decentralization, deconcentration, and co-administration. It clearly defines the shared responsibilities of the DPRD and the regional executive in developing regional policies, enacting Perda, approving budgets, and conducting oversight. In this revised structure, the DPRD is no longer perceived merely as a legislative body but as a co-organizer of regional government, playing a crucial role in promoting democratic governance at the local level.

The evolution of legal frameworks leading to Law No. 23 of 2014 signifies a broader trend toward integrating the DPRD into the local governance structure as both a legislative and governance institution. If the DPRD can effectively carry out its legislative functions by creating responsive and transparent regional regulations, it will establish a strong foundation for good governance. This enhancement, in turn, strengthens the budgeting function and improves the effectiveness of oversight, as policies and expenditures can be assessed against clearly defined regulatory standards.

In order for the DPRD to effectively fulfill its duties, authorities, and rights as a regional legislative institution, immediate action is necessary. To enhance its role, the quality of DPRD members must be improved. This enhancement can be measured by how effectively the DPRD collaborates with executive institutions in budget preparation, the formulation and establishment of regional regulations, and the

oversight of regional heads in implementing the regional budget or public policies that have been approved.

If the leaders and members of the Council possess a clear understanding of their rights, duties, and authorities, along with the ability to exercise them appropriately, supported by adequate education and experience in politics and government, this can lead to positive political outcomes. A favorable environment can foster cooperation and efficient oversight, as well as manage potential conflicts between the two institutions, demonstrating that the political changes initiated by the DPRD can function effectively (Abunawas and others 2023).

The community expects the DPRD to operate effectively, fulfill its duties and obligations, and exercise its rights appropriately. This requires ensuring that each member of the DPRD possesses not only political expertise but also a solid understanding of the concepts and procedures related to oversight, budgeting, and government administration. Legislative theory, derived from the English term, refers to the study of how laws are made or designed (Putuhena 2012). In essence, legislative theory involves observational research on laws from the stages of planning, drafting, discussion, and approval to ratification and publication (Dianisa and Suprobowati 2022).

The DPR is one of Indonesia's representative institutions and is regarded as a high institution because its powers are directly defined by the 1945 Constitution as part of the legislature. The function of the DPRD as a regional legislative institution is closely related to the role of the DPR at the national level. This relationship includes several aspects, such as member elections held through general elections, with candidates being nominated by political parties participating in those elections, and having similar responsibilities. Prior Local Government Laws, particularly Law No. 22 of 1999 concerning Regional Government, granted additional powers to the Regional House of Representatives as a regional legislative body. Article 1 letter C states that "The Regional House of Representatives, hereinafter referred to as the DPRD, is the Regional Legislative Body."

The centralized system of government that existed at both the state and regional levels came to an end with the Regional Government Chapter of the Second Amendment to the 1945 Constitution in 2000. This chapter now includes two articles: Article 18A, which consists of the previous two paragraphs, and an updated Article 18, which contains seven provisions. The amendment emphasizes that governmental power is exercised based on decentralization principle, granting regions the authority to manage their own affairs in accordance with autonomy and assistance duties (Sofiani and Magriasti 2023).

When the DPRD effectively carries out its legislative function, it establishes a strong and clear legal foundation for implementing various regional policies. Effective legislation includes the creation of local regulations that align with community needs and promote transparent and accountable governance (Habibi 2024). A solid legal

foundation enables the budget function to operate more efficiently, as the preparation and utilization of regional budgets are based on agreed-upon regulations (Fernanda and others 2023). Furthermore, the DPRD's supervisory function becomes more effective, as oversight of policy implementation and regional budget use can be conducted according to the parameters set in regional regulations. Thus, the success of the legislative function is a crucial foundation for both the budget function and DPRD's oversight responsibilities.

In conclusion, the DPRD's dual role as a legislative body and organizer of local government necessitates a comprehensive understanding of governance principles, legal frameworks, and political dynamics. Strengthening the capacity and performance of DPRD members is essential for achieving accountable, participatory, and transparent local governance.

### **Legislative and Supervisory Functions of the DPRD**

The legislative function of the Provincial and Regency/City DPRD is a key power that enables the DPRD to create regional regulations. This process encompasses planning, drafting, discussing, and ratifying these regulations. Over time, the legislative function has evolved to empower both the House of Representatives and the Regional House of Representatives to establish regional regulations. Ideally, the DPRD should play a more role in this process than the executive branch (Elynawati and others 2023).

The legislative function involves the authority to develop the new regional regulations, which includes initiating drafts, discussing them, and either approval or rejection those submitted by the executive branch. Following the amendment of the 1945 Constitution, the DPRD was expected to take a more active role in legislative matters compared to the executive; however, this function has not been adequately fulfilled. This is evident from the low level of initiative and discussion regarding draft regional regulations proposed by the DPRD over the past five years (Kadir and others 2023).

Both regional heads and the DPRD have the authority to establish regional regulations to perform their legislative functions. To serve the interest of their regions, the DPRD formulates regional regulations or implements higher-level laws that have been passed down for local execution. With the consent permission of the relevant regional head, the DPRD also has the right to advocate for the interests of the region and its citizens before the DPR and the central government (Dameanti and others 2024). Thus, to enhance the DPRD's effectiveness in executing its legislative function in creating regional regulations, the Regional Regulation Formation Agency (Bapemperda), as part of the DPRD, must prioritize its legislative responsibilities as its core function.

The supervisory role of the DPRD in local government aims not only to promote regional autonomy and enhance public welfare but also to prevent errors and abuse of power. As Lord Acton famously remarked, power tends to corrupt, particularly when it is unchecked. Legally, such abuse is classified as an unlawful act (Asapa et al., 2023). Given the potential for authority misuse within the framework of regional autonomy, oversight by the DPRD is crucial to ensure effective governance and protect public interests—not to undermine executive power, but to uphold democratic principles (Fuady et al., 2023). In fulfilling its oversight function, the DPRD is tasked with monitoring local government regulations, which includes conducting a legislative review of the Draft Regional Regulation (Raperda) prior to its enactment. Although the term "legislative review" is seldom employed—partly due to the specific expertise it demands—this process is vital for ensuring the legal integrity of regulations. Through legislative scrutiny, the DPRD effectively fulfills its duty to evaluate local regulations (Ansori et al., 2024).

The role of Indonesia's DPRD has evolved with changes in the constitution, yet its functions are often inadequately executed, leading to a decline in public perception. The DPRD is not just an implementer of rules; it possesses significant authority to oversee regional regulations, budgets, and local policies. Historically, laws such as Law No. 5 of 1974 restricted the DPRD's role, placing substantial power in the hands of the executive in shaping regional regulations. This limitation undermined the DPRD's legislative initiative and weakened its oversight capabilities, hampering its effectiveness in representing local interests (Tauda et al., 2014).

In contrast, modern regulations, particularly Law No. 23 of 2014 concerning Regional Government, have redefined the institutional framework of the DPRD. This law positions the DPRD as a fundamental part of regional governance by integrating legislative and executive functions to improve checks and balances. The DPRD is now authorized to initiate, draft, and ratify regional regulations, which reflects a more proactive legislative role. Additionally, its supervisory function has been enhanced to oversee the implementation of regional policies and budgets, with the aim of preventing misuse of power and ensuring accountability (Anwar and others 2023).

Despite these advancements, the DPRD continues to face challenges in fully executing its expanded roles, including limited legislative initiatives and weak oversight mechanisms. Its supervisory efforts often concentrate more on political and policy dimensions rather than on technical issues. Ultimately, the DPRD is intended to represent and advocate for the public interest through its legislative and oversight functions. A key oversight tool at its disposal is the right of inquiry, which allows the DPRD to investigate significant policies by the regional head that have a substantial impact on the community, region, or state, especially when there are suspicions of legal violations.

### **Contradictions of Position and Their Impact on the Effectiveness of Regional Autonomy**

Autonomy, derived from the Greek words *autos* (self) and *nomos* (law or rule), refers to the right and power to self-regulate and manage institutions, businesses, and regional governance, reflecting the ability to make independent decisions within the framework of applicable laws (Swaine, 2016; Varelin, 2006). In Indonesia, the introduction of Law No. 32 of 2004 concerning Regional Government and Law No. 33 of 2004 concerning Financial Balance between the Central and Regional Governments marked a pivotal moment in the development of regional autonomy, replacing Law No. 22 and Law No. 25 of 1999. These new regulations granted local governments broader, clearer, and more accountable authority. To effectively fulfill their roles, regional governments need adequate financial resources, as a sustainable revenue base is essential for maintaining a balanced relationship between central and regional powers (Mukhlis et al. 2025). Ideally, regional autonomy is designed to promote local progress, self-reliance, and economic competitiveness. However, its implementation often falls short due to challenges in governance, oversight, and policy execution. Ultimately, the success of regional autonomy depends on the strength of governance systems, the effectiveness of policies, and the integrity of accountability mechanisms (Usman 2002).

Since the launch of regional autonomy, discussions about its benefits have flourished. Decentralization has enhanced local independence, enabling regional governments to take the lead in development. Previously, under a centralized system, local governments had little influence, with the central government controlling regional resources in the name of national development. Despite these aspirations, economic disparities persist; some regions have achieved substantial growth while others continue to face poverty and underdevelopment (Mukhlis and others 2024b) (Baswedan 2007).

Moreover, regional autonomy has bolstered local democracy, serving as a crucial support system for national democracy. Research indicates that decentralized governance enhances public participation, improves policy responsiveness, and strengthens institutional capacity (Faguet 2014) (Down to Earth 2000). By engaging citizens in local decision-making processes, regional autonomy promotes grassroots democracy and ensures governance aligns more closely with community needs. Furthermore, well-implemented decentralization policies can bridge gaps between local and national governments, fostering a more cohesive democratic system (Olowu 2001).

One significant issue in regional autonomy is the tension between provincial and regency/city governments, arising from the provisions of Law No. 22 of 1999, which eliminated hierarchical relationships among these administrative levels. As a result, district and city governments often operate independently of provincial authorities.

Additionally, concerns about ethnocentrism have emerged in various policies related to expansions, local elections, and servant recruitment, occasionally favoring local ethnic groups at the expense of national unity (Mukhlis and others 2024a). While these challenges persist, recent research indicates that a well-managed decentralization system can reduce such risks through institutional reforms, transparency, and inclusive governance strategies (Arkorful and others 2021).

Another pressing concern is the potential for social and political fragmentation. The transfer of extensive powers to regional governments can sometimes foster separatist tendencies, reminiscent of colonial-era divide-and-rule tactics. Economic disparities among provinces underscore the uneven distribution of infrastructure and resources. Regions rich in natural resources frequently engage in territorial disputes, which can escalate inter-regional tensions. The growing demand for regional expansion has contributed to Indonesia's administrative fragmentation, where a single province or regency may be divided into multiple new entities. While the intent of expansion is to enhance governance and service delivery, it can also increase the risk of separatism and conflict if not managed properly (Mutawalli 2023). However, recent studies stress that effective governance frameworks, bolstered by national policies, can turn these challenges into opportunities for regional stability and democratic strengthening.

Contemporary views on local government highlight that regional democracy is foundation for national democracy rather than a threat to national unity. Recent research suggest that well-managed local autonomy can enhance governance efficiency, promote economic development, and increase public participation in decision-making. However, for autonomy to be effective, it must be supported by robust institutional frameworks, clear legal mechanisms, and policies designed to mitigate risks of division.

### **Overlapping DPRD Functions Between the Executive and Legislative Branches**

In the process of creating regional regulations, the executive and legislative branches interact as outlined by the law. Local governments are responsible for formulating policies based on the Regional Government Law No. 23 of 2014. To strengthen the legitimacy of these local policies, a clear legal foundation is required, which is established through regional regulations. The local government and the DPRD play crucial role as partners in drafting these regional regulations. Law No. 12 of 2011, concerning the formation of laws and regulations, details the process for creating regional regulations across various articles, specifically from Article 75 to Article 95. The collaboration between local governments and the Regional House of Representatives, as stipulated in Law Number 12 of 2011, begins with Article 75, where the local government (the executive) and the Regional Representative Council (as legislature) jointly discuss the draft regional regulations.

There can be overlapping functions between the DPRD and the executive due to discrepancies in how the laws define the DPRD's role. The Regional House of Representatives is a legislative body responsible for creating regional regulations, while local governments fall under the executive branch. Ideally, the relationship between the local government and the DPRD should be one of equal partnership, where both entities have equal standing, with neither exerting control the other.

However, the overlap between the DPRD as a legislative body and the regional governments as the executive can create challenges in regional governance. The DPRD is intended to serve as a regional policymaker (through its legislative function), a budget compiler (through its budgeting function), and a supervisor of regional policy implementation (through its supervisory function). Conversely, the executive branch is responsible for executing policies that have been mutually agreed upon. In practice, however, the lines between these functions often becomes blurred, leading to role conflicts and inefficiencies in government operations.

One form of overlap is the DPRD's involvement that extends beyond its supervisory function, encroaching into the executive domain, particularly in the technical organization of local government work programs. This situation is often driven by specific political or economic interests that obscure the lines of the legislative role. For instance, during discussions of regional budgets, the DPRD sometimes not only sets overall budget allocations but also intervenes in the specifics of program implementation, a task that should fall under the executive's authority (Ardhanariswari and others 2024). Conversely, local governments can influence the independence of the DPRD through various tactics, including political lobbying or bureaucratic pressure. The DPRD's reliance on local governments for operational budgets and support can create a scenario where it becomes challenging for the DPRD to critique the policies enacted by the executive (Solihah and others 2024).

This overlap leads to inefficiencies in decision-making and policy implementation. The executive's responsibilities are hindered by legislative interference, while the DPRD struggle to fulfill its supervisory function impartially. Additionally, this situation can diminish public trust in local government institutions, as functional overlap is often linked to abuses of authority or corrupt practices. To address this issue, it is essential to strengthen regulations that define the working relationship between the legislative and executive branches. Oversight of the DPRD and local government functions should be conducted transparently and accountably. Furthermore, political education for DPRD members is crucial to ensure they comprehend their respective roles within the government system, thereby minimizing the potential for overlapping functions.

### **Comparative Analysis: Legislative-Executive Relations in Regional Governments**

To better understand the challenges in defining the DPRD's role, it is helpful to explore how other countries regulate the relationship between regional legislatures and executives. Various governance models—such as Germany's strong parliamentary oversight, France's administrative decentralization, and Japan's executive-driven local governance—provide valuable insights that can enhance Indonesia's approach to regional legislative-executive relations.

Germany functions under a federal system where each of its 16 states (Länder) has its own constitution, government, and legislature known as the Landtag (Schnapauff 2000). The Landtag possesses legislative authority over regional matters, including education, law enforcement, and cultural affairs. The state executive branch is led by the Minister-President, who is elected by the Landtag, thereby ensuring parliamentary control over the executive (Ali and others 2017). This setup creates a robust separation of powers, allowing the Landtag to enact laws, hold the government accountable, and pass votes of no confidence to remove the executive. Additionally, state governments are represented at the national level through the Bundesrat (Federal Council), which plays a significant role in federal legislation (Gies 2020). This structure ensures that regional governments have a direct influence on national policymaking while maintaining legislative independence within their own jurisdictions.

France, historically a centralized state, has undergone decentralization reforms since 1982, granting more autonomy to regional governments. Each of the 18 regions has a directly elected Regional Council (Conseil Régional), which serves as the deliberative assembly for regional matters (Liu and others 2014) (Michele and Un 2023). The council elects a president who acts as the regional executive leader. However, unlike Germany's Länder, French regions do not possess independent legislative authority. They operate within the framework of national laws and focus on areas such as economic development, transportation, education, and infrastructure projects (OECD 2017). Although regions have significant budgetary authority and can levy certain taxes, much of their funding still derives from the central government. While they lack law-making powers, regions play a vital role in implementing policies and planning economically, making them crucial players in France's territorial administration model.

Japan's local government system comprises 47 prefectures, each managed by an elected Prefectural Assembly and a Governor (Council of Local Authority for International Relations 2006). The Prefectural Assembly serves as the legislative body, responsible for enacting ordinances, approving budgets, and overseeing the executive branch. However, in practice, governors wield significant political power, often making prefectural assemblies more advisory than legislative in nature. Following the Omnibus Decentralization Law of 2000, Japan significantly enhanced local autonomy by transferring administrative responsibilities to prefectures and municipalities (Machidori 2023). Despite this decentralization, fiscal limitations hinder prefectural independence,

as a considerable portion of local budgets continue to rely on grants from the central government. While assemblies have the authority to propose policies, decision-making is typically influenced by the governor's administration, resulting in a system that is more executive-centric than those in Germany or France.

### **Clarifying the DPRD's Position through Regulatory Revisions**

The position of the DPRD has changed significantly across various laws. Local governments are viewed as part of the central government rather than entities of the state itself, as indicated in the ratification meetings of the 1945 Constitution. According to Law No. 5 of 1974 concerning the Principles of Government in the Regions, regional heads and the House of Representatives are identified as components of the government. From this perspective, the executive power of the central government comprises of the DPRD and regional heads (Samson and others 2019).

The enactment of Law No. 22 of 1999 marked a substantial shift in governance concepts. After President B.J. Habibie's rise during Indonesia's transition following Suharto's authoritarian regime, the introduction of democratic principles brought a new dynamic to local government. This marked the beginning of the era of decentralization initiated by Law No. 22 of 1999. In contrast to Law No. 5 of 1974, the concept of local government in this new law significantly altered the role of the DPRD, which is now seen as an independent regional legislative body. This shift has created tension between Regional Heads and the DPRD due to the complexities surrounding "heavy legislation" and the perception that the DPRD holds equal status to a legislative body like the DPR. The enactment of Law No. 32 of 2004 concerning Regional Government further transformed the understanding of the DPRD's role within local governance. As a result, the government and the House of Representatives agreed to remove the term "legislative body" from the House of Representatives while continuing to perform tasks related to the legislature.

To address the overlapping functions between the DPRD and the executive branch, a revision of regulations is necessary to provide clearer definitions of the DPRD's role and position in local governance. Currently, various regulations governing the DPRD's functions, such as Law No. 23 of 2014 concerning Regional Government, contains gaps that contribute to overlap, particularly in supervision and budgeting. The suggested regulatory revisions include the following key points:

1. Clarification of Legislative, Budgeting, and Supervisory Functions

Regulations should clearly define the limits of the DPRD's functions. As a legislative body, the DPRD should be responsible for the preparation and approval of regional policies, while the technical implementation rests entirely with the executive branch. In terms of budgeting, the DPRD should focus on overseeing the principles of budget usage (efficiency, effectiveness,

accountability) without interfering in the technical aspects that would compromise executive autonomy.

#### 2. Strengthening Conflicts of Interest Regulations

The revised regulations must include mechanisms to prevent conflicts of interest between the DPRD and the executive. For instance, DPRD members should be strictly prohibited from participating in regional projects managed by the executive. This measure will enhance the DPRD's independence as a supervisory entity.

#### 3. Establishment of an Independent Supervisory Body

Regulations should provide for the creation of an independent supervisory body to ensure that the DPRD's functions are executed as intended. The institution could oversee the legislative, budgeting, and supervisory processes of the DPRD and impose sanctions for any violations.

#### 4. Enhancing Capacity and Political Education for DPRD Members

Regulations should mandate political training and education for DPRD members at the start of their terms and on an ongoing basis. This program aims to deepen their understanding of the separation of legislative and executive functions, enabling them to perform their duties professionally and within the scope of their authority.

#### 5. Revision of DPRD Work Procedure and Structure

Regulations should also recognize the DPRD's work procedures, including decision-making procedures and oversight mechanisms. For instance, the legislative process must be conducted transparently and involve public participation, thereby minimizing opportunities for abuse of authority.

By revising regulations to clarify the roles and responsibilities of the DPRD, the goal is to enhance the effectiveness, efficiency, and accountability of local governance. Additionally, these changes can foster a more collaborative working relationship between the DPRD and local governments, allowing both entities to fulfill their functions in line with the principles of checks and balances.

### **Reasons and Strategies to Strengthen the Role of the DPRD as a Regional Legislative Institution**

As an institution representing the people at the region level, the DPRD must enhance its function as a legislative body to effectively fulfil its duties within the national legislative framework. There are several compelling reasons for the Regency/City DPRD to strengthen its functions, including:

#### 1. Philosophical and Sociological Reasons

The DPRD, is rooted in the fourth precept of Pancasila, which underscores the importance of representation. The DPRD serves both as a legislative institution and as an entity responsible for creating regional regulations. Its role as a

representative assembly is vital for linking constituent interests with government policies. Through its legislative function, the DPRD holds the authority to voice the concerns of the people and translate their wishes into policies that are negotiated with the governor to address local community needs.

## 2. Constitutional and Juridical Reasons

Article 316, paragraph (1), and Article 365, paragraph (1) of Law No. 17 of 2014 confer on the DPRD to enact legislation. In exercising the sovereignty of the people, one of the DPRD's primary functions is to establish local regulatory standards in collaboration with regional heads. According to Article 18, Paragraphs (3) and (4) of the 1945 Constitution of the Republic of Indonesia, the DPRD and regional heads are partners with equivalent status, necessitating a balanced relationship between the two. Law No. 23 of 2014 specifies the DPRD's responsibilities and authorities in drafting regional regulations and grants members the right to propose legislative drafts, underscoring that the DPRD is the primary executor of legislative functions. The DPRD is involved in every stage of the regulatory process, from planning and enactment to implementation. In addition, Law No. 23 of 2014 emphasizes that regulations initiated by the DPRD carry more weight than those proposed by regional heads, thereby reinforcing the DPRD's legislative capacity. This alignment in roles, responsibilities, authority, and functions demonstrate that both the DPR and the DPRD hold significant legislative power.

## 3. Alignment of DPRD Legislation with National Development

Book I of the 2015-2019 National Medium-Term Development Plan (RPJMN) emphasizes the importance of aligning regional legislation with the national development framework. Effective management of the regulatory framework during policy and regulatory planning not only enhances the quality of policies but also ensures that each step maximizes impact (RPJMN 2015-2019: 261). As the executor of governmental powers at the regional level, the DPRD bears the responsibility of formulating regional regulations, necessitating a strong legislative function. Strengthening the legislative capabilities of the Regency/City DPRD will contribute significantly to regional progress, aligning with the "Nawa Cita" priority agenda, which aims to "Build Indonesia from the periphery by strengthening regions and villages within the framework of a unitary state."

To enhance the DPRD's role as a regional legislative body, a series of focused and actionable strategies is necessary. These strategies aim not only to improve the effectiveness of the DPRD's operation but also to ensure that the resulting policies adequately address community needs. The proposed steps include:

1. Regular Intensive training

DPRD members should undergo ongoing, intensive training in legislation, policy analysis, and the development of regional regulations. Involving both academics and practitioners in this training will help ensure that members grasp the principles of effective legislation.

2. Public Consultation

The DPRD must facilitate public consultations at every stage of preparing regional regulation. Utilizing digital platforms will simplify the process for the public to provide feedback. Additionally, creating civil society forums can enhance the diversity perspectives in policymaking.

3. Collaboration with Educational Institutions

It is essential for the DPRD to partner with universities and research institutions to obtain data-driven analyses for policy formulation. Establishing a team of independent experts will also contribute valuable input on draft regional regulations.

4. Access to Relevant Data

The DPRD should guarantee access to pertinent data, including statistics and research reports, and develop a transparent legislative information system. The system will allow both DPRD members and the public to monitor the progress of regional regulations.

5. Legislative Code of Ethics

A code of ethics for legislations must be established to prevent DPRD members from drafting regional regulations for personal gain. An internal ethics council should be formed to ensure that regional regulations adhere to principles of good governance.

6. Strengthening Technical Support

The DPRD needs to enhance technical support by increasing the number of experts and improving the capacity of administrative staff. This will help streamline the legislative process and facilitate effective communication.

## CONCLUSION

The unclear position of the Regional House of Representatives (DPRD) within Indonesia's regional autonomy system undermines its legislative, supervisory, and budgeting roles, resulting in governance inefficiencies and diminished accountability. This situation is further complicated by limited institutional capacity, overlapping functions with regional executives, and an ambiguous regulatory framework. To resolve these issues, legal reforms—especially to Law No. 23 of 2014—must be implemented to clarify the DPRD's authority and boundaries. Strengthening institutional capacity through training, reforms in recruitment, and performance evaluations is crucial, along with the establishment of collaborative governance forums and enhanced accountability mechanisms such as ethics councils and digital

transparency tools. These measures are vital for reinforcing democratic local governance and ensuring effective decentralization.

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