

Authority Of Regional Governments In Establishing Regional Regulations Relating To The Field Of Community Welfare

Prasista Maolana

University of Muhammadiyah Surabaya

E-mail Correspondent: greenschoolmg@gmail.com

Article

Article History

Received: Jun 03, 2022;

Review: Dec 26, 2022;

Accepted: Dec 29, 2022;

Published: Dec 29, 2022

Abstract

Research regional aims to produce regulations that responsive in support implementation of This So implementation autonomy regional does rise problems new that can hinder development growth to of the that In research law used several among approaches others this approach primary legislation Law No.32 Year 2004 concerning Autonomy Regional and Law 12 Year 2011 concerning formation regulations legislation Or approach another is being approached in an case approach historical approach comparative and approach conceptual Local government district in in , running government has authority legislative same time authority executive. Authority legislative government regional regency as one of institutions forming regulations regional regency must carried out based on principles formation regulations legislation, principles material content attention limitation scope material content to regulation area regency and not conflict with interest public or which regulation legislation is do hierarchical is higher. Authority executive government region regency one which is implement regulations region regency Regulation area district has role important for government region district in administering affairs government area district related to administration welfare for region an

Keywords: *legislation, authority, carried*

Copyright©2022 JSIL. All rights reserved.

I. INTRODUCTION

Authority form Perda is one of forms independence regional in regulating affairs household the regional or affairs government The Perda is instrument a strategic as means of of the In context autonomy regional existence the of principle plays encouraging decentralization a the From point view empowerment political objectives decentralization can seen from two the namely government central be of the purpose decentralization from side government regional is to realize political equality local accountability the of The Meanwhile, objectives decentralization from side government central are to realize political education provide training political political leadership i create of the

The existence Regulation Region in UUD 1945 before amended was not known so regulation Region marginalized that arrangement arrangement regulation legislation was After the Constitution 1945, existence Regulation Regional has confirmed constitutionally stated as

been the Article 18 of ; which amendment the Government Regional right stipulate regulations regional and regulations other to carry out autonomy and tasks the As a basis main authority DPR in propose Draft Law contained in provision Article 20 paragraph, states, that Dewan Representative People holds power form laws. Furthermore, reaffirmed further in Article 21 stating, i of the DPR i 's right submit proposals draft the enactment Law Number 12 Year 2011 has made basis which very important in making regulations legislation because it show is the

The Requirements to authority from makers regulations legislation;

2. necessity there is conformity form or type regulation legislation with material is regulated especially if ordered regulation level higher is or ;

3. must follow procedures ;

4. must not conflict with regulation legislation which higher level is

Law Number 12 Year 2011 concerning Establishment Regulations Legislation, Article 39 states that Planning preparation Regulations Regional Regency/Municipal carried out in Prolegda Regency/City. In article suggest that DPRD has role important in drafting regulations this Program Legislation Region (Prolegda as referred previously compiled jointly by DPRD and Government Regional which set for period year one is to, Prolegda is a instrument planning program formation Regulation Regional which compiled in planning and systematic way according scale priority to is Regulation Regional Perda is instrument in implementation autonomy regional to determine direction policy of development region the an) However, in development of practice autonomy regional issues by issues arise regarding to stipulation and implementation of regulation, the then government central overwhelmed for carry out supervision to cancellation. Perda is product regional which unique because produced from a process which dominated interests political local is and levies area which burdensome investors regulation considered is cause problems economic costs high which impact economic growth both and local national to So that are many Governments Regional who take advantage opportunities increase to through of

II. PROBLEM FORMULATION

Based above description background background problem above problem formulated studied as the on

- a. How Principles Formation Perda to related related field of are
- b. How Concept Formation Perda which can support Autonomy Regional especially in field welfare of

III. RESEARCH METHODS

This research is using a normative type of research with a statutory approach. Normative

research is a type of legal research obtained from literature studies by analyzing a problem through laws, journals, or other references, while still adhering to the constitution or legislation. (Irwan., 2013)

IV. RESULTS AND DISCUSSIONS

The authority in DPR Representatives People/Regions in formation of Regulations laws and regulations not be separated from aspects law administration state Element authority is always associated with element/element "authority" or "position" or "position by because usage in of must distinguished between that responsibility position, principle responsibility personal. In sense that responsibility position must distinguished from responsibility the be In law, authority relates to power³. Power has meaning which is to i, because power is owned by executive legislative, judicial is power i Power constitutes element essential of an state in process administration of government in addition to elements , namely: a) ; b) authority (authority); c) justice; d) honesty; e) conservation policies; and f) virtue . Power is the core of administration of country so that country in state moves (de staat beweging) so that country can take part, work capacity achievers, and perform serve citizens. Therefore, State must given power Power according Miriam Budiardjo is ability person or group people human to influence behavior person or group other such that behavior of of to corresponds with desire and destination of person or country⁵. Power makes regulations legislation also is power attached attribute to bi legislature as representative all people who are in in field law public. One of powers organ state is authority DPR to the or / of of authority attributive is , because given by UUD 1945 for DPR and Law Law Number 32 Year 2004 concerning Government Regional DPRD This therefore its must use be carried based on principle or principle accountability, principle transparency so really to it that which out In relation to the formation of Perda authority owned by DPRD is authority attributive because authority is granted by law particular Law Undnag Number, Year 2004 concerning Government Regional. authority Perda course not be separated from authority which owned by executive because jointly

only can formed be DPR the of that can Therefore an, relationship between two institutions prosu called as relationship partnership no there was Perda DPRD which formed by without with is these Government, i is no DPRD without i

If refers to theory authority as described above, then in system constitutional Indonesian authority formation Perda not lie of power DPRD but are in power two institutions or two organ at once, namely in authority DPRD and Government Regional Because does not the i form Government which only carried by DPRD have authority Theoretically the designation legislature to DPR/D, if refers to teachings Trias Politics actually less precise, i with with authority formation laws in Perda, always the formation of which i the two institutions/ organs is Quoting opinion H. D. Stout, authority is understanding which comes from law organization government which can explain as whole rules a as with acquisition and use authority government by subject law law public in in relation of public According to Bagir Manan, authority in language law is not same as power macht) power only describes right to do or not do In law, authority same time means rights and obligations (rechten). In relation to autonomy

regional right contains meaning power to regulate own (zelfregelen) manage own , while obligation horizontally zelfbesturen means power for organize government as should. Vertical means power to run government in one order government state as whole a

V. CONCLUSION

From the description above in discussing formation regulations regional found concept that to support implementation autonomy regional in design regulations of must to the following matters an :

1. The of Perda must through Procedure which has determined of formation regulations go
2. The formation regulations regional good be must based on principles formation regulations laws that not the from of regulations will of regulations the involve element of society so that conforms to the will community
3. The role the Regulations very of to the of the Regional for of of, time the Regulations that been the
4. existence Perda not be the from order system legal, because regulations regional included the hierarchy regulations legislation are Indonesian of The
5. Before to at level discussion should government provide space consultation so can minimize occurrence regulations that the

VII. BIBLIOGRAPHY

Asshiddiqie, Jimly, Structure State Administration Indonesia After Amendment Fourth UUD Year 1945, Papers Presented in Symposium which conducted by Agency Development Law National Department of Justice and HAM, 2003.

Hadjon, Philipus, Mandiri, 1997, "Research Science Law, Paper Training Method Research Law Normative, Surabaya: Unair p.10, in Abdul Rasyid Thalib, 2006, Authority Court Constitution and Implications In System State Administration Republic Indonesia, PT. Citra Aditya Bakti, Bandung.

Kantaprawira Rusadi, Law and Power, Papers, (Yogyakarta:Universitas Islam Indonesia, 1998), h. 37-38 Manan, Bagir, Institution Presidency, Gama Media, Yogyakarta, 1999.

Welcoming Dawn Autonomy , Center Studies Law (PSH Faculty Law UII, Yogyakarta, 2002.

Developments UUD 1945, UII Press, Yogyakarta, 2004.

Theory and Politics Constitution, UII Press, Yogyakarta, 2004. Marbun, SF., Dimensions Thought Law Administration State, Yogyakarta, UIIPress.

MD, Moh. Mahfud, Politics Law in Indonesia, LP3ES, Jakarta, 2001,

Basis and Structure State Administration Indonesia, Edition Revision, Rineka Cipta, Jakarta, 2001,

Politics Law in Indonesia, Edition Revision, PT Rajawali Press, printing third March 2010 Miriam, Budiardjo, Fundamentals of Science Politics, Jakarta: Gramedia Pustaka Utama, 1998.

Dictionary: Black, Henry Campbell, 1990, 's Law Dictionary, 6 th ed. West Publishing Co. Minesota.