

## **LOCAL REGULATION DRAFTING: EXAMINING THE LEGISLATIVE FUNCTION OF THE REGIONAL PEOPLE'S REPRESENTATIVE COUNCIL (DPRD) OF PROBOLINGGO CITY**

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### **ABSTRACT**

The implementation of regional governance in Indonesia positions the Regional People's Representative Council (DPRD) as a key actor in the exercise of regional autonomy, particularly through its legislative function in drafting regional regulations (Perda). This study aims to analyze how the Probolinggo City DPRD carries out its legislative function and to identify various obstacles that arise throughout the regulation-drafting process. Using a qualitative descriptive approach, data were collected through in-depth interviews with DPRD members, secretariat staff, and relevant stakeholders, as well as through a review of official documents. The findings indicate that although the procedural framework for drafting regional regulations has been clearly established, its implementation still encounters several challenges. The main issues include weak coordination between the legislative and executive bodies, limited human and technical capacity in preparing academic manuscripts and draft regulations, and low levels of public participation in the legislative process. These conditions affect both the quality of the policies produced and the effectiveness of the DPRD's representative function in addressing community needs. This study recommends strengthening coordination mechanisms between the DPRD and local government, enhancing institutional capacity and the technical competence of members and expert staff, and expanding more inclusive and sustainable public participation channels in the drafting of regional regulations.

**Keywords:** Legislative Function, Public Participation, Regional Regulations

### **INTRODUCTION**

The implementation of local government in Indonesia is one of the manifestations of regional autonomy as stipulated in Law Number 23 of 2014 concerning Regional Government. Contemporary studies consistently show that decentralization has reshaped the institutional role of the Regional People's Representative Council (DPRD), positioning it not merely as a legislative body but as an integral part of local governance architecture with decisive influence over policy direction (Jaelani, 2024). Recent empirical research indicates that the DPRD serves as both a supervisory organ and a legislative actor whose authority is crucial in formulating local regulations (Perda), although its legislative performance in many regions still encounters structural and procedural constraints (Rambe, 2024).

Local regulations are legal instruments that legitimize government action and articulate community needs, yet their effectiveness often hinges on the quality of DPRD

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deliberation, institutional capacity, and the presence of adequate regulatory follow-up such as implementing guidelines or derivative regulations (Syam, 2025). Research in Sukabumi, Sinjai, and Bengkalis reveals recurring challenges such as limited legislative initiative, weak drafting capacity, and inconsistent public participation, all of which contribute to gaps between Perda formulation and implementation (Rambe, 2024; Rusriyanto, 2022; Oktaviani, 2025).

DPRD has the responsibility to formulate and enact local regulations that are in line with the needs of the community and in line with regional development goals. This legislative process involves various stages, starting from problem identification, drafting regulations, to ratification. However, in reality, the implementation of the legislative function often faces various challenges, both technical and political in nature.

In strengthening the understanding of DPRD performance within this legislative context, the theory of political representation provides an essential conceptual framework that aligns with recent empirical findings on the dynamics of regional lawmaking. As noted by Pitkin, political representation encompasses four dimensions (formal, descriptive, symbolic, and substantive) which together determine the extent to which legislative bodies genuinely articulate and protect public interests. This theoretical lens is particularly relevant given contemporary studies showing that many DPRDs fulfill their formal legislative roles but often fall short in achieving substantive representation, especially when legislative initiatives are limited or heavily dominated by the executive (Jaelani, 2024; Rambe, 2024). The expectation, therefore, is that DPRD should not merely comply procedurally with the legislative process but should meaningfully translate community aspirations into effective and responsive local regulations.

Complementing this, the framework of good governance further reinforces the evaluative criteria for assessing DPRD legislative performance. According to UNDP, principles such as participation, accountability, transparency, and responsiveness are critical for ensuring that legislative processes are not only procedurally correct but also democratically legitimate and socially grounded. Recent findings indicate that weaknesses in these governance principles such as inadequate public participation, limited transparency in drafting processes, and constrained institutional capacity become are key factors behind the suboptimal quality and implementation of local regulations in various regions (Afriliana et al., 2023; JEHSS, 2025).

Various previous studies have examined the legislative function of DPRDs in various regions. For example, a study conducted by Eko (2016) revealed that the effectiveness of DPRD legislative functions is influenced by factors such as the capacity of DPRD members, technical support from the DPRD secretariat, and community participation (Wahyono, 2016). Meanwhile, a study conducted by Rakhmat (2017) showed that local political dynamics, such as political party interests and the relationship between the legislature and the executive, also play an important role in determining the success of the legislative function (Nopliardy, 2017). This research differs from previous

studies in that it focuses on the specific context of Probolinggo City, which has unique social, political and economic characteristics. Thus, this research is expected to make a new contribution to understanding how the Probolinggo City DPRD performs its legislative function in drafting local regulations.

This research was conducted in Probolinggo City using a descriptive qualitative approach. The data used in this research includes primary data obtained through interviews with DPRD members, DPRD secretariat, and relevant stakeholders, as well as secondary data in the form of official documents, such as draft local regulations, passed local regulations, and DPRD annual reports. This research was conducted in 2024, given that this moment coincides with significant local political dynamics, especially ahead of the 2024 general election, which also has the potential to influence the pattern of legislation at the regional level.

The urgency of this research lies in the importance of ensuring that the legislative function of DPRDs works well to support the achievement of regional development goals. Quality local regulations are a prerequisite for creating an effective government that is responsive to the needs of the community. However, the facts on the ground show that many local regulations are less implementable or even irrelevant to local community conditions (Maryanto et al., 2022). Therefore, an in-depth study is needed to evaluate the legislative process at the regional level, especially in Probolinggo City. The uniqueness of this research lies in its approach that not only identifies problems, but also offers strategic recommendations that can be implemented by the Probolinggo City DPRD in improving the quality of legislation.

The main objective of this research is to analyze how the Probolinggo City DPRD performs its legislative function in drafting local regulations, including identifying the obstacles faced and the factors that influence the success of legislation. In addition, this research aims to provide recommendations for the DPRD in improving the effectiveness of the legislative process. Thus, this research is expected to make practical and academic contributions to the development of the legislative function at the regional level.

## RESEARCH METHOD

This study employed a descriptive qualitative approach to analyze the legislative function of the Probolinggo City DPRD in drafting local regulations. This approach is widely used in political and public administration research to understand processes, institutional dynamics, and the behaviors of actors involved in governance (Creswell & Poth, 2018; Given, 2020). The data sources consisted of both primary and secondary data. Primary data were collected through in-depth interviews with DPRD members, secretariat staff, and other stakeholders relevant to the legislative process. Semi-structured interview guidelines were used to ensure consistency across interviews while still allowing flexibility to explore emerging issues more deeply (Kallio et al., 2018).

Secondary data were obtained from official documents, including draft local regulations, minutes of DPRD meetings, annual reports, and policy documents, as well as

relevant publications from local media. The use of document analysis is essential to ensure data triangulation and enhance the credibility of qualitative findings (Bowen, 2019).

Data collection took place over a one-month period in Probolinggo City. The informants in this study included members of the Probolinggo City DPRD, executive officials involved in the drafting of local regulations, and representatives of community organizations who contributed to the legislative process. The number of informants was determined using the principle of data saturation, namely the point at which no new information or themes emerge as a concept widely adopted in contemporary qualitative research (Saunders et al., 2018; Hennink et al., 2020).

The collected data were presented in descriptive narrative form and analyzed using thematic analysis. This analytical technique enables the identification, organization, and interpretation of patterns or themes across qualitative data (Braun & Clarke, 2019). The analysis included three major stages: data reduction, data display, and conclusion drawing. Data reduction involved selecting and organizing relevant information into core themes such as legislative effectiveness, institutional challenges, and enabling or inhibiting factors. Data were then displayed in the form of thematic descriptions that provide a detailed portrayal of the legislative phenomena observed. Finally, conclusions were drawn based on the thematic findings and used to formulate recommendations to improve the legislative performance of the Probolinggo City DPRD.

## **FINDINGS AND ANALYSIS**

### **The Legislative Process of the Probolinggo City DPRD in Drafting Local Regulations**

Regional Regulations (Perda) are regulations formed by the DPRD with the joint approval of the regional head. Local regulations have a function to regulate matters of a more specific nature that apply in a region. Local regulations are different from higher regulations such as laws, which have a broader scope and apply nationally. Local regulations can cover various aspects, such as regulations on local taxes, governance, public services, as well as rules that support economic, social and cultural development at the local level.

The legislative process in the preparation of local regulations (Perda) by the Probolinggo City DPRD refers to Law No. 12/2011 on the Formation of Legislation, which regulates the mechanism for proposing, discussing, and ratifying local regulations. This process begins with a proposal by the executive or initiative of the DPRD, followed by discussion by DPRD commissions involving the community and stakeholders in a public consultation forum, as stipulated in PP No. 12/2018 concerning Guidelines for the Preparation of Local Regulations (Listia Rika Tini & Inna Alfiyah, 2024). This procedure ensures that the community and stakeholders have a role in providing input on the draft local regulations that will be passed. The legislative process of the Probolinggo City DPRD in drafting Local Regulations (Perda) is one of the strategic efforts to create regulations that are relevant to the needs of the community and support regional

development. This process involves several stages designed to ensure that the draft regulation has a legal basis, substance that is in accordance with local needs, and is supported by community and stakeholder participation. (Provinsi et al., 2018)

### ***Stage of Proposing Draft Local Regulation (Raperda)***

Proposing Raperda is the initial stage in the legislative process. In Probolinggo City, Raperda can be proposed by the DPRD, either individually by council members, through factions, or by the executive, namely the mayor or regional apparatus. The prioritization of draft regulations is usually adjusted to the Regional Medium-Term Development Plan (RPJMD), which reflects the city's development vision.

In 2024, the Probolinggo City Council has proposed a number of draft regulations, including regulations related to environmental management, protection of traditional markets, and improvement of public services. One concrete example is a draft regulation on urban waste management to address pressing environmental issues. This Raperda was proposed due to community aspirations conveyed through DPRD members' recess and the need to support environmental cleanliness targets in the regional development agenda (Satia et al., 2022).

Raperda proposals usually go through an initial review by the Regional Regulation Formation Agency (Bapemperda). They are tasked with compiling a list of regional legislation priorities (Prolegda) based on these proposals. Each Raperda must also be accompanied by an academic paper that explains its urgency, legal basis and impact.

### ***Stage of Draft Bill Discussion***

After a draft regulation is included in Prolegda, the next stage is an in-depth discussion. This discussion involves working meetings between Bapemperda DPRD and related executive parties, such as technical agencies. In Probolinggo City, the discussion often involves experts, academics, and community representatives to ensure the substance of the Raperda is in accordance with the local context.

In the discussion, public consultation is an important element. Public hearings are usually held to receive input and criticism on the content of the Raperda. For example, in the discussion of a draft regulation on waste management, the DPRD involves the environmental community and NGOs to ensure that the regulation is appropriate for the local context realistic and can be effectively implemented. Community participation in this stage aims to provide legitimacy and prevent potential conflicts in the future (Kaisupy et al., 2020).

In addition, discussions are also carried out to adjust the Raperda with national and provincial policies. This aims to ensure that the Raperda does not conflict with higher regulations, such as the Law or East Java Governor Regulation

### ***Stage of Local Regulation Ratification***

The ratification stage is the culmination of the legislative process. After the draft local regulation has been discussed and approved at the commission or special committee level, the document is brought to the DPRD plenary meeting for final approval. In Probolinggo City, the ratification of Raperda into Perda requires an agreement between the DPRD and the mayor.

Before the Perda is implemented, the East Java provincial government conducts an evaluation to ensure that there are no articles in the Perda that conflict with national law. This process is important to ensure policy harmonization between levels of government. After the evaluation, the Perda is promulgated in the regional gazette and comes into effect.

Once a local regulation is passed, its implementation is the responsibility of the local government. The local government, together with the local parliament, supervises the implementation of the local regulation to ensure that it is carried out properly. This oversight involves evaluating, monitoring and reporting on the effectiveness of the local regulation in achieving its stated objectives. If necessary, the DPRD and local government can revise local regulations that are no longer relevant or have difficulties in implementation.

Several factors influence the legislative process in the preparation of local regulations at the Probolinggo City DPRD, among others:

1. Community Participation: Community involvement in the legislative process is very important. The DPRD needs to listen to the aspirations of the community to create local regulations that favor the interests of the people.
2. Information Disclosure: The process of drafting local regulations must be done transparently. The public has the right to know every stage of the legislative process.
3. Availability of Data and Information: The drafting of local regulations requires accurate data and relevant information. Without valid data, the legislative process will have difficulty in producing effective local regulations.
4. Synergy between DPRD and Local Government: The legislative process must be conducted jointly between the DPRD and local government. Good cooperation between the two will accelerate and facilitate the process of forming quality local regulations.

The legislative process of the Probolinggo City DPRD in drafting Local Regulations (Perda) is a mechanism that involves various stages starting from the preparation of Prolegda, drafting of Raperda, discussion, ratification, to implementation and supervision. This process aims to produce local regulations that can better regulate people's lives, are fair, and in line with regional needs. In addition, community involvement and good synergy between DPRD and local government are needed to create quality local regulations that are beneficial for the people of Probolinggo City.

One important aspect of legislation is community participation. The Probolinggo City DPRD seeks to involve the community in various stages of legislation, from the proposal to the discussion of draft regulations. Public consultation forums are often held to receive direct input from citizens, communities, and non-governmental organizations (NGOs). However, challenges remain in that the level of community participation is sometimes low due to a lack of understanding of the importance of local regulations. Therefore, DPRDs often work with local media to socialize draft bills and invite active participation from the community (Mustafa, 2018).

**Tabel 1.** Legislation of the Probolinggo City DPRD in the Preparation of Local Regulations

Tahun	Jumlah Peraturan Daerah (Perda) yang Disusun	Jenis Perda	Status Perda	Hambatan yang Dihadapi
2021	10	7 Legislative Initiatives, 3 Executive. Proposed Regulations.	8 local ordinances. passed, 2 postponed.	Coordination with the executive, limited resources.
2022	12	9 Legislative Initiatives, 3 Executive Proposed Regulations.	11 local regulations passed, 1 postponed.	Low community participation, technical drafting issues.
2023	14	10 Legislative Initiatives, 4 Executive Proposed Regulations.	12 local regulations passed, 2 postponed.	Lack of capacity of DPRD secretariat, local politics.
2024	8	5 Local Council Initiative Regulations, 3 Executive Proposed Regulations.	6 local regulations passed, 2 postponed.	Administrative barriers and internal constraints.

Source: Probolinggo City Council

In recent years, the Probolinggo City DPRD has been active in drafting local regulations (Perda), with the number of Perda drafted varying each year, ranging from 8 to 14 Perda. Of the total Perda drafted, most are initiatives from the DPRD, while the rest are proposals from the executive. Although a number of Perdas have been passed, some

are delayed each year, mainly due to obstacles such as ineffective coordination between the legislature and the executive, limited resources, and low public participation in the legislative process. In addition, technical drafting issues and local political factors also affect the smoothness of the legislative process, which in turn affects the effectiveness of the resulting local regulations (Siregar et al., 2023). Efforts to overcome these barriers are essential to improve the quality and implementation of local regulations that are more in line with community needs.

### **Obstacles of the Probolinggo City DPRD in Implementing Legislative Functions**

The Probolinggo City DPRD faces various obstacles in carrying out its legislative function which aims to produce effective and relevant Regional Regulations (Perda). The main obstacles that often arise involve three important aspects, namely coordination with the executive, limited human resources (HR) and budget, and minimal public participation in the legislative process. Obstacles in carrying out the legislative function by the Probolinggo City DPRD, such as lack of coordination with the executive, limited resources, or minimal public participation, can be overcome by referring to Law Number 23 of 2014 concerning Regional Government and PP Number 12 of 2018 concerning Guidelines for the Preparation of Regional Regulations (Loda et al., 2019). This regulation emphasizes the importance of synergy between the executive and legislative and increasing public participation through more inclusive and transparent public consultations. In terms of limited resources, effective budget preparation and legislative capacity training can be solutions to improve legislative performance.

#### ***Lack of Coordination with the Executive***

One of the prominent obstacles is the lack of synergy between the DPRD and the city government (executive). This misalignment often slows down the harmonization and finalization process of the Draft Regional Regulation (Raperda). For example, several Raperda related to the protection of small fishermen and the empowerment of micro-enterprises require more in-depth input from the city government, but delays in feedback can affect the progress of legislation (Azzahra et al., 2023).

#### ***Limited Budget and Supporting Facilities***

Another obstacle that often hampers the implementation of the legislative function of the Probolinggo City DPRD is the limited budget and supporting facilities. The formation of a Regional Regulation requires a lot of money, both for research, consultation with experts, and for socialization to the community. However, the limited budget available for legislative activities in the DPRD can hinder an optimal legislative process. When the budget is limited, the process of making Regional Regulations is hampered because the DPRD does not have enough funds to explore the issues that need to be regulated in the Regional Regulation, or to hold meetings and consultation activities with the community and various stakeholders.

In addition, limited supporting facilities, such as adequate meeting rooms, technological devices to support online discussions, and an organized documentation system, can also slow down the legislative process. Without adequate facilities, the process of discussing Regional Regulations becomes less efficient and can extend the time needed to complete one Regional Regulation.

### ***Limited Resources***

Limited human resources at the DPRD level, especially in terms of technical expertise in drafting legislation, are a significant challenge. DPRD members often have to rely on third parties or consultants to ensure that draft Perda are in accordance with the legal framework and community needs. In addition, limited budgets for legislative activities, such as public consultations and academic studies, can also hamper the quality of the resulting legal products (Nurdin, 2020).

### ***Complicated and Slow Bureaucracy***

Complicated and slow bureaucracy is also one of the obstacles faced by the Probolinggo City DPRD in carrying out its legislative function. The process of drafting and discussing the Draft Regional Regulation (Raperda) in the DPRD often takes quite a long time. This is due to the bureaucratic system involving many parties, both from the local government and other institutions, which can slow down the legislative process.

In many cases, the DPRD must go through a long procedure to consult the Draft Regional Regulation with various parties, such as the central government, legal institutions, and community organizations, before it can finally be ratified. This process is often hampered by a mismatch in time between the DPRD and other parties, or disputes between institutions regarding the contents of the drafted Regulation. Complicated bureaucracy can hinder the legislative process and cause the resulting Regulation to not be implemented immediately, even though the needs of the community are urgent.

### ***Local Political Conflict of Interest***

In the legislative process, there is often a conflict of interest between members of the DPRD, local government, and other groups that have their own agendas. Local political interests can influence the process of discussing Regional Regulations, whether related to personal interests, political parties, or certain groups that have strong influence.

This conflict of interest can hinder the achievement of agreement in the discussion of Regional Regulations, because there are often differences of opinion or different political agendas. As a result, the legislative process can be hampered and cause the resulting Regional Regulations to not be in accordance with the needs of the community as a whole. In addition, politicization in the discussion of Regional Regulations can lead to the creation of Regional Regulations that are more beneficial to certain groups, while the interests of the community in general are not properly accommodated.

### **Lack of Public Participation**

Public participation in the process of drafting Regional Regulations is still relatively low, both in the stages of proposal, discussion, and ratification. This is due to the lack of public awareness of the importance of their involvement, as well as the limited mechanisms that facilitate public aspirations directly. In fact, public input is very important to ensure that the Regional Regulations that are drafted are truly in accordance with local needs.

The Probolinggo City DPRD in carrying out its legislative function faces various obstacles that affect its effectiveness in producing quality regional regulations. These obstacles include limited human resources, budget, complicated bureaucracy, lack of public participation, local political conflicts of interest, time constraints, and lack of evaluation and supervision of the implementation of Regional Regulations.

### **CONCLUSION**

The conclusion of the legislative process of the Probolinggo City DPRD shows that although there has been a clear mechanism in the preparation of Regional Regulations (Perda) involving proposals, discussions, and ratification, challenges still exist in its implementation. This process has followed the legal provisions stipulated in Law Number 12 of 2011 concerning the Formation of Legislation and Law Number 23 of 2014 concerning Regional Government, but obstacles such as lack of coordination with the executive, limited resources, and low public participation remain obstacles that need to be overcome. The effectiveness of the legislative function in producing Perda that is relevant to the needs of the community, especially in the fields of infrastructure, public services, and social welfare, still faces challenges in terms of implementation and supervision.

To improve the quality of legislation, it is necessary to strengthen coordination with the executive, increase the capacity of resources in the DPRD, and expand public participation through a more inclusive and transparent approach. With these strategic steps, the Probolinggo City DPRD can optimize the legislative function and ensure that the Perda produced is able to provide real benefits to the community and support sustainable regional development.

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