REGIONAL HOUSE OF REPRESENTATIVES' FUNCTIONS IN THE FORMATION OF REGIONAL REGULATIONS DRAFT IN THE DEVELOPING MARKET

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Abstract

The House of Representatives (*Dewan Perwakilan Rakyat* — DPR) and The Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah* — DPRD) are legislative institutions that represent the majority of the people's votes, and the members of the legislature are accountable to the people. So, to fulfill these responsibilities, members of the legislature have rights, obligations, and functions at work. The purpose of this research is to analyze the function of DPRD in the formulation of regional regulation policies, to analyze what obstacles are faced by DPRD members in the policy formulation of the Regional Regulation Draft (*Rancangan Peraturan Daerah* — Raperda) into regional regulations (*peraturan daerah* — Perda), and to make some efforts to overcome those obstacles. This research uses qualitative research with an empirical juridical approach. The data collection process was carried out under natural conditions in the form of observation, in-depth interviews, and documentation studies. This research concludes that the discussion of Raperda formulation in the DKI (*Daerah Khusus Ibukota* — Special Capital Region) Jakarta Provincial, DPRD adheres to the Prudential Principle or in practice is very careful in carrying out the discussion. The Precautionary Principle carried out by the DPRD can have the same meaning as Dunn (2003) concept of forecasting.

Keywords: The Regional House of Representatives, Local Regulation, Policy Formulation, Regional Government

1. INTRODUCTION

The Unitary State of the Republic of Indonesia is a unitary state that adheres to the principle of decentralization in the administration of government by allowing regions to administer regional governments in accordance with the 1945 Constitution. This constitution divides the Unitary State of the Republic of Indonesia into provinces, which are subdivided into regencies and municipalities with their own administrations (Budiardjo, 2018).

The Regional Government is the organizer of regional government affairs, which consists of the Regional Governments and the Regional and People's Representative Councils with autonomy and assistance tasks in accordance with the principle of autonomy as wide as possible in the system and principles of the Unitary State of the Republic of Indonesia. As referred to in Article 18 of the 1945 Constitution, the Regional Government element of administrators consists of governors, regents, or mayors, as well as regional apparatus. The Regional People's Representative Council or *Dewan Perwakilan Rakyat Daerah* (DPRD) is a regional people's representative institution that is part of the Regional Government Administration as referred to in Law Number 23 of 2014 concerning Regional Governments (Abidin & Herawati, 2018; Carletti et al., 2021; Prihatini, 2018; Sonia & Salahudin, 2023).

There is an image of a democratic government to actualize the implementation of local government based on the concept of good governance (Burgat, 2020; Neal et al., 2022). The most important premise of democracy is that power is placed in the hands of the people, who make decisions at the highest level about the most significant matters that affect their lives, including evaluating the policies of the Government and the State (Ali & Osmanaj, 2020; Bohr, 2021; Remer-Bollow et al., 2019).

According to Article 1, paragraph (4) of Law Number 23 of 2014 concerning Regional Governments, the DRPD is defined as a regional people's representative institution as an element of regional government organizers. DPRD is a legal political organization that represents the voice of the people. In addition, in other languages and meanings, this representative institution has special characteristics that can distinguish it from other bodies outside parliament (Graham, 2019). There are several terms commonly used to refer to such representative institutions, including legislature, assembly, and parliament (Bush, 2020; Merritt et al., 2020; Straus, 2023).

The legislative body or legislature reflects one of the functions of the agency, namely to legislate or make laws. Another name that is often used is "assembly", which prioritizes elements of gathering to discuss public issues. Finally, the term "parliament" emphasizes the elements of talking and negotiating. Other designations prioritize the representation of its members and are called the "People's Representative Body" or the "People's Representative Council". However, regardless of the difference in its name, it can be ascertained that this body is a symbol of a sovereign people (Bagloee et al., 2021; Daluwathumullagamage & Sims, 2020; Flood & McCullagh, 2020; Geras & Crespin, 2019; Tan et al., 2022).

According to Law Number 23 of 2014, Article 96, paragraph (1), the Provincial DPRD has the following functions: a) the establishment of provincial regulation, b) budget, and c) supervision. This law applies to all provinces in Indonesia. So, the DKI (*Daerah Khusus Ibukota* — Special Capital Region) Jakarta Provincial DPRD also has a function as per this law (Coghill et al., 2021; Pranoko, 2021).

In Article 96, paragraph (1), point (a), it is written that the function of the Provincial DPRD is the "formation of a provincial perda" meaning that before forming a provincial Perda (*peraturan daerah* — "regional regulations"), it must first be proposed as a Regional Regulation Draft (*Rancangan Peraturan Daerah* — Raperda). This Raperda is a proposal from the governor/executive or a proposal from the DPRD itself. Having been discussed with the governor who approved or disapproved of the draft provincial Perda, a proposal for the provincial Raperda is drafted along with a program for the formation of Perda with the governor. Then, after going through a long process, it is ratified as a Perda at a plenary meeting (Asiri, 2019).

In Indonesia, the House of Representatives (*Dewan Perwakilan Rakyat* — DPR), or DPRD, is referred to as a legislative body, which is derived from the word legislature. As Indonesia is a democratic country, its legislature is structured in such a way that it represents the majority of the people's vote and that the legislators are accountable to the people. So, to fulfill these responsibilities, members of the legislature have rights, obligations, and functions at work, as regulated in Law Number 23 of 2014 (Widiani, 2021; Yuhandra & Adhyaksa, 2018).

However, there are various problems that hinder both the DPR and DPRD in fulfilling these responsibilities. As seen in the DPRD of Palu City, the level of education possessed by its members is still low. From the 30 members of the DPRD, only 70% of them have a high school education and higher education, remaining of 30% whose education level is lower than high school. This difference is one factor that informs the sub-optimal performance of the Palu City DPRD members, especially in terms of their legislative function. Therefore, differences in political interests are not a dominant factor in the performance of Council members (Asiri, 2019).

In the context of Jakarta, the performance and legislation function of the DKI Jakarta Provincial DPRD did not produce a regional regulation in accordance with the Regional Regulation Formation Program. For instance, in 2018, the DKI Jakarta Provincial DPRD was unable to complete all regional legislation programs (*Program Legislasi Daerah* — Prolegda). That is, of the 45 Raperda that were planned to be completed in 2018, it turns out that only 11 Perda were successfully completed. Meanwhile, since the members of the DKI Jakarta Provincial DPRD were inaugurated on August 25, 2014, these representatives of the people of the capital city only completed 43 regional regulations from 2014 to 2019. Naturally, this is considered a failure to achieve the target of ratification of the Draft Regional Regulation (Widiani, 2021).

The DKI Jakarta Provincial DPRD also faces similar problems as other regional DPRDs, namely the low performance of legislative functions of its Council members that are not in accordance with

the target. However, this low performance is not due to the quality of education and low human resources, but rather due to political interest that tends to disappear as time goes by. As the Governor of DKI Jakarta is promoted from the opposition party of the Government of Indonesia, while the Chair of the DPRD DKI Jakarta is from the same party as the President of the Republic of Indonesia, a tug (*ga usah pake* of war) between the two parties impacts the political nuances in the Provincial DPRD DKI Jakarta. One of the most obvious impacts of this struggle is the non-fulfillment of the targets for 2019, 2020, and 2021 (Abidin & Herawati, 2018; Sonia & Salahudin, 2023).

Legislation function/formation of regional regulations being affected by the strong political nuances in Jakarta is the basic difference between the DKI Jakarta Provincial DPRD and other DPRDs in Indonesia. Perda is a product of public policy that is loaded with varying interests of the authorities. Public policy is a policy of purposive course of action followed by an actor of set of actors in dealing with problems or matters of concern, meaning that policy is basically to choose the actions taken by actors or a group of actors in formulating problems or the direction of activities carried out (Damayra & Khatib, 2022; Ibrahim & Supriatna, 2020).

Public policy formulation is the first step in the overall public policy process. Therefore, what happens in this phase will greatly determine the success or failure of public policies made in the future. In the context of the formulation, not all of the issues circulating in society can enter the government's agenda to be processed into policies. Issues that are on the policy agenda are usually set against a strong background of policy analysis and are related to certain considerations (Dai & Taube, 2021; Fokum et al., 2020; Mortati, 2019).

The main purpose of regional regulations is to empower the community and realize regional independence, and the formation of regional regulations must be based on the principles of the formation of legislation, including siding with the interests of the people, upholding human rights, and being environmentally and culturally aware. So, regional regulations are a granting of authority to regulate regions, and they can also be formed through the delegation of authority from other regulations. The basic principles of drafting regional regulations are transparency/openness, participation, and coordination/integration (Cheng et al., 2022; Ruelens et al., 2018).

The process of discussing draft regional regulations essentially leads to deliberation efforts to reach a consensus. This discussion leaves no room for voting because the position between the regional government and the DPRD is equal. Every discussion of the draft regional regulation requires mutual agreement, so because each party has an equal position, making it impossible for a decision to be made by voting. Such mutual agreement is a condition for a draft regional regulation to become a regional regulation (Coghill et al., 2021).

As such, various existing political interests must be discussed and directed toward the same goal. There should be no political instruments that end up interfering with the discussion. A political approach is highly recommended in order to soften the ambitions of any stakeholders. These stakeholders and thus actors discussing draft regional regulations must also have the same intentions, namely regulations that are made solely for the public interest in an effort to build regional independence (Dai & Taube, 2021; Mamman et al., 2019; Remer-Bollow et al., 2019).

Regional regulations that have been ratified must be promulgated by placing them in the regional gazette, which is carried out by the regional secretary. This promulgation announces that the regulations are valid to be enacted and the community is obliged to implement them. Then, they must be registered with the government for provincial regulations and with the governor for regency/city regulations. The process of drafting regional regulations that have been ratified in regional gazettes is the administrative task of regional governments (Dai & Taube, 2021).

In previous research, it was found that the implementation of the legislative function, as measured by the legal products produced by the DPRD, is still the result of an initiative designed by the executive. The DPRD only conducts discussions and gives approval to apply. Factors influencing the performance of DPRD to have not been optimal in making Raperda are experience and the low level of data/information held by the DPRD (Abidin & Herawati, 2018; Asiri, 2019).

In another study, the realization of the DPRD's initiative in carrying out its legislative function resulted in only 8 (eight) draft regional regulations being produced into regional regulations out of 20 planned regional regulations. The factors that hinder the realization of DPRD initiative regional regulations were found to be the quality of human resources in initiating Raperda participation and communication, ability and the lack of experts, conflict with existing policies, and minimal budgets for the DPRD legislative programs (Pranoko, 2021).

In the process of forming a regional regulation, there are five stages that must be passed before it becomes a regional regulation as a public policy product: a) agenda setting; b) policy formulation; c) decision-making; d) policy implementation, and e) policy evaluation. Therefore, a regional regulation that is still in the form of a draft and is still under discussion can be categorized as a policy formulation (Coghill et al., 2021; Falcone et al., 2019).

The purpose of policy formulation in the context of a Raperda is how the process is carried out when it is still under discussion and being organized by members of Bapemperda (*Badan Pembentukan Peraturan Daerah* — Regional Regulation Formation Agency) which is a permanent instrument of the Council. The members of the DPRD and the governor or the executive representing the meeting provide various suggestions and inputs so that they can be mutually agreed upon. The proposals and inputs are alternative options to choose which is the most appropriate and to be included or added to the articles in the draft regional regulation. The chairperson of the meeting must also control any internal conflict that may arise in the dynamics of the meeting. In addition, external factors can also be a problem in the discussion of policy formulations. For instance, as seen in 2020, the COVID-19 pandemic meant many sectors did not work optimally, including the DPRD DKI Jakarta.

The purpose of this research is: a) to analyze the function of DPRD in the formulation of regional regulation policies, b) to analyze what obstacles are faced by DPRD members in formulating the policy of Raperda into Perda, and c) to make some efforts to overcome those obstacles.

This article is divided into six sections. The first section is the introduction. The second section contains the literature review. The third section is the research methodology. The fourth section is the results and the discussion is presented in the fifth section. The sixth section is the conclusion.

2. LITERATURE REVIEW

The regional government is the Governor, Regent, or Mayor, and regional apparatus as elements of regional government administration. The DPRD is a regional people's representative institution and is domiciled as an element of regional government administration. Regional government administrators consist of the regional government and the DPRD. The regional government includes a) the provincial government which consists of the provincial government and the provincial DPRD and b) the regency/municipal government which consists of the regency/city regional government and the regency/municipal DPRD. The regional government consists of regional heads and regional apparatus. It has been stated that the DPRD is a regional people's representative institution and is domiciled as an element of regional government administration (Budiardjo, 2018).

The position of the DPRD as an element of regional government administration places the DPRD as an institution that is parallel to the regional government. In that equal position, the DPRD, together with the Regional Head, carries out regional government functions which include all affairs according to the principle of autonomy and co-administration. The debate on the issue of the position of the DPRD touches on a fundamental question, namely whether the DPRD is firmly positioned as a legislative institution (body) as known in the *trias politica* concept or is it positioned as one of the elements of regional government administration. The granting of the DPRD's position as a legislative body was introduced by Law Number 22 of 1999 concerning Regional Government (hereinafter referred to as Law 22/1999). In Article 14, paragraph (1), it is stated that the regions of DPRD are formed as a Regional Legislative Body and a Regional Government is as a Regional Executive Body. Moreover, in Article 16, paragraph (2), it is emphasized that the DPRD as a Regional Legislative Body has an equal position and it is a partner of the Regional Government.

Law 22/1999 also places the DPRD as a people's representative institution in the regions which is a vehicle for implementing democracy based on Pancasila. The affirmation of the DPRD's position as a people's representative institution within the framework of Law 22/1999 is strengthened again by the granting of rights that have great political weight, namely the right to hold the Governor, Regent, and Mayor accountable. Moreover, the DPRD in carrying out its duties has the right to ask state officials, government officials, or community members to provide information on a matter that needs to be handled in the interests of the state, nation, government, and development. In fact, state officials, government officials, or community members who refuse the DPRD's request are threatened with imprisonment for a maximum of 1 (one) year for degrading the dignity and honor of the DPRD; and this kind of demeaning act is known as the contempt of parliament.

Based on the provisions of Law Number 10 of 2004 concerning the Establishment of Legislation, what is meant by Perda is a statutory regulation established by the DPRD with the joint approval of the Regional Head. This is in accordance with Law Number 12 of 2011 concerning the Establishment of Legislation. Regional regulations are laws and regulations established by the DPRD with the approval of the Regional Head (Law Number 10 of 2004).

As for the provisions of Law (*Undang-Undang — UU*) Number 32 of 2004 concerning Regional Government (*Pemda*), regional regulations are formed in the context of implementing regional autonomy for provinces/41 regencies/municipalities and co-administration tasks, as well as a further elaboration of higher laws and regulations by taking into account the characteristics of typical of each region. In accordance with the provisions of Article 12 of Law Number 10 of 2004 concerning the Establishment of Legislations, the content of the regional regulations is the entire content of the content in the context of implementing regional autonomy and co-administration tasks, as well as accommodating special regional conditions as well as further elaboration of more comprehensive legislation.

Draft Regional Regulations can come from the DPRD, the Governor or the Regent/Mayor. If in one session the Governor or Regent/Mayor and DPRD submit a draft Perda with the same material, then what is discussed is the draft Perda submitted by the DPRD. Meanwhile, the draft Regional Regulation submitted by the Governor or Regent/Mayor is used as regulatory material. Based on Article 7 of Law Number 12 of 2011 concerning the Establishment of Legislations, it is explained that the types and hierarchy of laws and regulations in Indonesia consist of: a) 1945 Constitution of the Republic of Indonesia; b) The accuracy of the People's Consultative Assembly; c) Law/ Government Regulation in lieu of law; d) Government regulations; e) Presidential decree; f) Provincial regulations, and g) Regency/city regional regulations.

So, regional regulations are statutory regulations that are jointly formed between the DPRD and the Regional Head both in the province and regency/city. Regional regulations are formed in the context of implementing provincial/regency/city regional autonomy and co-administration tasks, as well as a further elaboration of higher laws and regulations by taking into account the characteristics of each region. Regional regulations as a form of legislation are part of the development of the national legal system. Good regional regulations can be realized if they are supported by appropriate methods and standards so that they meet the technicalities of forming laws and regulations.

It has been explained above that the DPRD of DKI Jakarta Province has its functions, duties, and authorities in carrying out its work as representatives

of the people. The DPRD of DKI Jakarta Province is also located as an element of regional government administration, as well as a representation of the people. The DKI Jakarta Provincial DPRD has a legislative function, namely the establishment of Perda, budgets, and supervision. However, in this study, the authors limit the research to the function of forming regional regulations for members of the Jakarta Provincial DPRD in 2020.

Then, in the background of the problem, it is also explained that the DKI Jakarta Provincial DPRD did not complete the Raperda into Perda in accordance with the initial target. After the authors reviewed the document, during the last three years, the DPRD has only been able to complete the formulation of the Raperda in less than 50 percent of cases.

Regarding the non-achievement of the function of the formation of the regional regulation, this is certainly a big homework that must be completed (especially, for the next DPRD members) because this can become an obstacle to existing regulations and will certainly have an impact on the inefficient and ineffective development of the City of Jakarta. There needs to be an evaluation related to the duties and performance of DPRD members. The first thing to look for is what are the inhibiting factors from the incomplete discussion of the 53 Raperda, what are the challenges faced. Internal factors in the organization of the DPRD must also be considered, while external factors also need to be looked at in depth because the DPRD members who sit in the DKI Jakarta Provincial DPRD are part of political parties. So, on the one hand, the Council members are actively involved in the organization of political parties, and, on the other hand, they are also actors in the organization of the DKI Jakarta Provincial DPRD (double job).

These various factors must be studied in depth and in analyzing them, the authors use Dunn's (2003) version of the theory of policy formulation as a basis for understanding the various inhibiting factors that arise in the field. The authors also do not forget to use public policy theory as a grand theory in this research.

Then, in collecting data, the authors will conduct interviews with DPRD leaders, Bapemperda leaders, Bapemperda members, the Head of the Legal Bureau, the Head of Legislation and Public Relations who oversees the Raperda subsection, and, finally, conduct interviews with the Head of the DKI Jakarta Provincial DPRD Draft Regional Regulations Subsection. Some of the interviewees had the capacity and were actively involved in participating in the discussion meetings.

Based on the description above, the research model can be made as follows:

Figure 1. Research model
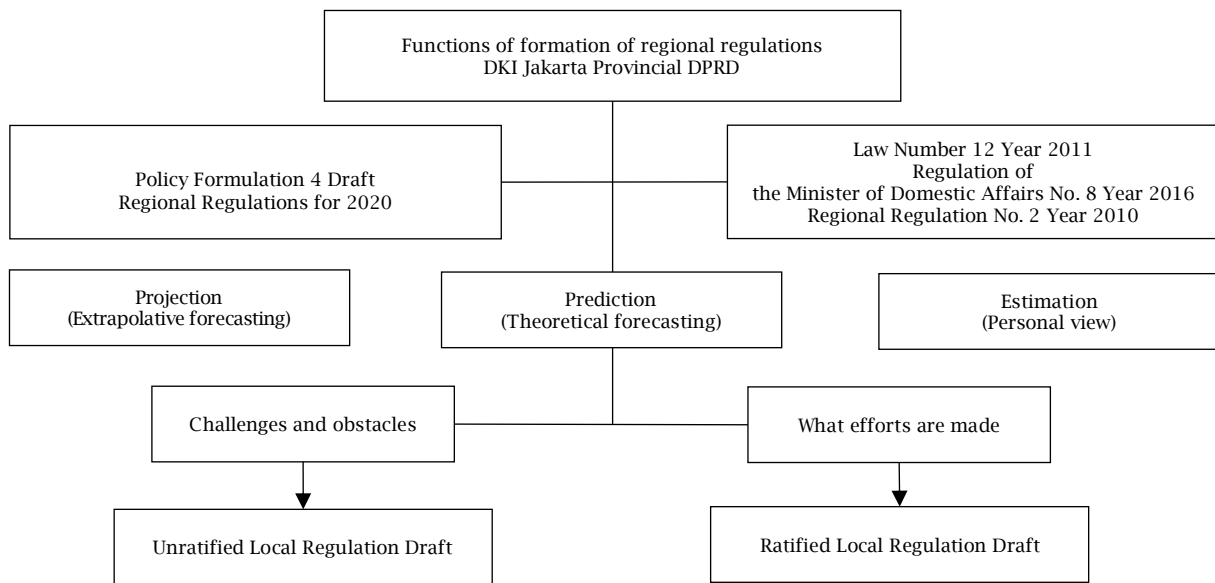
Source: Dunn (2003).

3. RESEARCH METHODOLOGY

This study uses qualitative research with an empirical juridical approach (Sugiyono, 2019). Qualitative research is a research approach that aims to understand certain conditions by leading to detailed and in-depth descriptions of portraits of conditions in a natural context (natural setting) about what actually happened according to what was in the field of study (Hardani, 2020). Qualitative research is carried out intensively, researchers participate in the field, carefully record what happened, carry out a reflective analysis of various documents found in the field, and prepare detailed research reports (Harahap, 2020). While the empirical juridical approach is an approach that is carried out by seeing and understanding the realities that exist in practice in the field. This approach is also known as the sociological approach which is carried out directly in the field. In summary, this study seeks to see how the DPRD achieved the formation of Regional Regulations in 2020 by using the theory of policy formulation. The authors are interested in researching this subject because there are several regional regulations that were not ratified and the number of regulations passed failed to match the determined target. Next, the authors will explore these factors.

The nature of the factors was obtained by conducting in-depth interviews with the leaders and members of the DPRD and some officials who have the capacity to understand the mechanism for discussing regional regulation meetings. In accordance with the research methods and approaches used, the data collection process was carried out in natural conditions through observation, interviews, and documentation (Moleong, 2018).

In this study, there are two types of data needed, namely primary data and secondary data. Primary data is the results of interviews and observations which are documented as written notes or through voice/video recordings, taking photos. While secondary data is additional material that comes from written sources and can be divided into sources from books, scientific magazines, sources from archives, personal documents, and official documents issued by the DPRD DKI Jakarta Province.

To determine the required informants, researchers used a purposive sampling technique. Questions in the in-depth interviews were asked to informants who were believed to have knowledge and understanding of the research topic including the leaders and members of the DPRD DKI Jakarta Province, leaders and members of the Regional Regulation Formation Agency, the Head of the Legislation and Public Relations Section, the Head of the regional regulation draft subdivision, and Head of Legal Bureau of DKI Jakarta Provincial Secretariat. Researchers ask general and broad questions that allow participants to express their views without being limited by the perspective of the researchers. Interviews were conducted individually using a structured interview guide. Data analysis in qualitative research is open-ended and inductive. According to Huberman et al. (1992) in Hardani et al. (2020), data analysis is divided into three activity flows, namely data reduction, data presentation, conclusion drawing, and verification. The location of the research was conducted at the DPRD DKI Jakarta Provincial Office.

4. RESULTS

It is a regional people's representative institution that is domiciled as an element of regional government administration as the functions of an Autonomous Regional Government and is located in Jakarta. Currently, the members of the DKI Jakarta DPRD consist of 106 members who are selected based on an open list of parties in the 2019 legislative general election. Elections are held every five years in conjunction with the election of members of the House of Representatives and Regional Representatives Council, as well as the Regional Representatives Council throughout Indonesia. The last general election was held on April 17, 2019. DKI Jakarta Provincial DPRD Building at Kebon Sirih Street No. 18, Gambir District, Central Jakarta City.

The leadership of the DKI Jakarta DPRD consists of 1 Chair and 4 Deputy Chairmen who come from the political party that holds the highest number of seats and votes. The members of the DKI Jakarta DPRD who are currently serving are the results of the 2019 election which was inaugurated on August 26, 2019, by Acting (Plt.) Chairman of the Jakarta High Court at the DKI Jakarta Provincial DPRD Building. The composition of the members of the DKI Jakarta DPRD for the 2019–2024 period consists of 10 political parties, 9 factions where the PDI-P (*Partai Demokrasi Indonesia Perjuangan* — Indonesian Democratic Party of Struggle) is the political party that has the most seats, namely 25 seats. The DKI Jakarta Provincial DPRD has several Council Supporting Instruments (*Alat Kelengkapan Dewan* — AKD), namely the Budget Agency, Deliberation Board, Honorary Board, Commissions, Fractions, and Bapemperda. In this case, the Bapemperda AKD is tasked with formulating the Raperda with reference to the applicable laws and regulations. Then, in formulating the draft regional regulations, Bapemperda is assisted by other AKDs. For example, if there is a proposal for a regional regulation on government, then the Bapemperda is assisted by Commission A, if there is a draft regional regulation on the revocation of Regional Regulation Number 10 of 1999 concerning Regional Reserve Funds, the Budget Agency will also assist, if it has links with other AKDs, it will work together.

Based on the results of the interview, it is known that the discussion of the Raperda on the regional revenues and expenditures budget (*anggaran pendapatan dan belanja daerah* — APBD) of the 2021 fiscal year is a proposal for a mandatory Raperda because it is a mandate from the law. In the initial discussion stage, the local governments' agencies (*Satuan Kerja Perangkat Desa* — SKPD) make a budget plan which will be explained in the Budget Board Meeting. The regional budget is a reference for SKPD to carry out each of their work functions. If the realization can be carried out properly, the available budget can be used in accordance with applicable regulations. However, as a benchmark for whether the realization is relevant or not, the Council and the Executive must make various estimates to understand the situation and condition of the community in the future.

In the use/financing of APBD funds, it is a definite number to be implemented in the next (future) year. The exact calculations come from several experts who were involved by the Executive in the meeting to formulate the budget. The increase in the parking tax rate is considered very necessary because several other regions have raised the parking tax rate to 25–30 percent, and currently, Jakarta is still charging a 20 percent rate, in addition to increasing the parking tax rate, it will increase the regional original revenue (*pendapatan asli daerah* — PAD) of the DKI Jakarta regional budget. In addition, the executive has also explained several reasons for the increased parking tax rate. So, it is very relevant if the parking tax rate is increased.

In order to reduce congestion in the capital City of Jakarta and to shift the use of private motorized vehicles to public transportation modes, as well as to reduce the use of parking on the shoulder of the road, it is necessary to make changes to the parking tax rate and the expansion of the parking tax object, as stipulated in Regional Regulation Number 16 of 2010 concerning Parking Tax. With the change in this regional regulation, it is hoped that in the future the development of Jakarta will be

better, and local tax revenue will become one of the sources of regional income used by the government to carry out its work programs.

The trend towards development and spatial planning for the City of Jakarta is a serious consideration. To build a good Jakarta city, there needs to be benchmarks from previous developments. This is because the context of the development of the City of Jakarta in the past was different from today's, especially in the future, so the 2030 Regional Spatial Planning Regulation must be in accordance with the current and future conditions of Jakarta. Currently, Regional Regulation Number 1 of 2012 concerning the 2030 Regional Spatial Plan does not fully understand the current spatial conditions. So, in terms of projections on the 2030 Draft Regional Spatial Plan, the opinion of the authorities (leader and Bapemperda members and expert opinions (both relevant executives or invited from outside to the general hearing meeting (*rapat dengar pendapat umum* — RDPU) must be seriously considered).

In this case, it is necessary to carefully reconsider the study of various firm theoretical assumptions. Strict theoretical assumptions can be obtained from experts who in the explanation of the RDPU meeting attach an academic paper or the result of a scientific research. The explanation must be in detail and consider the development of the City of Jakarta. The most basic consideration is the cause and effect of the development of the City of Jakarta (with reference to the 2030 Regional Spatial Plan Regulation). What are the social and economic impacts that will be felt by the people of Jakarta from achieving 30 percent green open space and other impacts for Jakarta residents from structuring the City of Jakarta towards a smart city?

This discussion is based on estimates of the future conditions of Jakarta's society and space. Realizing a clean, safe, comfortable, and healthy city is the main goal of this Raperda. Various forecasts in the future must be studied in depth by considering expert judgments about the future situation of society. Expert judgments about the future are not arbitrary because expert judgments are accompanied by various concepts and theories about development.

The projection of the Raperda on corporate social responsibility (CSR) is because there are still many companies that have not carried out their social and environmental responsibilities around the company. Some companies already carry out these responsibilities, but the Regional Government has not been able to fully facilitate these responsibilities so sometimes the social and environmental responsibilities that have been carried out are not properly maintained. With this consideration, it is hoped that the Regional Government can facilitate companies to provide social responsibility and participate in improving and preserving the surrounding environment.

If this Raperda is immediately ratified, there will be several positive impacts for the citizens of Jakarta, especially in terms of adding to the DKI APBD. So, in real terms, the company provides cost compensation for its efforts. Compensation costs for residents of Jakarta are distributed through the relevant agencies.

For the development of the City of Jakarta, social welfare and environmental sustainability require a large amount of capital. It is hoped that the company's compensation in the form of CSR funds will become additional capital to build a better Jakarta. Compensation from the company is regulated in this Perda on CSR but this is only a draft and has not yet become a regional regulation. Therefore, the Secretariat of the Council has fully prepared various facilities for the completion of the discussion of this Raperda. The Secretariat also schedules various possibilities and estimates of time if the discussion of this Raperda is not completed on time (according to the schedule of activities that have been convened in the deliberative body meeting).

5. DISCUSSION

In accordance with the decision of the DKI Jakarta Provincial DPRD Number 14 of 2019 concerning the Propemperda (*program pembentukan peraturan daerah* — "regional regulation formation program") of DKI Jakarta Province, there are 26 Raperda that were set to be discussed in 2020. The 26 Raperda were derived from 3 DPRD initiatives and 23 initiatives of the governor/executive. However, with the outbreak of COVID-19, the Provincial Government of DKI Jakarta and the DPRD were required to handle the pandemic. So, a new regional regulation was urgently made without reducing/replacing the 26 targets of the regulation that had been planned. The two regional regulations are in the form of a regional regulation concerning the handling of COVID-19 and a Regional Regulation Number 10 of 1999 concerning the Revocation of Regional Regulation concerning Regional Reserve Funds.

DPRD members who are members of the Bapemperda leadership are involved in formulating the draft regional regulations. These members must use three main methods, namely projection (extrapolation), prediction (theoretical forecasting), and estimation (personal view). Under extrapolation, policymakers involved in discussing the draft regional regulations must make projections, namely how or what methods will be used in implementation if the draft regulation is passed into a regional regulation. An example of one such activity agenda in the DPRD DKI Jakarta Province is the socialization of regional regulations, which is one method for implementing regional regulations for the public. In addition, the patterns of people's lives are also taken into consideration when the existing regional regulations are implemented. Policymakers must also know the habits that apply in society because habits that are carried out gradually become a system of community order. To determine how the pattern of people's lives informs the system of order in the community, the makers of local regulations must have accurate statistical data with robust reliability and validity. Thus, following the projection stage, regional regulations that may come into being can be effective and on target.

The prediction method is based on theoretical forecasting, meaning that the predictions made are argumentative and based on analysis (causal analogy) and real evidence. The analysis and real evidence are collected and verified through various scientific studies. In this case, policymakers must study and pay close attention to the academic texts researching the draft regional regulations. Therefore, clear thinking and being free from all forms of

interest are vital in order to produce Regional regulations that are objective and truly useful and apply to all levels of society.

Meanwhile, the forecast method (personal view) is based on the intuition that emerges from being a Perda maker. In discussing the draft regional regulation, one member of the DPRD raises a proposal to abolish discriminatory articles or remove subjective sanctions. In addition to intuition, one's feelings are also an important factor. For example, in the regional regulation on public order, in the discussion of the draft regional regulation on public order, DPRD members proposed to abolish fees or retribution fees for street vendors and MSMEs to zero rupiahs.

In the discussion of Raperda, there are various inhibiting and supporting factors. Based on observations and interviews with DPRD leaders, members, heads of sections, and heads of subdivisions who oversee Raperda, the authors can describe some of the challenges and obstacles that emerged in the discussion of Raperda. For instance, the Council's activities are very dense because apart from activities in the office, Council members also participate in their constituencies. Then, there are overlapping and sudden schedules, so the now unpredictable schedule becomes an obstacle in itself as meetings cannot be attended by the relevant stakeholders. Likewise, the chairman of the meeting may also be unable to attend, so the meeting cannot be started and/or is postponed to another day. Sometimes, meeting invitations are distributed to the invitees, but the meeting materials from the Executive are not available so the meeting has to be rescheduled. Other times, the deepening of the Commissions is relatively long, thus delaying the predetermined schedule.

In the DPRD DKI Jakarta Province, there are nine factions consisting of ten political parties. These factions are the PDI (*Partai Demokrasi Indonesia Perjuangan*) Struggle Faction, Gerindra (*Partai Gerakan Indonesia Raya*) Faction, PKS (*Partai Keadilan Sejahtera*) Faction, Democratic Faction, PAN (*Partai Amanat Nasional*) Faction, PSI (*Partai Solidaritas Indonesia*) Faction, National Democratic Faction, Golkar (*Parta Golongan Karya*) Faction, and PKB-PPP (*Partai Kebangkitan Bangsa-Partai Persatuan Pembangunan*) Faction. The nine factions have their own interests, especially in order to continue to exist both at the provincial and national levels. So, it is not surprising if an activity, especially a meeting activity, indicates the latent involvement of various political interests under the pretext of being in the interests of the people. In every activity, there are negotiations between political parties. As such, if the dominant party feels that it does not benefit from an action, there is a tug of war. However, the dominant party tends to benefit more often because it has the majority vote. It also becomes the leader of the DPRD and a determinant in policy formulation.

With respect to logistical barriers, there is no honorarium/transportation fee for participants in these meetings, especially for experts, community leaders, relevant stakeholders, and other invited participants. According to an interview with one of the sources, this economic factor is important because it is only logical that DPRD invites experts/experts, community leaders, and relevant stakeholders to inform discussions to the best of their ability. As such, the DPRD must also facilitate

their participation from their arrival to their departure. If these economic factors are met, invitees will not be burdened to participate in this vital legislative process. This is an old practice that has been carried out, but this is one of the factors that ensured the discussion of the draft regional regulation was quickly completed. One of the rules governing these provisions is the Governor's Regulation Number 1066 of 2018. But the current regulation is no longer valid.

In terms of technical and administrative matters, it is the DPRD Secretariat that arranges and schedules when and where the Raperda discussion meeting is held. However, prior approval is required from the DPRD Chair. The guidelines used refer to Permendagri Number 80 of 2015 concerning the Formation of Regional Legal Products as amended by Permendagri Number 120 of 2018. Although the current practice is in accordance with these guidelines, there are still some obstacles and challenges that are beyond expectations.

By taking into account the precautionary principle above, the DPRD DKI Jakarta Province hopes that the Raperda that has passed the policy adoption stage in the form of ratification in a plenary meeting can be implemented properly for the citizens of Jakarta. As such, the lives of Jakarta's citizens will remain dynamic in terms of development, so as to allow various changes to emerge. These changes can affect and change the culture, values, orientation, way of thinking, patterns, lifestyles, and conditions of Jakarta's society. So, while current regulation can change the effectiveness of its use, there may be some parts of the local regulation that some articles are still relevant to future conditions, while others are not (Patrucco et al., 2019).

This is where the importance of formulating regional regulations in a serious and measurable manner arises. In this context, the precautionary principle can mean the same as forecasting. First used by William N. Dunn, forecasting is the ability to provide policy-relevant knowledge about problems that will occur in the future as a result of taking alternatives, including not doing something. Forecasting can also test flexible, potential, and normatively valuable futures, estimating the consequences of existing or proposed policies. As such, forecasting can identify possible obstacles in achieving goals and indicate the political feasibility of various options (Vicentino et al., 2022). Because the precautionary principle has the same goal as forecasting, namely trying to read the situation and obstacles that may occur in the future, local regulations that are implemented can stay relevant and be accepted by the community (Garlatti et al., 2020; Kolkman, 2020).

Another form of obstacle the DKI Jakarta Provincial DPRD faces is political factors. It is undeniable that the DPRD is a political institution, so it is impossible for the discussion of the draft regional regulation to be void of political interests and orientations. Actually, it is not a significant problem if the political interests are really intended for the citizens of Jakarta and they feel like they benefit from the existence of a regional regulation. However, the problem arises when the existing political interests only aim to benefit a few people or one group, which is exactly what must be improved in the formulation of the draft regional regulations.

Several other factors also emerged such as economic factors, technical factors, and so on. But the most important focus in Reperda discussions is that there must be an effort to maximize the function of the formation of regional regulation. As such, this effort includes taking a political approach, equalizing perceptions about the essence of politics, conducting relevant budgeting, and prioritizing proposals for relevant and important regional regulations.

6. CONCLUSION

The purpose of this research was to analyze the function of the DPRD in drafting regional regulations by using Wiliam N. Dunn's policy formulation theory, to analyze what obstacles DPRD members face in formulating policies on regional regulations draft (Raperda) to become regional regulations (Perda) and to make some efforts to overcome these obstacles.

Based on the results of the research and discussion above, the author has several findings. First, the formulation of the discussion of draft regional regulations in the DKI Jakarta Provincial DPRD must be in accordance with Law Number 12 of 2011, Permendagri Number 80 of 2015, Regional Regulation Number 2 of 2010, and DKI Jakarta Provincial DPRD Regulation Number 1 of 2014. As such, the discussion of the Raperda formulation in the Provincial DPRD DKI Jakarta must adhere to the Prudential Principle or be very careful in conducting discussions in practice. This principle of the DPRD can have the same meaning as the concept of forecasting penned by William N. Dunn or projection.

Second, various factors of obstacles and challenges always exist in the formulation of the discussion of draft regional regulations. The most dominant factor is the political factor as DPRD is a political institution. Therefore, it is impossible for there to be no political interests. With reference to the 2020 Propemperda guidelines, while the results of the DKI Jakarta Provincial DPRD's

Regional Regulation are not successful, with respect to the priority scale, it can be said to be successful.

Third, the effort to be made must use a political approach. There must also be a common perception of the essence of politics, which is the fundamental basis of carrying out the formulation of the Raperda discussion with the aim of prospering the citizens of Jakarta. Another effort is that if the Executive proposes a Raperda, then attached the academic text, materials for the Raperda, and other files concerning the importance of the Raperda being discussed must be responsibly disseminated, as the DPRD cannot discuss the Raperda if it is not equipped with relevant tools of support.

This research is important so that, in the future, problems that may arise related to the function of DPRD, especially in the drafting of regional regulations, can be anticipated. DPRD requires activeness and participation from the leaders and members of the Council to complete several work programs that have been made. This is because the activities in the DPRD are for the benefit of the people and if they are not resolved then development will be slow. The results of this research can be used as capital in understanding the draft regional regulations, especially in terms of concept and formulation, and can be a source of scientific discourse in order to develop models for the formulation of draft regional regulations in the future.

This study is limited to the formulation of the Regional Regulation Draft (Raperda) in 2020, the formulation of DKI Jakarta provincial regional regulation policies, obstacles, challenges and efforts of the DKI Jakarta Provincial DPRD in completing the formulation of Raperda in 2020.

Further research is expected to conduct comparative studies with similar regional policies in other regions or other countries. In this way, it can be seen whether there are other more effective or innovative policy formulation models that can be adapted to improve conditions in DKI Jakarta Province.

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