

The Existence of Regional Legislative Bodies in Forming Regional Regulations in Indonesia

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Abstract: The purpose of this study is (1) analyzing and finding the existence of regional legislative bodies in the formation of Regional Regulations according to the local government system in Indonesia (2) Analyzing and finding the implementation of the functions of regional legislative bodies in the formation of Regional Regulations to meet the expectations of the community according to the local government system in Indonesia the principles of the rule of law and democracy.. and (3) analyze and find factors that influence the implementation of the functions of the regional legislative body in the formation of Regional Regulations according to the system of regional government in Indonesia. This research is included in the category, descriptive research, that is research that intends to describe one or several phenomena of the existence and implementation of the functions of regional legislative bodies in the regional government system, so that this research is categorized as normative - empirical research.

Keywords: Regional Legislative Bodies, Local Government, Regional Regulations

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I. INTRODUCTION

Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates that the regional government has the authority to regulate and manage its own government affairs according to the principle of autonomy and duty of assistance. The granting of autonomy to the regions is directed to accelerate the realization of community welfare through improved services, empowerment and community participation. Besides that, through regional autonomy, it is expected to be able to increase competitiveness by paying attention to the principles of democracy, equity, justice, privileges and specificities as well as the potential and diversity of regions in the Unitary State of the Republic of Indonesia.

The principle of regional autonomy implies that the region is given the authority to administer and regulate all government affairs outside those which become the affairs of the Central Government stipulated in the Regional Government Law. Regions have the authority to make regional policies to provide services, increase participation, initiatives and community empowerment aimed at improving people's welfare.

The interests and aspirations of the community must be captured by the Regional Government and the Regional Representative Council as representatives of the people in the institutional structure of the regional government that carries out the functions of government, aiming as stated above. Local governments carry out government functions and the DPRD carries out the legislative function, the budgeting function and the oversight function.

II. STATEMENT OF THE PROBLEM

1. How is the existence of the function of regional legislative bodies in the formation of Regional Regulations according to the regional government system in Indonesia?
2. Is the implementation of the functions of the regional legislative body in the formation of Regional Regulations according to the regional government system in Indonesia in accordance with the principles of the rule of law and democracy?
3. What factors influence the implementation of the function of regional legislative bodies in the formation of Regional Regulations according to the regional government system in Indonesia?

III. THEORETICAL FRAMEWORK

A. Democracy Theory

The terminology of democracy in the dictionary of the term Law FockemaAndrea means, “democracy, democracy, people’s government; a form of government that gives rights to speak to those governed by those who govern, the oversight of government policy is carried out by elected representatives of the people.”¹

Democracy as a principle that is used in the state system comes from Greece which consists of two syllables namely *demos* which means people and *cratin* which means government. Thus seen from the meaning of the words democracy is a people’s government, which is then interpreted by the government of the people by the people and for the people. In its development, the notion of democracy in principle does not change, namely a system of government which is held by the people or at least the people are included in the discussion of government issues.²

Theoretically, the teachings of democracy have been put forward by Abraham Lincoln as “as a government from the people, by the people, and for the people”³ which implies that the government is owned and run by the people (the people govern themselves).⁴ This is different from the concept of socialist democracy namely The Communist concept of democracy aims at neither government of people nor at government by the people, but at government in the interests of the people.⁵ Philippe C. Schmitter & Terry Lynn Karl, in their article “What Democracy is...”, defines democracy as a system of government in which governments are held accountable for their actions in the public sphere by citizens, who act indirectly through competence or cooperation with their elected representatives”.⁶

B. Rule of Law Theory

The term rule of law in the Indonesian constitutional system has been affirmed in Article 1 paragraph (3) which states that “The State of Indonesia is a state of law” established on November 9, 2001, this formulation is also contained in the RIS 1949 Constitution and 1950 UUDS.⁷ Conceptually, there are five concepts of the rule of law namely; Rechtsstaat, Rule of Law, Socialist Legality, Islamic Nomocracy, and the State of Law (Indonesia),⁸ and the five terms of the rule of law each have their own characteristics. In Indonesian literature, the translation of the rule of law from the Dutch term “rechtsstaat”⁹ although in continental European countries the terms differ in terms of the rule of law. In France, for example, using the term *etat de droit*. While in Germany and the Netherlands the same term is used, *rechtsstaat*. The terms *etat de droit* or *rechtsstaat* used in European Europe are terms that differ from the English legal system, even though the expression legal state or state according to law or the rule of law tries to express an idea which is basically the same.¹⁰ In English terminology known as the state according to law or according to the rule of law.¹¹

Djoko Soetono called it the term “democratic rule of law (*democratische rechtsstaat*), but what was meant was *rechtsstaat*.”¹² Muhammad Yamin uses the word rule of law as *rechtsstaat* or government of law, he clearly stated that: “The Republic of Indonesia is a state of law (*rechtsstaat*, government of law)..., not a state of power...”¹³ O. Notohamidjojo uses the term “rule of law or *rechtsstaat*”,¹⁴ Sunaryati Hartono, using the term rule of law is the same as the rule of law, in words: “... in order to create a rule of law that brings justice to all the

¹Algra, Nikolaas Egbert, & Gokkel, H. R. W. (1983). *Kamus Istilah Hukum Fockema Andreae Belanda – Indonesia* (Saleh Adiwinata, A. Teloeki, & Boerhanuddin St. Batoeah, Trans.). Bandung: Bina Cipta, p. 92.

²Joeniarto, R. (1966). *Sejarah Ketatanegaraan Republik Indonesia*. Yogyakarta: Yayasan Penerbit Gajah Mada, p. 22.

³Ebenstein, William, Pritchett, C. Herman, Turner, Henry A., & Mann, Dean. (1967). *American Democracy in World Perspective*. New York: Harper & Row, p. 3.

⁴Manan, Bagir. (1999). *Lembaga Kepresidenan*. Yogyakarta: Gama Media, p. 12.

⁵*Ibid.*

⁶Philippe C. Schmitter & Terry Lynn Karl, in Abdillah, Masykuri. (1999). *Demokrasi di Persimpangan Makna: Respons Intelektual Muslim Indonesia terhadap Demokrasi (1966 – 1993)* (Wahid Wahab Ed.). Yogyakarta: Tiara Wacana., p. 73.

⁷Asshiddiqie, Jimly. (2003). *Konsolidasi Naskah UUD 1945 Setelah Perubahan Keempat*. Jakarta: PT. Yarsif Watampone, p. 3

⁸Azhary, Muhammad Tahir. (1992). *Negara Hukum: Suatu Studi tentang Prinsip-Prinsipnya Dilihat dari Segi Hukum Islam, Implementasinya pada Periode Negara Madinah dan Masa Kini*. Jakarta: Bulan Bintang, pp. 73 – 74.

⁹Notohamidjojo, O. (1970). *Makna Negara Hukum bagi Pembaharuan Negara dan Wibawa Hukum bagi Pembaharuan Masyarakat di Indonesia*. Jakarta: BPK Gunung Mulia, p. 27.; Azhary, Muhammad Tahir. (1995). *Negara Hukum Indonesia: Analisis Yuridis Normatif tentang Unsur-Unsurnya*. Jakarta: UI Press, p. 30.

¹⁰*Ibid.*, p. 2.

¹¹Carias, Allan-Randolph Brewer. (1989). *Judicial Review in Comparative Law*. United Kingdom: Cambridge University Press, p. 7.

¹²Wahyono, Padmo. (1984). *Guru Pinandita: Sumbangsih untuk Prof. Djoko Soetono*, SH. Jakarta: UI Press, p. 67.

¹³Yamin, Muhammad. (1982). *Proklamasi dan Konstitusi Republik Indonesia*. Jakarta: Ghalia Indonesia, p. 72.

¹⁴Notohamidjojo, O. (1970). *Loc. Cit.*

people... enforcement of the rule of law must be in a material sense.”¹⁵ In this connection Sudargo Gautama, stated that “... in a state of law, there is a limitation of state power over individuals...”¹⁶ Ismail Suny, using the term the rule of law in the sense of the rule of law,¹⁷ meanwhile, the term “government of law” is used in the United States.¹⁸ Sumrah, argues that the term the rule of law is a conception of rechtsstaat, etat de droit, state or government based on the law, but rechtsstaat is only adopted by countries with written law, whereas the rule of law is mainly pioneered by Britain with a system common law.¹⁹ The term rule of law in Robert Crinice le Roy’s view is the same as the rule of law.²⁰ Likewise Mauro Cappelletti argues that “... it has since come to be considered by many as essential to the rule of law (rechtsstaat) anywhere.”²¹

Muhammad Tahir Azhary, stated that the idea of a rule of law was actually preceded by Plato’s writings on “no moi”. Then developed the concept of rechtsstaat, the rule of law, socialist legality, the rule of law of Pancasila, and Islamic nomocracy,²² but the term rule of law (rechtsstaat) began to be known in Europe in the 19th century. In accordance with C. W. van der Pot & A. M. Donner disclosed that “Het woord” rechtsstaat “comt pas in de negentiende eeuw in zwang, maar het denkbeeld is veel ouder”.²³

Another concept regarding rechtsstaat is also called the concept of legality or etat de droit in the continental European legal system.²⁴ Meanwhile the use of the term “the rule of law” became famous after the work of A.V. Dicey in 1885, known as the Introduction to the Study of the Law of the Constitution.²⁵

From the historical aspect, the term rechtsstaat and the rule of law, in Philipus M. Hadjon’s view, was born by a different legal system background.²⁶ The term rechtsstaat was born as a reaction against absolutism, because it is revolutionary in nature and relies on a continental legal system called civil law. Clearly different from the term in understanding the rule of law, the development of which occurs evolutionarily, and rests on the common law understanding or legal system. However, in its development the differences in background do not need to be contested again, because they are aimed at the same target, which is aimed at realizing the protection of human rights.

Another case with the concept of socialist legality, which is based on communist ideology, by placing the law as a tool for realizing socialism by ignoring individual rights. Individual rights are integrated into the aims of socialism which prioritizes collectivism over individual interests.²⁷ Therefore, in countries that embrace communist ideology, it is known by its own term, namely the principle of socialist legality.²⁸

Although there are differences in the background of understanding between rechtsstaat and the rule of law, but the birth of the term “rule of law” is inseparable from the influence of the two understandings. In an effort to better reflect Indonesian understanding, personification was carried out, so that in Indonesian literature, another term was found, which gave the attribute “Pancasila”, just as the term “democracy” was given an additional attribute “Pancasila”, so that it became “Democracy of Pancasila”. Also the term “rule of law” is given the attribute of Pancasila so that it becomes “the rule of law of Pancasila”.²⁹ By not undermining efforts to reflect the distinctive term of Indonesia, the term rule of law is clear enough, to show that the term rule of law is Indonesian understanding, as confirmed in the third amendment to the 1945 Constitution contained in Article 1 paragraph (3), namely “The State of Indonesia is state law”. In the conception of Islam, the term rule of law

¹⁵Hartono, Sunaryati. (1976). *Apakah the Rule of Law Itu?* Bandung: PT. Alumni, p. 35.

¹⁶Gautama, Sudargo. (1983). *Pengertian tentang Negara Hukum*. Bandung: PT. Alumni, p. 3.

¹⁷Suny, Ismail. (1982). *Mencari Keadilan: Sebuah Otobiografi*. Jakarta: Ghalia Indonesia, p. 123.

¹⁸Kusnardi, Moh., & Ibrahim, Harmaily. (1988). *Pengantar Hukum Tata Negara Indonesia*. Jakarta: Pusat Studi Hukum Tata Negara FH-UI, p. 161; Compare with Attamimi, A. Hamid S. (1992). *Teori Perundang-Undangan Indonesia: Suatu Sisi Pengetahuan Perundang-Undangan Indonesia yang Menjelaskan dan Mencerminkan*. In *Upacara Pengukuhan Jabatan Guru Besar Tetap*. Jakarta: Fakultas Hukum Universitas Indonesia, p. 8, Attamimi states that “... the meaning of rechtsstaat originating from German and in English is translated as ‘a state based on law’ or ‘a state governed by law’”.

¹⁹Sumrah. (1968). *Penegakan Hak Asasi Manusia Ditinjau dari Pelaksanaan the Rule of Law*. In Eddy Damian (Ed.), *The Rule of Law dan Praktek-Praktek Penahanan di Indonesia*. Bandung: PT. Alumni, p. 33 – 34.

²⁰Roy, Robert Crinice le. (1981). *Kekuasaan Ke-Empat: Suatu Pengenalan Ulang* (Soehardjo, Trans.). Semarang: Dharma Bhakti, p. 17; in sentences “In a rule of law - a country ruled by the principle of ‘rule of law’”.

²¹Cappelletti, Mauro. (1971). *Judicial Review in the Contemporary World*. Indianapolis: Bobbs-Merrill Co., p. 42.

²²Azhary, Muhammad Tahir. (1992). *Loc. Cit.*

²³Pot, C. W. van der, & Donner, A. M. (1989). *Handboek van het Nederlandse Staatsrecht*. Zwolle: W.E.J. Tjeenk Willink, p. 158.

²⁴Carias, Allan-Randolph Brewer. (1989). *Op. Cit.*, p. 36.

²⁵Hadjon, Philipus M. (1987). *Perlindungan Hukum Bagi Rakyat di Indonesia: Sebuah Studi tentang Prinsip-prinsipnya, Penanganannya oleh Peradilan dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara*. Surabaya: PT. Bina Ilmu, p. 72.

²⁶*Ibid.*

²⁷Azhary, Muhammad Tahir. (1992). *Op. Cit.*, p. 67.

²⁸David, Rene, & Brierley, John E. C. (1985). *Major Legal Systems in the World Today: An Introduction to the Comparative Study of Law*. London: Stevens & Sons, p. 208.

²⁹*Ibid.*

known as “nomocracy”, is a rule of law state that has the principles of power as trustworthiness, deliberation, justice, equality, recognition and protection of human rights, peace, free justice, welfare, and obedience people.³⁰

IV. DISCUSSION

A. The Existence of Regional Legislative Bodies in Forming Regional Regulations

Analyzing the existence of the Regional Legislative Body can be seen in terms of its position and function which is attached to the DPRD's equipment, and in order to provide reinforcement to the DPRD. The existence of the Regional Legislative Body in the formation of Regional Regulations, essentially as an object of the study of state administration law that can not be separated from the study of philosophical aspects - historical because the formation of Regional Regulations as a provision of state administration law in the material sense and must be seen whether Regional Regulations to be formed by the agency Regional legislation is in accordance with the principle of regional autonomy in the perspective of a democratic rule of law. The relationship between the DPRD and the regional government is expected to run harmoniously and not dominate each other. The context of institutional strengthening is carried out through a balance between managing political dynamics on the one hand and maintaining the stability of regional government on the other so that the balanced pattern of regional government management can provide significant benefits for improving the welfare of the people in the area so that it can contribute to national development and the nation as a whole.

Strengthening the legislative function for the DPRD on the one hand is in line with the spirit of democracy, but on the other hand it raises the inconsistency of the system adopted by Law No. 32/2004. Strengthening the legislative function in the hands of the DPR at the national level is appropriate, because between the DPR and the President are two institutions separated. At the level of regional government, according to Law Number 32 Year 2004, the Regional Head and the Regional Parliament are in one box, namely the element box of the regional administration (cursive writer). Strengthening the legislative function at the regional level in line with strengthening the legislative function at the national level is only suitable for the construction of regional government in the old paradigm, because the DPRD as the Regional Legislative Body is located separately from the Regional Head and other regional apparatus as the Regional Executive Board.

The existence of the Regional Legislative Body brings a new paradigm in the regional government system. The new paradigm referred to is the regulation of the legislative function which has so far been dominated by regional heads, even though the function should be more the domain of the DPRD, so that the principle of “checks and balances” between the regional head and the DPRD is achieved. Regarding efforts to strengthen the legislative regulation function in order to achieve balanced decentralization, namely to increase the legislative function or legislative regulation function, it is not only seen from the number of Regional Regulations produced, which originate from DPRD initiative rights. The quality of the DPRD in carrying out this function is also measured by the content of Regional Regulations which are supposed to favor the interests of the wider community and to what extent the community participates in the process of making local regulations.

Local regulations are ordinary legal provisions because they are more detailed in their formulation, more ready to be enacted and determined through formal legal sources. Regional Regulations is formed in accordance with legal principles or basic rules in the constitution. For example, the constitutional basis for establishing a Regional Regulations is contained in Article 18 paragraph (6) of the 1945 Constitution, specifying that the Regional Government has the right to stipulate Regional Regulations and other regulations to carry out autonomy and assistance tasks. Furthermore, in Article 136 of Law Number 32 Year 2004 concerning Regional Government, it is stipulated that the Regional Regulation shall be stipulated by the Regional Head after obtaining a joint agreement from the DPRD. Regional Regulations were formed in the context of carrying out provincial/district/city regional autonomy and co-administration tasks. Regional Regulations is a further elaboration of higher laws and regulations by taking into account the characteristics of each region. Regional Regulations is prohibited from being in conflict with the public interest and/or higher legislation.

The problem is whether the Regional Regulations in the Indonesian state legislative system (printed by the author) is under government regulations and presidential regulations. Even though the Regional Regulations is seen from its contents are the implementing regulations for regional government laws. If viewed from the perspective of legal science, such placement is not quite right, but if it is seen from the nature of the formation of a Regional Regulation as the implementation of autonomy and the task of assistance can be justified. The aim is to ensure that there is a strong guarantee that the implementation of regional autonomy is still within the framework of the unitary state of the Republic of Indonesia. In addition, if viewed from the aspect of the legitimacy of the representatives of the DPRD as an institution that has the authority to form a Regional Regulation it has the same legitimacy as the DPR-RI, namely the legitimacy of the representatives. The results

³⁰ Azhary, Muhammad Tahir. (1992). *Op. Cit.*, p. 64.

showed the productivity of the Regional Legislative Body in the formation of Regional Regulations can be seen in the following table:

Table 1. Regional Regulations in 5 Provinces (Regencies/Cities) in 2009 – 2013

Law Year	Jakarta (Central Jakarta)	Yogyakarta (Bantul Regency)	South Sulawesi (Makassar City)	Gorontalo	East Kalimantan (Banjarmasin)
2013	2	3	6	-	-
2012	8	14	10	9	15
2011	14	15	7	41	25
2010	13	14	2	13	19
2009	4	16	7	8	6
Total	39	62	22	71	65

Source: secondary data processed, 2014

When viewed from the aspect of productivity in the making of significant local regulations with the presence of the Regional Legislation Agency after the enactment of Law Number 12 of 2011, things can be seen in DKI in 2011 giving birth to 14 Regional Regulations, showing an increase, as well as the Bantul Regency 15 Regional Regulations which shows there are the increase is also the case with Makassar City, although the number of local regulations produced by the Makassar City DPRD is very small when compared to DKI and Bantul Regency, and Banjarmasin for 2011 gave birth to 25 Regional Regulations. However, Gorontalo City DPRD is fantastic because in 2011 it produced 41 Regional Regulations. During an in-depth interview, it was revealed that the productivity of Gorontalo DPRD in making Regional Regulations was adjusted to the needs of the Regional Government of Gorontalo as a relatively young Province/Regency.

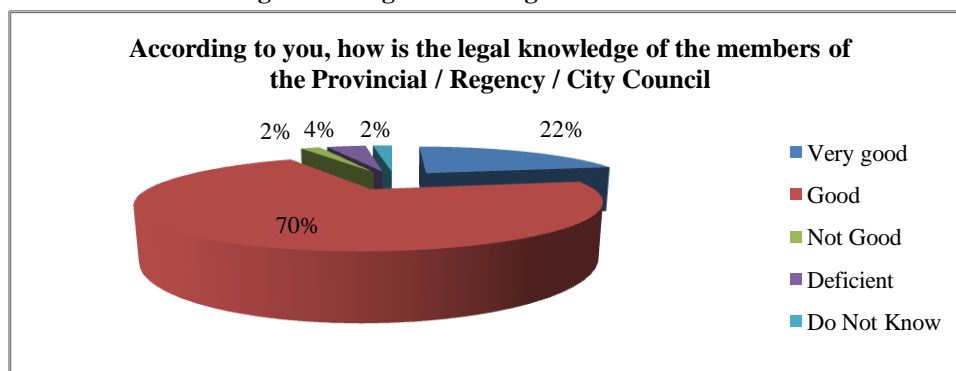
B. Independence and Accountability of Judges in Deciding Case Equitable

Analyzing the factors influencing the implementation of the functions of the Regional Legislative Body should be consistent with the theoretical basis of the rule of law, and the law is understood and developed as a unified system in which there is³¹(a). element of law (instrumental element); (b). institutional element (institutional element); and (c). elements of behavior of legal subjects bearing rights and obligations or authority determined by legal norms (subjective and cultural elements) Thus it can be analyzed the factors that influence the implementation of the functions of the regional legislative body towards the formation of Regional Regulations (a) objective factors namely the element of the law (instrumental elements); (b). institutional elements (institutional elements) and the objective conditions of the community when making decisions; and (c) The dominant idea when making decisions (d) the state of the law in force at the time of decision making.

1. Legal Substance Aspect

Substantial legal knowledge for DPRD members greatly influences the functioning of the regional legislative body. Legal knowledge of DPRD members can be seen in the following diagram:

Diagram 1. Legal Knowledge of DPRD Members



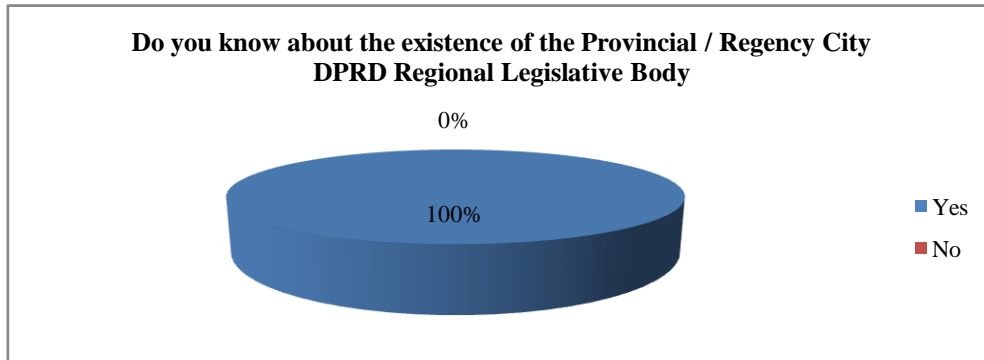
Source: Data processed in 2013

³¹Asshiddiqie, Jimly. (2005). *Konstitusi dan Konstitusionalisme Indonesia*. Jakarta: Konstitusi Press, p. 379. Lawrence Friedman is famous for his legal system theory which outlines the elements of the legal system consisting of legal substance, legal structure and legal culture. Soekanto, Soerjono. (2003). *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: Rajawali Pers, p. 5. Factors affecting law enforcement are legal instruments, law enforcement apparatus, legal infrastructure and public awareness.

The results showed that 70% of the community's legal knowledge was good, and 22% were very good while there were 4% who stated that it was not good. The legal knowledge of DPRD members, in my opinion, greatly affects the productivity of DPRD members, especially members of the Regional Legislative Body in the formation of Regional Regulations. In the formation of Regional Regulations, it should prioritize the community's need for legal certainty and justice.

The productivity of the Regional Legislative Body in the formation of Regional Regulations is also very much influenced by the knowledge and understanding of the members of the Regency/City DPRD on the function of the regional legislative body. The results of the study regarding the knowledge of members of the Regency/City DPRD in Indonesia can be seen in the following table:

Diagram 2. Knowledge of DPRD Members Regarding the Existence of Legislative Body

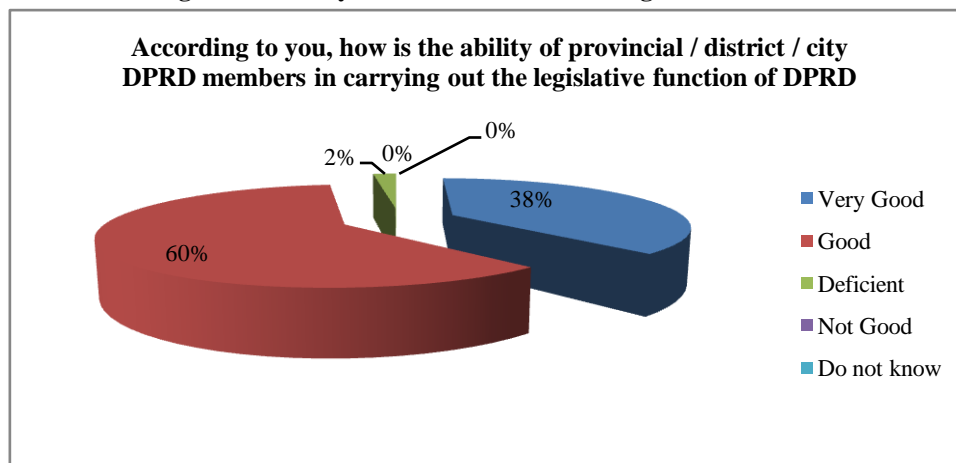


Source: Data processed in 2013

The diagram shows that of the 50 respondents who were all members of the Regency/City DPRD, they knew of the existence of the Regional Legislative Body as a DPRD equipment after the enactment of Law No. 27 of 2009. Although the DPRD members knew and understood the existence of the Regional Legislative Body, it had no influence on the productivity of the formation of Regional Regulations.

The productivity of regional legislative bodies in the formation of Regional Regulations is also influenced by the capability of DPRD members, especially those who sit as members of the legislative body. The results of the study show the following:

Diagram 3. Ability of DPRD Members in Legislative Functions



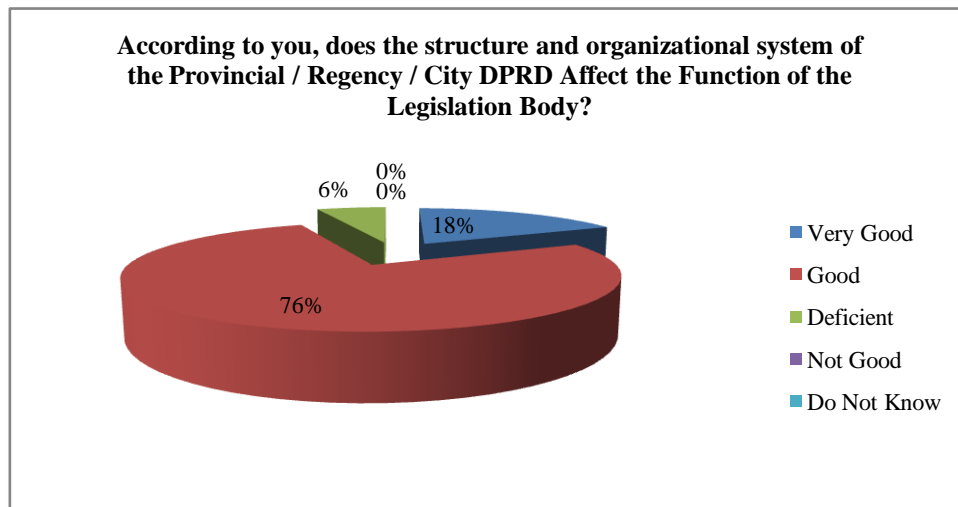
Source: Data processed in 2013

The data shows the ability of DPRD members, although out of 50 respondents, 60% stated that the ability of DPRD members in carrying out the legislative function was good, and 38% stated that it was very good, but there were still 2% who said it was not good. According to the opinion of the writer, that the capability of DPRD members could be very good but the productivity in making the regulation is still lacking. The lack of productivity of District/City DPRD in the making of Regional Regulations is influenced by other factors such as budget allocations to Baledga which are still lacking, and the political culture of DPRD members who are still primordial greatly influences the implementation of the functions of regional legislative bodies.

2. Legal Structure Aspects

The legal structure is very influential on the implementation of the functions of the legislature that can be seen in the following diagram:

Diagram 4. Effect of Legal Structure



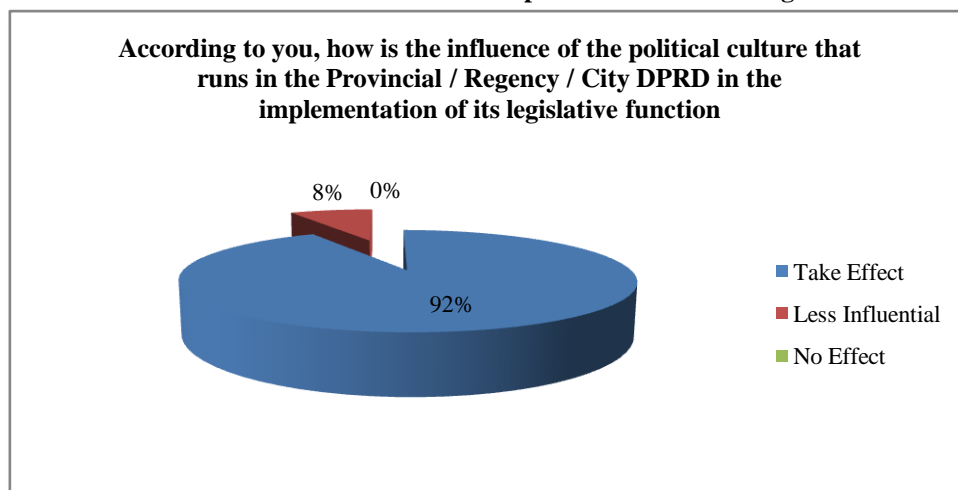
Source: Data processed in 2013

From the diagram shows the responses of respondents regarding the structure and system of the organization seen most respondents were in the category of very good influence as much as 78%, stated very good effect 18% and 6% stated less well. Thus the consistency of all parties involved in carrying out the organizational system is an indicator for members of the Regional People's Representative Council in carrying out the legislative function.

3. Cultural Aspects and Behavior of Board Members

The Culture and Behavior of Board Members greatly influences the overall functioning of the DPRD. Regarding the influence of political culture in the implementation of the functions of the regional legislative body, it can be seen in the following diagram:

Diagram 5. The Influence of Political Culture in the Implementation of the Legislative Function of DPRD



Source: Data processed in 201

Political culture becomes a very influential element in the implementation of the legislative function, this element becomes a very subjective element related to the behavior and characteristics of the DPRD members themselves. The data shows that 92% stated that the political culture of DPRD members influenced the implementation of the functions of the legislative body in the formation of Regional Regulations.

Political Culture DPRD members should be able to understand well that in a democratic country will try to provide broad opportunities for community participation in determining the desired legal style and content. Whereas in a dictatorial state, it will always avoid public participation in determining the style and content of the law. The Indonesian state has a different perspective and way of thinking than socialist doctrine and capitalist doctrine. The Indonesian state has a perspective and thought that is in accordance with the basic philosophy of the state namely Pancasila and the family will have its own legal politics in accordance with the ideals of the law (*rechtsidee*), which is contained in the Pancasila and the 1945 Constitution of the Republic of Indonesia.

V. INCLUSION

1. The existence of the function of regional legislative bodies in the formation of Regional Regulations is determined by the strengthening of their position and function, in the study of state administration law it cannot be separated from the study of philosophical aspects - historically because the formation of Regional Regulations as stipulations of state administration law in the material sense and Regional Regulations formed by legislative bodies regions in accordance with the principle of regional autonomy in the perspective of a democratic rule of law.
2. The implementation of the function of regional legislative bodies in the formation of Regional Regulations according to the regional government system in Indonesia is in accordance with the principles of the rule of law and democracy and has not been carried out in accordance with the mechanism of making Regional Regulations after the enactment of Law Number 12 of 2011 concerning the Formation of Legislation and Law Number 27 Year 2009 Concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council and the Provincial and Regency/City Regional People's Representative Council, the indicator is that many Regional Regulations are canceled by the central government because these Regional Regulations are seen to be in conflict with statutory regulations higher invitation.
3. Factors that influence the implementation of the functions of the regional legislative body in the formation of Regional Regulations according to the regional government system in Indonesia include legal substance, legal structure and cultural factors or the behavior of members of the district/city people's representative council.

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