



The Authority of Bapemperda in the Formation of Regional Regulations: The Perspective of State Administrative Law in the City of Mataram

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Abstract: The purpose of this study is to find out how To find out how the authority of the Regional Regulation Formation Agency of the Mataram City DPRD in the preparation of Regional Regulations in Mataram City. And To find out how the implementation of the authority of the Regional Regulation Formation Agency of the Mataram City DPRD. This type of research is normative-empirical. By using the Conceptual approach method (Conceptual Approach), Statute Approach (Statute approach) and Historical Approach (Historical Approach). Methods and techniques for collecting data through interviews, observations and documentation, using qualitative descriptive data analysis. The results of the study show that; The Legislative Function of the Mataram City Regional People's Representative Council is one of the attribution authorities inherent in the formation of regional regulations which begins at the planning, drafting, discussion and enactment stages. In carrying out its function as Legislation, it certainly requires complete tools in the DPRD structure itself, especially in the formation of Regional Regulations which in this case are carried out by Bapemperda which has the authority to harmonize, round off, and strengthen the concept of draft Regional Regulations submitted by members, commissions, or joint commissions before the draft Regional Regulation is submitted to the Leadership of the Regional People's Representative Council, Following the discussion of draft Regional Regulations submitted by the Regional People's Representative Council and the Regional Government, Providing considerations on proposals for the preparation of draft Regional Regulations submitted by the Regional People's Representative Council and the Regional Government outside the Regional Regulation formation program, Providing considerations to the Leadership of the Regional People's Representative Council regarding draft Regional Regulations originating from the Regional Government, Following developments and conducting evaluations on the discussion of the material contents of the draft Regional Regulation through coordination with the commission and/or special committee, Providing input to the Leadership of the Regional People's Representative Council on draft Regional Regulations assigned by the deliberative body, Conducting a study of Regional Regulations, Making a performance report at the end of the membership period of the Regional People's Representative Council and inventorying problems in the formation of both, the Regional Regulation Formation Agency of the Mataram City Regional People's Representative Council in implementing the authority to form The Regional Regulation has been running properly. This can be seen from how the Regional Regulation Formation Agency of the Mataram City Regional People's Representative Council has fulfilled the procedures or all applicable provisions in the process of forming regional regulations.

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1. Introduction

In national and state life, every person has rights and obligations that are inherent to each individual, both the rights and obligations of fellow individuals, individuals and society, and individuals/society and the state.(Widiyastuti, 2020),(Wahyuddin & Rahmadani, 2022). In order to avoid conflict in fulfilling rights and obligations, written and unwritten rules are formed. Written rules have strict sanctions and bind individuals/society with the controller or government. The purpose of these regulations or laws is to create order and harmony in the life of the nation and state(Sinaga, 2020),(Haryanto, 2021).

Taufiqurrahman, Siti Hasanah, Firzhal Arzhi Jiwantara, (2023), Indonesia is a democratic country that supports the concept of people's sovereignty and is a country based on law that upholds the supremacy of law. (Muhlashin, 2021), (Abdillah, 2024). Everything is regulated by law, including the democratic process in Indonesia. (Hermanto, 2018). In a democratic country, the people have an important role because the highest sovereignty lies in the hands of the people. (Jailani et al., 2022), (Damri et al., 2020).

In the current era of reform, many important changes have occurred. (Munzir, 2019). Changes in regional autonomy are the result of amendments to Article 18 of the 1945 Constitution concerning regional government on August 18, 2000, with the principles of autonomy and joint management. (Ma'arij, 2020), (Gea, 2024). The Regional Autonomy Draft began on January 1, 2001, which became the basis for the birth of Law No. 32 of 2004 concerning Regional Autonomy and Law No. 12 of 2008 concerning the Second Amendment to Law No. 32 of 2004 concerning rice fields. became a regional government. However, previously, regional government was regulated by Law No. 22 of 1999 (Yusuf & Amiq, nd), (Saptomo, 2010).

The Regional People's Representative Council is a regional people's representative institution that functions as an element of the Regional Government administration. (Tampubolon et al., 2020), (Santoso, 2011). Regional Government is the implementation of government affairs by the Regional Government and the Regional People's Representative Council according to the principles of autonomy and assistance tasks with the principle of the broadest possible autonomy in the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia. (Rahayu, 2022), (Rahayu, 2022).

The Regional People's Representative Council is a regional people's representative institution that is positioned as an element of the regional government administration that has a role and responsibility in realizing efficiency, effectiveness, productivity and accountability in the implementation of Regional Government through the implementation of the rights, obligations, duties, authorities and functions of the Regional People's Representative Council in accordance with the provisions of the Laws and Regulations. (Handini, 2019), (Maryanto et al., 2022). The Provincial DPRD, in order to manage and take care of its own family without leaving the framework of the unitary state (Umam et al., 2023), (Ariyanto, 2020).

The existence of Regional Regulations cannot be separated from the relationship with regional autonomy. Because Regional Regulations as a tool and one of the regional legal products, are something that is inherent to the regional autonomy system. (Subkhan, 2016). It is said so, because the essence of autonomy itself is independence (*zelfstandigheid*) and not a form of freedom of an independent government unit (*onafhankelijkheid*). Independence itself means that the region has the right to make legal decisions in the form of laws and regulations which are then given the name Regional Regulations. (Why, 2021), (Tama, nd).

In relation to the Formation of Regional Regulations, the Commission and/or joint Commissions may submit a Draft Regional Regulation addressed to the Riau Provincial DPRD Leadership accompanied by an Explanation and/or Academic Manuscript to be forwarded to the Regional Regulation Formation Agency for study and review as well as recommendations, whether the Draft Regional Regulation can be continued or not. This means that in the formation of regional regulations, an Academic Manuscript is required. Article 56 Paragraph (2) of Law Number 12 of 2011 concerning the Formation of Legislation states that the Draft Provincial Regional Regulation, whether originating from the Provincial DPRD or the Governor, is accompanied by an explanation or information and/or Academic Manuscript.

The implementation of regional government is directed at accelerating the realization of community welfare through improving services, empowerment, and community participation, as well as increasing regional competitiveness by paying attention to the

principles of democracy, equality, justice, and the uniqueness of a region within the system of the Unitary State of the Republic of Indonesia.

The efficiency and effectiveness of regional government administration needs to be improved by paying more attention to aspects of the relationship between the Central Government and regions and between regions, regional potential and diversity, as well as the opportunities and challenges of global competition within the unity of the state government administration system.

Regional Government is the executor of regional government functions carried out by regional government institutions, namely the Regional Government and the Regional People's Representative Council (DPRD). The implementation of regional government is carried out by the DPRD and the regional head. The DPRD and the regional head are positioned as elements of the regional government organizer who are given a mandate from the people to carry out government affairs delegated to the region. The DPRD and the regional head are positioned as partners who have different functions. The DPRD has the following functions: Legislation. That the DPRD as the holder of power in forming Regional Regulations; Budget. That the DPRD has the power to discuss and Regional Regulations and the Regional Expenditure Planning Budget (APBD). Giving approval or not giving approval to the draft Regional Regulation on the APBD submitted by the Governor; Supervision. This function is carried out through supervision of implementation. The regional head carries out the function of implementing Regional Regulations and policies.

In the preparation of regional regulations, members of the DPRD in this case the Regional Regulation Formation Agency must play a greater role as thinkers and idea generators, depending on their political position. DPRD members are not required to have technical knowledge of substantive language and regional regulation language, because this is open to experts in their respective fields. The practice that researchers found in initial observations was that City DPRD members often showed that DPRD members were busy preparing regional regulations, even very detailed and substantive regulations that did not have adequate expertise. In the end, people who did not understand the contents of the long discussion, and they could not complete the regulation on time.

Law Number 23 of 2014 concerning Regional Government was issued to replace Law Number 32 of 2004 concerning Regional Government which is no longer in accordance with the development of the state and state administration. On the other hand, the preparation of regional regulations often takes more than 6-12 months of publication or is not even published. This is influenced by several factors that cause the length of time for the publication of the regional regulations that are prepared.

Regarding the mandate, Allah ordered every servant to convey the mandate without missing anything as stated in the QS. An-Nisa Verse 58 which reads as follows:

may Allah bless him and give him peace and blessings وَإِذَا أَهْلَبَا or تَحْكُمُوا or God willing, God willing, God willing, God willing ۞ بِصِيرًا ۞ عَاسِمٍ كَانَ اللَّهُ

Meaning: Indeed, Allah commands you to convey the trust to its owner. When you establish laws between people, you must establish them fairly. Indeed, Allah gives you the best teaching. Indeed, Allah is All-Hearing, All-Seeing.

2. Materials and Methods

Legal Science is included in the group of social sciences, but in its application the use of social science research methods is less reliable in creating a legal analysis, legal doctrine, or a legal product (for example: a draft law) needed for legal development. Bernard Arief Sidharta tried to prove the scientific nature of Legal Science like other sciences, has a scientific basis needed by every science. Legal Science builds its concepts and objects that can be explored by anyone.

The type of research used is normative-empirical research, which will be carried out by the author, namely digging up information in the field (Field Research). Ronny Ha-

nitijo (1990) Normative-empirical research is used to analyze or find out how far the regulations or laws and laws are running effectively.

The object of research will be the Authority of the Regional Regulation Formation Agency of the Mataram City Regional People's Representative Council (DPRD) in Drafting Regional Regulations (Perda) in Mataram City.

The research subject or respondent is a person who is asked to provide information about a fact or opinion. So, the research subject is the subject that is intended to be studied by the researcher. The subject of this research is a source of information that is explored to reveal facts in the field. The subject of this research is the Regional People's Representative Council (DPRD) of Mataram City.

3. Results and Discussion

3.1. *The authority of the Regional Regulation Formation Agency (BAPEMPERDA) of the Mataram City DPRD in drafting Regional Regulations in Mataram City*

In law, authority means the existence of rights and obligations for the position or status held. In relation to regional autonomy, the regional government is given the authority to form Regional Regulations (Perda) as legal products to realize autonomy and the Mataram City DPRD has the authority to form regional regulations as a consequence of the legislative function as stated in Article 149 paragraph (1) of Law No. 23 of 2014 concerning Regional Government as a form of representation of the people of Mataram City in governance at the regional level, this is because the legislative function is related to the mandate to improve people's welfare through the formation of regional regulations (Perda). according to Law Number 23 of 2014 concerning Regional Government. Referring to the teachings of trias politica, that the power to form regional regulations lies in the hands of the legislature (DPRD). (Kansil, 2008).

If it is further reduced according to the Government Regulation of the Republic of Indonesia Number 12 of 2018 concerning Guidelines for the Preparation of Rules of Procedure for the Regional Representative Council of Provinces, Districts, and Cities, it is emphasized that the legislative function is realized in the formation of regional regulations.

Article 51 paragraph 1-4 of Government Regulation Number 12 of 2018 states that Bapemperda is a permanent DPRD supporting tool, formed in a plenary meeting of the DPRD. Bapemperda is a DPRD supporting tool that carries out the legislative duties and functions of the DPRD because its activities are ongoing to inventory various existing laws and regulations and inventory regional legal products that must be made, either on the orders of higher-level laws and regulations or on the initiative of DPRD members. In the provisions of Article 51 paragraph 1-4 of Government Regulation Number 12 of 2018 concerning Guidelines for the Preparation of Rules of Procedure for the Regional People's Representative Council of Provinces, Districts, and Cities: 1 Members of Bapemperda are determined in a plenary meeting according to the balance and equal distribution of commission members; The number of Bapemperda members is a maximum of the number of members of the largest commission; The leadership of Bapemperda consists of 1 (one) chairperson and 1 (one) deputy chairperson who are elected from and by Bapemperda members; The Secretary of the DPRD because of his position is also the secretary of Bapemperda and not as a member of Bapemperda; The term of office of the Bapemperda leadership is 2 (two) years and 6 (six) months; The transfer of DPRD members in Bapemperda to other DPRD supporting bodies can be done after their membership period in Bapemperda is at least 1 (one) year based on the proposal of the Faction.

The presence of Bapemperda certainly has goals and hopes. The goal is to strengthen the function of the DPRD in the field of regional regulation formation. Hopes certainly arise from the community, so that the DPRD's legislative performance will improve, both qualitatively and quantitatively with the presence of this body.

Furthermore, in Article 52 of Government Regulation Number 12 of 2018 concerning Guidelines for the Preparation of Rules of Procedure for the Regional People's Representative Council of Provinces, Districts, and Cities, Bapemperda has the following

duties and authorities: Prepare a draft program for the formation of Regional Regulations containing a list of draft Regional Regulations based on the priority scale for the formation of draft Regional Regulations accompanied by reasons for each budget year within the DPRD; Coordinate the preparation of the program for the formation of Regional Regulations between the DPRD and the Regional Government; Prepare a draft Regional Regulation originating from the DPRD which is a proposal from Bapemperda based on the priority program that has been set; Harmonize, round off, and strengthen the concept of the draft Regional Regulation submitted by members, commissions, or joint commissions before the draft Regional Regulation is submitted to the DPRD Leadership; Participate in the discussion of the draft Regional Regulation submitted by the DPRD and the Regional Government; Provide considerations for the proposal for the preparation of draft Regional Regulations submitted by the DPRD and the Regional Government outside the Perda formation program; Provide considerations to the DPRD Leadership regarding draft Regional Regulations originating from the Regional Government; Follow up on developments and conduct evaluations on the discussion of the draft Regional Regulation material through coordination with the commission and/or special committee; Provide input to the DPRD Leadership on the draft Regional Regulation assigned by the deliberative body; Conduct a study of the Regional Regulation; Make a performance report at the end of the DPRD membership period and inventory the problems in the formation of the Regional Regulation as material for the commission in the next membership period.

Implementation of tasks through Bapemperda meetings, namely through consultation meetings or joint meetings of the Mataram City DPRD Leadership with the Mataram City Bapemperda leaders. In the Bapemperda Meeting, resource persons, third parties and/or community elements can be present. Resource persons and/or third parties can come from individuals who have expertise, government agencies, academics, or professional organizations. To present resource persons, third parties, and/or community elements by referring to the provisions of laws and regulations and paying attention to the capabilities of the APBD. Thus, it is appropriate if Bapemperda is assigned to prepare the draft DPRD Regulation.

Further provisions regarding Bapemperda experts are regulated by the Decree of the Secretary of the Mataram City DPRD. The Bapemperda leadership consists of a chairman, vice chairman, and secretary who are selected from and by Bapemperda members. The Bapemperda leadership that has been formed is reported to the Mataram City DPRD Leadership to be announced in a plenary meeting.

The Legislative Function of the Mataram City DPRD is one of the attribution authorities by HD van Wijk, who defines Attribution authority as the granting of government authority by lawmakers to government organs, which is inherent in the DPRD in the formation of regional regulations which begins at the planning, drafting, discussion and enactment stages in accordance with Law Number 23 of 2014 concerning Regional Government. Jimly Asshiddiqie (2020) The legislative or regulatory function, in its concrete form, this regulatory function (*regelende functie*) is manifested in the function of forming laws (*wetgevende functie* or law making function). Then the legislative function shifted which gave authority to the People's Representative Council and the Regional People's Representative Council (DPRD) to form regional regulations. So ideally the formation of regional regulations should be more dominated by the DPRD than the executive (regional government).

Dadang Sholihin (2016), DPRD in carrying out the function of forming regional regulations in Mataram City is carried out by 40 (forty) DPRD members, of course from this number it is expected to be able to provide a more productive contribution in the formation of regional regulations in Mataram City that are more responsive in order to advance community welfare. Because in Law Number 23 of 2014 concerning Regional Government, in addition to the DPRD having the function of forming regional regulations for the Province, Regency and City, each DPRD member also has the right to submit draft regional regulations or often called the right to propose DPRD member initiatives.

The legislative function in the formation of regional regulations is the authority in the formation of regional regulations, namely initiating the birth of draft regional regulations and also discussing and approving or rejecting draft regional regulations proposed by the executive.

Based on the research results, the implementation of the legislative function of the Mataram City DPRD throughout 2024 has established 7 (seven) Regional Regulations, as can be seen in the following table:

Table 1. 7 (seven) Regional Regulations

No	About	Determination Date	Information
s	1. Implementation of Child Protection	May 27, 2024	DPRD
	2. Protection of Local Workforce	May 27, 2024	DPRD
	3. Preservation and Management of Cultural Heritage	May 27, 2024	DPRD
	4. Accountability for the Implementation of the 2023 Mataram City Regional Revenue and Expenditure Budget	July 20, 2024	Mayor
	5. Mataram City Regional Long Term Development Plan 2025-2045 Becomes Mataram City Regional Regulation	July 20, 2024	Mayor
	6. Changes to the Regional Revenue and Expenditure Budget for the 2024 Fiscal Year	August 5, 2024	Mayor
	7. Regional Revenue and Expenditure Budget for Fiscal Year 2025	August 21, 2024	Mayor

3.2 Implementation of the authority of the Regional Regulation Formation Agency of the Mataram City DPRD

The preparation of regional regulations is very important for the smooth discussion in the Mataram City DPRD. Therefore, the quality of a regional regulation and decision-making on the draft regional regulation to become a regional regulation is very much determined by how the draft regional regulation is prepared. At least a draft regional regulation must be preceded by preparing an academic paper. By being preceded or accompanied by an academic paper, it will be very easy for the discussion of the draft regional regulation to be determined as a regional regulation.

Muhammad Al Hariri (2024), This regional regulation formation program can be initiated by the Regional Government and also by the DPRD itself, which is usually called the Regional Government initiative and the Mataram City DPRD Initiative. And this Regional Regulation Program also contains a list of draft regional regulations that are compiled based on the reasons or basis for creating the Regional Regulation, including: (1) higher PUU orders; (2) regional development plans; (3) implementation of regional autonomy and assistance tasks; and (4) aspirations of the local community.

Draft Regional Regulations originating from the legislature or DPRD, whether submitted by DPRD Members, commissions, joint commissions, or Bapemperda, are coordinated by Bapemperda. Draft Regional Regulations are then submitted in writing to the DPRD Leadership accompanied by explanations or statements and/or academic papers. Draft Regional Regulations are then submitted by the DPRD Leadership to Bapemperda for review in order to harmonize, round off, and strengthen the concept of Draft Regional Regulations. Furthermore, the results of the review are submitted by the

DPRD Leadership in a plenary meeting to be requested for approval by the members of the Mataram City DPRD. The preparation of regional legal products in the form of regional regulations is carried out based on propemperda which can originate from the DPRD or the Regional Government.

Muhammad Al Hariri (2024), In the context of the Formation of Regional Regulations, the discussion of the Draft Regional Regulation in the DPRD, both on the initiative of the Regional Government and on the initiative of the DPRD, the mechanism for forming the regulations is through 3 stages of discussion, namely: (1) Planning, (2) preparation, (3) Discussion (4) Approval and determination. The concretization of the legislative function of the DPRD (one of which) is the right of initiative in submitting a Draft Regional Regulation which then together with the regional head (the head of local government) carries out joint approval (joint authority) to become a Regional Regulation.

The submission of the draft regional regulation of Mataram City is accompanied by an explanation or statement containing the main ideas and material of the regulated content. The leadership of the Mataram City DPRD submits the draft regional regulation of Mataram City to Bapemperda for review in order to harmonize, round off and strengthen the concept of the draft regional regulation of Mataram City. Bapemperda submits the results of the review of the draft regional regulation of Mataram City to the leadership of the Mataram City DPRD. The leadership of the Mataram City DPRD submits the results of the Bapemperda review in a plenary meeting of the Mataram City DPRD. The leadership of the Mataram City DPRD submits the draft regional regulation of Mataram City to members of the Mataram City DPRD within a maximum period of 7 (seven) days before the plenary meeting of the Mataram City DPRD.

The refinement of the draft of the Mataram City regulation was resubmitted to the leadership of the Mataram City DPRD. The draft of the Mataram City regulation that has been prepared by the Mataram City DPRD was submitted by the leadership of the Mataram City DPRD to the Regent/Mayor for discussion. If in one session, the Mataram City DPRD submits a draft of the Mataram City regulation regarding the same material, what will be discussed is the draft of the Mataram City regulation submitted by the Mataram City DPRD and the draft of the Mataram City regulation submitted by the regional head (regent/mayor) used as material for comparison.

The implementation of mentoring in the preparation of the Raperda at the Bapemperda DPRD of Mataram City is carried out through the preparation of an academic manuscript prepared by the mentor and the drafting team. In preparing the academic manuscript, the mentor does this by conducting empirical and normative research. Normative research is carried out by reviewing various laws and regulations related to the draft regional regulation being prepared.

Furthermore, the draft regulation that has been prepared is then subjected to Focus Group Discussion (FGD) and Public Testing. The FGD activity aims to explore more deeply the substance of the content of the draft regulation from internal government stakeholders, namely from the Mataram City government in accordance with the scope of the regulation. In the public test of the draft regulation, a substance test is then carried out on stakeholders related to the regulation, both from the general public, professional organizations, NGOs and the government.

This mechanism is expected to ensure that the drafting of the Regional Regulation in the Mataram City DPRD truly uses a participatory drafting mechanism to ensure that the quality of the draft regulation becomes better and more perfect.

Muhammad Al Hariri (2024), The proposal that has been proposed by the DPRD members, then how can it become an institutional proposal? Until the Draft Regional Regulation can become a Regional Regulation and can be ratified. Then everything is discussed through the Plenary Sessions I, II, and III"

After the Regional Regulation is enacted and there are still errors in the drafting technique, the Regional Secretary with the approval of the DPRD Leadership can correct the errors without changing the substance of the Regional Regulation through the Regional Gazette. The regional government is obliged to disseminate the Regional Regula-

tion that has been enacted in the Regional Gazette so that all local people and related parties know about it.

4. Conclusions

The Regional Regulation Formation Agency of the Mataram City DPRD has a very crucial authority in the preparation of the Draft Regional Regulation (Raperda). This authority includes planning, proposing, discussing, and evaluating the Raperda submitted by the City Government or DPRD. Bapemperda functions as a facilitator in preparing regulations that are in accordance with the needs and interests of the Mataram City community, as well as ensuring compliance with higher laws and regulations. The implementation of Bapemperda's authority in the preparation of Raperda in Mataram City is carried out in accordance with the procedures stipulated in the legislation. Bapemperda works together with the executive, and involves relevant stakeholders in the preparation process, resulting in a more mature Raperda. However, this implementation still faces several obstacles, such as less than optimal coordination with related agencies and lack of public participation in the Raperda discussion process.

To optimize the authority of Bapemperda in drafting Raperda, it is suggested that coordination between Bapemperda, the City Government, and other related agencies be strengthened. This can help accelerate the process of drafting Raperda and ensure that each Raperda that is drafted is more applicable and can be implemented well. It is suggested that Bapemperda be more active in involving the community in every stage of drafting Raperda, such as through public consultation forums or other media. Wider community participation will help create Raperda that is more responsive to the needs and aspirations of the people of Mataram City.

To ensure broader and documented public participation in the drafting of local regulations, it is necessary to implement a tiered participation model through periodic public consultation forums, stakeholder mapping, and digital-based open public tests equipped with public participation reports as official documents of local regulation formation. In addition, the success of Bapemperda's function in shaping democratic and aspirational regulations can be measured through concrete indicators such as the level of public participation, the proportion of DPRD initiative regulations, the speed of Raperda completion, the percentage of regulations based on academic papers and public tests, as well as the amount of public input accommodated in the substance of regulatory articles, and evaluation of the impact of local regulations after implementation.

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