

Analysis of the Implementation of the Regional People's Representative Council's Right of Initiative in the Formation of Regional Regulations for Kutai Barat Regency 2014-2024

Yudi Hermawan^{1*}, Ida Bagus Made Agung Dwijatenaya², Musmuliadi³

¹²³Program Study of Public Administration, Postgraduate Program, Kutai Kartanegara University Tenggarong, Indonesia

Corresponding author: Yudi Hermawan

ABSTRACT : The purpose of this study is to examine the Regional Representative Council's right of initiative in creating regional regulations in Kutai Barat Regency from 2014 to 2024, as well as the factors that hinder its implementation. The research design used in this study is qualitative. Key personnel were interviewed in order to get primary data. The study's findings show that the Regional Representative Council of Kutai Barat Regency, East Kalimantan Province, has implemented the right of initiative in accordance with the relevant legal and regulatory framework. Determining the policy agenda, formulating the policy, and adopting the policy are some of the crucial steps in this process. Despite the completion of these phases, their execution is still not at its best. The Kutai Barat Regency Regional Representative Council effectively created 36 initiative regional regulations and draft regional regulations between 2014 and 2024. The needs and possibilities of the community as a whole, however, are not represented by this figure. Both internal and external variables contribute to the challenges encountered. Human resources, socioeconomic variables, the perspective of regional representative council members, their experience, and their capability factors are examples of internal factors. Other external factors that hinder the Regional People's Representative Council include budgetary considerations, political dynamics within the council, lack of community participation, political communication between the council and the community, and the competence of the council's experts and expert teams. It is suggested that the Regional People's Representative Council members' human resource capacity be increased, that community participation be encouraged, that public consultations or discussion forums be held, that the team of experts and support staff be strengthened, and that healthy politics be realised within the council.

Keywords - Draft regional regulations, Implementation, Initiative Rights, Regional regulations, Regional Regulation

I. INTRODUCTION

Serving the needs of the populace in their particular regions and fostering local communities' ambitions are the responsibilities of regional governments as branches of the national government. Regional governments are granted the power to control their own affairs, including the formulation of regional rules, under the framework of regional autonomy (*Perda*) [1]. The Regional People's Representative Council's (*DPRD*) right to take the initiative to propose draft regional regulations (*Raperda*) is highlighted by the decentralisation system outlined in Law Number 23 of 2014 concerning Regional Government. This gives the *DPRD* the chance to express the needs and goals of local communities through pertinent regulations.

The dedication of the regional legislature in performing its legislative and representational duties is demonstrated by the application of the *DPRD*'s right of initiative in Kutai Barat Regency in the creation of Regional Regulations (*Perda*) throughout the 2014–2019 term. According to Article 372 letter an of Law Number 17 of 2014 covering the *MPR*, *DPR*, *DPD*, and *DPRD* (*MD3*), the *DPRD* is granted the initiative to submit draft regional regulations (*Raperda*) as part of its legislative responsibilities. The *DPRD* can create laws that represent the needs of the area and its residents thanks to this right. Law Number 23 of 2014 concerning Regional Government also highlights the Regional People's Representative Council's authority as stated in Article 154. This includes the right to discuss and approve the Draft Regional Revenue and Expenditure Budget

(APBD), form regional regulations with the regent/mayor, and monitor the region's implementation of APBD and regional regulations. Together, these two statutes guarantee that the DPRD plays a significant role in the regional government system, which seeks to promote the development of transparent, responsible, and community-responsive regional government.

Nonetheless, there are still a number of obstacles standing in the way of Kutai Barat Regency's application of the right of initiative. Among these problems are the following: From 2014 to 2024, the DPRD's right of initiative in creating regional rules in Kutai Barat Regency will encounter a number of obstacles throughout both the creation and execution phases. Differences between the academic draft and the content of the regional rule were discovered from a procedural standpoint. Regional regulations should be draughted using the Academic Draft as the scientific foundation. The disparity between the final regional rule and the academic draft reveals flaws in the harmonisation process, which can be attributed to a lack of thorough research as well as the impact of particular interests during the negotiations. Furthermore, public testing was not carried out optimally. One of the most important steps in getting public input is public review. Due to its restricted implementation and low level of public input, the final regulation does not adequately represent the requirements of the community. Deliberation meetings frequently fall short of a quorum, which is another problem. This indicates a lack of dedication, coordination, and public participation in the regulation's creation. A lack of accountability and discipline is seen in the DPRD members' absence from deliberation sessions. Deliberations are therefore pointless and may affect the calibre of the final draft legislation.

Implementation problems exist in addition to process problems, and they can be described as follows: Regional regulations are not implemented as well as they may be. Without clear execution, many regulations continue to be only legal documents. The primary causes are frequently elements like regulatory issues, insufficient budgetary allocations, or a lack of commitment from local governments. Additionally, there is little socialisation of local laws. The public is not aware of the relevant regulations since there has been no attempt to spread awareness of them. As a result, regional regulations are not well understood or followed. Moreover, the enforcement of regional regulations is not adequately monitored. Regional regulations are frequently not consistently overseen in their application. This is because the regional administration, pertinent agencies, and the Regional People's Representative Council (DPRD) have not coordinated well. Moreover, regional regulations' fines are not applied. Sanctioned regulations that are not executed show a lack of law enforcement in the areas. As a result, regional regulations that are broken are not enforced and lose their legal validity.

Planning, preparation, draughting, ratification, promulgation, and socialisation are some of the crucial steps in the regional legislative process. The process starts with determining the region's legal needs, then moves on to the creation of a draft regional regulation, and lastly, the socialisation phase, which makes sure the general public is aware of and understands the rules. In order to make sure that the local community accepts and complies with the issued regulations, this legislative procedure is essential [2]. According to Article 421 of Law No. 17 of 2014 concerning MD3, the regency/city DPRD secretariat may assemble a team or group of experts to assist the DPRD leadership and members in carrying out their duties. This will be done in accordance with the DPRD's authority and responsibilities as specified in the DPRD's supporting apparatus. Every Council's Supporting Apparatus (AKD) needs a group of professionals with experience in the roles, responsibilities, and powers of the Council's supporting apparatus. Members, faction leaders, and leaders of the Council's supporting apparatus, up to three per supporting apparatus, nominate this team of experts and expert staff. More specific information about the expert team's job descriptions and appointment processes can be found in the Regency/City Council Regulations. In order for DPRD members to perform their duties and responsibilities as effectively as possible, this expert team's job is to assist in organising the DPRD's institutional structure [3]. The purpose of this study is to examine the DPRD's right of initiative in the creation of Regional Regulations (*Perda*) in West Kutai Regency from 2014 to 2024, as well as the factors that hinder the implementation of this right.

II. LITERATURE REVIEW

2.1 Local Government

Regional government is defined as the administration of government affairs by the regional government and the Regional People's Representative Council (DPRD) with the principles of autonomy and assistance tasks, as stated in Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government. As outlined in the Republic of Indonesia's 1945 Constitution, this is done in accordance with the Unitary State of the Republic of Indonesia (*NKRI*) principles and the notion of the greatest amount of autonomy within the system. By enhancing services, empowering people, and encouraging community involvement, regional government implementation seeks to expedite the achievement of community welfare while also taking into account the values of democracy, equality, justice, and regional distinctiveness [4].

There are two categories of regional government: 1) local self-government. With the power conferred by the national government, regional administrations are entitled to autonomy in handling their own domestic

matters. The initiative to plan government matters in line with their policies is possessed by regional administrations. 2) Local State Government: With officials chosen by the national government and operating under set rules, regional governments serve as administrative bodies tasked with handling state government matters that the national government is unable to handle. A number of regional autonomy-related tenets serve as the foundation for regional governments' operations, including: 1) The Centralisation Principle. The central government is the exclusive source of governmental authority; 2) The Decentralisation Principle. 3) The Deconcentration Principle: The central government gives autonomous regions the power to run their own affairs. 4) The Principle of Assistance work: Regional governments are granted the power to delegate work to lower levels, while the central government gives authority to regional governments and associated agencies to help carry out government duties [5].

2.2 DPRD's Right of Initiative and Regional Regulations

In order to create regulations that represent both the will of the government and the desires of the people, the *DPRD* plays a critical role. The *DPRD* is inherently based on this right of initiative. The power of initiative granted to the *DPRD* is the ability to suggest draft regional regulations that take into account community needs. As part of its legislative responsibilities, the *DPRD* is authorised to propose draft regional rules under Law Number 17 of 2014 addressing the *MPR*, *DPR*, *DPD*, and *DPRD* [6]. The Regency/City Regional People's Representative Council creates regional regulations with the consent of the regional head, who may be the mayor or the regent. Both the execution of aid tasks and the implementation of regional autonomy depend heavily on these regulations. Regional regulations are the application of higher-level rules and regulations that are customised to the needs and features of each region, as stated in Law Number 23 of 2014 respecting Regional Government.

Despite their autonomy, regions do not grant local governments the authority to enact laws that are not governed by the federal government. The public interest and relevant national legal standards must not be at odds with regional regulations, which must adhere to higher-level laws. It is crucial to follow both basic legal concepts and particular legal principles that apply to the creation of legislation while creating regional rules [7]. Guidelines for properly and appropriately draughting rules are provided by the principles for legislation formulation. Mertokusumo claims that these guidelines offer direction for creating rules' contents in accordance with a preset procedure [8]. Van der Vlies categorizes the principles of rule formation into two categories: formal principles and material principles [9]. These are the formal principles:

- 1) The principle of unambiguous objectives: This covers the overall goals of government policy regulations, the particular goals to be accomplished, and the goals of every regulation section.
- 2) The suitable organs principle: This provides clarification on the organisation or organ that has the authority to create regulations.
- 3) The necessity of the regulation principle: This asserts that the regulation is required to address current issues facing the government.
- 4) The implementation principle: The rule ought to be practical enough to be applied successfully.
- 5) The consensus principle: In order to enforce the rule, the public must concur.

Additionally, the material principles consist of:

- a) The rule of proper terminology and systematics: All regulations must make use of terms and systematics that the general public can understand.
- b) The equal treatment under the law principle: Preventing discrimination when offering legal services.
- c) The legal certainty principle states that rules must be uniform even when they are implemented in various contexts and at various times.
- d) The idea that the law should be applied based on each case, offering answers that are suitable for the particular requirements or circumstances of each person.

2.3 Regional Legislative Process

Planning, draughting, ratification, and the issuance of regional regulations are all steps in the methodical regional legislative process. Planning, preparation, draughting methods, ratification, promulgation, and socialisation are all steps in the regional legislative process, according to Syamsudin. This theoretical foundation clarifies the significance of every phase in developing rules that are both successful and palatable to the general public. The steps in a regional legislative procedure free of plagiarism are described below [2]:

- 1) Making plans. Finding out whether regulations need to be created is the main goal of the planning stage of the regional legislative process. The regional rule will address the issues that the regional administration has identified. This entails planning the many issues that require regulation as well as identifying the goals of the regulations that will be created. In order to make sure that regional regulations are acceptable and pertinent to local needs, this procedure also entails analysing applicable national legislation..
- 2) Getting ready. Gathering the pertinent facts and information required to create regional regulations is part of the preparatory stage. The community, other governmental organisations, and pertinent parties are all involved in the further research that the regional administration undertakes. The direction and content of

- the regulations that will be established will be influenced by consultation and input from these diverse groups, guaranteeing that they are more public-acceptable and focused..
- 3) Techniques for Draughting. Taking into consideration the hierarchy of higher rules, regional regulations are draughted utilising clear and organised writing styles. At this point, it's critical to make sure the rules not only address current problems but also adhere to relevant legal concepts like legal certainty, clarity, and relevancy. Regulations that are well-drafted will be simple to comprehend and successfully implement..
 - 4) Acceptance. Ratification is the next step after the draft regional regulation is draughted. The Regional People's Representative Council (*DPRD*) and the regional head conduct this ratification process in order to give the proposed regulation legal standing. This ratification marks a significant milestone for the draughted regulation, as it would be invalid and ineffective without the approved institution's formal consent.
 - 5) Promulgation. Regional regulations need to be issued after they are approved. The public must be informed of the new regulations that have been passed and the legal requirements that must be met through the promulgation process. In order for the public to comprehend the relevant regulations, this process is typically conducted through easily accessible government media..
 - 6) Socialisation. The last stage of the regional legislative process is socialisation, which makes sure that the general public is aware of and agrees with the laws that have been passed. Socialisation is carried out by regional administrations in a number of ways, such as conferences, seminars, social media, and other events that are accessible to a larger audience. The public can correctly apply these regulations with effective socialisation, maximising the goals of the establishment of regional regulations..

In producing draft regional regulations or bylaws, the active role of *DPRD* members is essential. In other words, the *DPRD*'s right of initiative needs to be implemented more effectively. Research by Umbarayasa et al. states that every draft regional regulation initiated by members of the Parigi Moutong Regency *DPRD*, the Commission, Joint Commissions, or Bapemperda based on the right of initiative, submitted to the Leadership of the Parigi Moutong Regency *DPRD* must be accompanied by an academic paper [10]. According to other study findings, the Wonogiri *DPRD* has done a good job, if not a perfect job, of implementing its right of initiative. This is demonstrated by the fact that there are less draft regional rules coming from *DPRD* projects than from the regional government [11].

III. RESEARCH METHODOLOGY

This research uses a descriptive qualitative research design, which aims to describe and analyse the phenomena that occur in depth [12]. From January to May 2025, this study was carried out in Indonesia's East Kalimantan Province's Kutai Barat Regency. Techniques for gathering data included documentation, observation, and interviews. Key informants were used to gather primary data. The qualitative data analysis methods put out by Miles and Hubberman were used to examine the gathered data [12]. The steps are: 1) Data Reduction. Organising and summarising the data obtained to focus attention on those relevant to the research objectives; 2) Categorisation. Grouping data into categories based on themes or sub-themes that emerge from interviews and documentation; 3) Data Interpretation. Interpreting the categorised data to discover patterns, relationships, and meaning behind the observed phenomena; and 4) Verification: Confirming the validity and credibility of the data by triangulating sources or techniques to ensure the validity of the findings.

IV. RESULTS AND DISCUSSION

4.1 Analysis of the Use of the *DPRD*'s Right of Initiative in the Formation of Regional Regulations in Kutai Barat Regency

The use of the initiative right of the Regional Representative Council of Kutai Barat Regency in the formation of regional regulations is an action of a plan or draft that has been prepared in advance in a mature and detailed manner. The function of forming *PERDA* is one of the functions held by the *DPRD* at the Regency level. In accordance with Article 20 paragraph (1) of the 1945 Constitution, which states that the People's Representative Council holds the power to form laws, and is emphasised in Article 69 paragraph (1) of Law Number 17 of 2014 concerning the *MPR*, *DPR*, *DPD*, and *DPRD*, the *DPR* has a legislative function. Furthermore, Article 70, paragraph (1), explains that the legislative function as referred to in Article 69, paragraph (1), letter a, is implemented as a manifestation of the DPR as the holder of the power to form laws.

The Regional People's Representative Council advocates for government policies and aspirations that affect public welfare on behalf of the general public. The *DPRD* has the authority to start the creation of a regional regulation as part of its legislative duty in order to accomplish this. Additionally, using the provisions of relevant laws and regulations, the researcher will explain in this study how the *DPRD*'s Right of Initiative is applied in the creation of regional regulations that are put into effect between 2014 and 2024. Regarding the execution of legislative functions in the regions, it is well known that the legislative function is one of the

responsibilities of the legislative institutions in the regions; the Regional People's Representative Council is legally required to carry out the legislative function as effectively as possible.

According to the findings of the study, the Kutai Barat *DPRD*'s initiative rights have been implemented through a number of stages in the creation of Draft Regional Regulations. These phases include setting the policy's agenda, formulating it, and adopting it. In this context, the findings of the study that was done. Table 1 lists the 36 draft regional regulations and regional regulations that the Kutai Barat Regency *DPRD* has discussed between 2014 and 2024. The use of initiative rights by *DPRD* members cannot be deemed ideal, notwithstanding their reference to laws and regulations.

Table 1: Draft Regional Regulations and Initiative Regional Regulations produced by the Kutai Barat Regency DPRD 2014-2024

No.	Year	Draft Regional Regulation and Regional Regulation
1	2017	Kutai Barat Regency Regional Regulation (<i>Perda</i>) Number 14 of 2017 concerning the Protection and Placement of Local Workers
2	2019	Kutai Barat Regency Regional Regulation Number 15 of 2019 concerning the Implementation of the People's Economy
3	2019	Kutai Barat Regency Regional Regulation Number 17 of 2019 concerning Palm Oil Waste Management
4	2019	Kutai Barat Regency Regional Regulation Number 18 of 2019 concerning Control of River Fishing
5	2021	Draft Regional Regulation on the Provision of Legal Aid
6	2021	Draft Regional Regulation on the Trade of Scrap Metal in Kutai Barat Regency
7	2021	Draft Regional Regulation on the Implementation of Regional Government Food Reserves
8	2021	Draft Regional Regulation on Livestock Control
9	2021	Draft Regional Regulation on the Management and Business of Swiftlet Nests
10	2022	Draft Regional Regulation on Divestment of Regional Shares in Mining Companies
11	2022	Draft Regional Regulation on the Preservation of Traditional Ritual Sites in Kutai Barat Regency
12	2022	Draft Regional Regulation on the Obligation of Plantation Companies to Build Plasma Plantations in Kutai Barat Regency
13	2022	Draft Regional Regulation on Community Development Programs by Companies in Kutai Barat Regency
14	2022	Draft Regional Regulation on the Preservation and Protection of Rare and Economically Valuable Wood in Kutai Barat Regency
15	2022	Draft Regional Regulation on the Control of Livestock and Pets in Kutai Barat Regency
16	2022	Regional Regulation Number 3 of 2022 concerning the Provision of Legal Aid
17	2022	Regional Regulation Number 2 of 2022 concerning the Implementation of Regional Government Food Reserves
18	2023	Draft Regional Regulation on Guidelines for the Formation of Regional Legal Products
19	2023	Draft Regional Regulation on the Empowerment and Protection of Farmers and Livestock Breeders
20	2023	Draft Regional Regulation on the Arrangement of Coal, Palm Oil and Goods Transportation Fleets in the Water and Land Areas of Kutai Barat Regency
21	2023	Draft Regional Regulation on the Arrangement of Franchise Supermarkets in Kutai Barat Regency
22	2023	Draft Regional Regulation on Environmental Protection and Management Plans
23	2023	Draft Regional Regulation on Mooring and Parking of Fleets in River Areas in Kutai Barat Regency
24	2024	Draft Regional Regulation on Employment Management
25	2024	Draft Regional Regulation on Creative Economic Development
26	2024	Draft Regional Regulation on the Protection of Sustainable Food Agricultural Land
27	2024	Draft Regional Regulation on the Implementation of Housing and Residential Areas
28	2024	Draft Regional Regulation on Farmer Institutions
29	2024	Draft Regional Regulation on the Development and Protection of Regional Languages and Literature
30	2024	Draft Regional Regulation on the Arrangement of Coal, Palm Oil, and Goods Transportation Fleets in Water and Land Areas

31	2024	Draft Regional Regulation on Fleet Mooring and Parking in River Areas
32	2024	Draft Regional Regulation on the Protection and Empowerment of Farmers and Livestock Breeders
33	2024	Draft Regional Regulation on the Kutai Barat Environmental Protection and Management Plan for 2024-2054
34	2024	Draft Regional Regulation on Guidelines for the Formation of Regional Legal Products
35	2024	Draft Regional Regulation on the Arrangement of Franchise Supermarkets
36	2024	Regional Regulation Number 3 of 2024 concerning the Implementation of Corporate Social and Environmental Responsibility

Source: Secretary of the Kutai Barat Regency *DPRD*, 2025

According to the research findings, laws and regulations such as Republic of Indonesia Law Number 12 of 2011 concerning the Formation of Legislation and 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 have been cited throughout the stages of the Draft Regional Regulation until the Regional Regulation is specified. Nevertheless, Kutai Barat *DPRD* members have not always used their right of initiative to its full potential. This is consistent with Prihartini & Firdausy's research findings [11], Arifuddin [13], Halawa et al. [14], and Fatwa-M [15] which states that the implementation of the right of initiative of *DPRD* members in the formation of regional regulations is still less than optimal even though it refers to PP No. 12 of 2018 concerning Guidelines for the Preparation of *DPRD* Rules of Procedure. Additional research findings that support these conclusions include those of Likujang et al., who found that the North Sulawesi Provincial *DPRD*'s Right of Initiative in the Formation of Regional Regulations has not been implemented effectively [16]. Similarly, the findings of the study by Samson et al., indicated that the Tidore Islands City *DPRD* lacked the initiative to engage the community in the discussion of the Draft Regional Regulations, in addition to not being the best at using the right of initiative when creating regulations [17].

4.2 Analysis of Factors Inhibiting the *DPRD*'s Right of Initiative in the Formation of Regional Regulations in Kutai Barat Regency

According to the study's findings, both internal and external factors prevent members of the Kutai Barat Regency *DPRD* (Regional People's Representative Council) in East Kalimantan Province from exercising their right of initiative in creating regional regulations. Internal elements consist of:

- 1) Human Resources
- 2) Aspects of Socioeconomics
- 3) The Attitude of Members of the Regional People's Representative Council
- 4) Regional People's Representative Council Members' Experience
- 5) Representatives' Capacity Factors

Furthermore, external factors include:

- 1) Political communication between the *DPRD* and the community
- 2) Lack of community participation
- 3) Competence of *DPRD* experts and expert teams
- 4) Budgetary factors
- 5) Political dynamics within the *DPRD*

Based on the findings of the study, it can be concluded that both internal and external obstacles prevent members of the Kutai Barat Regency *DPRD*, East Kalimantan Province, from using their right of initiative to create regional legislation. The efficiency of the *DPRD*'s legislative function is significantly impacted by both of these kinds of characteristics, which we will examine in greater detail in this article. A number of significant internal constraints prevent the *DPRD* from exercising its power of initiative. First, one of the most important factors in *DPRD* members' performance is human resources (HR). Council members may not comprehend pertinent concerns to be highlighted as initiatives if HR is of poor quality, both in terms of knowledge and abilities.

Moreover, socioeconomic factors are also quite important. Members of the *DPRD* must be able to comprehend and address the many demands of the community in Kutai Barat Regency, where the people are facing economic difficulties. The public may lose faith in the *DPRD* if socioeconomic inequities are not closed. For instance, the *DPRD* will not be able to draft laws that accurately represent the needs of the community if council members lack empathy for issues of poverty or social injustice. Another important consideration is the attitude of the members of the Regional Representative Council. When making decisions, there is frequently a propensity to preserve the status quo or to minimise risk. When it comes to creating regulations, this conservative mentality may stifle originality and ingenuity.

The ability of *DPRD* members to exercise their right of initiative is also significantly influenced by their experience. Members with greater legislative or governmental experience are typically more comfortable

putting forward initiatives. On the other hand, less seasoned and younger members could be reluctant and lack the guts to suggest improvements. This emphasises how crucial it is to provide new *DPRD* members with guidance and assistance so they may grow and contribute as best they can. Another crucial element that shouldn't be disregarded is the reps' ability. The ability of *DPRD* members to fulfil their obligations is related to this capacity. The exercise of *DPRD* members' right of initiative may be hindered if their capacity is constrained, both in terms of time and resources.

Additionally, outside forces also play a part in preventing the *DPRD* from using its right of initiative. Political communication between the *DPRD* and the general public is one important component. An information gap and a lack of comprehension of pertinent topics might result from poor relations between the two parties. The public is more likely to be apathetic and not offer helpful feedback when they do not feel engaged in the policy-making process. As a result, the *DPRD*'s planned initiatives might not accurately represent the requirements of the community. Another significant issue is the absence of public involvement. In order to create regulations that are accountable and responsive, public engagement in the legislative process is essential. The *DPRD* can struggle to identify urgent issues if the public is not involved in offering suggestions or criticism. Supporting the exercise of the right of initiative also heavily depends on the proficiency of *DPRD* experts and expert teams. Professionals with the necessary expertise can help *DPRD* members create regulations that work. However, the quality of the suggested efforts will also be impacted if the experts lack access to pertinent information and data or if their level of competence is inadequate.

Budgetary considerations are also quite important. The *DPRD*'s capacity to carry out different projects may be restricted by financial limitations. Insufficient funding may make it difficult for council members to carry out suggested programs. This can lead to a vicious cycle where projects are hampered by a lack of finance, which further damages public confidence in the *DPRD*. Lastly, the exercise of the right of initiative may be impacted by political factors inside the *DPRD* itself. The cooperation and communication required to create efficient laws may be hampered by political disputes between various parties or factions. Council members may prioritise their own political interests over the needs of the community when there are significant differences of opinion. This may result in major roadblocks during the policy-making process.

Therefore, the barriers to the Kutai Barat Regency *DPRD* members using their right of initiative in creating regional regulations are caused by both internal and external forces. The success of the *DPRD* is greatly influenced by a number of factors, including a lack of public participation, conservative thinking, limited personnel resources, and intricate political dynamics. In order to create a legislative process that is more inclusive and responsive to community demands, it is imperative that all stakeholders collaborate in order to overcome these challenges. The best use of the *DPRD*'s right of initiative for the advancement of sustainable regional development can only be achieved in this manner. The findings of this study are consistent with those of studies by Arifuddin and Oktavianus, who found that budget, human resources, the role of the expert team, and community involvement in the process of creating regional regulations including those resulting from *DPRD* initiatives are the main obstacles to *DPRD* members' right of initiative in creating regional regulations [13, 18]. Additional research findings come from Prihartini & Firdausy, who claimed that new *DPRD* members were the main obstacle to the Wonogiri Regency *DPRD* exercising its power of initiative [11].

V. CONCLUSION

The Kutai Barat Regency *DPRD*, East Kalimantan Province, has implemented the right of initiative in accordance with the relevant regulatory framework, according to the research that was done. Setting the policy agenda, creating the policy, and adopting the policy are some of the crucial steps in this process. Despite the completion of these phases, implementation is still not at its best. The Kutai Barat Regency *DPRD* successfully created 36 draft regional rules and initiative regulations between 2014 and 2024. The needs and possibilities of the community as a whole, however, are not represented by this figure.

Internal and external circumstances are the two main categories into which the challenges encountered in exercising this freedom of initiative can be divided. Internal factors include a number of elements that present difficulties for the *DPRD* organisation as a whole. These include the capacity of representatives, human resources, socioeconomic factors, the mindset and experience of members of the regional representative council, and more. Additional external issues include budgetary considerations, political dynamics within the *DPRD*, lack of community participation, political communication between the *DPRD* and the community, and the expertise of the *DPRD* Expert Team and its experts. The amount and quality of current human resources (HR) are frequently insufficient. This is demonstrated by the council members' inadequate education and training, which hinders their capacity to create sensible policies. Another significant element affecting the perspective of *DPRD* members is the socioeconomic characteristics of the Kutai Barat community. Council members are frequently less receptive to the concerns of their people when they lack knowledge about the social and economic circumstances of the neighbourhood. Another important consideration is the *DPRD* members' experience. It takes time for newly elected members to adjust and gain knowledge because they frequently lack

management and policymaking experience. Additionally, there is a problem with the representatives' own capacity. *DPRD* members could find it difficult to create high-quality policies without sufficient assistance from a group of specialists or support personnel.

Implementing the right of initiative is also greatly impacted by outside forces. Political communication between the public and the Regional People's Representative Council is one of the main obstacles. Misunderstandings and a lack of public trust are frequently caused by unclear information about policy procedures and results. Another major problem is the absence of public involvement in the policy-making process. Communities that are left out of this process often experience loneliness and a lack of control over the policies that are produced. Another issue is the proficiency of the *DPRD's* team of experts. The quality of the resulting policies will suffer if this team is underqualified. Budgetary considerations cannot be disregarded because the *DPRD's* capacity to develop and carry out policies is frequently constrained by a lack of funding. Last but not least, political dynamics inside the *DPRD*, which are frequently impacted by individual or collective interests, can also impede the decision-making process, which ought to be focused on the interests of the larger community.

Based on the analysis above, there are several recommendations that can be considered to improve the effectiveness of the implementation of the Kutai Barat Regency *DPRD's* right of initiative, namely:

- 1) There is a need to improve the human resources (HR) capacity of *DPRD* members. This can be achieved through ongoing training and education, so they have adequate knowledge and skills in policy formulation. For example, training in public policy analysis and political communication could be very beneficial.
- 2) Promoting public involvement in the policy-making process is crucial. The community may be directly involved in public consultations or discussion sessions hosted by the Regional People's Representative Council. The public can express their needs and goals using this method, which can give council members insightful feedback. One way to promote positive communication between the *DPRD* and its constituents is to host workshops or seminars that involve many facets of society.
- 3) It is also essential to strengthen the *DPRD's* team of experts and support personnel. The quality of the resultant policies will be greatly impacted by making sure that this team has the necessary capabilities. To obtain access to skilled professionals, the *DPRD* may work with academic institutions or non-governmental organisations.
- 4) The budget must be considered by the *DPRD* in all policy-making procedures. The *DPRD* can guarantee that each policy has sufficient financing by creating a more open and accountable budget. Additionally, effective budget management will lessen reliance on erratic financing sources.
- 5) The Regional People's Representative Council needs to establish a positive political culture. By encouraging openness, responsibility, and cooperation among council members, this can be accomplished. It is thought that by fostering an environment that is open and encouraging, the decision-making process will function more efficiently and provide better public policy.

VI. ACKNOWLEDGEMENTS

For their encouragement in finishing this research, the author would like to thank the Director of Postgraduate Studies, the Head of the Public Administration Study Program of the Postgraduate Program, and the Rector of Kutai Kartanegara University, Tenggarong. This study was made possible by the contributions of the Secretary, staff, and members of the Regional People's Representative Council (*DPRD*) of Kutai Barat Regency, as well as the Chairperson. In Kutai Barat Regency, East Kalimantan, Indonesia, the findings of this study are anticipated to contribute to and serve as material for decision-making about the creation of draft regional rules (*Raperda*) and regional regulations (*Perda*).

REFERENCES

- [1]. Siregar R, Fatimah S. The Dynamics of Asymmetric Decentralization in the Special Region of Yogyakarta: A Policy Study and Its Implications for the Indonesian Constitutional System (in Indonesian). *Jurnal Tapis : Teropong Aspirasi Politik Islam*. 2023;19(2):64–79.
- [2]. Syamsudin A. *Process & Techniques of Drafting Laws (in Indonesian)*. Vol. 1. Jakarta: SekrSekretariat Jenderal Dewan Perwakilan Rakyat Republik Indonesia; 2021. 1–368 p.
- [3]. Anyang Y, Fathurrahman R. Strengthening the *DPRD* Institution by Providing a Team of Experts/Team of Experts and Expert Staff to Support the Duties and Functions of the *DPRD* (in Indonesian). *JIHHP*. 2024;4(5):1577–1586.
- [4]. Rahayu AS. *Introduction to Regional Government: A Study of Theory, Law, and Its Application (in Indonesian)* [Internet]. Jakarta: Sinar Grafika; 2017. Available from: Sinar Grafika
- [5]. Sarundajang HS. *The Return of Central Power to the Regions (in Indonesian)*. Jakarta: Pustaka Sinar Harapan; 1999.

- [6]. Khairunnisa A. Implementation of Human Rights Principles in the Formation of Legal Products by Regional Governments (in Indonesian). *Jurnal Manajemen Pemerintahan*, 2018;5(1):65–78.
- [7]. Manan B. Systems and Techniques for Making Regional Legislation (in Indonesian). Bandung: Pusat Penerbitan LPPM Universitas Bandung; 1995.
- [8]. Mertokusumo S. The Discovery of Law (An Introduction) (in Indonesian). Yogyakarta: Liberty; 2006.
- [9]. Halim H, Putera KRS. Practical Ways to Draft & Design Regional Regulations (in Indonesian). Jakarta: KENCANA Prenada Media Group; 2010.
- [10]. Umbarayasa IWG, Matompo OS, Hasmin MY. The Right of Initiative of the Regional People's Representative Council in Submitting Draft Regional Regulations (Study of the Parigi Moutong Regency DPRD Office) (in Indonesian). *Jurnal Kolaboratif Sains*. 2021;4(5):247–251.
- [11]. Prihartini ER, Firdausy AG. Optimizing the Implementation of the DPRD's Right of Initiative in the Formation of Regional Regulations in Wonogiri Regency (in Indonesian). *Res Publica* [Internet]. 2019;3 no 2(2):113–24. Available from: <https://jurnal.uns.ac.id/respublica/article/view/45618>
- [12]. Sugiyono. Quantitative, Qualitative, and R&D Research Methods (in Indonesian). Bandung: CV. Alfabeta; 2017.
13. Arifuddin N. Implementation of the Legislative Function of the Regional People's Representative Council in the Formation of Regional Regulations (in Indonesian). *Al-Ishlah: Jurnal Ilmu Hukum*. 2020;23(1):53–76.
- [14]. Halawa Y, Siburian K, Siregar H. The Regional People's Representative Council's Right of Initiative in the Process of Forming Regional Regulations (in Indonesian). *Journal of Constitutional and Administrative Law* [Internet]. 2022;01(01):35–44. Available from: http://repository.iainbengkulu.ac.id/5903/1/skripsi_debi_prodi_htn.pdf
- [15]. Fatwa-M MF Al. The Right of Initiative of the Regional People's Representative Council in the Formation of Regional Regulations (Case Study in the Regional People's Representative Council of Tojo Una-Una Regency for the 2019-2022 Period) (in Indonesian). *JIHAK*. 2024;1(2):101–12.
- [16]. Likuajang R, Gosal TAMR, Nayoan H. Implementation of the Right of Initiative of the North Sulawesi Provincial DPRD in the Formation of Regional Regulations for 2009-2015 (in Indonesian). *Jurnal Eksekutif* [Internet]. 2017;1(1):1–11. Available from: <https://ejournal.unsrat.ac.id/index.php/jurnaleksekutif/article/view/15562>
- [17]. Samson MSF, Liando D, Kimbal A. The Legislative Function of the Regional People's Representative Council in the Preparation of Initiative Regional Regulations in Tidore Islands City (in Indonesian). *Eksekutif: Jurnal Jurusan Ilmu Pemerintahan* [Internet]. 2019;3(3):1–12. Available from: <https://ejournal.unsrat.ac.id/index.php/jurnaleksekutif/article/view/23914/23570>
- [18]. Oktavianus A. Implementation of the DPRD's Rights in Submitting Regional Regulation Draft Initiatives to the DPRD of Serang City, Banten Province (in Indonesian). *DHARMASISYA: Jurnal Program Magister Hukum Fakultas Hukum Universitas Indonesia*. 2022;2(1):241–54.