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Legislative Authority and Equal Partnership: A Juridical Analysis of the Role of Regional Houses of Representatives in Regional Regulation Making

Author(s)

Nirwan Nirwan*

Universitas Muslim Indonesia, Indonesia || mplnirwan@gmail.com

*Corresponding Author

A. Muin Fahmal

Universitas Muslim Indonesia, Indonesia || amuinfahmal.fh@umi.ac.id

Mohammad Arif

Universitas Muslim Indonesia, Indonesia || moh.arif.fh@umi.ac.id

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ABSTRACT

Although designed as equal partners, the relationship between the Regional House of Representatives and the regional head in the legislative function often lacks synergy, yielding problematic legal outcomes. This study aims to systematically analyze the legislative authority of the Regional House of Representatives throughout the entire cycle of Regional regulation-making. Additionally, this study examines the essential standing of the Regional House of Representatives in its relationship with the regional head. Employing a normative legal research method through the statute approach and the conceptual approach, this study analyzes relevant primary and secondary legal materials. The results indicate that the legislative authority of the Regional House of Representatives is comprehensively manifested in every stage of Regional Regulation-making. These stages begin with planning within the regional legislation program, extend to the formulation of the Academic Paper, joint deliberations, and conclude with enactment and promulgation, placing it as a non-subordinate authority holder. Furthermore, it is concluded that the standing of the Regional House of Representatives relative to the regional head is fundamentally that of an equal partnership. This stance is grounded in the principles of decentralization and balanced political legitimacy. This equal standing is concretely manifested through the execution of the tri-functional role of the Regional House of Representatives (legislative, budgetary, and oversight), which is supported by an effective mechanism of checks and balances. This article presents a juridical analysis framework for examining the critical points within the regional legislative cycle, providing a reference for institutional reform.

Keywords: *Institutional Relationship; Legislative Authority; Local Government; Regional House of Representatives; Regional Regulation Making.*

INTRODUCTION

The Unitary State of the Republic of Indonesia, as a unitary state (*eenheidsstaat*), adopts the principle of decentralization as a fundamental mechanism in its governance (Muzakkir & Bailusy, 2023). This principle provides the foundation for the establishment of autonomous regions that possess the right, authority, and obligation to regulate and manage their governmental affairs and the interests of their local communities (Muzakkir et al., 2021). The primary legal framework governing this dynamic is Law Number 23 of 2014¹. This regulation positions the local government as an entity comprising two main administrative elements: the regional head, serving as the executive leader, and the Regional House of Representatives, which acts as the legislative body.

In the architecture of local government, the relationship between the Regional House of Representatives and the regional head is built upon a foundation of equal partnership (Wardani, 2023). They are not hierarchical institutions where one person is subordinate to another. Instead, they are working partners who synergistically perform governmental functions to achieve the goals of regional autonomy. This parallel standing necessitates an effective mechanism of checks and balances (Husen et al., 2022). This mechanism ensures that each institution exercises its respective

¹Law Number 23 of 2014, as amended several times, lastly by Article 176 of Government Regulation in Lieu of Law Number 2 of 2022.

authorities while remaining interconnected and balanced. One of the most significant manifestations of this relationship is realized in the execution of the legislative function, where the Regional House of Representatives and the regional head jointly create local legal products (Rosianti et al., 2024).

The legislative function inherent in the Regional House of Representatives serves as the primary juridical instrument for translating public aspirations and needs into binding legal norms in the form of regional regulations. This authority represents popular sovereignty at the local level. It enables regions to develop public policies that are tailored to their unique social, cultural, and geographical conditions (Kamal, 2019). The exercise of this legislative function is not merely a technical process of drafting regulations. However, it is also a political process that reflects the dynamics of interests and values prevalent within the community (Bachmid, 2022).

However, at the implementation level, the performance of the legislative function by the Regional House of Representatives often reveals a significant gap between normative expectations (*das sollen*) and empirical reality (*das sein*). This phenomenon is confirmed by various issues. One such issue was the emergence of thousands of Regional Regulations deemed to obstruct public interest and investment, which prompted President Joko Widodo to announce the annulment of 3,143 Regional Regulations in 2016 (Setkab, 2016). Furthermore, the Supreme Court frequently conducts judicial reviews and declares provisions in Regional Regulations invalid if they are proven to conflict with higher-ranking laws and regulations. It was the case for Article 388 section (1) point d of the Provincial Regional Regulation of the Special Capital Region of Jakarta Number 1 of 2014, as decided in Supreme Court Decision Number 32 P/HUM/2015.

The complexity of this issue deepens when it touches upon the authority for reviewing a Regional Regulation. There was a lengthy debate regarding which institution held the power to annul local legal products. This polemic eventually found resolution through Constitutional Court Decision Number 137/PUU-XIII/2015. The decision affirmed that the annulment authority previously held by the executive must be exercised through the judicial review mechanism of the Supreme Court. This ruling fundamentally altered the oversight landscape for local legal products. Moreover, it reinforced the Supreme Court's position as the guardian of the constitutionality of regulations below the level of law (Makaruku et al., 2024).

This gap between the ideal and the reality of the legislative function is rooted in at least two fundamental factors. *First*, it relates to the capacity and competence of human resources within the local legislative institutions themselves. The background and understanding of council members regarding the principles of good legislative drafting are not yet fully optimal. *Second*, there is a sometimes-partial public

understanding. This perception often mistakenly identifies the regional head as the sole party responsible for a Regional Regulation, whereas the legal product is the result of mutual agreement with the Regional House of Representatives. These problems indicate that the failure of the legislative function is not merely a matter of capacity. It is more a symptom of an incomplete integration of the understanding of procedural authority with the essence of equal partnership in governmental practice.

Several previous studies have addressed issues related to the Regional House of Representatives, but with different focuses. Research by [Wahyudi \(2018\)](#) was more focused on the implications of Regional Regulation making for Local Own-Source Revenue in Palangka Raya City. Meanwhile, [Hapsari \(2018\)](#) examined the implementation of the legislative function, specifically in the Regional House of Representatives of Tegal City, during a particular period. The research by [Bur and Hajri \(2018\)](#) placed greater emphasis on the oversight function of the Regional House of Representatives in relation to development in Bengkalis Regency. Distinguished from these studies, this research will specifically and comprehensively analyze the legislative authority of the Regional House of Representatives and its position relative to the local government. This analysis is based on the normative framework of Law Number 23 of 2014, proposing an original argument concerning the synthesis of procedural authority and institutional standing.

Based on the urgency and the identified research gap, this article has two primary objectives. *First*, to systematically identify and analyze the legislative authority held by the Regional House of Representatives throughout the entire process of Regional Regulation making. *Second*, to examine and map the position of the Regional House of Representatives in its relationship with the local government, from the drafting stage to the implementation of a Regional Regulation. Theoretically, this article offers an integrated analytical framework for evaluating local legislative performance by linking the procedural cycle of Regional regulation-making with the principle of equal partnership. Additionally, this article provides practical benefits as a reference for legislators, academics, and the general public in understanding the strategic role of the Regional House of Representatives.

METHOD

This study constitutes normative legal research. It focuses on the analysis of legal norms, principles, and doctrines contained within statutory regulations ([Qamar & Rezah, 2020](#)). The primary method employed is the statute approach. This approach involves a comprehensive examination of all laws and regulations relevant to the legislative authority and standing of the Regional House of Representatives. Additionally, a conceptual approach is utilized. This approach is operationalized by

comparing key concepts, such as equal partnership, from its literal definition in the law to its theoretical meaning within the doctrines of constitutional law.

To support the analysis, this study utilizes three types of legal materials collected through library research (Sampara & Husen, 2016). First are primary legal materials, which are the primary objects of study. These materials include the 1945 Constitution, Law Number 23 of 2014, and Law Number 12 of 2011². Second are secondary legal materials, consisting of textbooks, scholarly journals, previous research findings, and academic articles. These materials provide an in-depth explanation and analysis of the primary legal materials. Third are tertiary legal materials, such as legal dictionaries and encyclopedias, which serve to clarify technical terms.

All collected legal materials were analyzed qualitatively using a descriptive-analytical technique (Irwansyah, 2020). In the descriptive phase, an inventory and systematization of the legal norms governing the legislative authority and standing of the Regional House of Representatives was conducted to obtain a comprehensive overview. Subsequently, in the analytical phase, legal interpretation of these norms was performed to uncover their underlying meaning. The predominant mode of legal interpretation used is systematic interpretation. It involves connecting the norms within Law Number 23 of 2014 with those in Law Number 12 of 2011 to construct a coherent understanding. The analysis also includes a vertical synchronization review to ensure that there are no conflicts between regional regulations and higher-level statutes. Finally, conclusions are drawn deductively, moving from general premises to specific conclusions, to address the research problems systematically and in an argumentative manner.

RESULTS AND DISCUSSION

A. Analysis of the Legislative Authority of the Regional House of Representatives in the Regional Regulation-Making Cycle

1. The Planning Stage: Initiative Authority in the Regional Legislation Program

The planning stage is the foundation of a rational and focused legislative cycle. In the context of local government, this planning is manifested through a legal instrument known as the regional legislation program. As mandated in Article 32 of Law Number 12 of 2011, the regional legislation program functions as a legislative roadmap. This instrument is developed in an integrated and systematic manner between the Regional House of Representatives and the regional head. The existence of a regional legislation program affirms that

²Law Number 12 of 2011, as amended several times, lastly by Law Number 13 of 2022.

the legislative process is not a reactive or sporadic activity. Instead, it is an activity based on the principle of clear objectives and genuine legal needs. This instrument serves as the initial marker of the legislative function's operation, where the direction and priorities of Regional Regulation making for a specific period are formally established ([Asmar, 2019](#)).

The authority in drafting the regional legislation program explicitly reflects the essence of the equal partnership between the Regional House of Representatives and the regional head ([Arfandy, 2024](#)). Article 56 section (1) of Law Number 12 of 2011 asserts that a Regional Regulation Bill can originate from either the Regional House of Representatives or the regional head. This balanced power of initiative ensures that the regional legislative agenda is a synthesis of two interests. The first is the representative-democratic interest carried by the Regional House of Representatives. The second is the technocratic-administrative interest advanced by the local government. The Regional House of Representatives, through its supporting bodies, has the right to propose a Regional Regulation Bill sourced from the aspirations of its constituents. Meanwhile, the regional head has the same right to propose a Regional Regulation Bill that aligns with the executive's vision and work programs, as stipulated in Article 101 and Article 154 of Law Number 9 of 2015.

The substance of proposals to be included in the regional legislation program cannot be submitted arbitrarily. Such proposals must be based on sources and criteria that are clearly defined and limited. According to Article 32 of Law Number 12 of 2011, the compilation of the list of Regional Regulation Bills in the regional legislation program must be sourced from at least four items. These mandates stem from higher-level laws and regulations, regional development plans, the implementation of regional autonomy and co-administration tasks, as well as the aspirations of the local community. These criteria serve as a juridical filter to ensure that every prioritized Regional Regulation Bill has a strong sense of urgency and a solid foundation. The link to regional development plans ensures that the resulting legal products align with the direction of development policy ([Furqon & Nida, 2023](#)). Meanwhile, the absorption of public aspirations becomes the primary channel through which the Regional House of Representatives executes its representative function ([Ramadani et al., 2023](#)).

The process of establishing the regional legislation program as a formally binding legislative agenda must undergo a series of procedural stages. These stages involve both elements of the local government administration. Proposed Regional Regulation Bills from both the Regional House of Representatives

and the regional head are jointly discussed and harmonized. The culmination of this process is the achievement of a mutual agreement, which is then formalized in a Plenary Session of the Regional House of Representatives. As regulated in Article 37 of Law Number 12 of 2011, the outcome of this agreement is subsequently documented in a Decision of the Regional House of Representatives. This decision juridically becomes the official document for regional legislative planning for a one-year term. This mechanism demonstrates that although the initiative can originate from either party, the formal legitimacy of the regional legislation program can only be obtained through mutual agreement (Lule, 2021).

Conceptually, the regional legislation program must be understood as more than a mere inventory list of Regional Regulation Bill titles. It constitutes a political and legal commitment between the legislative and executive institutions in the region to the public (Mustafa, 2018). As a political commitment, the regional legislation program reflects the policy agenda and priorities they will jointly pursue. As a legal commitment, it becomes a benchmark for legislative performance that can be monitored and evaluated by the public. Thus, the authority of the Regional House of Representatives in the planning stage through the regional legislation program does not merely stop at the technical aspect of the proposal. It also encompasses the responsibility to ensure that the entire process is conducted transparently and accountably, ultimately yielding legal products that are genuinely needed by the region and its community.

2. The Drafting Stage: The Role of the Regional House of Representatives in Formulating the Academic Paper and the Regional Regulation Bill

Once a Regional Regulation Bill is designated as a priority in the regional legislation program, the legislative process enters the drafting stage. This stage is the intellectual heart of lawmaking. It is in this phase that abstract ideas and normative needs are translated into the concrete structure and substance of a draft regulation. The authority of the Regional House of Representatives at this stage becomes especially vital, particularly when the Regional Regulation Bill originates from its right of initiative, as affirmed in Article 60 of Law Number 12 of 2011. This role is not limited to the formulation of articles. It also encompasses the responsibility of building a scientific and rational foundation through the preparation of an Academic Paper (Sihombing et al., 2023).

The preparation of an Academic Paper is a fundamental prerequisite for producing quality legislation. It is mandated by Article 56 section 2 of Law Number 12 of 2011. This document provides a scientific justification,

outlining the philosophical, sociological, and juridical foundations of a Regional Regulation Bill. The philosophical foundation outlines the legal ideals and principles of justice to be realized. The sociological foundation analyzes the factual conditions of society and its genuine legal needs. Meanwhile, the juridical foundation ensures that the drafted Regional Regulation Bill is aligned with the national legal system and does not conflict with higher-level regulations. The authority of the Regional House of Representatives in ensuring the creation of a comprehensive Academic Paper is a manifestation of the principles of good legislative drafting, often associated with the principles of legality. This concept was advanced by legal scholars such as [Fuller \(1964\)](#), who emphasized the importance of regulations that are clear, implementable, and consistent.

When a Regional Regulation Bill originates from its initiative, the Regional House of Representatives mobilizes all its supporting bodies to execute the drafting stage. Article 60 of Law Number 12 of 2011 states that a Regional Regulation Bill may be proposed by members, commissions, joint commissions, or a supporting body of the Regional House of Representatives, specifically tasked with the legislative field. Institutionally, the Regional Regulation Formulation Body holds a central role as coordinator. Its existence is regulated in Article 110 and Article 163 of Law Number 23 of 2014. The Regional Regulation Formulation Body is tasked with harmonizing, consolidating, and solidifying the conception of the proposed Regional Regulation Bill. This process involves a series of internal discussions, public hearings, and the involvement of experts to enrich the substance of the draft.

The final output of the drafting stage by the Regional House of Representatives is a complete draft of the Regional Regulation Bill, accompanied by its Accompanying Academic Paper and explanatory notes. This draft is then formally submitted by the Leadership of the Regional House of Representatives to the regional head, following the procedure stipulated in Article 61 of Law Number 12 of 2011. This submission is not merely an administrative act. It is a juridical-political declaration that the Regional House of Representatives is ready to bring its proposed Regional Regulation Bill into the arena of joint deliberation. Therefore, the drafting stage serves as a proving ground for the intellectual and legislative capacity of the Regional House of Representatives. Success at this stage will significantly determine the quality of dialogue and argumentation that will occur in the subsequent deliberation stage. Ultimately, this will also influence the quality of the Regional Regulation that is enacted.

3. The Deliberation Stage: The Dynamics of Mutual Agreement between the Regional House of Representatives and the Regional Head

The deliberation stage is the central arena where the legislative authorities of the Regional House of Representatives and the regional head converge to build consensus. This process fundamentally represents the principle that law is a political product (Nonet & Selznick, 1978). In this process, various interests are negotiated to reach a mutually agreed-upon agreement. Article 75 of Law Number 12 of 2011 explicitly stipulates that the deliberation of a Regional Regulation Bill is conducted by the Regional House of Representatives in conjunction with the regional head. This norm locks the legislative process into a dialogical mechanism. This mechanism requires both institutions to be actively engaged in every discourse concerning the substance of the Regional Regulation Bill. Without joint deliberation, a Regional Regulation Bill cannot advance to the next stage. It affirms that legislative authority in the regions is not held absolutely by a single institution.

The deliberation process for a Regional Regulation Bill is executed through a tiered mechanism detailed in the rules of procedure of the Regional House of Representatives (Nadia, 2024). This mechanism generally includes two levels of deliberation. First-level deliberation serves as the primary forum for dissecting the substance of the Regional Regulation Bill in depth. This activity is typically carried out in meetings of commissions, joint commissions, or an *ad hoc committee (pansus)* established for a specific Regional Regulation Bill. In this forum, the Regional House of Representatives and representatives of the local government appointed by the regional head exchange views, provide input, and present arguments on each article within the draft Regional Regulation Bill. It is here that the political bargaining positions and the strength of the juridical arguments of each party are tested. Factions within the Regional House of Representatives play a crucial role in articulating their political views and advocating for the aspirations they represent.

After undergoing intensive discussion at the First-Level, the process continues to the Second-Level Deliberation. It is conducted in a Plenary Session of the Regional House of Representatives. This forum constitutes the final phase of decision-making. Its main agenda includes hearing the report from the leadership of the commission or the *ad hoc committee*, which contains the results of the First-Level Deliberation. The subsequent agenda is the delivery of final opinions from each Faction, concluding with a verbal request for approval from the session leader to all members of the Regional House of Representatives. Article 75 section (3) of Law Number 12 of 2011 underscores that the Plenary Session is the highest forum. It is here that the final decision

to approve or reject a Regional Regulation Bill is made. If mutual agreement is reached, the Regional Regulation Bill is then juridically valid to proceed to the enactment stage.

The dynamics within this deliberation stage vividly demonstrate the implementation of the theory of checks and balances (Nurdin, 2020). The Regional House of Representatives, with its representative function, ensures that the deliberated Regional Regulation Bill aligns with the public will. On the other hand, the regional head, with command of data and the technical aspects of governance, ensures that the Regional Regulation Bill can be effectively implemented and does not conflict with other executive policies. If a consensus is not reached during the deliberation process, the law provides for a decision-making mechanism through a majority vote (voting). However, if a Regional Regulation Bill fails to receive mutual agreement, it cannot be resubmitted during the same session period. This consequence compels both parties to earnestly seek common ground. Thus, the deliberation stage is a tangible manifestation of a dynamic partnership. At this stage, legislative authority is exercised through a deliberative process that involves argumentation, political negotiation, and ultimately, the achievement of a mutual agreement.

4. The Enactment and Promulgation Stage: The Juridical Implications of the Authority of the Regional House of Representatives

The enactment and promulgation stage is the finalization phase. This phase transforms a mutually approved Regional Regulation Bill into a Regional Regulation that possesses legally binding force. Although the role of the regional head appears ceremonially prominent at this stage, a deeper analysis of its legal framework reveals a strengthening of the position and the juridical implications of the authority of the Regional House of Representatives. After a mutual agreement is reached in a Plenary Session, the Leadership of the Regional House of Representatives must submit the Regional Regulation Bill to the regional head for the enactment process. Article 78 of Law Number 12 of 2011 sets a strict deadline for the Leadership of the Regional House of Representatives, which is a maximum of 7 (seven) days to deliver the manuscript. This provision ensures a definite workflow and prevents administrative delays that could impede the legislative process.

The enactment process by the regional head is realized through the affixing of a signature. In essence, this is an act of formalization of the political decision reached jointly with the Regional House of Representatives. However, the crucial point that affirms the equal standing and the power of mutual agreement lies in Article 79 of Law Number 12 of 2011. Section (1) of that

article grants a maximum period of 30 (thirty) days for the regional head to sign the Regional Regulation Bill. Subsequently, Article 79 section (2) contains a highly fundamental safeguard clause. If the Regional Regulation Bill is not signed by the regional head within 30 days, it automatically becomes a valid Regional Regulation and must be promulgated. This norm effectively eliminates the possibility of a pocket veto or unilateral annulment by the regional head after a mutual agreement has been reached. It is a concrete manifestation of the principle that the collective will agreed upon by the two institutions of local government holds supremacy over the individual will of the regional head at this final stage ([Rahmat et al., 2024](#)).

Once it becomes a valid Regional Regulation, either through signature or the lapse of the deadline, the following process is promulgation. Promulgation is an absolute prerequisite for a regulation to be known to the public and to have legal force. Article 86 of Law Number 12 of 2011 regulates that a Regional Regulation is promulgated in the Regional Gazette. This process is carried out by the Regional Secretary. The authority of the Regional House of Representatives at this stage is supervisory. The Regional House of Representatives ensures that the legal product it has jointly approved with the regional head is promptly promulgated so that it can take effect. Without promulgation, a Regional Regulation cannot yet be implemented or enforced. Therefore, the role of the Regional House of Representatives does not cease with the approval in the plenary session. It extends to ensuring the entire legislative cycle is completed and its legal product reaches the community.

Overall, the analysis of the enactment and promulgation stage reveals significant juridical implications of the authority of the Regional House of Representatives. Although it does not directly sign or promulgate, the approval given by the Regional House of Representatives during the deliberation stage carries final legal consequences. These consequences cannot be unilaterally annulled by the executive. The existing legal framework, particularly through the automatic enactment mechanism in Article 79 section (2) of Law Number 12 of 2011, clearly positions mutual agreement as the undisputed culmination point in the legislative process. It strengthens the argument that in the Regional Regulation-making cycle, the authority of the Regional House of Representatives is not subordinate. Instead, it is equal and interlocking with the authority of the regional head. The pinnacle is the birth of a collective decision that binds them both. This normative analysis also provides context for why case study findings, such as those by [Hapsari \(2018\)](#) in Tegal, reveal legislative dynamics that are highly dependent on the quality of interaction between these two institutions. Indeed, the legal framework compels them to work as partners.

B. The Position of the Regional House of Representatives as an Equal Partner in Local Government Administration

1. The Essence of the Equal Partnership

The institutional construct of the relationship between the Regional House of Representatives and the regional head within the Indonesian governmental system is fundamentally designed within a framework of equal partnership (Wardani, 2023). This relationship is not hierarchical or subordinate. The primary juridical foundation for this model is articulated in Article 1 point 4 of Law Number 23 of 2014. This article defines the Regional House of Representatives as “an element of the local government administration”. The use of the diction element philosophically implies that the Regional House of Representatives, together with the regional head, are integral components that form a single entity, namely, the local government. They are equal and complementary organs. They collectively hold the mandate to carry out governmental affairs at the local level. Thus, normatively, no single element holds a higher or lower position than the other.

The essence of this equal partnership is a direct derivative of the principles of decentralization and regional autonomy espoused by the constitution. Decentralization, as conceptualized by scholars such as Muslimin (1986), is not merely a delegation of administrative tasks; it is also a process of empowering local communities. It is a devolution of political power (political decentralization) to the regions to manage their affairs. This devolution of power creates autonomous centers of government in the regions, which possess their legitimacy. The legitimacy of the Regional House of Representatives stems from general elections, rendering it a representation of popular sovereignty in the region. On the other hand, the legitimacy of the regional head is also derived from a direct mandate from the people through direct regional head elections. Since both derive their legitimacy from the same source—the people—their political and legal standing is equal.

This partnership model also reflects the application of the theory of power distribution at the local government level (Marlina, 2018). The architecture of local government divides the primary functions of the state, although not as rigidly as the concept of separation of powers in a pure presidential system. The Regional House of Representatives is positioned as the holder of the legislative, budgetary, and oversight functions. These functions represent the local legislative branch. Meanwhile, the regional head and their administrative apparatus hold the executive function. This division of functions inherently creates a mechanism of checks and balances. This mechanism can only function

effectively if both institutions are on an equal footing. If one institution is more dominant or subordinate to the other, the essence of the mechanism will be lost, potentially leading to an abuse of power (Fodhi et al., 2024).

Operationally, the legal framework consistently reinforces this partnership model. Article 207 of Law Number 23 of 2014 explicitly outlines the forms of working relationships between the Regional House of Representatives and the regional head. All these forms are dialogical and require mutual agreement. They include mutual agreement in Regional regulation-making, the submission of the regional head's Accountability Report (LKPJ) to the Regional House of Representatives, approval for regional cooperation, and the holding of periodic consultation meetings. All these mechanisms are designed to be executed by two equal entities. Not a single norm in that article indicates any command or instruction from one institution to another. It further strengthens the argument that the essence of their relationship is a dynamic and equal partnership.

2. The Manifestation of Equal Standing in the Tri-Function of the Regional House of Representatives

The position of the Regional House of Representatives as an equal partner to the regional head is not merely an abstract concept; it is a tangible reality. This standing is manifested concretely through the implementation of the three primary functions attached to it, known as the Tri-Function of the Regional House of Representatives (Malik et al., 2020). Article 96 and Article 149 of Law Number 23 of 2014 explicitly mandate that the Regional House of Representatives has the Regional Regulation making (legislative) function, the budgetary function, and the oversight function. These three functions form an inseparable and mutually reinforcing whole. The execution of each function inherently places the Regional House of Representatives in a dialogical and counterbalancing position with the regional head. It serves as tangible evidence of the principle of equal partnership operating in the practice of local government administration.

The legislative function, as has been analyzed in depth in the previous section, is the most apparent manifestation of the equal partnership. The entire cycle of Regional Regulation making, from planning in the regional legislation program to enactment, normatively requires "mutual agreement". This phrase is the keyword indicating that a local legal product is the result of a synthesis between the legislative political will and the executive's technocratic considerations. Without the approval of one party, the legislative process will come to a halt. It effectively places the Regional House of Representatives in an

equal bargaining position with the regional head in formulating public policy embodied in the form of a Regional Regulation.

Furthermore, the budgetary function serves as an arena where the equal partnership is tested in real terms. However, the regional head has the initiative to draft and propose the Regional Budget (APBD), Article 101 point b and Article 154 point b of Law Number 9 of 2015 grant the Regional House of Representatives the authority to deliberate and approve the draft. This authority, known in the doctrines of constitutional law as the power of the purse, is the most potent instrument held by a legislative body. Through deliberations on the General Budget Policy and the Temporary Budget Priority and Ceiling (KUA-PPAS) up to the enactment of the APBD Regional Regulation, the Regional House of Representatives can ensure that budget allocations align with agreed-upon development priorities and public aspirations. Without the approval of the Regional House of Representatives, the regional head cannot utilize the budget. It compels both institutions to negotiate and seek a compromise.

Finally, the oversight function completes the Tri-Function of the Regional House of Representatives as a balancing mechanism against the administration of government by the executive. Article 101 point c and Article 154 point c of Law Number 9 of 2015 mandate the Regional House of Representatives to oversee the implementation of Regional Regulations and the APBD. This function ensures the accountability of the regional head in executing all policies and programs that have been mutually approved. This oversight is not merely passive. It can also be active through the use of the rights of the Regional House of Representatives. These rights include requesting the Accountability Report (LKPI) from the regional head, conducting hearings with Regional Apparatus Work Units (SKPD), and exercising the rights of interpellation and inquiry. Thus, the oversight function positions the Regional House of Representatives as a critical partner. The Regional House of Representatives ensures that the government operates within the corridors of law and the will of the people, which is the essence of a healthy and productive partnership.

3. The Mechanism of Checks and Balances in Practice

The principle of equal partnership and the Tri-Function of the Regional House of Representatives would not function effectively without concrete juridical instruments. These instruments enable one institution to check and balance the other. Law Number 23 of 2014 equips the Regional House of Representatives with a series of institutional and member rights. These rights serve as operational tools to execute the mechanism of checks and

balances. They ensure that the relationship between the Regional House of Representatives and the regional head is not static. Instead, the relationship is dynamic and characterized by a continuous oversight process. Ultimately, this aims to realize good governance.

The most fundamental oversight instruments are the rights attached to the institution of the Regional House of Representatives. These rights are explicitly regulated in Article 104 and Article 157 of Law Number 23 of 2014. They are the right of interpellation, the right of inquiry, and the right to express an opinion. The right of interpellation grants the Regional House of Representatives the authority to request clarification from the regional head. This clarification pertains to local government policies that are important, strategic, and have a significant impact on the community. It serves as an effective initial clarification mechanism. If the regional head's response is deemed unsatisfactory, the Regional House of Representatives can escalate its oversight by using the right of inquiry. The right of inquiry is the right to investigate the implementation of a law or local government policy suspected of conflicting with statutory regulations. The pinnacle of these instruments is the right to express an opinion. This right can lead to a proposal for the impeachment of the regional head if they are proven to have violated their oath of office, failed to fulfill their obligations, or committed a disgraceful act. These three rights form a tiered and powerful escalation of political oversight.

Beyond these political rights, the mechanism of checks and balances is also manifested in the power of consent ([Dirkareshza, 2019](#)). This authority applies to strategic actions to be taken by the regional head. Article 101 point f and point h, as well as Article 154 point f and point h of Law Number 9 of 2015, explicitly require "the approval of the Regional House of Representatives". This approval is necessary for regional cooperation agreements with third parties, both domestic and international, that burden the community and the region. This norm functions as a gatekeeping authority. Through this norm, the Regional House of Representatives can prevent the regional head from entering into long-term agreements or commitments that could potentially harm the region's interests without review and consideration from the people's representatives. This power of consent ensures that the most strategic decisions cannot be made unilaterally by the executive.

In addition to reactive and approval-based instruments, the mechanism of checks and balances is also built through institutionalized dialogue forums. Article 207 point d of Law Number 23 of 2014 mentions "periodic consultation meetings between the Regional House of Representatives and the local government" as a form of working relationship. This forum, though often seen

as a routine activity, holds strategic significance. It serves as a mechanism for early detection and the alignment of views. Through consultation meetings, potential differences of opinion or political deadlock between the legislative and executive branches can be identified and addressed. Solutions can then be sought from the outset, before they escalate into open conflict. Thus, this mechanism complements other oversight instruments with a more preventive and collaborative approach. Ultimately, this reinforces the essence of the partnership between the two institutions. This ideal legal framework provides a basis for empirical findings such as those revealed by [Oci et al. \(2022\)](#) regarding the oversight function of the Regional House of Representatives. Its effectiveness is highly determined by the extent to which these instruments are utilized optimally by the Regional House of Representatives.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that the legislative authority of the Regional House of Representatives in making regional regulations is a comprehensive and continuous power. This authority is evident at every stage of the legislative cycle, from planning to implementation. This authority is not absolute. Instead, it is exercised within a dialogical mechanism that positions the Regional House of Representatives as an equal partner to the regional head. Specifically, the legislative authority of the Regional House of Representatives includes the right of initiative in the drafting of the regional legislation program, the formulation of the Academic Paper and the draft of the Regional Regulation Bill, active involvement in joint deliberations to achieve consensus, and ensuring that a mutually approved Regional Regulation Bill is enacted and promulgated into a legally binding product.

Furthermore, this study concludes that the position of the Regional House of Representatives about the local government is fundamentally equal and non-subordinate. This foundation of equality is built upon the principles of decentralization, a shared political legitimacy derived from the people, and the application of the theory of power distribution at the local level. This position as an equal partner is not only manifested in the legislative function. It is also manifested in the budgetary function through the authority to approve the APBD, and in the oversight function through various instruments of checks and balances, such as the right of interpellation, the right of inquiry, and the authority to approve the strategic policies of the regional head.

Based on these conclusions, two suggestions are proposed. *First*, to address the capacity issues that are the root cause of low-quality Regional Regulations, a revision of the Regional House of Representatives' Rules of Procedure is recommended. This

revision should mandate the involvement of local state universities in the preparation process of the Academic Paper for every Regional Regulation Bill initiated by the Regional House of Representatives, serving as a formal requirement before the bill can be registered. *Second*, to ensure the equal partnership functions effectively, it is recommended that the mechanism of consultation meetings between the Leadership of the Regional House of Representatives and the regional head be more than merely ceremonial. Their outcomes must be documented in official minutes that become a mandatory consideration in the deliberation of the APBD and other strategic policies.

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