

CHAPTER I

INTRODUCTION

A. Background

Based on the data obtained regarding draft making of local regulation in the local regulation program or *Prolegda* from 2013 to 2015, the target of *Ranperda* has been diminished every year. The data reveal that the DPRD and Local Government never achieve the target on local regulation making.

The head of legal bureau of Yogyakarta Basuki Hari Saksono informs that the local government should have purposed 11 *Raperda*, while the rest, namely 5 *Raperda* were a local parliament initiative. The targets of *Prolegda* in 2013 determined as many as 25 *Raperda* and this year those are 22 *Raperda*. However, the realizations of last year's target were very low. In 2013 none of non-budget *Raperda* successfully determined. And this year (2015) there are only there are only 3 *Raperda* which completed.¹

The mechanism of local regulation making has some stages namely preparation of academic paper on the *Raperda*, harmonization Process, synchronization, stabilization of the draft of local regulation, public consultation, discussion and enactment of *Raperda*.

Prolegda is the first stage of the local regulation making and has the important role, because if there is no good planning of *Prolegda* then there will many weaknesses on local regulation making. Under the Article 1 (10) of Law No. 12 of 2011, the Local Legislation Program hereinafter refers to *Prolegda* which is planning instrument-building program

¹ See further Krjogja.com, "*Prolegda 2015 Hanya Targetkan 16 Perda*", retrieved from <http://krjogja.com/read/241706/prolegda-2015-hanya-targetkan-16-perda.kr>, Wednesday March 18, 2015 at 11 pm.

Provincial Regulation or Regulation Regency/City. It is arranged in a planned, integrated, and systematic way. Therefore, *Prolegda* considered important to keep local regulation remain in the unity of national legal systems.

The drafting and determining of *Prolegda* as the planning of local regulations making is formulated and assigned every year before the determining of the draft of local regulations on Provincial Budgets and budget of district/city. Therefore it is very important any for district/city population in provide input for the formulation of local legislation programme.

Local regulations as legal products of the local government have a vital role of in the implementation of government program in the region. According to Sukowiyono, local regulations serve as guidance of Local Government in implementing regional matters. In addition, the local regulation is an instrument of legal protection for the people in the region. Local regulations also have function as an instrument of controller of implementation because the essence of local autonomy, as affirmed by Sukowiyono, is the independence or the freedom (*zelfstandingheids*) as an autonomous region to regulate and administer the affairs of its own household; it is not a form of freedom of an independent government unit (*onafhankelijkheid*).²

As the product of Local House of Representative (Dewan Perwakilan Rakyat Daerah (DPRD)) and local government, then local regulations, as well as the act may be cited as the legislative product (legislative acts). The legislation in any other form is Product of regulation (executive acts), the differences between local regulations and the act only in terms of the territorial scope of the enactment of legislation or region that is national or local.

² Sukowiyono, *Otonomi Daerah dalam Negara Hukum Indonesia, Pembentukan Peraturan Daerah Partisipatif*, Jakarta, Penerbit Faza Media, 2006, P. 123.

Act is applied nationally, while the local regulations are applied only within the territory of the relevant local government, namely in the area of the provinces, counties, town or region concerned. Because act does not change, the local regulations are local law or *locale wet* (local legislation).³

Paying attention to the role of local regulations is so important in the implementation of local autonomy, and then the formulation of *Prolegda* needs to be programmed so that several legal instruments can be prepared connection with implementation of local autonomy; it has to be formed in a systematic, planned and based on priorities scale.⁴ Not only local regulations can be established systematically but it also avoids many local regulations that revoked and cancelled as opposition to higher-level rules. If the formulation of *Prolegda* is not planned, not integrated and not systematically or it is not well planned which will make local regulation is difficult to be implemented as maximally and has no social sensitivity. This is the core idea that makes the research interesting to be conducted.

B. Research Question

Based on the background above, this study examines some research questions as follows:

1. What are the mechanisms of local regulation making?
2. How is the effectiveness of local regulation making in *DPRD* of Special Region of Yogyakarta?
3. What are the obstacle factors and efforts of local government in the implementation of local regulation making in the *DPRD* of Special Region of Yogyakarta?

³ Jimlya shiddiqei, *Perihal Undang-undang*, PT. Raja GrafindoPersada, 2010, P. 64.

⁴ Retrieved from <http://repository.usu.ac.id/bitstream/123456789/4790/1/09E01785.pdf> on Sunday May 3, 2015 at 7 pm.

C. Research Objective

1. To understand the mechanism and data on local regulation making in the DPRD of Special Region of Yogyakarta.
2. To analyze the effectiveness of local regulation making in the DPRD of Special Region of Yogyakarta.
3. To understand some obstacles and efforts faced by the DPRD in the implementation of local regulation making in Special Region of Yogyakarta.

D. Research Benefit

This study is expected to contribute towards scientific aspect and practical aspect. The benefits are as follows:

1. Scientific aspect

In the scientific aspect, this study is expected to give scientific advice to the development of law science.

2. Practical aspect

In practical aspect, this research is expected to give some advice on better policy to the DPRD related to the local regulation making.