

# IMPLEMENTATION OF ARTICLE 8 LAMPUNG PROVINCIAL DPRD REGULATION NUMBER 1 OF 2019 REGARDING PROCEDURE FOR DETERMINING THE MAXIMUM NUMBER OF DRAFT REGIONAL REGULATIONS

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## Abstract

*Propemperda is a planning instrument for the formation of regional regulations which are arranged in a planned, integrated and systematic manner. Article 8 paragraph (5) Regulation of the DPRD Province of Lampung Province 1/2019, the determination of Propemperda takes into account the realization of Propemperda with local regulations which are stipulated every year with a maximum addition of 25% of the number of regional regulations stipulated in the previous year. In 2020 the Province of Lampung established 5 regional regulations, so the Propemperda for 2021 should have 7 regional regulations but instead stipulated 25 regional regulations. This stipulation has an impact on the quality of regional legal products produced, the existence of regional regulations that have been canceled and the low IDI of the Lampung Provincial Government in the field of law and the formation of regional legal products. Article 8 paragraph (5) DPRD Regulation 1/2019 has been implemented but has not been maximized due to obstacles. The obstacles include not having gone through the Regional Regulation Needs Analysis and the absence of a regional regulation on Procedures for Forming Propemperda. The implication of the ranperda which exceeds the stipulated amount is the low IDI value for Lampung Province.*

**Keywords:** *Regional Regulations, Propemperda, DPRD Regulations.*

## I. INTRODUCTION

As regional government administrators, regional governments are required to understand the support and demands that are developing in society, but the reality often happens that after the enactment of a regional regulation, many of the substance of the regional regulation are considered not in accordance with the needs of the community. The administration of an orderly government is the main requirement for the realization of the goals of the state. Regional government as administrator in the region is inseparable from the task of fostering peace and order in the community in their area. Regional governments are given the authority to manage all government affairs in the region. Regions have the authority to make regional policies through or based on regional regulations.<sup>3</sup>

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Regional regulations in general can be interpreted as regulatory instruments provided by the central government to regional governments in the context of implementing regional government for each autonomous region. Regional regulations are statutory regulations established by the Regional People's Representative Council (DPRD) with the joint approval of the regional heads, governors or regents/mayors. The definition of provincial regional regulations can be found in Article 1 paragraph (7) of Law Number 12 of 2011 concerning the Formation of Legislation (UU 12/2011). Where is meant by provincial regional regulations are statutory regulations established by the Provincial DPRD with the joint approval of the governor.

Since regional autonomy was implemented with the enactment of Law Number 23 of 2014 concerning Regional Government in conjunction with Law Number 9 of 2015, hereinafter referred to as Law 23/2014 and Law 9/2015 there have been regional regulations that have been canceled or not approved by the Ministry of Home Affairs of the Republic of Indonesia .

The regional regulations that are considered problematic are considered to have created high economic costs in the region and burdened the community and the environment. This happens because the regional regulations made by the local government are not participatory, meaning they have not been able to cover the aspirations of all levels of society, so that when they are enacted they are contrary to what the community wants. In addition, there are regional regulations that conflict with higher regulations so that they cannot be implemented. This of course greatly disrupts the running of the government system, which means it also disrupts the stability of the community in the region, especially in terms of legal certainty.

The elaboration of regional regulations must be based on the principle of forming laws, namely supporting the interests of the people, defending human rights, being environmentally and culturally oriented. Thus regional regulations give authority to the government to regulate government activities in the area.

Based on Article 10 of the Regulation of the Minister of Home Affairs Number 80 of 2015 concerning the Formation of Regional Legal Products in conjunction with the Regulation of the Minister of Home Affairs Number 120 of 2018 (Permendagri 80/2015 in conjunction with Permendagri 120/2018), it is stated that the planning of provincial regional regulations includes activities for drafting the Regional Regulation Formation Program ( Propemperda), planning for drafting open cumulative regional regulations, and planning for drafting regional regulations outside Propemperda.

Propemperda is a program planning instrument for the formulation of provincial regional regulations and regency/city regional regulations which are prepared in a planned, integrated and systematic manner. Determination of the number of regional regulations that are included in Propemperda has been stipulated in Article 15 paragraph (5) of Permendagri 120/2018. Where the

formulation and stipulation of provincial Propemperda takes into account the realization of Propemperda with regional regulations which are stipulated every year with the addition of a maximum of 25% (twenty five percent) of the number of regional regulations stipulated in the previous year. This regulation is absolutely accommodated in Article 8 paragraph (5) of the Lampung Provincial DPRD Regulation Number 1 of 2019 concerning Standing Orders, (DPRD Regulation 1/2019).

Referring to the above rules, the preparation of Propemperda for Lampung Province 2021 must of course take into account the realization of Propemperda with regional regulations stipulated in 2020 with the addition of a maximum of 25% (twenty five percent) of the number of regional regulations stipulated in 2020. In 2020 the number of draft regional regulations (ranperda) for Lampung Province which were determined to become regional regulations totaled 5 (five) regional regulations. The quantity of regional regulations in 2020 will of course be a reference and consideration in determining the number of ranperda that will be included in Propemperda Lampung Province in 2021. Referring to this, the number of ranperda in Propemperda Lampung Province in 2021 should be 5 (five) titles plus a maximum of 2 (two) ranperda titles or a total of 7 (seven) ranperda titles.

However, the determination of the number of Raperda in the 2021 Propemperda contains the title of the ranperda which exceeds the amount that should be stipulated. Based on the Decree of the Lampung Provincial DPRD Number 21/DPRD.LPG/III.01/2020 concerning the 2021 Program for Forming Lampung Province Regional Regulations, there are 25 (twenty five) regional regulations in Lampung Province consisting of 13 (thirteen) titles of regional regulations initiated by the Provincial DPRD Lampung and 12 (twelve) titles of draft regional regulations initiated by the Regional Government of Lampung Province.

Determination of the number of ranperda in Propemperda that is not in accordance with the rules is considered to have an impact on the quality of the regional law products produced. This was shown, among other things, when the Ministry of Home Affairs facilitated the draft regulations by the Ministry of Home Affairs, many regional regulations were canceled so that they could not be implemented in the regions. This canceled Ranperda, of course, raises high costs because a lot of the budget is expended to compile and discuss a draft perda. In addition, the many regional regulations that were canceled had implications for the low performance of the regional government and DPRD in the field of law and the formation of regional legal products.

## II. DISCUSSION

Legislation which is a translation of the Dutch term *wettelijk regeling* which literally means *wet* (law) and *telijk* (according to/based on), then the meaning is in accordance/based on the law is defined as a rule in the form of a written law

containing binding legal norms in general and established and stipulated by authorized state institutions or officials through procedures for establishing definite, standard and standard laws and regulations. The definition of legislation is different from the understanding of statutory regulations. The basic difference in legislation is understood narrowly only in the law. Meanwhile, laws and regulations are understood broadly to several rules that are not limited to laws. For example government regulations in lieu of laws, government regulations, presidential regulations and regional regulations.<sup>4</sup>

The existence of regional regulations that were formed cannot be separated from the general theory of law developed by Hans Kelsen. According to him, legal norms are tiered and layered in a hierarchy (organization), in the sense that a lower norm applies, is sourced and is based on higher norms, higher norms apply, are sourced and are based on to a higher norm, and so on up to a norm that cannot be traced further and is hypothetical and fictitious, namely the basic norm (grundnorm).<sup>5</sup>

### **Implementation of Determining the Maximum Number of Draft Regional Regulations in Propemperda of Lampung Province in 2021 Based on the Provisions of Article 8 paragraph (5) DPRD Regulation Number 1 of 2019 concerning Rules of Procedure**

Based on the results of interviews with the Head of the Legislative Section of the Secretariat of the DPRD Lampung Province, Sukartini, SAP., MM., the determination of the number of regional regulations that are included in the Propemperda of Lampung Province includes proposals originating from the Lampung Province DPRD as well as the initiative of the Lampung Provincial Government. The issuance of the Lampung Province DPRD Decree on the Formation of Propemperda was carried out before the draft regional regulations on the APBD were enacted. This is done so that all activities related to the discussion of the draft regional regulations included in the Propemperda can be accommodated.

It was further explained that the planning for discussing the draft regional regulations in the Propemperda was carried out with reference to Permendagri 80/2015 in conjunction with Permendagri 120/2018. Specifically with regard to the determination of the number of regional regulations regulated in Article 15 paragraph (6). This article was adopted by the DPRD of Lampung Province into Article 8 paragraph (5) DPRD Regulation 1/2019.

According to an interview with the Head of the Sub-Coordinating Drafter of the Legislation Secretariat of the Lampung Province DPRD, Windra Yulidon Usman, SE., MM., that the number of regional regulations in the Propemperda of Lampung

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<sup>4</sup>Ahmad Redi. 2017. *Hukum Pembentukan Peraturan Perundang-undangan*. Sinar Grafika, Jakarta, p. 6-7.

<sup>5</sup>Bambang Antariksa. 2017. *Penerapan Hierarki Peraturan Perundangundangan Dalam Ketatanegaran Indonesia*. Deliberiatif, Academia.edu. Accessed 3 October 2022.

Province in 2021 is 25 (twenty five) regional regulations. The number of regional regulations referred to exceeds the provisions contained in Article 8 paragraph (5) DPRD Regulation 1/2019. This is due to the draft regional regulations that have not been discussed in the current budget year so that later for the completion of the discussion it is included again in the following year's Propemperda, namely Propemperda in 2021. In this case an explanation is given as a launching draft perda. As for the new proposed ranperda, it is a proposal from the Commissions, Bapemperda DPRD Lampung Province, as well as the initiative of the Lampung Provincial Government.

According to the Head of the Sub-Coordinator for Drafting Legislation of the Secretariat of the Lampung Province DPRD, the large number of regional regulations in the Propemperda of Lampung Province in 2021 is also due to aspirations from the community conveyed through DPRD Members to form a regional regulation relating to matters that are developing in the midst of public. As a people's representative and political institution, the aspirations of the people are absolute things to be accommodated. This causes the Propemperda to contain a number of ranperda titles that exceed the stipulations.

In determining the number of regional regulations in Propemperda of Lampung Province, further the Head of the Sub-Coordinator of Drafting Legislation of the DPRD Secretariat of Lampung Province, explained that there is no regional regulation regarding Procedures for Forming Propemperda as mandated in Article 16 paragraph (3) Permendagri 120/2018. The vacuum of this regulation has caused the DPRD to still enforce the Lampung Province DPRD Regulation 1/2015 concerning Procedures for Preparing Propemperda within the DPRD Lampung Province. The DPRD regulation applies internally within the Lampung Provincial DPRD and does not yet accommodate the provisions of Article 15 paragraph (5) of the Minister of Home Affairs Regulation 120/2018. Lampung Province DPRD Regulation 1/2015 is also a legal product that was drafted in 2015 when the Lampung Province DPRD had a membership period of 2014-2019 and still refers to Minister of Home Affairs Regulation Number 1 of 2014 concerning the Formation of Regional Legal Products.

In analyzing problems related to the implementation of Article 8 paragraph (5) DPRD Regulation 1/2019 a tiered legal theory (Stufenbau Theory) was used by Hans Kelsen. This theory states that the legal system is a tiered rule where the lowest legal rule must adhere to the legal norms above it while the highest legal rule must adhere to the most basic norm (groundnorm).

The tiered legal theory (stufenbau) is also known as the hierarchy of norms, in which a norm may not conflict with the norm above it. Hans Kelsen describes a legal system as a system of interlocking norms that move from a general norm (the most general ought) to a more concrete norm (the most particular or concrete). This will eventually lead to grundnorms or basic norms.

Thus, the basic norm is something that is desired that comes from objectified desires. Because it is an objectification of the common will, the basic norm (*grundnorm*) does not change, and is obligatory. The basic norm thus becomes a source of necessity in positive law.

In Article 7 paragraph (1) of Law 12/2011 it is stated regarding the order or hierarchy of laws and regulations in Indonesia, namely the 1945 Constitution, MPR Decrees, Laws/Perpu, Government Regulations, Presidential Regulations and Regional Regulations. The link between the order of these laws and regulations with Hans Kelsen's tiered legal theory and the preparation of Propemperda, the provisions regarding the preparation of Provincial Propemperda are contained in Article 32 of Law 12/2011. Furthermore, the provisions of this article are further regulated in Presidential Regulation Number 87 of 2014 concerning Regulations for Implementing Law 12/2011 and Permendagri 80/2015.

What specifically regulates the determination of the number of regional regulations in Propemperda is regulated in Article 15 paragraph (5) Permendagri 120/2018 in conjunction with Permendagri 80/2015. DPRD Regulation 1/2019 in substance does not conflict with Article 15 paragraph (5) Permendagri 120/2018. So that it can be said that the legal principles contained in Article 8 paragraph (5) DPRD Regulation 1/2019 refer to and do not conflict with Permendagri 120/2018 as the above rule.

The provisions of Article 8 paragraph (5) DPRD Regulation 1/2019 are in accordance with the tiered legal theory concept put forward by Hans Kelsen. Where this concept answers problems or conditions when the content of the draft regional regulations in Propemperda conflicts with higher laws and regulations. If a regional regulation conflicts with higher laws and regulations, then the legal principle, *lex specialis derogat legi generali*, *lex posterior derogat legi priori*, or *lex superior derogat legi inferiori* will apply. In accordance with the theory of legal hierarchy, the principle of lower legal regulations may not contradict the laws and regulations above them. This legal principle provides direction when there is a conflict between higher statutory regulations and lower statutory regulations, the higher rules based on the hierarchy must take precedence and the lower rules must be set aside.

In its implementation or implementation, the determination of the number of regional regulations in Propemperda of Lampung Province has not fully complied with the provisions of Article 8 paragraph (5) DPRD Regulation 1/2019. This is because in determining the number of *ranperda* in the 2021 Propemperda the amount exceeds the amount stipulated based on the provisions of Article 8 paragraph (5) DPRD Regulation 1/2019 and Permendagri 120/2018.

Determination of the number of regional regulations based on these provisions is by considering the realization of Propemperda with the stipulated regional regulations plus a maximum of 25% (twenty five percent) of the regional regulations stipulated in the previous year.



In 2020 Lampung Province passed 5 (five) regional regulations which became regional regulations. Based on Article 8 paragraph (5) DPRD Regulation 1/2019, the ranperda in the 2021 Propemperda should be 5 ranperda (realization of the 2020 regional regulation) plus a maximum of 25% (twenty five percent) so that the total ranperda in the 2021 Propemperda is at most 7 (seven) regional regulations. However, in 2021 the Promperda for Lampung Province contains 25 (twenty five) regional regulations.

The following is a list of Lampung Province Regional Regulations for 2020 :

1. Regional Regulation Number 1 of 2020 concerning Accountability for the Implementation of the 2019 Lampung Province APBD;
2. Regional Regulation Number 2 of 2020 concerning Amendments to the 2020 Lampung Provincial APBD;
3. Regional Regulation Number 3 of 2020 concerning Adaptation of New Habits in the Prevention and Control of Covid-19;
4. Regional Regulation Number 4 of 2020 concerning Development of Creative Economy-Based Tourism Resources;
5. Regional Regulation Number 5 of 2020 concerning the Lampung Province APBD FY.2021.

Meanwhile, based on the Decree of the DPRD Lampung Province Number 21/DPRD.LPG/III.01/2020 concerning the Program for Forming Regional Regulations of the Lampung Province in 2021 contains 25 (twenty five) draft regional regulations, with details of 13 regional regulations proposed by the Lampung Provincial DPRD and 12 regional regulations initiated by the Government Lampung province. The determination of the number of regional regulations is of course in excess of the provisions that should be 7 (seven) regional regulations.

The 25 (twenty five) regional regulations that are included in the Propemperda of Lampung Province in 2021 are as follows:

1. Title of Raperda Proposing the Initiative of DPRD Lampung Province in 2021:
  - a. Gender Mainstreaming
  - b. Organic agriculture
  - c. Asset Village Arrangement
  - d. Population Data Management
  - e. Forest Management in Lampung Province
  - f. Environmental Management and Protection Plan in Lampung Province
  - g. Implementation of Regional Government Investment
  - h. Corporate Social and Environmental Responsibility (Corporate Social Responsibility/CSR)
  - i. Renewable Energy
  - j. Flats
  - k. Improving Faith and Piety in Lampung Province
  - l. Health Protection for Health Volunteers

- m. Governance of BUMD Lampung Province
- 2. The title of the 2021 Lampung Provincial Government Initiative Raperda :
  - a. PT. Prosperous Argo Earth (Perseroda)
  - b. PT. Beautiful Lampung Tourism (Perseroda)
  - c. PT. Trans Lampung Node (Perseroda)
  - d. PT. Lampung Karya Facilities (Perseroda)
  - e. PT. Lampung Energy Business (Perseroda)
  - f. Additional Equity Participation of the Lampung Provincial government in PT. Lampung Regional Development Bank and PT. Insurance Bangun Askrida
  - g. Equity Participation in 5 (five) BUMD of Lampung Province
  - h. Amendment to Lampung Province Regional Regulation Number 2 of 2016 concerning Village Community Empowerment
  - i. Management of Regional Property
  - j. Amendment to Lampung Province Regional Regulation Number 8 of 2015 concerning Lampung Province Regional Credit Guarantee Company Limited
  - k. Equity Participation of the Government of Lampung Province in PT. Jamkrida Lampung
  - l. Facilitation of Implementation of Islamic Boarding School Education.

Based on the description above, the implementation of Article 8 paragraph (5) DPRD Regulation 1/2019 has been implemented but has not been maximized because there are several things that have become obstacles to the implementation of the said provisions. The inhibiting factors in determining the number of ranperda in Propemperda include the existence of a ranperda proposal from the Lampung Provincial DPRD as a form of community aspirations that must be accommodated. The Regional Government of Lampung Province does not yet have a Regional Regulation concerning Procedures for Compiling Propemperda which also creates a separate obstacle in determining the number of regional regulations in Propemperda. In addition, the determination of Propemperda has not gone through a regional regulation needs analysis.

### **Factors Hindering the Regional Government of Lampung Province in Implementing the Provisions of Article 8 paragraph (5) DPRD Regulation Number 1 of 2019 concerning Standing Orders**

Based on an interview with the Head of the Sub-Coordinating Drafter of Legislation Secretariat of the DPRD Province of Lampung Province, Mr. Windra Yulidon Usman, the inhibiting factor for the implementation of Article 8 paragraph (5) DPRD Regulation 1/2019, was due to the existence of a regional regulation which had not yet been discussed in the current budget year so that later to the completion of the discussion is included again in the following year's Propemperda, namely Propemperda in 2021. In this case an explanation is given as a draft regional regulation. As for the new proposed ranperda, it is a proposal from the Commissions,



Bapemperda DPRD Lampung Province, as well as the initiative of the Lampung Provincial Government.

According to the Head of the Sub-Coordinator for Drafting Legislation of the Secretariat of the Lampung Province DPRD, the large number of regional regulations in the Propemperda of Lampung Province in 2021 is also due to aspirations from the community conveyed through DPRD Members to form a regional regulation relating to matters that are developing in the midst of public.

In determining the number of regional regulations in Propemperda of Lampung Province, further the Head of the Sub-Coordinator of Drafting Legislation of the DPRD Secretariat of Lampung Province, explained that there is no regional regulation regarding Procedures for Forming Propemperda as mandated in Article 16 paragraph (3) Permendagri 120/2018. Where the article mandates the establishment of a regional regulation regarding the procedures for forming Propemperda as an elaboration of Permendagri 120/2018.

Because the Lampung Provincial Government does not yet have regional regulations governing the preparation of Propemperda, the Lampung Provincial DPRD still applies the Lampung Provincial DPRD Number 1 of 2015 concerning Procedures for Preparing Propemperda within the Lampung Province DPRD. However, this regulation only applies internally within the DPRD Lampung Province and does not yet accommodate the provisions of Article 15 paragraph (6) Permendagri 120/2018. This is because the Lampung Province DPRD Regulation 1/2015 was made in 2015 when the DPRD membership period was 2014-2019 and still refers to Permendagri 1/2014.

Based on an interview with the Head of Legislation Section of the DPRD Secretariat of Lampung Province, Mrs. Sukartini, SAP., MM., the preparation of Propemperda for Lampung Province was carried out selectively based on the direct delegation of higher regulations, the needs of the business world and the needs of the community. In accordance with the Technical Instructions of the Minister of Home Affairs Number 188.34/6458/OTDA dated 26 November 2019 regarding the Technical Instructions for Analysis of the Needs of Regional Regulations, for the number of regional regulations in Propemperda which are still large in number, it is necessary to re-select them by considering the availability of resources in the formation of regional regulations. This has not been done considering the limited human resources in the formation of regional regulations.

However, the Provincial Government of Lampung conducts discussions based on priority scale, so that even though the number of regional regulations included in Propemperda exceeds the number set, the discussion is still being carried out. The discussion by the Special Committee and the Commission as the drafters of the draft regional regulations has been completed up to the stage of determining the draft regional regulations at the Plenary Meeting. It's just that when facilitation was

carried out at the Ministry of Home Affairs there were several regional regulations which could not be continued to the promulgation stage.

What the Regional Government of Lampung Province did and did not do in relation to determining the number of regional regulations in Propemperda is a public policy. According to Thomas R Dye public policy is "whatever the government chooses to do or not to do" or which means "whatever the government chooses to do or not do". This understanding emphasizes that public policy is a matter of the embodiment or concrete action of the government.

Based on public policy theory and interviews conducted, it can be analyzed the things that have been done by the Provincial Government of Lampung in determining the number of ranperda in Propemperda in 2021, including that the preparation of Propemperda was carried out before the draft perda on APBD was ratified so that all discussion activities on ranperda in Propemperda could be accommodated. Then an Academic Paper has been prepared related to the ranperda which will be included in the 2021 Propemperda. For the ranperda which is a new proposal, an Academic Script is included, while for the ranperda which is in the form of changes only an explanation or description is included regarding the background and purpose of forming the ranperda.

Another thing that was done by the Provincial Government of Lampung in the effort to prepare a quality Propemperda was to conduct discussions based on a priority scale, meaning that the discussion of the draft regional regulations took precedence over the discussion of the really urgent and priority regional regulations. So even though there are many ranperda that are included in the Propemperda, there are still priority ranperda. Besides that, in determining the title of the ranperda that will be included in the Propemperda, the Lampung Provincial DPRD coordinates with the Lampung Provincial Government, in this case the Legal Bureau, to discuss the urgent or priority ranperda titles discussed for the next 1 (one) year.

Based on the description above, it can be analyzed what the Lampung Provincial Government did not do in determining the number of ranperda in Propemperda in 2021 which later became an inhibiting factor, namely that Propemperda Lampung Province in 2021 had not yet gone through a Regional Regulation Needs Analysis. This is due to the Circular Letter of the Minister of Home Affairs concerning the Technical Instructions of the Minister of Home Affairs Number 188.34/6458/OTDA dated 26 November 2019 regarding the Technical Instructions for Analysis of Needs for Regional Regulations that have not been socialized properly. So that when the drafting of the 2021 Propemperda was carried out in 2020 it did not yet refer to the Technical Guidelines for Needs Analysis for Regional Regulations. Furthermore, another inhibiting factor is that Lampung Province does not yet have regional regulations regarding the Procedures for Forming Propemperda. This has resulted in the drafting of Propemperda not being

carried out optimally, especially in determining the number of ranperda in Promperda which are not in accordance with the provisions of Article 8 paragraph (5) DPRD Regulation 1/2019.

### **Implications of Determining the Maximum Amount of Draft Regional Regulations in the 2021 Propemperda**

Based on interviews conducted with the Head of the Planning Sub-Coordinator of the Lampung Provincial DPRD Secretariat, Mrs. May Yanti Budiarti, S.IP., MH., the number of regional regulations included in the Propemperda is a target set by the Regional Government of Lampung Province. When the targeted ranperda can be finalized and promulgated, the target can be achieved. The achievement of the ranperda target in Propemperda is one of the bases for calculating the Indonesian Democracy Index (IDI) of the Government of Lampung Province. The more regional regulations that can be promulgated, the greater the IDI value obtained.

It was further explained that Propemperda for Lampung Province was prepared with the aim of providing an objective picture of the general conditions regarding the problems of forming regional regulations in Lampung Province. Propemperda is an effort to determine the priority scale for drafting regional regulations and joint guidelines for the DPRD and the Regional Government in forming regional regulations. In addition, Propemperda can be used as a means of controlling the activities of forming regional regulations.

Looking at the realization of the Propemperda of Lampung Province in 2020, the number of ranperda that is included in the Propemperda for 2021 is at most 7 (seven) ranperda but in the Propemperda for 2021 there are 25 (twenty five) ranperda. The amount that exceeds this provision is set as the target for establishing regional regulations in 2021. Of the 25 (twenty five) regional regulations, only 14 (fourteen) regional regulations have been realized or only 56% (fifty six percent).

The realization of regional regulations is the regional regulations that have been determined by the DPRD and have been promulgated into regional gazettes. Meanwhile, the draft regional regulations that were not realized were the regional regulations that could not be promulgated after being facilitated by the Ministry of Home Affairs. Factors that become obstacles in the facilitation of draft regional regulations include the discrepancy between the number of draft regional law products and the time limit set by law. Where the number of draft regional regulations in Lampung Province that must be facilitated by the Ministry of Home Affairs is quite a lot but the time limit given is very short. In other words, the number of regional regulations that must be facilitated is quite a lot so that it affects the timeliness of conducting the assessment.

The Head of the Sub-Coordinator for Drafting Legislation, Mr. Windra Yulidon, SE., MM., stated that the discussion of the draft regional regulations was also limited by a deadline. Where the Special Committee is given only 1 (one) budget year to

discuss the draft regional regulations, and if it is not completed, Bapemperda will continue the discussion. The limited time for this discussion has become a separate obstacle, considering that there are quite a lot of targets for discussion of the regional regulations.

Based on the theory of legal renewal put forward by Roscoe Pound where it is stated that law as a tool of social engineering, which means law as a tool for reform or engineering in society. The law is expected to play a role in changing social values in society. Based on this theory, the existence of regional regulations is expected to play a role in changing social values in society. Such as local regulations that are of high quality and address the needs of the community can change a less prosperous society into a more prosperous one. Quality regional regulations begin with a well-qualified Propemperda planning process.

As a means of renewal or engineering in society, regional regulations are expected to be in accordance with the needs that are developing in society, for example, such as the need for legal certainty for the welfare of medical personnel amid the Covid-19 pandemic. However, the need for legal certainty could not be fulfilled because the draft local regulation that regulates the level of welfare of medical staff proposed in Propemperda and which has been discussed cannot be implemented.

The existence of this theory of legal reform is related to the theory of legal development put forward by Mochtar Kusumaatmadja, where the conception of law is defined as a means of social change or a means of development. Properly produced local regulations can be a means to build a society from initially not prosperous to become a prosperous society. Regional regulations that begin with planning through Propemperda should be used as a reference in efforts to improve people's welfare. For example, the draft regional regulation on licensing and ease of doing business should be able to increase the level of community welfare, but the regional regulation cannot be implemented because it does not go through the stages of proper planning. Good planning in the formation of regional regulations through Propemperda can minimize the existence of regional regulations that are canceled by the Ministry of Home Affairs.

The consequences of determining the number of regional regulations that exceed the provisions are that the resulting product is of poor quality, which results in not being able to implement it and affecting the value of the Indonesian Democracy Index (IDI) of Lampung Province in 2021. The quality of the resulting product is of poor quality shown from 25 (twenty five) the targeted regional regulations were only realized in 14 (fourteen) regional regulations or only 56% (fifty six percent). This is because based on the results of facilitation from the Ministry of Home Affairs, there are regional regulations that cannot proceed to the enactment stage, so they cannot be implemented. The IDI is a standard for the level of democracy development in every province in Indonesia. For political

development at the Lampung Province level, IDI data is able to show aspects or variables or indicators of whether or not democracy is developing in Lampung Province.

The number of ranperda in Propemperda that exceeds the provisions requires more performance from the Special Committee and Commission in the DPRD of Lampung Province, so that the set targets can be achieved. The implication of the target not being achieved is the low level of performance of the DPRD Lampung Province and the DPRD Secretariat of Lampung Province. The number of regional regulations produced refers to the establishment of Propemperda. The drafting of Propemperda for Lampung Province which was eventually enacted as a regional regulation was intended for the benefit of the community in Lampung Province. In addition, the regional regulations produced aim to create legal certainty and organize a government system based on the interests of the people. So it is necessary to convene the formation of a regional regulation that is able to appreciate all the needs of the community, by making the determination of the ranperda title effective based on the mandate of higher statutory regulations.

Based on the description above, the implication of determining the number of ranperda in Propemperda as stipulated in the provisions of Article 8 paragraph (5) DPRD Regulation 1/2019 is the low value of the Indonesian Democracy Index (IDI) and the performance of the Regional Government and DPRD Lampung Province in the field of law and formation regional legal products as a result of not achieving the set targets.

### **III. CONCLUSION**

Based on the exposure and analysis that has been described above, several conclusions can be put forward as follows that the provisions of Article 8 paragraph (5) DPRD Regulation 1/2019 concerning determining the number of regional bills in Propemperda have been implemented by the Provincial Government of Lampung but have not been maximized because there are several things that have become obstacles to the implementation of the said provisions. The inhibiting factor in determining the number of ranperda in Propemperda in 2021 is that Propemperda has not gone through a Regional Regulation Needs Analysis and Lampung Province does not yet have a regional regulation concerning Procedures for Forming Propemperda. The implication of determining the number of ranperda in Lampung Province Propemperda which exceeds the provisions is the low Indonesian Democracy Index (IDI) of Lampung Province and the low performance of local government and DPRD in the field of law and the formation of regional legal products.

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