

Local Political Power in The Legislation Process

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ABSTRACT - The democratic system adopted by Indonesia gives a central role to political parties as the main instrument in realizing a democratic state life. This research aims to reveal the political forces that often occur in the legislative process of making regulations in Indonesia. Using a qualitative-descriptive interpretive method and a phenomenological approach, this research explores the political forces involved in legislative making by the executive and legislature. The results show that in regulation-making, there is a power gap between the executive and the legislature. The political power of the executive tends to be dominant because they are the highest power holder. It cannot be denied that there are interests of actors in it who seek to maintain and expand their power. The formation of legal products involves the influence of political power through political processes in state institutions that have authority and power. In addition, this research reveals the political dynamics that occur in the legislative process, where the interaction between the executive and the legislature is a crucial factor. This political process includes negotiations, compromises, and competing interests between the various parties involved. Thus, regulation-making is not only the result of technical considerations and community needs, but also influenced by the dynamics of political power at the local level.

Keywords: Local Political; Legislative Process; Political Power

Introduction

The Unitary State of the Republic of Indonesia is a state of law, not based on mere power. The conception of the rule of law desired by the founding fathers since the beginning of the independence struggle is clearly seen with the inclusion of basic thoughts in the Preamble of the 1945 Constitution, namely independence, justice, humanity and the statement that the state government is obliged to protect the entire nation and the entire Indonesian homeland and to promote general welfare. This provides direction and hope that the law will protect all people, all individuals from unfair treatment and arbitrary actions. The law will protect every citizen of the nation so that their rights as citizens and human rights are guaranteed (Agassi et al., 2023).

The problems that occur are inseparable from the amendments to the 1945 Constitution which is the basis of the State so that many articles are changed even though the amendments are made. The intended changes aim to realize a more democratic, effective and accountable consultative / representative institution, but the changes are certainly not in line, even worse than before the amendment, the proof is that many institutions have the same rights. It turns out that not only state institutions then became equal after the amendment of the 1945 Constitution, the legislative function also underwent fundamental changes. This can be seen from the changes in Article 5 paragraph (1) of the 1945 Constitution; from the President holding the power to form laws with the approval of the legislative to the President/governor having the right to propose draft laws with the approval of the legislative. This means that the power of a president in determining a decision is not carried out absolutely so that this problem clearly eliminates the dominance of the president in the process of forming laws, and at the same time shifts it to the legislative (Mattalatta, 2009).

When we look at the democratic system in Indonesia, especially in the context of local politics, the role of political parties becomes very significant. Political parties at the local level not only serve as a tool to nominate legislative members in the central parliament, but also have a major impact on political dynamics at the regional level (Fikri, 2018; Solikhin, 2017). With the existence of political parties, the aspirations and interests of local communities can be channeled and fought for through representatives of legislative members at the local level. This means that political parties have an important role in realizing an inclusive democracy, where various voices and interests of the community can be accommodated (Purbaningrum & Sasono, 2023; Sobhan et al., 2017).

In addition, political parties at the local level also play a key role in the regional head election process. By having the authority to nominate candidates for regional heads, political parties become the link between the community and the highest power holder at the regional level. The political process at the local level includes competition between political parties to win public support, thus creating leaders who can represent and implement local aspirations. This indicates that political parties have broad political power and authority, both at the executive and legislative levels at the local level. Leaders resulting from this political process bring with them the vision, mission and political agenda of their political parties, which will then shape the direction of policy at the local level in accordance with the interests of the community. Thus, the role of political parties in Indonesia's democratic system is not only limited to the national level, but also has a significant impact at the local level, shaping and influencing regional politics in accordance with the will and aspirations of the local community (Handoko, 2017).

The problem that occurs today in the making of a regulation is the gap between the executive and the legislature, which occurs in the legislature where the political power of making a rule is quite dominant because of the interests of the actors in it who want to perpetuate a power so that in designing a rule, of course, there is partiality because it is more dominant and controls the majority of votes, of course when the rules are issued, they must be fair and equitable without any difference (Anderson et al., 2020; Lule, 2019; Syukriy & Andra, 2006). Strangely enough, in deciding a law that is carried out with a plenary session, it ends with a vote, which when the decision is made by voting, it can certainly benefit one of the parties that won the majority of votes and by the largest coalition so that it can weaken the regulations that are born which are intended for the welfare of the community instead of making prosperity for a handful of people. The legislative function of DPRD's should not be used as a political force to perpetuate the interests of political parties that dominate DPRD's. This is because, according to many experts, the current legislative function of the DPRD is often used as an instrument to produce laws that strengthen the supremacy of the DPRD without being based on rational needs. (Bhakti, 2017).

The above conditions briefly describe the political power in legislation in Indonesia today. where political power in parliament is divided into two parts. One side is a combination of parties supporting the incumbent and the other side is the opposition. Both fight each other in the enactment of certain laws, regulations or decisions, which of course have implications for their respective interests. There are at least three political forces that are most decisive in the legislative process, including the power of the President and his coalition of parties, the power of the opposition together with elements of supporting parties and no less important is the power of civil society which, although it does not have a place in parliament, is able to influence political decisions in the legislative process in this country.

In addition to the development of the constitutional system in a democratic system, the establishment of the Law on the People's Consultative Assembly, the House of Representatives, the Regional Representatives Council, and the Regional Representatives Council has become one of the polemics because it is intended as an instrument in conveying the aspirations of the community as well as an effort to improve the performance of each representative institution in carrying out its duties and functions based on the principle of balancing checks and balances, which is based on the principle of clean and authoritative governance and at the same time increasing the authority and trust of the community in the representation function of representative institutions that fight for the aspirations of the community.

In line with the above thoughts and to realize a democratic, effective, and accountable people's representative institution, this Law strengthens and clarifies the mechanism for implementing the functions, powers, and duties of the MPR, DPR, DPD, and DPRD, such as the mechanism for forming laws and strengthening the aspiration function, strengthening the role of commissions as the spearhead of the implementation of the three functions of the council in partnership with the Government, and the importance of strengthening the support system, both the secretariat general and the DPRD Expertise Agency. In the context of local politics, the previous description illustrates that the role of legislative members has a tendency to become power full, which has caused controversy among the public. Following on from this, it is important to understand essentially how political power in regulation-making in the legislative process.

Method

The method used by the author in this paper uses a qualitative descriptive method using a literature study with a phenomenological approach Chu, PH. and Chang, (2017) as an exploration by understanding various studies in journals and for use in writing this paper. The data and facts used are obtained through a literature review by studying, reading journals, official documents, websites and other related data sources so as to produce qualified research. Once obtained, the data is then analyzed and interpreted as developed by Hashimov, (2015) with the stages of data reduction, data presentation, and data verification, to produce conclusions in the form of new findings that will be useful for readers. The limitation of this research is its dependence on the researcher's interpretation of the meaning implied in the interview, so the tendency for bias still remains. The triangulation process was conducted to reduce bias by cross-checking data with facts from different research observations.

Result and Discussion

Public Policy Formulation

Policy formulation is the earliest step in the overall public policy process. Therefore, what happens in this phase will determine the success or failure of the public policy made in the future. It should also be remembered that the formulation of good public policy is a formulation that is oriented towards implementation and evaluation, because often policy makers think that the formulation of good public policy is a conceptual concept that is full of ideal and normative messages, but not down to earth because the formulation of public policy is one stage of a series of processes for making and implementing a public policy. In the theory expressed by Dunn that policy formulation is the development and synthesis of alternative solutions to problems so that each alternative competes to be selected as a policy in order to solve problems (Dunn, 2015). Furthermore, the research found by Islamy states that policy formulation is an alternative that is continuously

carried out and never completed, in understanding the policy formulation process we need to understand the actors involved in the policy formulation process.

The study of policy formulation has a high relevance because the formulation of public problems is the main basis for designing local policies (Chindarkar et al., 2017). The process of formulating public problems at the local level can provide an in-depth understanding of the political dynamics, community needs and challenges faced by the region. The importance of public problem formulation in the context of local politics can be seen through efforts to achieve policies that are correct, appropriate and in accordance with local realities. Policy analysis conducted by local policy makers can utilize the results of problem formulation studies to find the assumptions underlying the problems in the area. Thus, an in-depth understanding of the root causes of problems allows policy makers to take more effective and relevant actions. In addition, in local politics, public problem formulation is also the basis for diagnosing the division of problems at the local level. This process helps policy analysts to clearly identify the problems that need to be addressed, while detailing their level of urgency and impact on local communities. By understanding the exact distribution of problems, policies designed can be more targeted and responsive to the specific needs of the area.

Public problem formulation at the local level also involves mapping out possible goals. In this context, local policies can be designed with the aspirations and desires of local people in mind. This process creates policies that are more connected to social, cultural and economic realities at the local level. Furthermore, problem formulation also allows for the harmonization of opposing or conflicting views at the local level. A good understanding of the various perspectives and interests of the community can help create more inclusive and equitable policies. Finally, through public problem-solving studies, local stakeholders can design new policy opportunities that are more innovative and adaptive. This creates room for the development of more efficient and effective solutions in addressing area-specific problems. Thus, the emphasis on public problem formulation in policy studies has a significant impact on the development of local policies that are responsive, relevant and can provide maximum benefits to local communities.

Policy formulation will be related to several things, namely how a problem, especially a public problem, gets the attention of policymakers, how to formulate proposals to respond to certain problems that arise, how to choose one of the alternatives to address public problems (Dunn, 2015).

Public Policy Formulation Model

Before understanding policy formulation, we need to understand that there is no best way to formulate policy, and no single way to formulate policy. There are basically thirteen kinds of policy formulation models, namely:

Institutional Model

The simple institutional model of policy formulation becomes increasingly relevant when applied in the context of local politics. In this framework, public policy-making is the responsibility of local governments that perform institutional functions across sectors and at local levels. By breaking down these functions, local governments have a crucial role in setting the direction of policies that affect local communities. This institutional model considers that any policy produced by the government involves a policy formulation process that encompasses key sectors at the local level. This approach is validated by (Judge, 2003), who asserts that the government legitimately has the authority to make public policy. Moreover, the institutional functions of government in the context of local politics are considered universal, reflecting the relevance and sustainability of policies that can

accommodate local needs. Thus, local governments are faced with the responsibility of monopolizing the function of coercion in the common life, indicating the importance of the role of local politics in shaping and directing public policies to support the welfare of the community.

Procces Model

In this process model, its followers accept the assumption that politics is not simply an existence, but rather an activity that involves various processes. In other words, politics is regarded as a dynamic that underlies a series of activities. This is relevant when it comes to local politics, where public policy-making at the local level involves a complex set of political processes. Local political actors engage in policy-making that involves dialog, negotiation and interaction between stakeholders.

This process model reflects that policy-making cannot be separated from the political dynamics that occur at the local level. Activities such as policy-making, development planning, and evaluation of public programs are an integral part of the local political process that focuses on meeting the needs and aspirations of local communities. Understanding that local politics involves a series of processes is key in shaping and directing public policies that are responsive to the needs and dynamics of local communities. As a result, understanding this model of the political process provides a strong basis for local policy makers to develop policies that are more accurate and in line with political realities.

Table 1. Policy Formulation Model

Identification of problems	Putting forward demands that the government take action.
Arranging the Policy Formulation Agenda	Deciding what issues to choose and what problems to raise
Formulation of Policy Proposals	Develop policy proposals to address the problem.
Policy Legitimacy	Choose a proposal that is considered the best and then seek political support so that it can be accepted as a law.
Policy Implementation	Organizing the bureaucracy, providing services and payments, and collecting taxes.
Policy Evaluation	Conduct program studies, report output, evaluate the impact of target and non-target groups, and provide recommendations for policy improvements.

Source: processed from various sources, 2023

Based on the table above, we can know that this model tells us about how policies are made or should be made but in the process it is still unclear because there are forces that dominate so that it puts less pressure on what kind of substance should be there so that it makes a decision that can be accepted by all groups.

Rationalism Model

This theoretical model puts forward the idea that public policy is the maximum social gain, which means that the government as a policy maker must choose policies that provide optimum

benefits to society. This model was developed from the cost benefit analysis model, a model that was started in the US Corps of Engineers in the 1930s in order to build dams and bridges. It is undeniably the most widely followed model in the practice of public policy formulation around the world. This model says that the policy formulation process must be based on decisions that have been calculated for rationality. In other words, this model emphasizes efficiency or economic aspects.

Politics in Legislation

Decisive in the legislative process is the conception and structure of political power, namely that law/regulation is always more or less a political tool, and that the place of law in the state depends on the political balance, the definition of power, the evolution of political, economic, social ideologies, and so on (Judge, 2003). Alluding to the above statement, "political balance" is inevitable in the legislative process (Gandhi et al., 2020; Krupnikov & Shipan, 2020). Determining the legislative process is the conception and structure of political power, namely that laws/regulations are always more or less political tools, and that the place of law in the state depends on political balance, the definition of power, the evolution of political, economic, social ideology, and so on. Alluding to the above statement, "political balance" is something that cannot be avoided in the legislative process, so it is natural that the opposition, as a party outside the government, is always looking for ways so that their interests can be properly accommodated. Although sometimes the process and dynamics of forming laws and regulations experience the same thing, it is the conception and structure of political "rulers" that really determine the formation of a legal product.

The strength of the opposition in local legislation has a long history recorded in the history of Indonesian government at the local political level. Opposition in the local legislative realm often arises as a result of differences in views, ideologies or interests between political parties or political groups at the regional level. Opposition members have a crucial role in shaping local political dynamics, because they not only question and criticize government policies, but also voice the aspirations and needs of communities that may not be adequately represented.

In the evolution of the Indonesian political system, the role of opposition forces at the local legislative level emerged as a critical and constructive voice in formulating policies. Recorded history shows that the diversity of views and representation presented by opposition forces is crucial in forming policies that are inclusive and fair. This dynamic reflects the importance of dialogue between various stakeholders in achieving common goals that accommodate the needs of society as a whole. Opposition forces at the local level do not just act as a counterweight to the government, but also act as a driver of innovation and healthy political growth within local communities. By questioning, criticizing, and providing alternative solutions, opposition forces can stimulate in-depth discussions and encourage the creation of policies that are more effective and responsive to local dynamics.

Therefore, an in-depth understanding of the role and history of opposition forces in local legislation not only provides a more comprehensive picture of political dynamics at the regional level in Indonesia, but also illustrates how active participation from various parties can shape more democratic and just policies for common interest.

Along with the perspective above, the polemic regarding the revision legislative regulation can be understood as the result of political constellations and power dynamics that are not ideal, especially in the local political context. Within the parliament, there is a tendency for individuals who, without considering common sense, prioritize personal interests at every stage of the political process. Furthermore, weak control exercised by political parties also contributes to this condition,

creating an environment where individual interests are more dominant than public interests. In the context of local politics, this phenomenon refers to dynamics at the regional level, where policies that should reflect the interests and aspirations of local communities are instead marginalized by power struggles and unhealthy political games. The emergence of ineffective vaccinations in local parliaments is a reflection of the lack of synergy and unity in carrying out the functions of legislative institutions at the regional level. Therefore, this condition underlines the need for local political reform to ensure that political representation truly represents the interests of society and maintains effective control over less constructive political behavior at the regional and national levels.

Conclusion

Current problems in regulatory making highlight the imbalance between the executive and the legislature, especially in the local political context. The dynamics in the legislature show the dominance of the executive, who holds the highest power. This phenomenon creates a situation where the interests of actors within the executive tend to dominate the rule-making process. In the midst of efforts to maintain and expand power, there is a tendency to design regulations with a more dominant bias, dominating the majority vote, and possibly harming parties who are not in line.

Politics and law are closely related in the formation of legal rules by political institutions. In the local political context, the political forces occupying these institutions have a significant impact. When law is more decisive than politics, political activities are regulated by and must comply with legal rules. However, if politics dominates, law becomes the product of interacting and competing political wills. Thus, the formation of legal products, including regulations at the local level, occurs through the influence of political forces in the political process in state institutions with all their authority and authority. Therefore, it is important to strengthen the principles of fairness, transparency and participation in the rule-making process to ensure that the resulting policies truly reflect the needs and aspirations of local communities evenly.

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