



## Establishment of Regional Regulations DPRD in Surabaya City as a Means of Realizing a Development, Humanist and Sustainable

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### **Abstract**

The research used in the process of this article uses a type of legal research, the way it works is researching library or secondary materials that have been collected. The vision of Surabaya City government is to make Surabaya an advanced, humanist and sustainable city, so regional regulations that are legal umbrella in achieving this vision must be able to achieve indicators of an advanced, humanist and sustainable city. Indicators of sustainable cities are improvement of environment quality, the development of integrated facilities and infrastructure, and implementation of quality local government. If these indicators can be achieved, then city of Surabaya will become an advanced, humane and sustainable city in accordance with city vision of Surabaya. For this reason, in accordance with its function, the Surabaya City DPRD plays a role in formation of regional regulations starting from its role in proposing, which regional regulations that are result in proposal are usually referred to as DPRD Initiative Regional Regulations, then ratify regional regulations both those originating from the proposal of the Mayor or local government ranks as well as those originating from DPRD members themselves, as well as a supervisory function in the implementation of regional regulations that have been valid as part of realizing the vision of Surabaya City. In addition to formation of regional regulations, the effectiveness of achieving the mission is closely related to implementation and supervision in its implementation, Surabaya City of government can be optimal in carrying out its implementation and together with the DPRD to supervise its implementation.

**Keywords:** *Development; Humanist; Establishment*

### **Introduction**

There are three things, the goals to be achieved during service period be elected regional head. These three things are to realize of Surabaya city which is advanced, humanist and sustainable. Here's explanation (*Rancangan Akhir RPJMD 2021-2026*, n.d.):1). Advanced Surabaya, largest city in Indonesia, is certainly a barometer of economic development not only at the East Java level

but also at national level. Progressing the economy is a form of regional development efforts that optimize all forms of regional economic potential as a support for regional economy. (Franco Vargas & Roldán Restrepo, 2019) Targeted economic growth is inclusive economic growth or benefits are felt by people in Surabaya City; 2). Humanist Surabaya, Implementation in Law No. 23 of 2014 concerning Regional Government states that purpose of local governments is to accelerate realization of community welfare through service improvement, empowerment, and community participation. In this case, the Surabaya City government created of Surabaya City as a place that supports the realization of community security and tranquility; 3). Surabaya is sustainable, the development of Surabaya city puts forward a sustainable development model (sustainability development), namely how development prioritizes a balance between economic, social and cultural development. The development of Surabaya City integrates economic growth efforts with efforts to realize social justice, environmental sustainability, community participation, and cultural diversity.

In realizing vision and mission as proclaimed, of course, need support from all parties. Not only in regional head as executive who is responsible for realizing vision and mission, but also the support from members of Legislature in form is legislative function, namely forming regional regulations that are needed to become legal umbrella for every policy. The function of regional regulations is an attribution function that is regulated under Law No. 23 of 2014 concerning Regional Government, especially article 236 which is also a delegate function of higher laws and regulations. In Article 236 and Article 237 of Law No. 23 of 2014 concerning Regional Government, the functions of regional regulations are formulated as follows (Indrati, 2020): 1). Implementation of arrangements in framework of regional autonomy and assistance tasks; 2). The implementation of regulations as a further elaboration of provisions of higher laws and regulations; 3). Arrangement of local content for each region; 4). Implementing regulations that are contrary to matters that don't conflict with higher laws and regulations (what is meant here are regulations at the central level).

According to Law Number 32 of 2004, DPRD has several functions and one of them is function of legislation as the main vehicle for reflecting aspirations and interests of people in formulation of Regional Regulations which is a concrete manifestation of implementation of legislative functions of DPRD. The establishment of Regional Regulations as a legal management material at regional level need order to realize of statutory regulations in implementing regional government as well as as a place to accommodate aspirations of developing region community. (*PERAN ANGGOTA LEGISLATIF DALAM PEMBUATAN PERATURAN DAERAH KABUPATEN SERAM BAGIAN BARAT | Kaisupy | Moderat: Jurnal Ilmiah Ilmu Pemerintahan*, n.d.)

The synergistic relationship at this time has not been able to run optimally. The equality of relationship is often interpreted differently which reduces with function and authority of DPRD. For example, there are still many regional regulations that are initiated by regional government, not from DPRD. In fact, if you look at Article 95 paragraph (1) of Government Regulation Number 25 of 2004 it is expressly stated that "the DPRD has power to form regional regulations". This means of main sector for formation of regional regulations should be hands of DPRD. Not to mention related bargaining position in discussion of APBD (Regional Revenue and Expenditure Budget), draft regional regulations of APBD usually enter DPRD in a very short time, making it difficult for DPRD to review carefully the draft substance. (Zainal, 2018)

Based on research above, it is interesting to study parameters of regional regulations that can realize the vision of an advanced, humanist and sustainable city of Surabaya. And extent to which role of Surabaya City DPRD as a legislature that makes a legal umbrella in context of realizing Surabaya City regional regulations that are advanced, humanist and sustainable.

### ***Research Method***

The research used in the process of this article uses a type of legal research, the way it works is researching library or secondary materials that have been collected. (Michael, 2019) Legal research is also a process to determine the rule of law, legal principles, and legal doctrines in order to answer the legal issues at hand.

### ***Research Results and Discussion***

#### **Characteristics of Regional Regulations in Realizing of Surabaya City which is Advanced, Humane and Sustainable**

In realizing context, vision for development of Surabaya City has been determined, the development mission of Surabaya City for 2021-2026 is set, which are set out in 5 (five) mission points as follows: 1). Realizing an inclusive economy to improve people's welfare and opening up new job opportunities through strengthening local economic independence, conducive investment climate, strengthening Surabaya's competitiveness as a hub for inter-island and international trade and services liaison; 2). Building superior human resources (HR) with character, physically, mentally, productively, religiously, and culturally healthy in frame of diversity through increasing access and quality of health services, education and other basic needs; 3). Strengthening integrated urban spatial planning through availability of modern, world-class and sustainable urban infrastructure and utilities; 4). Strengthening the transformation of a clean, dynamic and digital-based agile bureaucracy to improve quality of public services; 5). Creating order, security, social harmony and fair legal certainty.

Characteristics to realize an advanced Surabaya City has a focus on economic growth, so the characteristics of local regulations that are formed in realizing an advanced Surabaya City are regional regulations related to investment, a decrease in number will open unemployment, Gini index (Gini coefficient is a measure developed by Italian statisticians, Corrado Gini in 1912 and is usually used to measure income and wealth inequality. Worldwide, the coefficient varies from 0.25 to 0.70.) and poverty. (Kaplaner & Steinebach, 2021) The characteristics of local regulations in realizing a humanist city of Surabaya are superior human resources (HR), namely human resources who are educated and have high skills who are productive, physically and mentally healthy and have character. Therefore, human investment is an important mission in achieving the vision of Surabaya city in future. Improving the quality of human resources (HR) (Herman, 2021) in city of Surabaya needs to be supported by increasing access and quality services for health, education, and other basic needs. The characteristics of local regulations in realizing a sustainable city of Surabaya can be emphasized on the process of strengthening integrated urban spatial planning through the availability of world-class modern city infrastructure and utilities. Besides that, the sustainable aspect in this case also emphasizes process of establishing a clean, dynamic, and digital-based agile bureaucratic transformation to improve quality of public services. (Milakovich, 2021)

Another thing that needs to be considered in the formation of regional regulations is that they must refer to the principles of legislation as regulated in Article 5 and Article 6 of Law Number 12 of 2011 concerning the Establishment of Invitational Regulations. Article 5 mentions several important principles, namely principle of clarity of purpose, appropriate institutional or official making, conformity between types, hierarchies, and content materials, usability, can be implemented, clarity of formulation, and openness. In addition, Article 6 paragraph(1) the content on principles mentions of material in protection form principle, humanity, nationality, kinship, archipelago, diversity in diversity, justice, equality in law and government, balance, harmony, and harmony. (Inggit AR, 2019)

## **The Role of Surabaya City DPRD to Realize Advanced, Humanist and Sustainable Regional Regulations**

The characteristics, principles and contents formation of regional regulations must be understood by DPRD members as their role in terms of legislation, namely formation of regional regulations which in this case are regulated in Regulation of Regional People's Representative Council of Surabaya City Number 1 of 2018 concerning the Rules with Regional People's Representative Council of Surabaya City.

In Surabaya City DPRD Regulation Article 1 paragraph (8) it is stated that Regional Regulation Formation Agency is a permanent DPRD complement that specifically handles field of regional regulations. Meanwhile, one of functions in Surabaya City DPRD is formation of regional regulations as stated in Article 2 point (a). The mechanism for formation of regional regulations of Surabaya City as an integral part with process of its formation is regulated in Articles 3 to 14 of the Surabaya City DPRD Regulation Number 1 of 2018 concerning the Rules of Regional People's Representative Council of Surabaya City.

Classically, Purnadi Purbacaraka (*Lihat Artikel*, n.d.) stipulates four important principles in making regional regulations, namely: 1). The legislation is not retroactive; 2). Legislation made by higher officials has a higher position as well; 3). The laws and regulations cannot be contested; 4). Legislation as a means to maximum extent possible to achieve spiritual and material welfare for community and individuals, through renewal and preservation; 5). The enactment of legislation is announced.

Democratic regional regulations require community aspirations as a form of community participation in formation of regional regulations. The enactment of regional regulations will certainly have an impact on the social life of the community so that it requires community participation region in process of preparing participatory regional regulations. Community participation can be done individually or collectively, for example through the press, community groups, community leaders, directly affected community groups, universities, and the community individually who convey their aspirations to members of legislature DPRD. (*Pembentukan Undang-Undang Dalam Rangka Pembaharuan Hukum Nasional Di Era Demokrasi | Astomo | Jurnal Konstitusi*, n.d.)

### **Conclusion**

The vision of Surabaya City government is to make Surabaya an advanced, humanist and sustainable city, so regional regulations that are legal umbrella in achieving this vision must be able to achieve indicators of an advanced, humanist and sustainable city. Indicators of sustainable cities are improvement of environment quality, the development of integrated facilities and infrastructure, and implementation of quality local government. If these indicators can be achieved, then city of Surabaya will become an advanced, humane and sustainable city in accordance with city vision of Surabaya. For this reason, in accordance with its function, the Surabaya City DPRD plays a role in formation of regional regulations starting from its role in proposing, which regional regulations that are result in proposal are usually referred to as DPRD Initiative Regional Regulations, then ratify regional regulations both those originating from the proposal of the Mayor or local government ranks as well as those originating from DPRD members themselves, as well as a supervisory function in the implementation of regional regulations that have been valid as part of realizing the vision of Surabaya City. In addition to formation of regional regulations, the effectiveness of achieving the mission is closely related to implementation and supervision in its implementation, Surabaya City of government can be optimal in carrying out its implementation and together with the DPRD to supervise its implementation.

## References

- Franco Vargas, M. H., & Roldán Restrepo, D. (2019). The instruments of public policy. A transdisciplinary look. *Cuadernos de Administración*, 35(63). <https://doi.org/10.25100/cdea.v35i63.6893>
- Herman, H. (2021). Building A Work Culture Through The Models of Improving The Quality of Human Resource. *FITRAH: Jurnal Kajian Ilmu-Ilmu Keislaman*, 7(1). <https://doi.org/10.24952/fitrah.v7i1.3316>
- Indrati, M. F. (2020). *Ilmu Perundang-Undangan 1*. Kanisius.
- Inggit AR, A. B. (2019). ASAS-ASAS PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN DALAM PENYUSUNAN RANCANGAN PERATURAN DAERAH. *Jurnal Restorative Justice*, 3(1), 1–13. <https://doi.org/10.35724/jrj.v3i1.1935>
- Kaplaner, C., & Steinebach, Y. (2021). Why We Should Use the Gini Coefficient to Assess Punctuated Equilibrium Theory. *Political Analysis*. <https://doi.org/10.1017/pan.2021.25>
- Lihat artikel. (n.d.). Retrieved February 21, 2022, from [https://scholar.google.com/citations?view\\_op=view\\_citation&hl=id&user=GaKua80AAAAJ&citation\\_for\\_view=GaKua80AAAAJ:u5HHmVD\\_uO8C](https://scholar.google.com/citations?view_op=view_citation&hl=id&user=GaKua80AAAAJ&citation_for_view=GaKua80AAAAJ:u5HHmVD_uO8C)
- Michael, T. (2019). PERMASALAHAN HUKUM DALAM PERATURAN WALIKOTA SURABAYA NOMOR 21 TAHUN 2018 TENTANG TATA CARA PENYELENGGARAAN REKLAME. *DiH: Jurnal Ilmu Hukum*. <https://doi.org/10.30996/dih.v15i1.2267>
- Milakovich, M. E. (2021). Digital governance: Applying advanced technologies to improve public service. In *Digital Governance: Applying Advanced Technologies to Improve Public Service*. <https://doi.org/10.4324/9781003215875>
- Pembentukan Undang-Undang dalam Rangka Pembaharuan Hukum Nasional Di Era Demokrasi / Astomo / Jurnal Konstitusi*. (n.d.). Retrieved February 21, 2022, from <https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/41>
- PERAN ANGGOTA LEGISLATIF DALAM PEMBUATAN PERATURAN DAERAH KABUPATEN SERAM BAGIAN BARAT / Kaisupy / Moderat: Jurnal Ilmiah Ilmu Pemerintahan*. (n.d.). Retrieved February 21, 2022, from <https://jurnal.unigal.ac.id/index.php/moderat/article/view/3411>
- Rancangan Akhir RPJMD 2021-2026*. (n.d.). Retrieved February 21, 2022, from <http://bappeko.surabaya.go.id/dokumen/item/101-rancangan-akhir-rpjmd-2021-2026>
- Zainal, M. A. (2018). Proses Pembentukan Peraturan Daerah Kabupaten Muna Sulawesi Tenggara. *Al-Izzah: Jurnal Hasil-Hasil Penelitian*, 13(2). <https://doi.org/10.31332/ai.v13i2.1052>

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