

THE FUNCTION OF THE DPRD'S RIGHT OF INTERPLATION IN SUPERVISION OF REGIONAL HEAD POLICIES

Ade Hilmy Raihan, Mukhlis

Email: adehilmy@gmail.com

Universitas Muhammadiyah Sumatera Utara

ABSTRACT

The Regional People's Representative Council (DPRD) has an equal position and works closely with the government. Therefore, the Regional Representative Council is required to incorporate community aspirations into regional policies and carry out its oversight function. Duties of the Regional People's Representative Council (DPRD). Taking into account the duties and authorities of the Regional People's Representative Council (DPRD), this will result in an increase in the role and function of the regional legislative body or the Regional People's Representative Council (DPRD) in terms of legislation, oversight, and budgetary functions. In addition, Law of the Republic of Indonesia Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council will also enhance these roles and functions. One of the important duties of the Regional People's Representative Council (DPRD) is to carry out its oversight function.

The research takes up the problem of the implementation of the DPRD's right of interpellation function in supervising regional head policies. Obstructing the implementation of the DPRD's right of interpellation in supervising regional head policies. The legal consequences of the DPRD's right of interpellation in supervising regional head policies.

Results and Discussion of the Implementation of the DPRD's Interpellation Rights Function on the Supervision of Regional Head Policies, namely the DPRD and the regional head have a supervisory relationship, both as members and as institutions. Obstacles to the Implementation of the DPRD's Interpellation Rights on the Supervision of Regional Head Policies, namely One of the obstacles that often occurs in the implementation of the DPRD's interpellation rights is differences of opinion between members and factions. The DPRD's interpellation rights can be proposed if they receive approval from a DPRD plenary session attended by more than half of

the DPRD members. The DPRD's interpellation rights can be hampered if the proposal submitted does not receive approval from the DPRD plenary session. The legal consequences of the DPRD's interpellation rights on the supervision of regional head policies, namely the Legal consequences of the Implementation of the DPRD's interpellation rights against the Regional Government can give rise to various significant legal consequences. Legal consequences refer to the consequences or results that arise as a result of an action, decision, or event that is regulated or influenced by law.

Keywords: Right of Interpellation, DPRD, Regional Head

A. Introduction

The Indonesian government is based on decentralization. The government grants government authority to autonomous regions to manage government affairs within the Unitary State of the Republic of Indonesia. In other words, decentralization means that regions are given the authority to exercise their own autonomy.¹

Guidelines for implementing regional autonomy, Law No. 32 of 2004, replaces Law No. 22 of 1999.² The purpose of delegating authority to autonomous regions in the implementation of regional autonomy is to enhance community capacity, improve public welfare, ensure equity and justice, and respect human rights. Essentially, regional autonomy is decentralization, allowing regions to regulate and manage their own government affairs delegated to them by the central government. This is because regional governments have a better understanding of the circumstances and conditions in their regions, as they are granted the authority to regulate and manage their own affairs under Law Number 23 of 2014 concerning Regional Government.³

To implement the wheels of government in the region, the regional government must create regional regulations (perda) that are in accordance with the needs and conditions of the region. Regional government is a form of government in which the Regional Government and the Regional People's Representative Council (DPRD) organize government affairs based on the principles of autonomy and assistance tasks. The principle of the broadest possible autonomy is found in the system of the Unitary State of the Republic of Indonesia. The

¹ Budiardjo, Miriam. 2007. DPRD and Its Role. Bandung: Bina Cipta Page 112

² Law No. 32 of 2004 concerning the implementation of regional autonomy

³ Law Number 23 of 2014 concerning Regional Government

Regional Representative Council is part of the regional government that represents the entire population and composition. Its members are appointed by the decision of the Minister of Home Affairs on behalf of the President in accordance with the results of the election and appointment.

In the Law of the Republic of Indonesia Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council, the law regulates the People's Consultative Assembly, the People's Representative Council, the Regional People's Representative Council with the aim of forming an institution that has the ability to supervise and oversee. With the enactment of Law of the Republic of Indonesia Number 13 of 2019 concerning the MPR, DPR, DPD, and DPRD, there have been significant changes to the position, functions, duties, rights, and obligations of the DPRD.⁴

This law aims to enhance the capacity of the Regional People's Representative Council (DPRD) as the organizer of regional government by granting it equal standing with regional governments in developing and supporting the enactment of laws. The Regional People's Representative Council (DPRD) is a representative body that functions as part of the regional government administration.

The Regional People's Representative Council (DPRD) has an equal position and works closely with the government. Therefore, the Regional Representative Council is required to incorporate community aspirations into regional policies and carry out its oversight function. Duties of the Regional People's Representative Council (DPRD). Taking into account the duties and authorities of the Regional People's Representative Council (DPRD), this will result in an increase in the role and function of the regional legislative body or the Regional People's Representative Council (DPRD) in terms of legislation, oversight, and budgetary functions. In addition, Law of the Republic of Indonesia Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council will also enhance these roles and

⁴Law of the Republic of Indonesia Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council.

functions. One of the important duties of the Regional People's Representative Council (DPRD) is to carry out its oversight function.

In the regional governance process, the Regional People's Representative Council (DPRD) has the authority to control the executive to ensure that the executive does not deviate from the existing line. This supervision involves monitoring government actions and policies. In this case, the legislative body/DPR has the right of inquiry (conducting 4 investigations) and interpellation (requesting information), as regulated in Article 366 paragraph 1 letter (c) of Law Number 13 of 2019 concerning the third amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council and the Regional People's Representative Council are responsible for the implementation of regional regulations and the district/city revenue and expenditure budget. However, it is clear that Article 366 paragraph 1 letter (c) of Law Number 13 of 2019 concerning the third amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council is not implemented properly. Based on this, the author is interested in conducting research and studying it in more depth and putting it into the form of a legal thesis with the title: "The Function of the DPRD's Right of Interpellation in Supervising Regional Head Policies".

B. Research Methods

A study cannot be called research if it does not have a research method.⁵ Research methods are one of the factors of a problem that will be discussed. The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.⁶

C. Discussion

1. Implementation of the DPRD's Interpellation Rights Function Regarding the Supervision of Regional Head Policies.

⁵ Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, 14(1).

⁶ Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 24(1), 3554-3462.

Implementation is the act or execution of a carefully and detailed plan. Implementation is usually carried out after the plan is deemed ready. Simply put, implementation can be defined as application. Majone and Wildavsky define implementation as evaluation. Browne and Wildavsky define implementation as the expansion of mutually adaptive activities.

The definitions above show that the word implementation boils down to activity and effectiveness, the presence of witnesses, actions or mechanisms of a system. The expression mechanism means that implementation is not just an activity, but an activity that is planned and carried out seriously based on certain norms to achieve the objectives of the activity. Implementation is an activity or effort carried out to carry out all plans and policies that have been formulated and determined by completing all the needs, necessary tools, who carries it out, where the implementation starts and how it must be carried out, a process of a series of follow-up activities after the program or policy is determined consisting of decision making, strategic and operational steps or 17 policies become a reality in order to achieve the targets of the program that was originally determined. From the definitions put forward above, it can be concluded that basically the implementation of a determined program must be in line with existing conditions, both in the field and outside the field. Which in its activities involves several elements accompanied by efforts and supported by supporting tools.

It's important to understand that supervision acts as a bridge between predetermined targets and the implementation of programs that serve as a means to achieve those targets. In other words, supervision is an effort to compare reality with reality. The primary goal of implementing supervision is to minimize deviations, abuse, errors, or other undesirable events that could hinder the achievement of predetermined goals.⁷

Through supervision, the state administration's work system is expected to be able to provide significant results in efforts to realize state goals. ⁸Supervision also plays a role in optimizing performance and serving as internal and external control within a country. The results of supervision typically include findings regarding factors contributing to the success, obstacles, or failure of a system or program's implementation. Once findings are identified, several actions can be taken, including the following:

- a. Making repairs;

- b. Provide suggestions or recommendations regarding the findings for follow-up; and
- c. Optimizing work so that targets or goals can be realized properly and correctly.

Supervision is the process of monitoring the implementation of a plan, determining whether it is being implemented correctly. Conceptually, supervision is closely related to the plan. Without a plan, supervision cannot be carried out. Meanwhile, the implementation of a plan is highly dependent on supervision, which ensures its effectiveness and efficiency in achieving the plan's predetermined targets or objectives.

Another definition of supervision is an effort to ensure that officials act in seeking information and data needed by management to determine the level of success or failure of a project. Supervision is the process of checking whether the implementation of a plan is proceeding as intended or not, in accordance with instructions and principles, and gathering information on strengths and weaknesses for future follow-up.

Supervision can be conducted at any time, whether during implementation or after a program has ended, to determine the extent to which the program has achieved its goals or targets within a work group. There are several classifications of supervision, as follows:

1. Supervision seen from the “institutional” aspect as part of the implementing control, can be classified as follows:
 - a. Internal control supervision in this context is carried out directly by a specific group that is structured in a structure for the implementation of plans that have been determined by the relevant working group.
 - b. External supervisory control in this context relates to the supervisory function carried out by parties who are not part of a separate and external working group structure.
2. Supervision is seen from the aspect of implementation time, namely classified as follows:
 - a. *A-priori control* This type of oversight is carried out when a legitimate authority issues a work program that must be implemented and is guaranteed by a regulation. In this context, oversight is intended as a preventative measure to minimize the possibility of errors occurring as early as possible in a work program.

⁷Quarterly Point, 2011. State Administrative Law and Indonesian State Administrative Court Procedure. Jakarta: Kencana. , Page 106.

⁸Azlan Thamrin. 2019. Introduction to Indonesian Law. Parepare: CV. Kaafah Learning Center. Page 100

- b. *A-posteriori control*/This type of oversight is carried out when a plan has a legal basis and has been implemented through legal actions by the authorities. This type of oversight is repressive in nature against any errors or mistakes that occur.
- 3. Supervision is seen from the aspect of the object being supervised, which can be classified as follows:
 - a. Supervision from a “legal” perspective (legality) In this context, supervision is carried out on the legal aspects only, such as the content of the material, supporting regulations, legal objectives, and so on.
 - b. Supervision from the perspective of “benefit” (opportunity) In this context, supervision is only carried out to assess how far a law can provide benefits when implemented in a country.⁹

The relevance of oversight theory to this research is due to the focus of this research on the implementation of the right of appointment and the right of interpellation, which are concrete forms of the DPRD's oversight function. Furthermore, the right of appointment and the right of interpellation are crucial components of the checks and balances that characterize the oversight aspect. Therefore, the oversight theory in this research is crucial for analyzing the DPRD's oversight function in relation to the regional government.

2. Hindering the Implementation of the DPRD's Right of Interpellation Regarding the Supervision of Regional Head Policies

Obstacles to the DPRD's right of interpellation can include government actions that ignore requests for clarification, unqualified DPRD members, political issues and conflicts of interest, and a lack of public awareness and support for this right. The right of interpellation is the DPRD's right to request information from the government regarding important and strategic policies.

Causes of Inhibition of the Right of Interpellation

- 1. Government Neglect: The government can hinder the right of interpellation by not providing an adequate response or explanation, or even refusing to fulfill the DPRD's request to provide information.

⁹Nomensen Sinamo, 2010. Regional Government Law. Jakarta: Pustaka Mandiri. Page 49.

2. **Political Issues and Conflicts of Interest:** Sometimes, the right of interpellation can be hindered due to conflicting political interests between the government and the DPRD, or attempts to cover up certain issues.
3. **Lack of Public Support:** If the public does not support or does not understand the importance of the right of interpellation, this can be an obstacle for the DPRD to implement it effectively.
4. **Internal Limitations of the DPRD:** Although rare, internal limitations of the DPRD itself can also be an obstacle if there are members who do not understand or do not support the implementation of the right of interpellation, or if there is not sufficient agreement in submitting this right.
5. **Lack of Detailed Implementing Regulations:** Although the right of interpellation is stipulated in the constitution and laws, sometimes the lack of more detailed regulations regarding the procedures for its implementation can make the process complicated or easily obstructed.

Impact of Obstruction of the Right of Interpellation

1. **Weak Government Oversight:** Obstacles to the right of interpellation can weaken the DPRD's oversight function over the government.
2. **Decreased Government Accountability:** The government may become less accountable because there is no effective mechanism to request explanations for the policies taken.
3. **Public Distrust:** This obstacle can also give rise to public distrust in the performance of the DPRD and the government.

Solutions to Overcome Obstacles

1. **Strengthening the Implementation Mechanism:** There needs to be clearer regulations regarding the procedures for exercising the right of interpellation and sanctions for governments that do not comply with requests for clarification.
2. **Increasing Public Participation:** Educating the public about the importance of the right of interpellation can increase public support and pressure on the government to exercise this right.

Improving the Coalition and Internal Consolidation of the DPRD: DPRD members need to unite and reach a strong consensus so that the submission of the right of interpellation is more effective.

3. The legal consequences of the DPRD's right of interpellation regarding the supervision of regional head policies.

Legal consequences are generally the consequences imposed by law on an event or action committed by a legal subject. These legal consequences can include the emergence, change, or disappearance of a legal situation, the emergence or disappearance of a legal relationship, and the imposition of sanctions for unlawful actions.

Main Elements of Legal Consequences

1. Legal Event: Something that precedes a legal consequence, can be an intentional act or a natural occurrence.
2. Legal Subject: A party who carries out an action or experiences a legal event, such as a human or legal entity.
3. Intended Consequence: The desired result of a legal action, such as the formation of a sale and purchase contract.
4. Legal Regulations: Laws that regulate and determine the consequences of events or actions.

Types of Legal Consequences

1. Birth, Change, or Disappearance of Legal Status: For example, a change in status from incompetent to legally competent upon reaching a certain age.
2. Birth, Change, or Disappearance of Legal Relationship: For example, the formation of a new legal relationship between the seller and the buyer after a sales and purchase agreement.
3. The Birth of Sanctions: Consequences given when there is an unlawful act, such as criminal sanctions for thieves.
4. Legally Recognized Emergency Event: Rescue actions in an emergency that are recognized as not violating the law.

According to the Big Indonesian Dictionary (KBBI) (Sugiyono & Yeyen, 2008), legal consequences are defined as the consequences arising from legal events. Meanwhile, according to Acmad Ali, quoted by Abdul Roup (Abdul, 2017), legal consequences are the consequences caused by the law for an act committed by a legal subject. Meanwhile, according to Moh Ainul Mustofa, legal consequences are defined as the legal consequences given by the law for a legal event or act of a legal subject. Meanwhile, according to Soeroso (Soeroso, 2006), legal consequences are defined as the consequences of an action taken, to obtain a result expected

by the perpetrator. Based on the understanding of legal consequences according to experts, it can be concluded that legal consequences are the impacts that arise due to a legal event. There are 3 types of legal consequences, including:

1. Legal consequences are in the form of the birth, change, disappearance of a legal situation. For example, a teenager who reaches the age of 21 gives birth to a new legal situation from being legally competent to becoming legally competent
2. Legal consequences in the form of the birth, change, disappearance of a legal relationship. For example, from the moment the seller and buyer enter into a sales and purchase agreement, a legal relationship arises between the two.
3. Legal consequences are in the form of sanctions for committing unlawful acts. Legal sanctions, when viewed in practice, are divided into two, namely:
 - 1) Legal sanctions in the field of public law are regulated in Article 10 of the Criminal Code in the form of principal penalties and additional penalties.
 - 2) Criminal sanctions in the private sector include:
 - a. Carrying out legal acts (Article 1365 of the Civil Code)
 - b. Committing a breach of contract (Article 1366 BW)

The right of interpellation is a crucial instrument in the political system, playing a strategic role in overseeing the performance of regional governments. This right enables legislative bodies to oversee regional government policies and actions and ensures regional government accountability to the public.¹⁰ Therefore, the Indonesian legal system regulates the procedures for implementing the right of inquiry and the right of interpellation by the Regency/City DPRD regarding the performance of the Regional Government.

D. Conclusion

The DPRD's Interpellation Rights Function Regarding the Supervision of Regional Head Policies: The DPRD and the regional head have a supervisory relationship, both as members and as an institution. This is done to ensure that the implementation of regional government complies with laws, regulations, and other standards that have been established collectively or by a higher government. Some of the rights granted by this supervisory relationship include the ability to ask questions and investigate, conduct audiences with the regional head, attend working meetings with the regional head or officials, and conduct field

¹⁰Susanto, M. 2018. The House of Representatives' Right of Inquiry, the Corruption Eradication Commission, and Corruption Eradication. Integrity. Jakarta: Anti-Corruption Journal. Page 99.

visits. This supervisory relationship follows the accountability relationship. One of the management functions is supervision, which ensures that operations are carried out in accordance with plans and policies and that objectives are achieved effectively and efficiently. This supervisory responsibility is very important for regional governments and supervisors, because they serve as an early warning system for regional governments and oversee the implementation of actions to achieve objectives.

Bibliography

- Abdulkadir Muhammad, 2004, Law and Legal Research, Bandung: Citra Aditya Bakdi.
- Azhari, A. 2023. Polemic of Political Conflict Between the Governor and the Aceh DPR (Case Study of the Use of the DPRD's Interpellation Rights Against Aceh Regional Government Policies). Student Scientific Journal of the Faculty of Social & Political Sciences, 8(2).
- Azhari. 2011. Reforming the Bureaucracy of the Republic of Indonesia. Yogyakarta: Pustaka Pelajar.
- Azlan Tamrin. 2019. Introduction to Indonesian Law. Parepare: CV. Kaafah Learning Center.
- Budiardjo, Miriam. 2007. DPRD and Its Role. Bandung: Bina Cipta.
- Dadang Suwanda, Improving the Function of the DPRD in Drafting Responsive Regional Regulations, Rosdakarya, Bandung, 2020.
- Faisal, et al., 2023. Guidelines for Writing and Completing Student Final Projects, Medan: CV. Pustaka Prima.
- Fajar, Mukti, and Ahcmad Yulianto. 2015. Dualism of Normative & Empirical Legal Research, 3rd Edition Yogyakarta: Pustaka Pelajar.
- Hamonangan, A. 2023. Submission of the Right of Interpellation of Members of the DKI Jakarta DPRD in the Context of Implementing the Supervisory Function and Anticipating the Occurrence of Criminal Acts of Corruption. Jurnal Ilmiah Publika, 11(1), pp. 25-32.
- Hanif Nurcholis. 2017. Theory and Practice of Regional Government and Autonomy. Jakarta: Grasindo.
- Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. Jurnal IUS Kajian Hukum dan Keadilan, 14(1).
- Haryono, in Johnny Ibrahim, 2005, Theory and Methods of Normative Legal Research, Malang: Bayumedia.
- Ida Hanifah, et al. 2018. Guidelines for Writing Final Assignments for Students of the Faculty of Law, Umsu. Medan: Pustaka Prima.
- Inu Kencana Syafie, Azhari. 2010. The Indonesian Political System. Bandung: PT. Refika Aditama.
- J. Kaloh. 2007. Searching for Forms of Regional Autonomy. Jakarta: PT. Rineka Cipta.

- Jimly Asshiddiqie. 2005. *The Indonesian Constitution and Constitutionalism*. Jakarta: Constitution Press.
- Jimly Asshiddiqie. 2010. *Regarding the Law*. Jakarta: PT. Raja Grafindo Persada.
- Jimly Asshiddiqie. 2020. *The Theory of the Hierarchy of Legal Norms*. Jakarta. Press Constitution
- Law No. 32 of 2004 concerning the implementation of regional autonomy
- Law Number 23 of 2014 concerning Regional Government
- Law of the Republic of Indonesia Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council
- Legowo. 2005. *People's Representative Institutions in Indonesia*. Jakarta: PT. Gramedia Pustaka Utama.
- Miriam Budiardjo. *Legislative Function in the Indonesian Political System*. Raja Grafindo Persada. Jakarta. 2001.
- Nomensen Sinamo. 2010. *Regional Government Law*. Jakarta: Pustaka Mandiri
- Quarterly Point. 2011. *Indonesian State Administrative Law and Administrative Court Procedure*. Jakarta: Kencana.
- Raden Ajeng Ratna Suminar. 2008. *The Role of Political Parties*. Jakarta: Duta Magazine.
- Rahayu. Ani Sri. 2017. *Introduction to Regional Government: A Study of Legal Theory and Its Application*. Malang: Sinar Grafika.
- Sadu, Yonatan Wiyoso. 2009. *Improving the Performance of the Regional People's Representative Council (DPRD)*. Bandung: Fokusmedia
- Sarundajang, Sinyo Hary. 2009. *The Return of Central Power to the Regions*. Jakarta: Sinar Harapan Center.
- Sigit Pamungkas. 2011. *Political Parties: Theory and Practice in Indonesia*. Yogyakarta: Perum Griya Saka Permai.
- Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 24(1), 3554-3462.
- Soerjono Soekanto, Sri Mamudji, 1995, *Normative Legal Research: A Brief Review*, Jakarta: Raja Grafindo,

- Sударsono. 2007. Legal Dictionary. Jakarta: PT. Asdi Mahasatya.
- Susanto M. 2018. The House of Representatives' Right of Inquiry, the Corruption Eradication Commission, and the Eradication of Integrity Corruption. Jakarta: Anti-Corruption Journal.
- Syaukani, Afan Gaffar, M Ryaas Rasyid. 2005. Regional Autonomy in a Unitary State. Yogyakarta: Pustaka Pelajar.
- The 1945 Constitution of the Republic of Indonesia
- Understanding Data Analysis via <https://www.maxmanroe.com/vid/manajemen/analisis-data.html> accessed on August 29, 2024 at 15.10 WIB
- Yuni Yanti, Bahder Johan Nasution, “The Function of Deputy Regional Heads in Organizing Regional Government Based on Law Number 23 of 2014 Concerning Regional Government”, Limbago: Journal of Constitutional Law, Vol.1, No.2, 2021.