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Law politics increasing regional original income through initiative regional regulations

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Abstract

Political Law in Formation of Regional Regulations Initiative is a choice that must be taken. Legal politics is an important element in regional development. Overall legal politics is a dynamic process following the dynamics of people's lives. The purpose of this study is to examine the legal politics of increasing local revenue through initiative local regulations, and the substance of the initiative local regulations as a mirror of local legal politics. This research is a type of field research, using primary data, and using a philosophical approach. Data were analyzed qualitatively. The results of the study indicate that the formation of laws and regulations that are directed through legal politics. The establishment of an initiative Regional Regulation is a planning instrument that is systematically prepared and becomes a reference in the planning process for drafting legislation. The Initiative for Establishing Regional Regulations Program is also an illustration of Regional Legal Politics which contains plans for the development of legislation. Parking management is a business that has income value for Tegal Regency, which needs to be managed properly and responsibly and has benefits for the community. Novelty, Regional Regulations initiated by the Regional People's Representative Council as a representation of the people are an instrument to improve people's welfare.

Keywords: Legal politics of regional, regional regulations, parking, welfare, Indonesia

Introduction

The 1945 Constitution of Indonesia stipulates that the Provincial, Regency, and City Governments regulate and manage their government affairs according to the principles of autonomy and co-administration. As the implementation of these provisions, an organic law implementing the Constitution has now been implemented, namely the 2014 Regional Government Law and its amendments. The law regulates in more detail the authority of each region to manage their respective regions. The government in carrying out its authority is divided into several fields and each field has limitations in carrying out each of its activities. The Law of the Republic of Indonesia Number 24 of 2014 concerning Regional Government has provided opportunities for regions in the form of greater authority to manage development independently and democratically. The goal is to encourage the creation of usability and results for the implementation of regional government in the welfare of the community, both through improving public services and through increasing regional competitiveness. In addition, to spur synergies in various aspects in the administration of Regional Government with the Central Government.

As an autonomous region, the authority granted is based on the principle of decentralization in the form of broad, real, and responsible autonomy, including concurrent authority which is shared between the government, provincial government, and local government except for absolute authority exercised by the government. With the existence of the Law on Regional Government, the regions have independence in determining policy directions in the process of implementing development in the regions to improve the welfare of their people. The mechanism for implementing regional development must go through a good and measurable planning process.

Regional Original Income is one of the pillars of the independence of a region. According to the Law on Fiscal Balance between the Central and Regional Governments, sources of Regional Original Revenue consist of regional taxes, regional levies, results of regional wealth management, and other legitimate regional revenues. Effective and efficient management of local revenue needs to be implemented by taking into account regional economic conditions as well as the national economy. The contribution achieved from local revenue can be seen from how much of the income is channeled to develop the region so that it is more developed and able to improve the welfare of the community.

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Currently, regional development planning is summarized in a document known as the Regional Development Work Plan, which is a document that contains public policies and the direction of regional development policies within one year. The Regional Government Law mandates the preparation of regional development plans. Regions following their authority can prepare regional development plans as an integral part of the national development planning system. Regional development plans are coordinated, synergized, and harmonized by the Regional Apparatus in charge of Regional development planning. In addition, regional development planning is carried out using a technocratic, participatory, political, and top-down, and bottom-up approach.

The mandate of the Regional Government Law shows the legal political direction of development in the region is very clear and measurable. The preparation of Regional Long Term Development Plans, Regional Medium Term Development Plans, and annual development plans are important elements in the independence and implementation of regional autonomy.

Considering the importance of development planning in the regions, it is necessary to have legal politics that can legalize and have the strength of norms that can be used as a reference, reference, and basis for local government administrators. Mainly in the context of increasing Regional Original Income. Legal politics is a form of legal choice that must be determined for government administrators to carry out development programs that are framed in the Regional Development Work Plan which is the elaboration of the Regional Medium Term Development Plan and Regional Long Term Development Plan.

Legal politics is a choice of laws that are enacted as well as choices about which laws will be repealed or not enforced, all of which are intended to achieve the goals of the State. This is by the preamble to the 1945 Constitution of the Republic of Indonesia (M. Mahfud MD., 2006) ^[6]. Legal politics has the responsibility to provide certainty for all regulations, including regional regulations, to reflect the collective will of the community as the owner of the highest power (Sutrisno, 2016) ^[12]. Meanwhile, the Regional Government Law stipulates that "Regions have the right to determine regional policies to carry out government affairs which are under the authority of the regions". One of the existing legal political policies is the formation of Regional Regulations from both the executive and the initiative. As a legal product that can be used as a reference, reference, and basis in regional development planning. Even by the provisions of the Law on the Establishment of Legislations, Regional Regulations are part of the hierarchy of laws and regulations in Indonesia.

The Regional Regulations referred to in the Regional Government Law as well as in the Law Formation of Legislation in 2011 are not only limited to Draft Regional Regulations proposed by the Executive but also draft Regional Regulations can be submitted from the Legislature in the Region, namely the Regional People's Representative Council. The initiation of the Regional House of Representatives is known as the Draft Regional Regulation initiative. One of the Regional People's Representative Councils that is proposing an initiative Draft Regional Regulation to increase Regional Original Revenue is the Tegal Regency Regional People's Representative Council on Parking Arrangement and Management.

The problems that will be discussed in this research are the Legal Politics of Increasing Regional Original Income

through the Draft Regional Regulation initiative and the material for the Initiative Regional Regulation Plan that reflects the legal politics in the region.

Methodology

1. Type and approach

This type of research is field research. Field research is research that is carried out directly to the object of research. This research includes field research because the data used are primary data obtained directly by the researcher. The approach used in this research is philosophical. The philosophical approach in legal research is to examine the law from the ideal side. This study uses a philosophical approach because it formulates laws that are still in the aspired level (*ius constituendum*), in the form of regional legal political ideas through the draft regional regulations initiated by the regional representative council as a reference in the welfare of the community.

2. Data collection

The source of data used in this research is primary data. Primary data is data obtained directly by researchers. The data collection technique used in this study was observation and interviews. This research is also supported by secondary data in the form of legal documents that are traced offline and online. An offline literature review is an activity to find library sources for data storage areas. While online writing is an activity to find library resources in cyberspace through the internet. Conventional literature searches are carried out by searching for library materials, collections of books and personal journals, purchasing books, and attending scientific activities (seminars). While online search is done by searching on the internet.

3. Data analysis

The data analysis method used is qualitative with an inductive flow of thought. Qualitative data analysis is the process of organizing and sorting data into patterns, categories, and basic units of description so that themes can be found that are presented in narrative form. This study uses qualitative data analysis because the data will be presented in a narrative-descriptive manner, not in the form of numbers or numeric.

Findings/Results

1. Legal Politics of Increasing Regional Original Income through the Draft Regional Regulation Initiative

Etymologically, the term legal politics is an Indonesian translation of the Dutch legal term *rechtspolitiek*, which is the formation of the two words *rech* and *politiek* (Marbun, 2014). In Indonesian, *rechts* means law, and *politiek* means *beleid* or policy. Based on this explanation, legal politics is briefly defined as legal policy (Kartono, 2011) ^[4]. Legal politics is a strategy for the formation and implementation of the law (Warassih, 2018) ^[13]. Legal politics is a "legal policy" or official line (policy) on the law that will be enforced either by making new laws that will be enacted or by replacing old laws, to achieve the goals of the State (Erika -, 2014) ^[3].

Thus, legal politics is a choice of laws that are enacted as well as choices about which laws will be repealed or not enforced, all of which are intended to achieve the goals of the State as stated in the preamble to the 1945 Constitution (M. Mahfud MD., 2006) ^[6]. That is, legal politics is a state policy regarding laws that will be enforced or will not be enforced in a country whose form can be in the form of the formation of

new laws or the revocation and replacement of old laws to suit the needs of the community (Moh. Mahfud., 2007) ^[8].

The picture of legal politics in the region is based on the concepts, opinions of legal experts above can be said to be a choice of legal policy direction that the government wants to take that can be used as a reference and basis in determining policy. Based on this, legal politics in the region can be seen, one of which is through a Regional Regulation which will be made by the regional government together with the Regional People's Representative Council.

The 1945 Constitution mandates that Regional Governments have the right to stipulate Regional Regulations and other Regulations to carry out autonomy and assistance tasks. Regional regulations are one of the sources of law in the order of laws and regulations, this is a tangible manifestation of the implementation of the autonomy rights owned by a region to realize regional independence and empower the community (Suharjono, 2014) ^[11]

The formation of laws and regulations is part of the State's efforts to protect the people, provide a sense of security and comfort in the form of providing legal certainty in line with the state's goal of creating a just and prosperous society. This is by the mandate of the Preamble to the 1945 Indonesian Constitution and the 5th point of the Pancasila "Social Justice for All Indonesian People". The implementation is that the public interest always takes precedence over personal interests and in making rules it must reflect justice. Social justice for all Indonesian people means that every Indonesian gets fair treatment in the legal, political, social, economic, and cultural fields. By the 1945 Constitution of Indonesia, social justice also includes the notion of justice and prosperity.

The existence of a regional government by the 1945 Constitution of the Republic of Indonesia is part of the administration of the state. The state as an organization of course always has a goal as stated in the fourth paragraph of the opening of the 1945 Constitution which clearly states that the national goals of the Indonesian state include protecting the entire Indonesian nation and the entire homeland of Indonesia, to promote public welfare, educate the nation's life, and participate in carrying out world order. Omara, 2019) ^[9].

To realize the goals of the state, the state as the holder of the mandate of the people is responsible for providing public services, to fulfill the basic rights of the people. The position of the state (including local governments) is as a public service for service users. While the people have the right to public services from the state, therefore, a measurable and targeted public policy is needed in the form of legislative products which are the result of legal political products (Konradus, 2016) ^[5].

Local government policies need to be carried out to solve problems or solutions when problems occur, one of the policies that need to be carried out is in exploring sources of Regional Original Revenue. Public policy is a rule made by the government and is part of a political decision to address various problems and issues that exist and develop in society. Public policy is also a decision made by the government to choose certain actions not to do something or to take certain actions.

According to William N. Dunn, (2003) ^[2], Public Policy (Public Policy) is a complex pattern of the interdependence of interdependent collective choices, including decisions not to act, made by government agencies or offices. Public policy is a direction of action that has an intention set by an actor or several actors in overcoming a problem or a problem

(Winarno, 2002) ^[15].

Meanwhile, Joko Widodo, (2001) ^[14] sees that public policy in good practice should contain the following elements:

- a. policies always have a purpose or are oriented towards certain goals;
- b. policies contain actions or patterns of action of government officials;
- c. policy is what the government does, and not what it intends to do;
- d. public policy is positive (a government action on a particular issue) and negative (a government official's decision not to do something);
- e. public policy (positive), always based on certain laws and regulations that are coercive (authoritative); and
- f. forms of public policy.

Public policy issuance is based on the need to solve problems that occur in the community. Public policies are determined by the parties (stakeholders), especially the government which is oriented to meeting the needs and interests of the community (Ramdhani & Ramdhani, 2017) ^[10]. The meaning of the implementation of public policy is a relationship that allows the achievement of goals or objectives as the result of activities carried out by the government. Shortages or errors of public policies will be known after the public policy is implemented, the success of the implementation of public policies can be seen from the impact caused as a result of the evaluation of the implementation of a policy (A.T. Rohman, 2016) ^[1].

Seeing the potential for local revenue of Tegal Regency, especially in the parking arrangement and management sector, which is less than optimal, the Regional House of Representatives of Tegal Regency must participate in thinking about solutions that must be taken so that local revenue is maximized, namely by proposing an initiative Raperda. It is hoped that the sources of revenue for the Tegal Regency government must be selectively optimized.

With the arrangement of parking management, it is hoped that it will increase regional income as regional original income and vice versa for the community to feel the benefits, comfort, order, and security in parking. The existence of legal politics that is accommodated through the proposed regional regulation of the Tegal Regency initiative can then be used as a reference or basis for increasing regional original income, which ultimately makes the community feel its usefulness, comfort, order, and security.

2. Substance of Initiative Regional Regulations as a Mirror of Legal Politics in the Regions

The 2014 Regional Government Law provides for regional legislatures with the function of Formation of Regency/City Regional Regulations. The legislative function of the Regional People's Representative Council is to form laws and regulations in the region together with the Regent/Mayor. The Regional People's Representative Council may also submit an initial draft Regional Regulation. In fact, in the Law of the Republic of Indonesia Number 12 of 2011 concerning the Establishment of Legislative Regulations, it is stated that the proposed regional regulation is not only proposed by the regional head but can also be proposed by the Regional People's Representative Council in submitting the draft Regional Regulation Initiative.

For example, the proposed draft Regional Regulation Initiative from the Regional House of Representatives of

Tegal Regency on Parking Arrangement and Management. The substance of regional regulations can contain the potential for regional income through the parking sector.

Tegal Regency is one of the districts in Central Java Province with the capital city of Slawi. With its existence as one of the areas that cover the northern coastal area of the western part of Central Java, Tegal Regency occupies a strategic position at the intersection of Semarang-Cirebon-Jakarta and Jakarta-Tegal-Cilacap transportation flows with port facilities in Tegal City.

The boundaries of the Tegal Regency area are to the north of Tegal City and the Java Sea, to the east of Pemalang Regency, to the west of Brebes Regency, to the south of Brebes Regency and Banyumas Regency. The area of Tegal Regency is 87,879 Ha, which has an administrative area consisting of 18 sub-districts, 281 villages, and 6 urban villages. The legal basis for the division of administrative areas is the Law of the Republic of Indonesia Number 13 of 1950 concerning the Establishment of Regency Areas within the Central Java Province.

From the total number of sub-districts in Tegal Regency, which consists of 18 sub-districts and 6 sub-districts. From the results of the mapping from the Department of Transportation for parking locations that have the potential to become income, they are spread over 16 sub-districts, and there are 269 (two hundred and sixty-nine) parking locations with 412 (four hundred and twelve) parking attendants. If the levy is carried out correctly and by the nominal deposited, it is estimated that the Regional Original Income from the parking management arrangement sector can reach an income above IDR 1,000,000,000, - (one billion rupiah).

Regional income analysis provides an overview of regional conditions as reflected in the Regional Revenue and Expenditure Budget, including an overview of Regional Original Revenue, Balancing Funds, and Other Legitimate Income. Regional revenue performance is measured by indicators of the degree of regional financial independence (fiscal decentralization). This indicator is calculated from the ratio of Regional Original Income to total Regional Revenue. By knowing the financial independence of the region, it will be known how much local taxing power a region has, as well as how much ability the Regional Original Revenues have in funding budgeted regional expenditures to provide public services to the community.

Tegal Regency's 2020 Original Regional Revenue from the 2020 Original Regional Revenue target of IDR 450.7 billion, only IDR 215.8 billion or around 47.88 percent has been realized, starting from January to June 2020. From this target, the sector parking is still not meeting the target.

Regional Original Income from the parking sector decreased below IDR 1,000,000,000, - (one billion rupiah) per year. This is a problem that must be found a solution so that the target of local revenue from the parking sector can meet above IDR 1,000,000,000., - (one billion rupiah).

Regional Original Revenue of Tegal Regency from the parking revenue sector is estimated to have the potential to reach more than IDR 1,000,000,000., - (one billion rupiah) per year, and becomes a problem for the Regional Government, especially the agency in charge of it, namely the Tegal Regency Transportation Service. This data poses a challenge for Local Governments in exploring the potential in parking management, starting from an online payment system with an application system called Apike Pol (Online Payment Electronic Parking Equipment). In addition, it can also

cooperate with third parties to carry out parking management to maximize revenue from the parking sector.

From the data obtained by the preparation team from the media containing information on income from the parking sector (tribunjateng.com, Slawi) in 2019, the Tegal Regency Transportation Service only reached 43.25% (percent) of the target of Regional Original Revenue which was charged at IDR 1 billion. From the existing burden, the Department of Transportation made improvements including making a breakthrough with the parking payment process mechanism by using an online application service called Apike Pol (Electronic Parking Equipment Online Payment) to spur an increase in revenue. Efforts to increase the Regional Original Revenue of Tegal Regency have been carried out by optimizing services to the community in the parking sector and planning to issue policies in the form of an initiative Draft Regional Regulation from the Regional House of Representatives.

The management of parking in the Tegal Regency area was previously self-managed by the relevant Department of Transportation, namely the Tegal Regency Transportation Service, although it had previously been managed by involving third parties, namely:

- a. from January 2016 to December 2016 parking management in Tegal Regency was carried out by the Pancasila Youth Community Organization; and
- b. in February 2018 to December 2018 parking management was carried out by PT. Kaboa Jaya Sentosa.

However, in its implementation, various obstacles result in the Tegal Regency Original Revenue target not being met, so there needs to be an in-depth evaluation. While waiting for the management to continue, it must be carried out and submitted to the Tegal Regency Transportation Service as the relevant agency that carries out the arrangement of parking management in Tegal Regency.

The data obtained show that the targeted revenue target in agreement with PT. Kaboa Jaya Sentosa is around IDR 646,250,000,- (six hundred forty-six million two hundred and fifty thousand rupiah) per year but in its implementation PT. Kaboa Jaya Sentosa was not able to meet the target and was only able to realize 50% of its offer, which was around IDR 323,125,000 (three hundred twenty-three million one hundred twenty-five thousand rupiah).

Based on data from the Land Transportation Service in 2020, the Tegal Regency Government, from the Tegal Regency Transportation Service has data on the 2020 Parking Retribution management data spread across 16 (sixteen) Districts, namely: Adiwerna, Balapulang, Bojong, Bumijawa, Dukuhhuri, Jatinegara, Kedungbanteng, Kramat, Lebaksiu, Margasari, Pagerbarang, Pangkah, Slawi, Suradadi, Talang and Tarub.

Of the 16 (sixteen) sub-districts, there are 269 parking locations and 412 parking attendants in the Tegal Regency Government. From the results of mapping the number of points of existing parking locations, it is expected that the acquisition of the Regional Original Revenue of the Tegal Regency can reach above IDR 1,000,000,000, - (one billion rupiah), even from the mapping results of the Tegal Regency Transportation Office, if everything goes smoothly, it is estimated that the incoming funds are IDR 1,200,000,000, - (one billion two hundred million rupiah).

From the data obtained by the author and processed in the matrix, the data obtained from the parking sector income for each district are as follows:

Table 1: Parking Sector Revenue

No.	Districts	Amount Deposited to the Local Government (IDR)
1.	Kramat	64.512.000,-
2.	Dukuhturi	21.024.000,-
3.	Adiwerna	114.912.000,-
4.	Talang	4.560.000,-
5.	Lebaksiu	28.224.000,-
6.	Pangkajene	48.384.000,-
7.	Jatinegara	9.504.000,-
8.	Kedungbanteng	8.064.000,-
9.	Balapulang	42.048.000,-
10.	Margasari	54.144.000,-
11.	Slawi	230.688.000,-
12.	Bumijawa	51.840.000,-
13.	Bojong	8.640.000,-
14.	Suradadi	5.472.000,-
15.	Tarub	4.032.000,-
16.	Pagerbarang	1.440.000,-
Amount		697.488.000.000
Six hundred ninety-seven million four hundred and eighty-eight thousand rupiah		

From the total number of parking locations, there are 269 (two hundred and sixty-nine) with parking attendants as many as 412 (four hundred and twelve) people. If the levy is carried out correctly and by the nominal deposited, it is estimated that the Regional Original Income from the parking management arrangement sector will reach IDR 697,488,000,000,- (six hundred ninety-seven million four hundred and eighty-eight thousand rupiah).

With the existing potential, revenue from the parking management sector can still be increased. It can even be pursued with a target of up to above IDR 1 billion rupiah. Policy breakthroughs are needed for local governments in managing to park. One of them is by making Regional Regulations.

The determination of the manager of the withdrawal of parking levies must have clarity and firmness for the local government when using the third party in its implementation, a firm legal umbrella is needed. Including if in its implementation a third party is unable to meet the target of Regional Original Revenue as agreed in the agreement, it is necessary to emphasize the legal consequences. Does it need to be given either civil or criminal sanctions by applicable legal provisions? With the plan for an initiative Regional Regulation on structuring parking management, it is hoped that parking conditions will be orderly, safe, and comfortable and able to contribute to the Regional Original Revenue of Tegal Regency by the targets that have been set.

The existence of an initiative regional regulation from the Regional People's Representative Council is a legal choice for local governments in increasing local revenue. The legal politics of initiative regional regulations is a solution for the region to increase regional original income, especially in Tegal Regency. Moreover, in determining the legal politics of the preparation of the Draft Regional Regulation, the initiative must have gone through various processes including the harmonization stage, preparation of academic texts, implementation of public consultations/public hearings.

The content material in the draft regional regulation initiative from the Regional House of Representatives of Tegal Regency must also reflect the legal politics that describes the content material in the context of implementing regional autonomy. In addition, it also serves as a co-administration task and accommodates special regional conditions and/or further elaboration of higher laws and regulations.

Conclusion

Legal Politics in the Formation of Regional Regulations The initiative to increase Regional Original Income is an option that must be taken. Legal politics is one of the important elements in overall regional development which is a dynamic process, following the dynamics of people's lives. The formation of laws and regulations that are directed through the regional legal policy initiative is expected to produce a policy that is by the aspirations of the community that is just and is effective in the community. The initiative for the establishment of regional regulations is a planning instrument that is prepared in a planned, integrated, and systematic manner. The formation of regional regulations is a reference in regional legislation. The initiative for the establishment of regional regulations is also an illustration of legal politics in the formation of regional regulations that contain plans for the development of legislation. Parking management is a business that has income value for Tegal Regency. Parking needs to be managed properly and responsibly because it has benefits for the community for the realization of comfort, order, and vehicle safety.

Recommendations

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