

## Legal Responsibilities of Members of the Makassar City Regional People's Representative Council (DPRD) to their Constituents in the Electoral District

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### Abstract

This research aims to examine the legal responsibilities of members of the Makassar City Regional People's Representative Council (DPRD) towards their constituents in the electoral district, as well as identifying the inhibiting factors faced by DPRD members in fulfilling their responsibilities towards constituents in their respective electoral areas. Employing an empirical legal research approach, the study seeks to comprehend the actual application of law and explore its functionality within the societal context, conceptualizing it as a social phenomenon influenced by various social variables. The study was conducted at the Makassar City DPRD office. Data collection methods encompassed interviews, observations, and literature review. The acquired data underwent qualitative analysis and descriptive elucidation. The research findings reveal that a significant number of elected representatives do not demonstrate expected behaviors, resulting in a considerable deficiency in their role of fulfilling responsibilities towards constituents in the electoral district. These limitations are attributed to several inhibiting factors, including inadequate community participation, limited financial allocation from the Makassar city government, constraints in meeting times and facilities, and the diverse and busy schedules of both DPRD members and constituents.

### Keywords

DPRD; Legal Responsibilities; Constituents

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### 1. INTRODUCTION

Law Number 23 of 2014 concerning Regional Government replaces Law Number 32 of 2004, explaining that the Regional People's Representative Council (DPRD) is an institution representing the local populace and is positioned as an element in the administration of regional government. The duties of DPRD members include absorbing, collecting, accommodating, and following up on the aspirations of the community. This obligation is specifically regulated in Law Number 17 of 2014 concerning the People's Consultative Assembly (MPR), the People's Representative Council (DPR), the Regional



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Representative Council (DPD), and the Regional People's Representative Council (DPRD), stating that members of the DPRD at the regency/city level, among other things, have the obligation to carry out their responsibilities to constituents through periodic field visits in their respective electoral districts (Hasibuan, 2020).

Members of the Regional People's Representative Council (DPRD) before being elected are individuals who are entirely under the banners of political parties, both in the formal and informal structures of the political party. However, after they are elected as council members, they become representatives of their constituents in their electoral districts, no longer representing their party (Lahamit, 2021). Although the existence of the party they come from cannot be completely eliminated, constituents take precedence. Political parties are one of the important factors that serve as political machines working to formulate political policy issues. It is only right that political parties should listen to the needs of their constituent communities. As stated by Ramlan Surbakti, the functions of political parties are: Political socialization; Implementation of political education; Political recruitment; Political participation; Articulation of interests; Interest aggregation; Political communication; Conflict management; Political control; Persuasion; Repression; Policymaking (Surbakti, 1992). Referring to the experience of people's representation through the Indonesian People's Consultative Assembly (DPR RI), Provincial DPRD/District DPRD, and direct presidential elections, it is very difficult to measure the relationship between voters and those elected.

The presence of Regional People's Representative Councils (DPRDs) in local regions is often referred to as a representative function, as they are tasked with voicing the aspirations of the public and acting on behalf of the people in the legislative domain. This also reflects the application of democratic principles, wherein sovereignty and societal aspirations take precedence, necessitating the establishment of representatives to fulfill this role. In realizing democracy in Indonesia, as aforementioned, the DPRD's execution of its duties and functions is inseparable from the public, as democratic systems prioritize the people as the primary entity for decision-making and policy formulation. Consequently, as elected representatives of the people, the DPRD is duty-bound to serve the populace, establishing a representative-constituent relationship (Amiruddin & Syamsuri, 2022).

The DPRD plays a pivotal role in its interaction with the constituents it represents. Firstly, it functions as an agent that formulates agendas on behalf of the constituents. Secondly, the DPRD assumes the role of a conflict management institution within its community. Thirdly, it serves as an integrative entity within society. The role of being the people's representative, as carried out by the DPRD, can be interpreted as an intermediating role. The DPRD not only bridges the government (executive) with its populace but also navigates tensions among various societal segments advocating for their interests (Moenta, 2016; Musakkir et al., 2022; Nurochman, 2021).

As intermediaries, the DPRD holds a responsibility towards the constituents in the electoral district to seek solutions to the challenges encountered by the public. The term "constituents" generally refers to the electorate or those granting mandates within a designated electoral area, established by relevant authorities, such as the General Election Commission (KPU). Subsequently, DPRD members are accountable for serving these constituents. Given their status as the main subject in the principle of state sovereignty, the existence of constituents or the public, particularly following the shift from party-political to individual-based candidacy numbering, renders them highly significant for Legislative Candidate as well as incumbent members of the National Parliament/Regional DPRD. This fact propels each DPRD member to establish the best possible relationship with their constituents (Aan Anwar Sihabudin, 2017; Purnama, 2019).

Indonesia's electoral system, employing a semi-district system, inherently signifies that each legislative candidate should be familiar to the constituents within their electoral region. However, in multiple instances of elections held in Indonesia, this prerequisite has been disregarded, causing confusion in voter decision-making. Consequently, patterns of choice emerge based on emotional proximity, rather than considering the capabilities of each candidate (Amira Kenap, 2021; Sikumbang et al., 2020).

According to a survey conducted by the Indonesian Survey Institute (LSI), during the 2019 elections, approximately 70.6% of 1200 respondent citizens confessed to being unfamiliar with legislative candidates within their electoral districts. Only about 25.8% were acquainted with the candidates, often due to emotional connections such as kinship and friendship, with the remainder being largely unfamiliar.

Theoretically, according to Burns, as cited by Toni, Efrizal, and Kemal in "Understanding Political Theories," one orientation of legislative behavior is influenced by their perception of the sentiments of their represented constituents. Pressure from parties and the executive also plays a role, yet once all is said and done, a legislator's political future hinges on how the majority of voters perceive their performance (Pito et al., 2006).

Derived from the aforementioned Burnsian perspective, the relationship between legislators and constituents should ideally serve as a mechanism of reward and punishment for the community. Those deemed capable of representing their constituents' interests in their electoral regions should be reelected in subsequent periods. Conversely, if legislators fail to fulfill their representative mandates, their credibility becomes questionable, and they may not be chosen again. Hence, such a relationship framework fosters genuine dedication on behalf of the representatives to the constituents they represent (Athahirah & Pranata, 2020; Djusfi, 2019; Fitria & Sari, 2018).

Supporting the relationship and accountability of DPRD members to their constituents, it is

imperative for the DPRD members to frequently engage in meetings as a form of interaction between the DPRD and the constituents. These meetings serve to gather aspirations, acting as a bridge to find solutions to societal issues. Furthermore, this relationship can be seen as a conduit for the DPRD to formulate sound public policies, develop the potential of constituents, and establish trust, both in the political system within the parliament and in individual DPRD members (Ali, 2009; Simajuntak et al., 2022).

The reality depicting the condition of the Indonesian parliament, especially in the regions, serves as evidence that the degree of representation, effectiveness of legislative performance, and the authenticity of representation still leave an intriguing story to be further examined. Samsudin Haris's research findings reveal that many representatives fail to exhibit appropriate behavior, and their role in voicing the people's aspirations is noticeably inadequate. Rather than serving as channels for the people's aspirations, they often engage in actions contrary to the interests of the populace. One of the reasons for this behavior is the excessive dependence of representatives on their party elites

The determination of political parties, either directly or through factional mechanisms, is so influential that representatives are not free to fulfill their responsibilities as legislators. In various cases, the dominance of political party interests is evident in determining the actions of members of the council. However, according to Huntington, the formation of a democratic political culture is supported by three factors, one of which is political institutionalization. This entails political institutions successfully assuming their functions and organizing the existing political structures, thereby leading to a stable political system. If political parties, as one of the political institutions, continue to intervene and fail to achieve institutionalization as exemplified above, the consequence will be a further departure from the expectations of establishing a democratic culture (Huntington, 2002).

Therefore, it is essential for representatives to conduct regular visits to their respective electoral districts to comprehend the issues faced by their constituents. These visits should not merely involve casual discussions, but meaningful communication leading to policies aligned with the interests of the public. By doing so, representatives can effectively fulfill their responsibilities as members of the people's representative council, particularly in the city of Makassar.

Considering the existing issues and obstacles in fulfilling their responsibilities as DPRD members, there is an impact on the public's assessment of their performance, which is deemed lacking in responsiveness. As a result, the researcher is keen on further exploring the legal responsibility of DPRD members towards their constituents in the electoral districts, pertaining to their role as representatives of the people and their personal and party interests, respectively.

## 2. METHODS

This research employs an empirical legal approach to understand and examine the functioning of law in real-world contexts within the community, conceptualizing it as a social phenomenon influenced by various social variables, and emphasizes observational steps with empirical analysis, conducted at the Makassar City Regional People's Representative Council, utilizing qualitative data gathered through structured interviews, participatory observations, and a literature review, followed by interactive data analysis techniques encompassing data reduction, display, and conclusion drawing to address the research problem regarding the responsibilities of DPRD members in Makassar City towards their constituents, while drawing on normative, conceptual, and political perspectives, with data collected from both primary sources through direct interviews and secondary sources including documents, reports, recordings, and observations, and the resulting empirical findings will be described in detail to provide accurate and comprehensive answers to the research questions, as well as to generate new insights and descriptions of objects previously unclear or obscure, potentially including causal relationships, interactive dynamics, hypotheses, or theories.

## 3. FINDINGS AND DISCUSSION

### *3.1. Forms of Legal Responsibilities of Makassar City DPRD Members to Constituents in the electoral area*

The Chairman of Makassar City DPRD, Mr. Rudianto Lallo, highlights the importance of the legal responsibility towards constituents, demonstrating the crucial role of DPRD members in advocating for the people's aspirations in their electoral districts. Reses (constituency visit) serves as the primary instrument in fulfilling this responsibility, where DPRD members directly engage with the community, interact with the public, and formulate key ideas resulting from the reses as a foundation for local government's work planning. This emphasizes that the legal responsibility of DPRD members is not limited solely to plenary sessions but also involves active involvement in addressing priority issues and incorporating people's aspirations into regional development planning.

Members of the Regional People's Representative Council (DPRD) who fail to fulfill their responsibilities in accordance with the law and norms in the governance process will face applicable consequences. Their term in office serves as a moment of testing, during which constituents will evaluate the performance they have delivered. In the next election, they can be reelected if they are considered to have carried out their responsibilities well, like Rudianto Lallo, who successfully increased his voter support by 150%, indicating his effective performance as a DPRD member. On the other hand, there are council members who may lose the support of some of their constituents, serving as a form of punishment from constituents for DPRD members perceived as being irresponsible in carrying out their tasks.

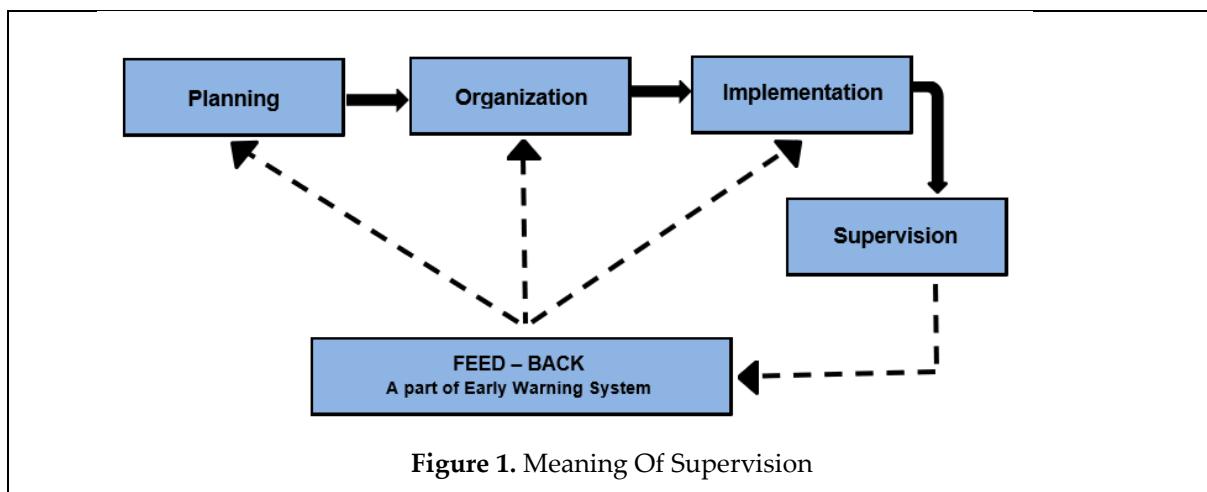
Theoretically, according to Burns in Political Theories by Toni, Efrizal, and Kemal, the behavioral orientation of legislative members is influenced by their perception of the expectations and needs of the constituents they represent. Pressure from various quarters, such as political parties and the executive, also plays a significant role, but ultimately, the political future of legislative members depends on how most voters perceive and assess their sense of responsibility.

The relationship between members of the Regional People's Representative Council (DPRD) and their constituents should function as a mechanism of reward and punishment by the community. DPRD members who can represent the interests of their constituents effectively will receive support for re-election, while those who fail to fulfill their representation mandate will have their credibility questioned and will not be re-elected. As a result, DPRD members will be more accountable and will advocate on behalf of the constituents they represent. It is rare to find DPRD members consistently and deliberately contradicting the will of the people from their electoral districts. Additionally, the DPRD is not just a legislative body but also serves as a supervisory function to oversee the functioning of the Regional Government as part of its responsibility.

#### **Legislative Council Oversight Legal Basis (DPRD)**

Law No. 22 of 2003 concerning the Structure and Position of the People's Consultative Assembly (MPR), the Regional Representative Council (DPR), the Regional Representative Council (DPD), and the Regional People's Representative Council (DPRD) designates the DPRD as the representative body of the people functioning as the local government institution at the Provincial/District/City levels. On the other hand, Law No. 32 of 2004 concerning Local Government defines the DPRD as an element of the regional government administration. As a regional government institution or a part of the government administration, the DPRD has legislative, budgetary, and oversight functions.

The tasks and authorities of DPRD oversight, as stipulated in Law No. 32 of 2014 concerning Local Government, include monitoring the implementation of Regional Regulations (Perda) and other legislation, regional head regulations, the Regional Budget (APBD), regional government policies in regional development programs, and international cooperation in the region. The purpose of this oversight is to strengthen democracy, ensure representation of the people and regions in carrying out their duties and authority, and create mechanisms of checks and balances between legislative and executive institutions to achieve justice and the well-being of the people. The concept of DPRD oversight encompasses understanding the meaning and importance of supervision, the scope, and the oversight process. The oversight function is one of the elements of management, along with Planning, Organizing, Actuating and Controlling (POAC).



Oversight holds significant importance for local governments as it provides feedback for improving development management, ensuring that it stays on track with predetermined stages and objectives. For implementers, oversight is an activity that contributes to the development process, enabling management activities to achieve goals and targets effectively and efficiently. The oversight carried out by the Regional People's Representative Council (DPRD) aims to maintain public accountability, especially for institutions directly involved in policy implementation, government programs, and development projects in the region. The accountability system in the region becomes more effective as the oversight process conducted by the DPRD allows public institutions to be held accountable if they fail to meet public norms.

### DPRD Oversight Scope

The scope of oversight by the Regional People's Representative Council (DPRD) includes at least three areas:

1. Oversight of the Implementation of Regional Regulations

This oversight covers monitoring the achievement of the initial objectives when Regional Regulations were established.

2. Oversight of the Implementation of the Regional Budget (APBD)

This oversight involves monitoring the achievement of the initial objectives when the State Revenue and Expenditure Budget was determined.

3. Oversight of Regional Leaders' Regulations/Decisions

This oversight includes monitoring the compatibility of regional leaders' regulations/decisions with Regional Regulations, other regulations, and legislation.

Oversight (controlling) is one of the elements of management. Therefore, the implementation of oversight is also a subsystem of management that encompasses the elements of planning, organizing, actuating, and controlling.

## **Process Oversight Function**

### **Stage 1: Determine the Monitoring Agenda**

The first step that must be taken in carrying out supervision is to determine the monitoring agenda. This oversight agenda is a framework for the DPRD's role in carrying out its oversight function.

### **Stage 2: Determine the Monitoring Methodology**

The process of determining the supervision methodology is the process of compiling and establishing standard control techniques and procedures for each supervisory activity. The determination of this methodology is intended to provide guidance or guidance to DPRD members and equipment in carrying out supervision.

### **Stage 3: Establishing Networks/Related Institutions and Strategic Alliances**

After determining the oversight agenda, the Regional People's Representative Council (DPRD) identifies and prepares institutions related to the oversight function, both directly and indirectly related. The oversight cooperation network includes all stakeholders involved in oversight, ranging from the national, provincial, district/city, sub-district, to village levels. It encompasses both public and non-public institutions, formal and informal. If this oversight cooperation network is implemented effectively, it will not only benefit regional interests but also broader national interests.

### **Stage 4: Oversight Implementation**

As a routine procedure, the implementation of oversight by the Regional People's Representative Council (DPRD) can be carried out through Quarterly Monitoring and Oversight. The oversight implementation can be conducted formally or informally.

### **Stage 5: Compiling Reports**

Reporting is the output of the oversight function carried out by the Regional People's Representative Council (DPRD). The quality of the reports produced by the DPRD should achieve the following objectives of oversight:

- The DPRD reports provide direction to the Regional Government in terms of governance and development implementation.
- The DPRD reports are beneficial in motivating the Regional Government to make improvements and corrective actions in governance and development.
- The DPRD reports create an early warning system for the management of the Regional Government, informing them of any deviations in program implementation.
- The DPRD reports instill confidence in the public accountability of the Regional Government, indicating whether development objectives have been successfully achieved or not, meeting the expectations of the community.

#### Stage 6: Following Up on Oversight Results

The report on the results of the DPRD oversight can only be considered beneficial if it is followed up on. The implementation of follow-up actions should also be carried out periodically, in line with the oversight activities through quarterly monitoring and oversight.

The results of the first quarter should be monitored during the second quarter's oversight through hearings with relevant work units or field visits if the follow-up requires confirmation and on-site verification.

The implementation of follow-up actions should be supported by adequate and structured administrative mechanisms and facilities, starting from the oversight results to the completion of the follow-up implementation.

#### Stage 7: Assessing the Performance of the Regional Government in the LKPJ

At the end of each fiscal year and at the end of their term, the Regional Government is required to submit the Report on Accountability (LKPJ). The LKPJ is a report presented by the head of the region annually during the DPRD Plenary Session, which relates to the implementation of autonomy tasks and decision-making tasks at that time. The DPRD must provide an assessment of the performance of the Regional Government in carrying out the mandated development.

In the effort to implement performance-based budgeting principles, the realization report of the Regional Budget (APBD) calculation should be complemented with the Regional Government Performance Accountability Report (LAKIP) according to Presidential Instruction No. 7 of 1999. Although the DPRD may have limitations in expertise, synergy with other oversight bodies and the optimization of support from staff/experts can assist in analyzing the performance of the Regional Government in the LKPJ. Additionally, the results of the examination by the Supreme Audit Agency (BPK) can be used as a basis for performance assessment in the LKPJ, in accordance with Article 184 of Law No. 32 of 2004, which stipulates that the Implementation Report of the APBD must be submitted by the Governor/Mayor/Regent to the DPRD in the form of a financial report audited by the Supreme Audit Agency, no later than 6 (six) months after the fiscal year ends. By utilizing all available potential and strategic alliance networks, the DPRD can enhance effectiveness and objectivity in conducting more accurate and precise assessments.

#### ***3.2. Inhibiting Factors for Makassar City DPRD Members in Carrying Out Their Responsibilities to Constituents in the Electoral District***

The large number of aspirations expressed by the community to members of the Regional People's Representative Council (DPRD) during field visits needs to be addressed by focusing more on priorities. All aspirations from the community, or constituents, provide valuable information for city development. However, in practice, there are inhibiting factors that prevent all community aspirations

from being fulfilled.

According to the Chairman of the DPRD of Makassar City, at the beginning, he stated that the DPRD has been facilitated by the state with salary funds and a budget for recess. However, inhibiting factors arise when there is miscommunication between the regional head or related agencies and the DPRD. This can lead to DPRD proposals not always being fully realized in budget discussions. Even though the DPRD has engaged in recess to absorb community aspirations, not all proposals can be immediately realized due to limited local budget. Nevertheless, the Chairman of the DPRD mentioned that the relationship between the city government and the DPRD is synergistic and collaborative, resulting in the successful implementation of most programs.

#### A. Lack of Community Participation

During recess, members of the Regional People's Representative Council (DPRD) first inform the sub-district or village authorities about their visit. The sub-district or village authorities will then invite representatives of the community to engage in a dialogue, while not excluding the possibility for other members of the community to attend. The DPRD members have conducted socialization efforts, but the turnout of the community during recess was lower than expected. The lack of community participation during recess is attributed to the disappointment of the community itself towards the members of the council. Several recess sessions have been held to gather community aspirations, but the implementation of the results from these recess sessions has been minimal by the DPRD members.

#### B. Limited Funds From Makassar City Government.

In engaging in communication that involves policy discussions leading to political communication, members of the Regional People's Representative Council (DPRD) must be able to persuade the public that what the community desires may or may not be feasible to implement. There are many factors that hinder how community aspirations are addressed during the formulation of public policies in the Regional Budget (APBD). One of these factors is the limited capacity of the city government to fulfill all the community's desires. The multitude of demands from the community conveyed to the council members during recess requires the city government to devise strategies to address the issues faced by the community. The requests from the community to the representatives of the local people primarily revolve around physical and non-physical development. Physical development, such as constructing roads, schools, bridges, and other facilities, requires substantial funding for realization. These projects necessitate long-term programs to complete. Many members of the community do not fully understand the constraints faced by the city government with limited funding, leading them to demand immediate realization of their requests.

### C. Limited Meeting Time and Facilities

The meetings between council members and constituents have been regulated by both the law and the internal rules of the Regional People's Representative Council (DPRD). The establishment of these rules is stipulated in Article 344, paragraphs (1 and 2) of Law No. 27 of 2009, which states that the internal rules apply within the scope of the district/city DPRD. The DPRD regulations regarding the Internal Rules of DPRD in Makassar City are rules mandated by the law, and their formulation is guided by Government Regulation No. 16 of 2010. Therefore, the provisions of these Internal Rules of DPRD must not contradict the law and government regulations. However, upon closer examination, there are several provisions in the Internal Rules of DPRD that do not align with the government regulations. For example, Article 22, paragraph (1) of Government Regulation No. 16 of 2010 stipulates that each DPRD member has the right to propose a draft regional regulation. But in the Internal Rules of DPRD of Makassar City, Article 25, paragraph (1) specifies that at least five DPRD members, consisting of more than one faction, can submit an initiative proposal for a draft regional regulation that substantively adheres to higher legal drafting rules procedurally. This provision limits the rights of individual DPRD members to propose draft regional regulations and becomes one of the hindering factors as a result.

The meetings conducted during recess, which only lasts for 6 days, are held at 6 locations divided into several sub-districts, resulting in poor communication. The limited time for council members to meet their constituents leads to many community aspirations being unaddressed. Additionally, the limited resources available to the city government restrict the political communication activities carried out by the DPRD members to reach the communities around Kota Makassar, especially in their respective constituencies. The constrained budget of the council members during recess leads to a lack of proper implementation. Consequently, the meetings between council members and constituents in their respective electoral areas are only limited to gatherings without sufficient facilities for effective communication.

### D. The Busyness of DPRD Members and a Plural Society

The busy schedule of DPRD members in carrying out routine and formal duties with a packed agenda, such as attending official meetings, DPRD sessions, working visits, study trips, and activities to enhance human resource quality, such as training, seminars, and others, leaves them with very little time to establish communication and fulfill their responsibilities to their constituents. This is often a complaint from the members of the DPRD in Kota Makassar that while they manage to conduct recess, they often do not have enough time to prepare the recess report to be presented in the plenary session. In many cases, the recess report is only submitted three months after the recess, rendering it ineffective as the budget has already been discussed and approved. This is due to the busy schedules of the DPRD members in Kota Makassar.

The diversity of the community with varied and numerous interests on one side, and the lengthy and bureaucratic procedure for the annual local budget determination, pose a challenge for the members of the DPRD in fulfilling their responsibilities to their constituents in their electoral areas. When an DPRD member accommodates the aspirations of the community, they cannot simply ensure that those interests will be realized in the policies for next year's development, as there are many other determining variables at work. This includes local government bureaucracy, budget committees, and elites outside the formal structure. However, regardless of these challenges, the aforementioned issues cannot be used as excuses for DPRD members to neglect their obligation to build communication and advocate for the interests of their constituents. Constituents are the majority shareholders who determine whether someone is fit to be a DPRD member. Even if a DPRD member fails to fulfill their duties or responsibilities, they will be subject to the law that obliges them to meet with their constituents.

#### 4. CONCLUSION

The legal responsibility of DPRD members towards their constituents demonstrates the importance of their role in advocating for the people's aspirations in their respective constituencies. The recess (reses) becomes a primary instrument in fulfilling this responsibility, where DPRD members actively engage with the community, formulate key ideas from the recess, and integrate them into the local government's work planning. This emphasizes that the responsibility of DPRD members is not limited to plenary sessions but also involves active participation in addressing priority issues and incorporating people's aspirations into the regional development planning process. At the same time, legal consequences await DPRD members who fail to fulfill their responsibilities according to the law and norms, with their tenure serving as a moment of performance evaluation by their constituents. In the next elections, DPRD members can be re-elected if they are deemed to have fulfilled their responsibilities well, while those perceived as irresponsible risk losing support from their constituents as a form of punishment.

In carrying out their roles as members of the Regional People's Representative Council (DPRD), they sometimes encounter obstacles or hindrances originating from both internal and external factors. Among these obstacles, there are several inhibiting factors. First, the lack of participation from the community can reduce the representation and effectiveness of the DPRD's work. Second, the limited funds provided by the Makassar City government can restrict development projects and social programs planned by the DPRD for the benefit of the community. Third, the limited meeting time and resources available can hinder comprehensive and efficient decision-making processes. Fourth, the busy schedules of DPRD members and the diverse backgrounds of the community can pose challenges in reaching a consensus on complex and diverse issues. To overcome these obstacles, collaborative efforts

between the DPRD members and the community are necessary. Encouraging active community participation in the political process, increasing the allocation of adequate funds, and finding solutions to facilitate meetings and provide better resources will help improve the DPRD's performance in fulfilling the aspirations and interests of the community.

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