

SUPERVISORY FUNCTION OF REGIONAL HOUSE OF REPRESENTATIVES OVER REGIONAL HEADS IN INDONESIA

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Abstract:

This study examines how Indonesian law regulates the supervisory authority of the regional house of representatives over regional heads, and identifies the forms through which that supervision is exercised. The issue arises because the governing statute confers a supervisory function without attaching binding force to its outcomes, so the same institution acts simultaneously as a co-maker of policy and as its supervisor. The research applies a normative legal method combining statutory and conceptual approaches, drawing on the 1945 Constitution, Law Number 23 of 2014 on Regional Government and its implementing regulations, analysed descriptively and qualitatively through grammatical and systematic interpretation. The findings show that the supervisory function rests on attributive authority granted directly by the legislature and covers the implementation of regional regulations, regional head regulations, regional budgets, related legislation, and the follow-up to state audit findings. Supervision operates preventively through deliberation on draft regulations and budgets, and repressively through working meetings, public hearings, field visits, accountability reports, and the rights of interpellation, inquiry and expression of opinion. Such supervision is political and institutional rather than executorial, so its effectiveness depends on norms obliging regional heads to act upon supervisory recommendations.

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INTRODUCTION

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia affirms that Indonesia is a state based on law, which means that every act of government must rest on a legal basis and must be capable of being accounted for. In modern constitutional practice, that limitation is operationalised through the principle of *checks and balances*, under which organs of power counterbalance one another so that authority is not accumulated in a single hand (Asshiddiqie, 2006). The principle is not confined to the central level. Decentralisation grants regional heads broad discretion to administer governmental affairs within their territories, and that discretion equally requires control if legality and public accountability are to be preserved (Budiardjo, 2008). Law Number 23 of 2014 on Regional Government therefore places the regional house of representatives and the regional head together as elements of regional government administration, the former exercising the functions of regional regulation-making, budgeting and supervision, and the latter exercising executive power. Supervision, in this design, is the institutional instrument through which regional policy and budget implementation are kept within the boundaries of law (Rochman, 2009).



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The statutory design nevertheless leaves a normative gap. Articles 96 paragraph (1), 100 and 101 paragraph (1) letter c govern the supervisory function of provincial councils, while Articles 149 paragraph (1), 153 and 154 paragraph (1) letter c govern regency and municipal councils; both sets of provisions determine the objects of supervision without conferring any corrective power once a regional head disregards the result. Article 207 paragraph (1) describes the working relationship between the two institutions as an equal partnership, yet does not delimit where partnership ends and supervision begins, so that the council approves regional regulations and the regional budget and then supervises the implementation of what it has itself approved. Articles 69 paragraph (1) and 71 paragraph (2) oblige the regional head to submit an accountability statement annually, but attach no legal weight to the resulting recommendations, no deadline for compliance and no consequence for neglect. The rights of interpellation, inquiry and expression of opinion under Articles 106 paragraph (1) and 159 paragraph (1) are available, yet their exercise depends on proposal thresholds, quorum and plenary approval, which makes them sensitive to the political configuration of the council rather than to the gravity of the irregularity concerned.

Existing scholarship has approached the regional council largely from an empirical and representational angle rather than from the construction of supervisory authority itself. Kurniasih (2021), Supriadi (2021), Pratama and Adni (2024), Mawaddah, Risnain and Amalia (2024), Jailani, Muliani, Arliani and Hidayat (2025) and Gazali, Kamariyah, Pramudiana and Dwijokusilo (2025) concentrate on recess activity and the absorption of public aspirations, and consistently report that aspirations are collected but weakly followed up. Firmansyah and Siregar (2023) shift the focus to the legislative repositioning of the regional representative council through comparison with France. Studies on legal certainty, such as Julyano and Sulistyawan (2019), Ariyanto, Dwisvimiari and Arifinal (2022) and Rajasa and Suhartono (2023), test the clarity and predictability of norms in fields unrelated to regional supervision. What has not been examined systematically is whether the supervisory norms of Law Number 23 of 2014 are internally consistent and legally binding when read through legal certainty theory, role theory and the theory of authority together. That combined reading is the contribution offered here.

Accordingly, this article analyses the regulation of supervisory authority and the forms of supervision exercised by the regional house of representatives over regional heads under Law Number 23 of 2014. Two questions are addressed. First, how is the supervisory authority of the regional house of representatives over the regional head regulated under that statute? Second, what forms does that supervisory function take, and through what institutional mechanism is it carried out? The answers are intended to clarify the source, scope and juridical force of the supervisory function and to identify the normative reinforcement required for supervision to produce corrective effect rather than political commentary.

METHODS

This study is normative legal research, which treats law as a system of norms consisting of principles, rules, statutory provisions and doctrine (Marzuki, 2006; Soekanto & Mamudji, 2001). Two approaches are combined: a statutory approach, examining the 1945 Constitution of the Republic of Indonesia, Law Number 23 of 2014 on Regional Government, Law Number 17 of 2014, Law Number 12 of 2011 as amended by Law Number 13 of 2022, Government Regulation Number 12 of 2018 on Guidelines for Drafting the Rules of Procedure of Regional Houses of Representatives, and Government Regulation Number 13 of 2019 on Reporting and Evaluation of Regional Government Administration as primary legal materials; and a conceptual approach, drawing on legal doctrine concerning supervision, representation, authority and legal certainty as secondary legal materials,



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supported by legal dictionaries as tertiary materials (Mukti Fajar & Achmad, 2010). Legal materials were collected through documentary and library study, then classified, systematised and analysed descriptively and qualitatively by means of grammatical and systematic interpretation in order to identify normative gaps and disharmony within the supervisory provisions (Amiruddin & Zainuddin, 2024).

RESULT AND DISCUSSION

Regulation of the Supervisory Authority of the Regional House of Representatives

The regional house of representatives holds the position of an element of regional government administration. Article 95 paragraph (1) of Law Number 23 of 2014 establishes that position for provincial councils and Article 148 paragraph (1) for regency and municipal councils. Its members are elected directly by the people through general elections, so that its authority is grounded in the principle of popular sovereignty under Article 1 paragraph (2) of the 1945 Constitution (Fahmi, 2010). The mandate obtained through election is not exhausted by conveying aspirations; it extends to policy formation, budget deliberation and control over the conduct of government (Pitkin, 1967). Article 96 paragraph (1) and Article 149 paragraph (1) confer three functions, namely regional regulation-making, budgeting and supervision, which form an integrated whole: the first supplies the legal basis for governmental affairs, the second directs the use of regional finance, and the third ensures that both are implemented as agreed.

The supervisory function must be classified correctly before its force can be assessed. Hadjon (2024) distinguishes authority (*bevoegdheid*) from power (*macht*): authority is power that derives legitimacy from law, and therefore contains three components, namely influence, a legal basis and legal conformity. Authority may be obtained by attribution, delegation or mandate, each producing different legal consequences for the official who exercises it. Measured against that construction, the supervisory function examined here is attributive. It is conferred directly by the legislature upon the regional house of representatives and does not originate in any transfer from the regional head, the central government or another organ, which means the council bears direct legal responsibility for its exercise and may not extend it beyond the objects the statute specifies (Ridwan HR, 2020). This classification also explains the boundaries of the function: under the principle of legality (*legaliteitsbeginsel*), no governmental act is valid without a basis in legislation, so supervision that exceeds the statutory objects becomes interference with executive authority rather than control of it (Utrecht, 2010).

The objects of supervision are set out symmetrically for the two tiers of regional government. The comparison is presented in Table 1.

Table 1. Legal Basis of the Supervisory Function at Provincial and Regency/Municipal Level

Aspect	Provincial Council	Regency/Municipal Council
Position as element of regional government administration	Article 95 paragraph (1)	Article 148 paragraph (1)
Three functions: regulation-making, budgeting, supervision	Article 96 paragraph (1)	Article 149 paragraph (1)
Budgeting function through joint approval of the regional budget	Article 99 paragraph (1)	Article 152 paragraph (1)
Objects of the supervisory function	Article 100 paragraph (1)	Article 153 paragraph (1)



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Task and power to supervise implementation of regulations and budget	Article 101 paragraph (1) letter c	Article 154 paragraph (1) letter c
Rights of interpellation, inquiry and expression of opinion	Article 106 paragraph (1)	Article 159 paragraph (1)
Obligation of the regional head to submit an accountability statement	Article 69 paragraph (1) and Article 71 paragraph (2)	Article 69 paragraph (1) and Article 71 paragraph (2)
Equal partnership between the council and the regional head	Article 207 paragraph (1)	Article 207 paragraph (1)

Source: Law Number 23 of 2014 on Regional Government, processed 2026

Table 1 shows that the statute is generous in defining what may be supervised and silent on what must follow from supervision. Article 100 paragraph (1) and Article 153 paragraph (1) direct supervision towards the implementation of regional regulations and regional head regulations, the implementation of other legislation connected with regional government administration, and the follow-up to the audit of financial statements by the state audit board. The scope is therefore compliance-oriented rather than administratively operational: the council assesses obedience and accountability, not the technical execution of programmes, and this boundary prevents the council from absorbing administrative powers that belong to the regional head. Yet none of these provisions states that a regional head is obliged to implement the result of supervision, within what period, through what reporting mechanism, or with what consequence for neglect. Government Regulation Number 12 of 2018 supplies procedural guidance for the rules of procedure and the working instruments of the council, and Government Regulation Number 13 of 2019 governs reporting and evaluation of regional government administration, but the outcome of deliberation remains, in form, a recommendation for improvement.

Read through legal certainty theory, that silence is a defect rather than a matter of drafting style. Radbruch (2006) places legal certainty alongside justice and expediency as a basic value of law, and certainty requires that norms be clear, consistent and predictable in their consequences (Julyano & Sulistyawan, 2019). A norm that establishes a function, names its objects and provides instruments, yet leaves the legal effect of its outcome undetermined, produces exactly the double interpretation that certainty is meant to exclude. The tension is compounded by Article 207 paragraph (1). Partnership and supervision are placed in the same relationship without a boundary between them, so the council approves a regional regulation and a budget jointly with the regional head and afterwards supervises the implementation of an instrument it helped to produce. Institutional conflict of interest and blurred lines of accountability follow directly from that construction (Rajasa & Suhartono, 2023).

Role theory explains why the gap becomes visible in practice. Linton (1936) treats a role as the dynamic aspect of a status, a set of rights and obligations attached to an institutional position. The statute formulates the *role expectation* of the council through its functions, tasks, powers, rights and obligations; what the council actually does constitutes its *role performance*. Divergence between the two is not accidental. Where the regional head is supported by a majority of parties in the council, a proposal for interpellation or inquiry may fail to reach the required threshold even though an irregularity is suspected; where political relations are strained, the same rights may be deployed as instruments of pressure unconnected with the merits (Marijan, 2011). Supervision then drifts from public control towards political compromise, and the quality of control declines while its formal appearance is preserved.



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The consequence for the character of the function is decisive. The council cannot take over the implementation of a programme, annul a decision of the regional head unilaterally, or impose an administrative sanction on a regional apparatus. Its findings are pursued through recommendations, requests for explanation, decisions of the council or the exercise of its institutional rights. Supervision by the regional house of representatives is thus political and institutional supervision, distinct from the internal administrative supervision conducted by the inspectorate and from the professional financial audit conducted by the state audit board. The absence of executorial power is itself justified, since it preserves the separation of functions; what is not justified is the absence of any norm obliging the executive to respond to the outcome. Good governance requires that the exercise of authority be free from abuse and answerable under law (Kooiman, 2009; Mardiasmo, 2005), and answerability is incomplete where a finding of irregularity generates no legal duty whatsoever (Dwiyanto, 2003).

Forms and Mechanism of the Supervisory Function

Classified by the moment of its exercise, supervision by the regional house of representatives is either preventive or repressive. Preventive supervision is conducted before a policy takes effect and is aimed at avoiding error, deviation and expenditure that does not serve the public interest. It is exercised through joint deliberation on draft regional regulations, where the council tests the legal basis, purpose and budgetary consequence of a proposed norm and may require correction of a draft that conflicts with higher legislation, and through deliberation on the draft regional budget and its amendment, where sources of revenue, direction of expenditure, financing and programme priorities are assessed against community needs, fiscal capacity and development planning documents. Repressive supervision is conducted after implementation and assesses conformity between what was executed and what was agreed. Both are necessary: without the preventive dimension the council acts only after loss has occurred, and without the repressive dimension approval becomes a formality. The instruments belonging to each category, together with their statutory basis, are summarised in Table 2.

Table 2. Forms of Supervision and Their Statutory Basis

Type	Instrument	Legal Basis
Preventive	Joint deliberation and approval of draft regional regulations	Article 101 paragraph (1) letter a; Article 154 paragraph (1) letter a
Preventive	Deliberation on the draft regional budget and its amendment	Article 99 paragraph (1); Article 152 paragraph (1)
Repressive	Working meetings with the regional head and regional apparatus	Article 100 paragraph (1); Article 153 paragraph (1)
Repressive	Public hearings with citizens, experts and affected groups	Government Regulation Number 12 of 2018
Repressive	Working visits and unannounced field inspections	Government Regulation Number 12 of 2018
Repressive	Deliberation on the annual accountability statement of the regional head	Article 69 paragraph (1); Article 71 paragraph (2); Government Regulation Number 13 of 2019
Repressive	Supervision of the accountability of regional budget implementation	Article 100 paragraph (1); Article 153 paragraph (1)



Repressive	Supervision of follow-up to state audit findings	Article 100 paragraph (1) letter c; Article 153 paragraph (1) letter c
Repressive	Rights of interpellation, inquiry and expression of opinion	Article 106 paragraph (1); Article 159 paragraph (1)

Source: Law Number 23 of 2014, Government Regulation Number 12 of 2018 and Government Regulation Number 13 of 2019, processed 2026

The mechanism through which these instruments are applied follows an identifiable sequence. It begins with the determination of the object of supervision, which may be drawn from the programme of the regional government, budget implementation, the application of a regional regulation, a policy of the regional head or the delivery of public services, and may be prompted by public complaints, the results of recess, media reports or the findings of audit institutions. Selection must be made on grounds of urgency, impact and legal basis, since a clearly defined object determines which working instrument of the council is competent and which method is appropriate. Initial information is then gathered from governmental documents, activity reports, financial statements or citizen complaints, and is verified before it is acted upon; unverified data cannot found an assertion of irregularity, and verification is precisely what prevents supervision from resting on assumption or political interest.

Verified material is brought to the competent working instrument of the council. Commissions conduct supervision within their respective fields of governmental affairs, the budget board examines budgetary policy and its realisation, the deliberation board schedules supervisory items, the leadership coordinates institutional relations, and a special committee may be formed for a matter requiring deeper examination. An internal meeting formulates the issues, the legal basis, the documents required and the parties to be heard, and its decisions are recorded officially, which establishes that supervision is a collective institutional act rather than an individual initiative. A formal request for data and documents follows. Completeness and timeliness of the response are decisive here, because incomplete or delayed information is one of the principal practical obstacles to assessing the accountability of the regional head.

Explanations are then obtained through working meetings, in which the commission examines the consistency between oral answers and supporting documents; through public hearings, which admit information from citizens, community organisations, academics and affected businesses and are particularly important where governmental reports diverge from the experience of the community; and through working visits and unannounced inspections, which allow administrative reports to be compared with physical conditions in the field. Findings obtained in the field cannot be treated as proof of a violation before clarification has been sought from the responsible apparatus. The results are formulated as written conclusions or recommendations stating the problem, the legal basis, the responsible party, the corrective steps required and the period allowed, and are conveyed officially to the regional head. Monitoring of implementation in the following period completes the cycle and feeds into the deliberation of the next budget and the next accountability statement.

Where ordinary instruments prove insufficient, the mechanism escalates to the institutional rights of the council. Interpellation is used to require an explanation from the regional head concerning a policy that is important, strategic and of broad effect; inquiry authorises an investigation, conducted by a committee empowered to collect documents and hear parties, into a policy suspected of conflicting with legislation; and the right to express an opinion allows the council to adopt an official position, whether as a follow-up to interpellation or inquiry or in response to an extraordinary occurrence or a suspected breach of the oath of office. Each requires proposal by a



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specified number of members, quorum and approval in plenary session, and each carries political and legal consequences that make careful use essential. Because these thresholds are political rather than evidentiary, the strongest supervisory instruments are the most exposed to the configuration of forces within the council, which is the practical expression of the divergence between role expectation and role performance identified above.

Two further features condition the effectiveness of the mechanism. The first is coordination with other supervisory institutions. The council may use the audit reports of the state audit board, the reports of the inspectorate, data from the Ombudsman and information from law enforcement agencies within the limits of its own competence, and may transmit information concerning suspected criminal conduct without assuming any investigative function. Such coordination extends the reach of supervision while preserving the distinct character of each institution and avoiding overlapping authority. The second is transparency. Publication of the agenda, the substance and the outcome of supervision, except for information lawfully excluded, allows the public to evaluate the seriousness of the council and increases the pressure on the regional head to respond, thereby strengthening the democratic legitimacy on which the supervisory function ultimately rests (Schumpeter, 2011).

Taken together, the forms and the mechanism reveal a supervisory system that is procedurally complete and normatively unfinished. The council possesses a graduated set of instruments ranging from deliberation on a draft regulation to the expression of an institutional opinion, and a sequence of stages capable of producing evidence-based findings. What it does not possess is a norm converting a finding into an obligation. Recommendations without binding force, limited access to information, uneven institutional capacity, the political configuration of the council and the willingness of the regional head to comply therefore remain the decisive variables. Strengthening the function requires amendment of Law Number 23 of 2014 to stipulate the duty of the regional head to act upon the result of supervision, a time limit for doing so, a mechanism for reporting implementation, and legal consequences where the result is disregarded (Zainuddin Ali, 2010).

CONCLUSION

The supervisory authority of the regional house of representatives over the regional head is attributive authority conferred directly by Law Number 23 of 2014, exercised from a position equal to that of the regional head as elements of regional government administration, and directed at the implementation of regional regulations and regional head regulations, the regional budget, other legislation connected with regional government, and the follow-up to state audit findings. That authority is political and institutional in character. It does not carry executorial force, so its outcome takes the form of recommendations, evaluations, decisions of the council or the exercise of institutional rights.

The function is exercised in two forms. Preventive supervision operates before implementation, through joint deliberation on draft regional regulations and on the regional budget and its amendment. Repressive supervision operates after implementation, through working meetings, public hearings, working visits and inspections, deliberation on the annual accountability statement, supervision of budgetary accountability and of the follow-up to audit findings, and, where necessary, the rights of interpellation, inquiry and expression of opinion. The mechanism proceeds from determination of the object, through collection and verification of information, institutional deliberation and field examination, to written recommendation and monitoring of implementation.



The principal weakness is normative rather than procedural. The statute defines what may be supervised but not what must follow from supervision, and it places partnership and supervision in the same relationship without delimiting them. Reinforcement should therefore address the obligation of the regional head to act upon supervisory results, the period within which action must be taken, the mechanism for reporting implementation and the legal consequence of disregard. Further research may usefully test this normative construction against comparative models of local legislative oversight and against the practice of selected regions, in order to measure how far the proposed reinforcement would alter the behaviour of both institutions.

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