

Legal Study of the Role of Political Parties in Making Regional Regulations in the Regional People's Representative Council of Purbalingga Regency

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Abstract

Countries that have democratic systems really need political parties as a forum for everyone to express their opinions, either as representatives of the people and also as a medium for peaceful political leadership. The role of political parties is a crucial element in determining the direction of a country's policies. In reality, there are often challenges such as the attraction of political interests, the fragmentation of party coalitions, and the influence of local political forces that play a role in influencing the final policy outcome. Therefore, it becomes interesting to understand how the role of political parties is related to the making of local regulations through their representatives in the DPRD. By using juridical normative research methods, it can be concluded that political parties play an important role in the concept of negotiations that occur during the process of making local regulations so that these regulations remain in accordance with the aspirations of the people and do not conflict with Pancasila.

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1. INTRODUCTION

A country that adheres to a democratic system like Indonesia in carrying out political and state life really needs public participation and political freedom is guaranteed by the state, as long as it is in accordance with Pancasila and the laws that apply in Indonesia. The formation of political parties is an obligation in countries that adopt a democratic system as a place to accommodate political participation by citizens. The existence of political parties also serves as a forum for absorbing the aspirations/opinions of citizens, as guardians of good political life or as representatives of the people by becoming members of the legislature. Political parties are structured groups like organizations where they take an active role in political life in nominating leadership candidates to be elected by the community. The existence of political parties can give evidence of community participation in political as the true meaning of democracy.[1]

Political parties are structured groups so they have a vision and mission that is aligned among their members. The main purpose of forming a political party is to gain or maintain political power obtained by means of the constitution. Political parties in the current era have a function that is quite important for the sustainability of the democratic system. Political parties can strive to improve the welfare of society by encouraging the government to make political decisions and policies. This is a form of channeling the aspirations of citizens.[2]

Political parties have quite an important role in the formation of policies both in the region and in the country. The important role of political parties in the policy formulation process is not limited to the legislative aspect alone, but is also involved in the process of formulating a public policy which of course has an impact on the wider community. Based on Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties, political parties are described as "National scale political organizations formed by a group of Indonesian citizens who volunteer on the basis of the same vision and mission in fighting for and defending the political interests of its members, society, nation and state, as well as maintaining the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia." [3]

The law above also regulates the functions of a political party as explained in Article 11 of the Law *water*, that:

- 1) Political Parties function as a means of:
 - a) Political education for members and the wider community to become Indonesian citizens who are aware of their rights and obligations in social, national and state life;
 - b) Creating a conducive climate for the unity and unity of the Indonesian nation for prosperity public;
 - c) Absorbing, gathering and channeling the political aspirations of the community in formulating and establishing state policies;
 - d) Political participation of Indonesian citizens; And
 - e) Political recruitment in the process of filling political positions through democratic mechanisms by paying attention to gender equality and justice.
- 2) The functions of Political Parties as intended in paragraph (1) are realized constitutionally.

Political parties can have a role as public policy makers in submitting proposals regarding draft regional regulations (Raperda) and supervising the executive through representatives in the DPRD. The making of regional regulations (Perda) is regulated in Law Number 23 of 2014 concerning Regional Government, in this case the Purbalingga Regency Government own authority set regulations for managing their own regional government household. The granting of this authority is not without reason, but because each region in Indonesia has its own uniqueness, regional governments are given the authority to regulate this, starting from the potential of the region, economic conditions, social culture of the community, number of residents, area size and politics and many more. other things that require the government to implement regional autonomy. [4] In principle, the highest authority in a unitary state is the central government without the need to delegate power or delegation to regional governments (Pemda) below it. The Executive Body, which in this case is the regent and its autonomous services, is charged with the task of administering the region through regional regulations. Meanwhile, the legislative body in question is the Regional People's Representative Council (DPRD), which is tasked with making laws or policies that regulate the executive body. [5]

The DPRD essentially represents the aspirations of the community which can be expressed in a Regional Regulation that can help the interests of the community at large. However, in practice, it is not uncommon to find challenges faced by the DPRD in channeling the aspirations of the community, such as the push and pull of political interests, the division of coalition parties, and the influence of local political forces which can influence the final outcome of a Regional Regulation. In this case the political party should play an important role for society and the state so that there is a balance between the two. However, political parties are often reported to only fight for the interests of their members.

Therefore, the participation of political parties during the process of making laws and regulations so that they can influence the final results is considered quite interesting to research.[6]

This research aims to understand and analyze political and legal dynamics in Indonesia, and look at the role of political parties in forming responsive regional policies or regulations. Another aim of this research is to provide deeper insight into the involvement of political parties in the formation of regional regulations in Purbalingga Regency. Therefore, researchers will study this legal phenomenon with the following problem formulation:

- 1) What is the role of political parties in the concept of negotiations in the Purbalingga Regency DPRD?
- 2) Is the role of political parties important in making regional regulations in the Purbalingga Regency DPRD?

2. RESEARCH METHOD

The research method that will be used by researchers is normative juridical research. Normative juridical research is a legal research method that examines applicable laws and regulations that are relevant to the legal issues being studied. The primary data used in this research are statutory regulations with secondary data in the form of books related to the problem being studied, results of field research, papers related to the object studied, legal journals and literature related to This research is equipped with tertiary data in the form of interviews with parties related to the problem topic. The specification of this research is analytical descriptive, namely to describe and discover legal facts regarding the participation of political parties in absorbing community aspirations through the DPRD in the process of drafting regional regulations for Purbalingga Regency. The legal material that has been collected is then compiled systematically and analyzed using data processing which is then linked to applicable laws and regulations. The study units for this research are several party leaders, as well as members of the DPRD, including parties in government and those in the opposition. This research is also equipped with identification and clarification of legal facts to related parties as listed in Table 1.

Table 1. Research Informants

Informant's Name	Department
H. Adi Yuwono S.H.	Chairman of the Gerindra Party DPC
Cahyo Susilo, A.Md.RO.	Chairman of the PKS Party DPD

3. RESEARCH RESULTS AND DISCUSSION

3.1. The Role of Political Parties in the Concept of Negotiations in the Purbalingga Regency DPRD

Political parties are one way to absorb the aspirations and interests of citizens. Political parties, through their representatives in the legislative body, namely the Regional People's Representative Council (DPRD) of Purbalingga Regency, play an important role in formulating and making decisions. Political parties not only represent the aspirations of citizens, but are also tasked with monitoring the capabilities of their party members who serve in the Purbalingga Regency DPRD. Political parties have a responsibility to monitor that their members who serve in legislative seats carry out their obligations well and in accordance with the expectations of party members. The functions of political parties are regulated in Indonesian positive law in Law Number 2

of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties (UU Political Parties). Article 11 of the Law on Political Parties states that political parties have the function of being a means of political education, creating unity in society, absorbing political aspirations, increasing community political participation and political recruitment.[7]

Political parties through their representatives in the DPRD have a role as public policy makers, supervisors of executive institutions in implementing regulations, and also convey public opinion. In carrying out its duties as a legislative and supervisory institution, the DPRD's performance can be more efficient with factions formed from party members. Political party factions are used as a place to convey the aspirations and complaints of the community which then urge the creation of regional regulations that are responsive to the needs of the community. Therefore, political parties have a substantial role in the negotiation process taking place in the Purbalingga Regency DPRD. The role of political parties in the negotiation concept covers several aspects, one of which is from conveying people's aspirations to the decision-making process.[8]

The role of political parties in political negotiations is not only limited to their members who sit in DPRD seats, but also their members who hold executive positions in conveying the aspirations of the people in the formation of a Regional Regulation so that it does not conflict with the needs of society and Pancasila. There is a provision in Article 9 of the Political Party Law which states: Paragraph (1) The principles of political parties must not conflict with Pancasila and the 1945 Constitution of the Republic of Indonesia. Paragraph (2) Political parties can include certain characteristics that reflect the will and ideals. -the ideals of Political Parties which do not conflict with Pancasila and the 1945 Constitution of the Republic of Indonesia. Paragraph (3) The principles and characteristics of Political Parties as referred to in paragraphs (1) and (2) are an elaboration of Pancasila and the 1945 Constitution of the Republic of Indonesia. [9]

In conducting negotiations, the DPRD includes many interested parties, including the executive, legislative and community. The negotiation process is important in order to reach agreement on the formulation of a Regional Regulation. DPRD members who come from various political parties play an active role in discussions and decision making related to regional interests. From the large number of political party members who sit in legislative seats, a coalition is often formed which strengthens them in the concept of negotiation, especially in dealing with complex problems.[10]

Negotiation is part of political communication, simply described as a result that has a political nature where political figures press for an outcome. Communication can also be interpreted as the interaction that occurs in a political system between that system and its environment. Political communication can be explained in broad or narrow terms. The broad meaning of political communication is the process of conveying messages which contain political elements from one source to the recipient of the message who is usually a political figure as well. Meanwhile, in a narrow sense, political communication is defined as a way of conveying messages in any form, it can be in the form of symbols, written or spoken words, even in the form of signs that can have an effect on the position of someone involved in a political structure.[11]

Political communication carried out by political parties certainly influences existing public policies. Political parties can influence the preparation of budgets and regulations through lobbying and good political negotiations. Regional regulations cannot be drawn up unilaterally, this is political communication. This element is quite important because it involves several parties, namely the Regional Government

(executive), DPRD (legislature) and also political parties. Good political communication will produce mutually supportive working relationships so that it is easy to reach agreements, and not bring each other down. In carrying out political communication between two or more parties, the aim must be to find the middle point of a problem, so that there are no problems or obstacles in the process of drafting regional regulations.[12]

People's aspirations in the political field can be considered as political messages which usually contain demands and support which are always directed at the government as the executive body. Community aspirations are channeled through political parties with the assistance of interest groups, mass media and social media to mobilize broad public opinion. The success or failure of the role of a political party depends on the members of the political party in carrying out political behavior when carrying out political communications. In principle, whatever message is conveyed should convey the vision and mission as well as the ideology of the political party and lead to the benefit of the community at large.[13]

Political communication requires a good strategy in its implementation in order to reach an agreement between parties. When holding a trial, the communication strategies used by politicians can vary, namely awareness of society, thinking about environmental regulations, creating political messages whose contents convince many parties and determining methods, as well as paying attention to the terms of reference in their professional field. Political parties as those who play a role in political communication must be able to differentiate between forwarding and rejecting a political message, repeating a political message, and summarizing a message with the aim of finding the right decision for the interlocutor.[12]

Form of communication politics, negotiations and political lobbying should be carried out by meeting face to face. Both parties need a more private sphere with the aim of being more effective and able to persuade more because there is compromise and dialogue between them. Political communication can actually be carried out via telephone, *chatting*, but in the end, it will definitely require a direct or face-to-face meeting. When carrying out political communication, it is a good idea for communicators to pay attention to the language and rhetoric used with their interlocutors. This is because the rhetoric used can greatly influence individuals in taking the next steps of their own accord without the influence of other people around them. The use of rhetoric in political communication can give rise to ongoing negotiations in a positive sense.[14]

Political parties have different strengths from one another. Political parties that do not have enough internal strength will invite individuals who are not party members to join forces and support the political party's agenda to the public. They are often known as political party partisans. Politician partisan is not a member of a party but is committed to the interests of a party and may act as if he were a member of a political party.[15] However, there are obstacles to realizing the role of political parties, DPRD members face battles over the political plans of each party in the courtroom, both among DPRD members and with the executive. This can happen because DPRD members are promoted by different parties, and of course will try to maintain the vision, mission and interests of their party. Often the battle of opinions in the courtroom regarding executive policy results in conflict. Therefore, the use of good rhetoric and language in political communication is very necessary to avoid conflicts that could occur. In an effort to achieve the ideals of political parties, they created factions in the DPRD to increase their strength.[16]

Fractions in the DPRD have an important role in optimizing the efficiency of the performance of legislative members. The faction serves as a place of coordination for its members, to ensure that all tasks and activities are in accordance with legislative functions and are carried out in a coherent manner. Through good coordination, factions can increase the efficiency of legislative members' performance in carrying out their duties. Fractions are also a place to convey and fight for the aspirations of their members. In this way, factions can emphasize that the voices of their members are heard and taken into account during the decision-making process, so that the policies produced are relevant to the needs of the community and of good quality. Fractions can also express their views regarding the policies that will be determined by the DPRD. Fractions can help ensure that a decision taken is the result of consideration of various in-depth aspects by providing careful consideration (Quoted from the Purbalingga Regency DPRD website with the link: <https://dprd.purbalinggakab.go.id/faksi/>)

Researchers think that in the political realm there must be a negotiation between the legislative and executive institutions in the process of making regional regulations. Political parties took an active role in negotiations at the Purbalingga Regency DPRD, Adi Yuwono, S.H. as chairman of the DPC Greater Indonesia Movement (Gerindra) explained that negotiations could take place because differences of opinion definitely exist. The solution could be by lobbying or negotiating with other factions and leadership meetings. In this case, political party negotiations also continue to prioritize the interests of the public. Negotiations or lobbying like this can also end in a coalition if there are similar views, goals, vision and mission. The active role of political parties in negotiations at the Purbalingga Regency DPRD as well in classification by Cahyo Susilo A.Md as chairman of the DPD Prosperous Justice Party (PKS) that in the DPRD there could be two possibilities, namely negotiation and agreement. Negotiations can occur if there is a difference in perception, but if everyone agrees then there is an agreement. When negotiating with other political parties, a common thought will usually emerge for the benefit of society so that in the end a coalition can be produced.

Political parties have an important role in the negotiation process in the Purbalingga Regency DPRD. Political parties become a bridge between the community and regional government and become decision makers through their members who serve in the DPRD in making policies. By understanding these functions and challenges, it is hoped that negotiation effectiveness and better policy outcomes for society can be increased.

3.2.The Role of Political Parties in Making Regional Regulations in the Purbalingga Regency DPRD

A democratic rule of law requires the existence of political parties because they have an important role in it. The important role of political parties is because they have a crucial position as a tool for the functioning of democratic government because they serve as promoters of prospective national leaders. Political parties have the task of conveying the aspirations collected by political parties. This is their function of interest *aggregation* and *interest articulation* from political parties. Political parties also serve as suppressors of differences of opinion in society and combine aspirations from society which can later be formulated in a structured manner. After being formulated, these aspirations can later be used as a policy proposal submitted to the government to be established as public policy.[17]

Political parties in carrying out their functions will always take into account their members and the goals they aspire to. Progressive political parties will fight to change

the existing government system, starting from the structure of society, culture, to the regional and state economy. A political party is said to be successful if the party can control every important activity in society. Meanwhile, conventional political parties usually only carry out their activities according to their duties, and survive under current conditions carried out.[18]

Political parties in the development of a democratic political system carry out several functions, namely political recruitment, political socialization, political communication and conflict management. Political communication carried out by political parties is two-way communication. First, political parties use the system *bottom-up*, namely from the bottom up, to formulate and convey the aspirations and demands of the community to the executive to be proposed as public policy. Here political parties not only represent the aspirations and interests of their members, but also convey the aspirations of the people who join political parties. Second, political parties also communicate *top-down*, namely from top to bottom, this communication can take the form of socializing political parties regarding work plans and government policies so that an exchange of ideas occurs which allows for a sense of mutual understanding to be formed between the two. In doing this, political parties are usually referred to as *broker* or intermediaries from aspirations society.[19]

A democracy that applies the principles of openness and freedom will provide more open access for the public to express their opinions to political parties. The absorption of people's aspirations can only occur when political openness and freedom are not restricted. Political parties will not be able to absorb people's aspirations if the path to openness and freedom is closed by political party power holders. Society as the basis for the formation of political parties certainly wants two-way communication that complements each other.[20]

Society needs the role of political parties and vice versa, political parties need society to continue to exist because the most important task of political parties is to absorb people's aspirations for the benefit of the wider community in regional development. Political parties are really needed in the process of formulating regional regulations in Purbalingga Regency because it is through their factions in the DPRD that they can convey the aspirations they absorb. The DPRD has the authority to absorb, collect and follow up on community aspirations. If this authority runs well, then people will not hesitate and will tend to trust political parties.[21] Therefore, the DPRD's role in formulating regional policies must be in accordance with the aspirations of the community in drafting regional regulations, especially in Purbalingga Regency.

Aspirations received by political parties will be included in the Regional Government Information System (SIPD) or Work Plan (Renja) which is included in the General Policy on Budget and Priorities and Temporary Budget Ceilings (KUA-PPAS) and after that it can be made into a RAPBD which can be determined to become APBD . There are 3 ways to absorb people's aspirations, namely:[22]

- (i) Through members of the DPRD faction, the faction as an extension of a political party is directly tasked with absorbing aspirations
- (ii) Holding a DPRD recess, each DPRD member is given the right to a recess which is held every 4 months
- (iii) On visits to electoral districts, DPRD members can also absorb aspirations in a non-formal way, namely during visits

The DPRD's obligation is to fight for the aspirations of the public for what it represents and do everything possible to make it happen. If it goes through a recess, it will be included in the DPRD Member Recess Report. This report can be used as a

reference for preparing main ideas which will then be realized according to the capabilities of the APBD.[23] However, there are usually obstacles faced by political parties in the process of absorbing people's aspirations, including budget limitations. The limitations of the APBD also mean that all of the community's aspirations cannot be met. Another obstacle to absorbing aspirations is aspirations that are submitted after the APBD discussion is complete. From this, a mechanism is needed regarding incoming aspirations. So the aspirations of the people are still accepted by political parties but sometimes it takes time to convey them if the APBD has been determined.[24] However, because the interaction of DPRD members does not reach the entire community, the aspirations submitted cannot reach all of the community's desires.[23]

The procedures for creating a Regional Legislation Program (Prolegda) apply the same to both provincial Prolegda and Regency Prolegda. The process of making regional regulations in Indonesia is regulated in Law Number 12 of 2011 concerning Formation Rules Legislation supplemented by Law Number 32 of 2004 concerning Regional Government. The procedure for making a Regional Regulation goes through several stages, namely:[25]

- (i) Planning, the Regional Government together with the Regency DPRD create a Prolegda which is used as a guideline in compiling the material that will be formulated.
- (ii) The Draft Regional Regulation can be prepared by the Regency DPRD or the Regent, which will then be discussed together to reach an agreement.
- (iii) Discussion of the Draft Regional Regulation, discussion carried out through meetings of commissions, committees, bodies or DPRD apparatus in charge of legislation and plenary meetings
- (iv) The regency draft regional regulations that have been agreed upon in the previous meeting will be submitted to the regent by the chairman of the district DPRD to be subsequently adopted as district regulations.
- (v) Promulgation: Regional regulations can begin to be implemented and have permanent legal force on the date of promulgation of the regional regulations, unless there are provisions contained in the relevant regional regulations.

Provisions for making statutory regulations are regulated in Law Number 12 of 2011 concerning the Formation of Legislative Regulations. Explained in Articles 5 and 6 of the law, water, a regulation that is made should prioritize the interests of the community and have benefits for the community, and can be implemented without any obstacles without violating the foundations of the state. The law above also explains the importance of the role of the community in expressing their opinions so that they can be used as a reference in the process of making regulations. This process is usually carried out by political parties who will later convey these aspirations so that they can be conveyed in the drafting of the Draft Regional Regulation.

The resulting regional regulations can have positive or negative impacts on society and its autonomous regions. Regional regulations that have a positive impact are a must for regional governments and also district DPRD, because they are tasked with creating prosperity, prosperity and justice for the communities they lead and represent. However, there are things to be wary of, namely the possibility of a negative impact on society from a regional regulation that is promulgated. The principles of openness and transparency need to be applied in the process of forming regional regulations as a form of anticipation that can be taken to minimize the negative impacts of a regional regulation.[26]

Cahyo Susilo explained that political parties can be involved in the process of making a public policy or regional regulation because ideally DPRD members in making a policy should first consult with their political party because the DPRD faction is an extension of a political party. Adi Yuwono also explained that political parties play a role in the process of making regional regulations through their factions in the DPRD starting from making, discussing, and enacting a regional regulation with the regent. So political parties are not involved directly, but through their factions in the DPRD.[22]

Cahyo Susilo responded that if in the end there is a policy that does not meet the aspirations of the community, then as DPD of the PKS Party he will give instructions to members of his DPRD faction to continue to strive to realize the aspirations of the community. Apart from that, you can also raise public opinion through the channels provided such as TikTok, Instagram, Facebook and other social media as well as through print media. Adi Yuwono explained that political parties also become a system of control over regional governments when the Regional Revenue and Expenditure Budget (APBD) is deemed not to be pro-people by criticizing and proposing to the local government. [22]

The involvement of political parties in making regional regulations is not directly involved, but through their factions in the DPRD which can provide aspirations that have been collected by political parties. Aspirations expressed by a faction are said it would be good if we could enter the discussion stage. This is an opportunity for a political party to influence the content of a regional regulation so that it is in accordance with the vision and mission of its political party as well as the community represented.[27]

The various choices of political parties in Indonesia provide options for people to be able to express their aspirations through political parties whose vision and mission are in accordance with their wishes. The public is also given the right to choose which party they will trust to carry out their duties in government. The activity of political parties is not only during general elections, they also play an important role in controlling the continuity of a conducive government system. The most crucial role of political parties is that they are organizations that absorb people's aspirations which can later be proposed as draft regional regulations that can be ratified.[28] Absorbing the political aspirations of the community through political parties can also be said to be quite effective because the DPRD is an official channel or means for the community to convey their aspirations and is regulated by law, facilitated by the state with a clear mechanism.[23]

4. CONCLUSION

Political parties play an important role in the negotiation process in the District DPRD, both as a liaison between the community and the government and as decision makers in policy making. By understanding these functions and challenges, political parties through their representatives in the DPRD can increase the effectiveness of negotiations and improve policy outcomes for society. With effective lobbying and negotiation, parties can influence the preparation of budgets and legislation. Negotiations can occur if there is a difference in perception, but if everyone agrees then there is an agreement. However, there must be a solution to this difference of opinion by lobbying or negotiating with other factions and leadership meetings that still prioritize the interests of the public.

Community aspirations are certainly very useful in the process of drafting regional regulations in Purbalingga Regency. Public complaints about the government system

encourage the government to improve its government system. Regional regulations are a form of government action in improving its performance. Good regional regulations will definitely have benefits for the community, because good regional regulations will definitely absorb the aspirations of the community to the maximum. The making of regional regulations should go through a utility study so that they have benefits for the wider community, not just the voting community, in accordance with the theory of utilitarianism. Through political parties that absorb input from the community, the DPRD will get a different perspective in the process of forming regional regulations. Political parties can be involved in the process of making a regional regulation because ideally DPRD members in making a regional regulation will first consult with their political party. Absorbing people's political aspirations through political parties can also be said to be quite effective because it is the official channel for absorbing people's aspirations. Political parties are not directly involved in making regional regulations, but they can provide their ideas through their factions in the DPRD.

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