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(Case Study at the People's Representative Council of Karawang District)

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Abstrack: Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government is used as one of the formal sources in Indonesia. So that every government activity carried out must be in accordance with these regulations. The phenomenon that occurs in Karawang Regency is that there is still a lack of supervision carried out by the Karawang DPRD so this research wants to discuss the role and function of DPRD supervision in supervising the regional budget and what obstacles are experienced in carrying out this supervision. The purpose of this study is to find out what kind of supervision is carried out by the DPRD of Karawang Regency in supervising the regional budget. This research is a type of qualitative research that uses a normative juridical approach, namely by going through library materials and the results of direct interviews in the field. The results of his research are that the Karawang DPRD has not been optimal in overseeing the use of the budget, this can be proven from the findings of the BPK which continues to increase every year and the obstacles experienced by the DPRD, namely technical constraints.

Keywords: Local Government, Authority, Budget

1. Introduction

According to Law No. 23 of 2014, Article 1, the Regional People's Representative Council, which is later abbreviated as DPRD, is a regional people's representative institution that acts as an organizing element of the Regional Government. The Regional People's Representative Council (DPRD) is part of the regional government, because in a unit there is no regional legislature, because the DPRD is included in the implementation of regional government, but therefore the authority of the DPRD is not like the Regional Head who has full authority in running the government, the authority of the DPRD limited to only perform their functions in accordance with

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the Law, regulated in Article 149 paragraph 1 of Law Number 23 of 2014, which states that: "DPRD has the functions of legislation, budget, and supervision".

In order to carry out the function of legislation, the DPRD is given the task and authority to form regional regulations together with the Regional Head. The DPRD establishes regional regulations for the benefit of the region or to implement higher level legislation whose implementation is delegated to the region. The DPRD can defend the interests of the region and its residents before the Central Government and the DPR with the knowledge of the concerned Regional Head¹. Meanwhile, to carry out the budget function, the DPRD is given the authority to discuss and approve draft regional regulations regarding regional revenue and expenditure budgets submitted by the Regional Head. Indeed, the budgeting function is not exactly called as a separate function. Because, the APBD is included in the legal clothes of the Perda so that the preparation of the APBD is identical to the formation of the Perda about the APBD, even though the draft always comes from the Governor and Regent/Mayor. Meanwhile, the implementation of the APBD itself must also be supervised by the DPRD, and such supervision is included in the category of supervisory functions carried out by the DPRD². Meanwhile, to carry out the supervision function, the DPRD is given the task and authority to supervise the implementation of regional regulations and regional revenue and expenditure budgets.

Failure to implement operational standards of budgetary accountability procedures, misappropriation of authority, waste of funds and other resources is one of the indicators in the problem. The problems that occurred in Karawang district were the result of technical obstacles. DPRD Karawang carries out budget supervision by designing planning, conducting budgeting, carrying out implementation and monitoring. The planning carried out by the DPRD Karawang is to make planning and management of the regional budget in order to create consistency between the planning of the district government and the central government. The reimbursement carried

¹ C.S.T. Kansil, Christine S.T. Kansil, *Pemerintahan Daerah di Indonesia*, Sinar Grafika, Jakarta, 2008, hlm.41

² Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, Konstitusi Press, Jakarta, 2006, hlm. 35

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out by the Karawang DPRD is a plan to reimburse the receipt and expenditure of the budget to the local government as established by the regional regulations. The implementation carried out by DPRD Karawang is to create a report that describes the comparison between APBD planning and its implementation. In conducting surveillance, the DPRD Karawang carried out a special program such as triwulan, a meeting of council members held every three months to monitor the progress of the work programme.

The phenomenon found in Karawang district is that the function of the budget overseer of Karawang District by the Karawang DPRD is still low so that there is frequent abuse of the use of budget. This can be demonstrated by the BPK Inspection Result Report. BPK carries out surveillance to control and oversee the accountability of the regional budget. The results of the BPK inspection on the management of regional expenditures to improve human development in the Karawang District Government for the 2016 fiscal year revealed 6 (six) findings of ineffectiveness. In the budget year 2019-2021 there were 13 (thirteen) findings of BPK West Java inspection results in Karawang district that were loaded in the Inspection Results Report. (LHP).

Examples of budget deviation cases that occurred in Karawang district are as in the case of Dam Parit project in the Karawang District Agriculture Department which was investigated by the Prosecutor's Office with alleged corruption offences namely mismanagement of Special Allocation Fund in the field of agriculture in 2018. The DPRD Karawang is still less active in carrying out surveillance this is proved by the still existence of large enough corruption carried out by the former head of the village of Waluya Kotawaluya in the budget year 2018-2019 amounting to Rs. 720,000,000.00 (tujuh ratus dua puluh juta rupiah).

The problems raised in this study are:

1. How to optimize the role and function of the Karawang DPRD in overseeing the use of the budget by the head of the district in Karawang District?

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2. What obstacles does the Karawang DPRD encounter in overseeing the use of the budget by the head of the district in Karawang District?

2. Method

In this study the author uses the method of empirical juridic approach. The author's reason for using the method is because the main data used is primary data, i.e. data obtained from field studies and books and other library materials, and other supporting data. The specifications in this study are analytically descriptive. The reason for choosing this specification is to provide an overview of the role and function of the DPRD in overseeing the regional budget in Karawang District. To conduct data analysis in this study, the author uses the logic of inductive law, which is the process of drawing universal conclusions based on experience, data, facts or limited knowledge as a prerequisite for later taking specific conclusions.

3. Analysis or Discussion

The concept of the rule of law based on Pancasila and the Basic Law of 1945 can be formulated both materially and juridically formally. The formula materially is based on the viewpoint (paradigm) of the Indonesian people in a country characteristic of Indonesia, namely the basis of family which means that the declared people are many, but human dignity and dignity remain valued, and the paradigm of the law that functions governance is to uphold the most democratic, democratic law, social justice, and humanity.³ This is Aristotle's view of the rule of law: What is meant by the ruler of law is a state that stands above the law and guarantees justice to its citizens. The righteousness is a condition for the prosperity of the people of his country, and it is the foundation of justice, that every man

³ Padmo Wahjono. *Pembangunan hukum di Indonesia*. Jakarta, ind-hill co, 1989, hlm 153

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should be taught to be a good citizen. Likewise, the rule of law exists only if it reflects the justice of the fellowship of his people⁴.

The concept of Political Trias is a normative principle that the power of power should not be handed over to the same person in order to prevent the abuse of power by the ruling party. According to Montesquieu, the doctrine of the Political Triad says that in every government of a country there must be three types of power: legislative, executive and judicial. Legislative power is the power to make laws. The power to make laws must be deposited in a special body. If the drafting of the law is not placed on a certain body, then it may be that each group or each person makes the law for his own benefit. Legislative is the most important thing in the state order because the law as a tool that becomes the guideline of life for a society and a nation.

As a legislative body, the Legislature is only entitled to enact laws, not to enforce them. For the law to be enforced, it must be handed over to another body. The power to enforce the law is the executive. Executive power is the power to enforce the law. The authority to make the law belongs to the Head of State. Therefore, the power of the Head of State is delegated to the officials of the Government/State who together constitute a law enforcement body. (Badan Eksekutif). This body is responsible for exercising executive power. The judiciary is the authority that has the duty to uphold the law and the right to give justice to its people. The judicial body is the authority to settle the case, to impose punishment for every violation of the law which has been committed and carried out⁵.

In article 147 paragraph (1) of the Law Number 23 Year 2014 which states that "DPRD district/city has the function of forming the regulations of district / city, budget functions

⁴ Moh. Kusnardi dan Harmaily Ibrahim, *Pengantar Hukum Tata Negara Indonesia*, Pusat Studi Hukum Tata Negara Fakultas Hukum Universitas Indonesia dan Sinar Bakti, 1983, hlm 154.

⁵ Efi Yulistyowati, *penerapan konsep trias politica dalam sistem pemerintahan republik indonesia : studi komparatif atas undang-undang dasar tahun 1945 sebelum dan sesudah amandemen*, Universitas Semarang, 2020

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and surveillance functions". In this study that will be discussed is about the role and functions of the DPRD. The form of financial implementation of the district and the obstacles faced by DPRD in carrying out the financial oversight of districts in Karawang district.

3.1. Optimization of the role and functions of the People's Representative Council of Karawang Region in overseeing the budget by the Head of the District in Karawang District

Optimization is the highest, best, perfect, the best, the most profitable, Optimizing means making perfect, making most high, making maximum, Optimization means optimization. Optimization is the process of searching for the best solution, not always the greatest profit that can be achieved if the goal of optimization is to maximize profit, or not necessarily the smallest cost to be suppressed if the aim of optimisation is to minimize costs⁶. Surveillance can be defined as a process to ensure that organizational and management goals can be achieved. It's about how to get the activities in line with the plans. This understanding suggests that there is a very close relationship between planning and supervision⁷.

Governance is a system that exists in a country which aims to ensure the maintenance of a country that is safe and running according to expectations. In order to maintain good governance in accordance with the concept of Good Governance, there are some principles that are held and are the cornerstone in the organization of governance that are at least divided into 4 principles: Transparency, Participation, Accountability and Coordination. Some of these principles can be used and in line with the system of government in Indonesia is a democratic form whose emphasis is directed to the participation of the people in the implementation of government either directly or through the people's representation in the government itself. For transparency, the regional budget is usually put in the accountability report at the end of the year.

⁶ Hotniar Siringoringo, *Pemograman Linear: Seri Teknik Riset Operasi*, Graha Ilmu, Yogyakarta, 2005, hlm.4

⁷ Yohannes Yahya, *Pengantar Manajemen*, Graha Ilmu, Yogyakarta, 2006, hlm.33.

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Basically, failure to maintain integration and document consistency can affect a number of things, one of which is inactivity in achieving priority targets as well as regional development goals that end up jeopardizing credibility. The optimization of budget planning in implementing e-government itself is essentially a very important thing. In order to an improvement in the performance of the local government in financial management as well as public services. Currently, budget optimization can be done to be able to realize self-government much easier to do with the advancement of the times. Nowadays, self-developed web-based technology can help the public to gain transparency about the state's financial budget.⁸ Nowadays, transparency can be achieved more easily with the use of web-based internet technology in displaying information related to policy, financial planning, and even funding, so that central and local governments can more easily cooperate in an effort to common sense in achieving people's prosperity.

Based on the results of a research interview with Mr. H.Endang Sodikin, S.H., M.H. as chairman of the Commission III of the Budgetary Council of the DPRD Karawang on Monday, June 12, 2023 from 12.00 to 13.00 BGB, he said that the supervision of the regional budget begins with planning, planning, realization and supervision.⁹

Monitoring is carried out by the Council of People's Representatives of the Karawang Region in carrying out budget monitoring is by doing a special program. The special program is done by the DPRD Karawang in monitoring the regional budget is by performing triwulan and inspections.

1. Triwulan

The triwulan program is a special program carried out by the DPRD Karawang in the form of council meetings to discuss the results report every three months.

⁸ Ibid, 34

⁹ Hasil wawancara dengan Bapak Endang Sodikin, S.Pd., S.H., M.H. pada tanggal 12 Juni 2023

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The goal is to monitor and monitor the extent to which the work programme is running.

During the second trimester of the 2021 budget year, the tri-month report still uses the e-Planning application. The entire District enters the evaluation of its performance results on the monitoring menu in the ePlatting application by entering the realization of the physical/performance access as well as the objectives and units of the program/activities implemented while for the financial realization the entering has been done by Bappeda by processing the source data from the Financial System so that the Regional Entries do not need to enter again. The realisation of the absorption of the Karawang district budget until the second quarter of the 2021 budget falls into the category "very low" of 32.75%.

Until the second quarter of 2021, economic recovery continues, driven mainly by increased export performance, fiscal spending and non-building investment.

2. Inspeksi

The Inspection Programme is divided into two, namely the findings of the BPK results based on the Law No. 15 of 2004 on the Inspection of the Management and Financial Responsibility of the State and of the DUMAS. (Aduan Masyarakat)

BPK carries out surveillance to control and oversee accountability of the regional budget. The results of the BPK inspection on the management of regional expenditures to improve human development in the Government of Karawang District in the 2016 fiscal year revealed 6 (six) findings of ineffectiveness. While in the 2019 fiscal year 2021 there were 13 (thirteen) foundations of BPK Jabar inspection results in Karawang district that were loaded in the Report of the

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Results of Inspection (LHP) with the number: 33B/LHP/XVIII.BDG/06.2022 dated June 6, 2022.¹⁰

For public complaints, Karawang has a website <https://tangkar.karawangkab.go.id/>. TANGKAR Complaints Portal is an Android, Web, SMS Gateway and social media-based online community complaint and aspiration service run with simple, integrated, and strict principles.

Based on the results of the analysis of the author above, the surveillance carried out by the DPRD Karawang in overseeing budget administration is not optimal due to the continuous increase in the findings of budget deviations by the BPK. The surveillance carried out by the DPRD Karawang in overseeing the budget is using preventive and repressive oversight. The oversight of the budget also is overseen through internal oversight, which is the oversight that is conducted within the DPD itself like doing tri-hours to oversee the program that has been planned and external oversight is oversight by the inspectors and the KPK (Komisi Pemberantasan Korupsi).

3.2. The difficulties experienced by the Council of People's Representatives of Karawang District in overseeing the use of the budget by the Head of the District in Karawang County

An impediment is something that can prevent progress or achievement of something. An impediment can also be defined as anything that prevents a system from achieving higher performance. In carrying out surveillance will surely appear obstacles. Also, surveillance is carried out by the Karawang DPRD. The difficulties experienced by Karawang's DPRD in monitoring the use of the budget are technical obstacles. There are two levels of political orientation that influence political behavior, namely the system that influences political

¹⁰ https://www.bpk.go.id/assets/files/otherpub/2020/otherpub_2020_1603673448.pdf diakses pada Rabu, 02 Agustus 2023 Pukul 15.23

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behaviour, i.e. the system and the individual. The weak role of the DPRD in the misconduct on the local finances may be due to the weakness of the political system or the individual as a political figure. Human resources are the main pillar and driving wheel of the organization in the effort to realize the organizational element in the endeavour to create a very important element of the organisation, therefore it must be ensured that these human resources should be managed as well as possible and will be able to make an optimal contribution in the efforts to the goals of the Organization.

Direct Regional Budget Oversight Method is the oversight carried out personally by the leader or supervisor by observing, researching, inspecting, self-checking on the spot at the workplace, and receiving reports directly from the executive. Direct surveillance is when the supervisory apparatus / organization leadership performs direct inspection at the place of execution of work, either with the inspection, verification, or with the investigative system. This method is embedded so that immediate improvement and improvement actions can be carried out in the execution of the work. Whereas the system of direct supervision by his superiors is called built in control.

Indirect surveillance is carried out by studying reports received from executives both orally and in writing, studying public opinion and so on without on the spot. Non-Direct Surveillance is when the supervisory apparatus/leadership of the organization conducts inspections of the performance of the work only through the reports that come to it. Such reports may be word-to-word figures or statistics that provide an overview of the progress achieved in accordance with the planned expenditure/budget. The weakness of this indirect surveillance can not immediately detect errors in its implementation, thus resulting in more losses.

The implementation of supervision over the maintenance of local government (Pemda) in practice is not always effective. Often such supervision measures are only part of the program or routine activities of the apparatus or government supervisory agency.

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As a result of the inefficiency of the surveillance, the implementation of the maintenance of the regional government has not undergone significant changes, even more regional heads, bureaucracy, and members of the DPRD are involved in corruption cases.

Based on the author's interview with Mr. H. Endang Sodikin, S.H., M.H. as Chairman of the Commission III of the DPRD, Karawang is faced with a technical impediment. Technical obstacles are obstacles that occur when implementation is under way. When the Special Allocation Fund (SAD) that comes from the center is usually controlled in technical. Because indirectly Special Allocation Funds came from the center but it is believed that the activities were carried out in Karawang district and remained the dominant surveillance of the Karawang District DPRD. From that, the technical constraints make the DPRD's surveillance function impeccable.

As in the example of the construction of the road refuelling. In the plan was given a budget of Rs.200,000,000.00 (two hundred million rupees) for a thickness of 12cm. But in realization the street is only 10cm thick. Then the mandor who assembled responsible for the construction of the street was called by the DPRD. There are two sanctions for such violations. The first sanction is to rebuild the streets or compensate for the loss of money. If no agreement is found within the scope of the DPRD, then the case will be directly referred to the more authorized party. A real example is the case of the DAM Parit project budget deviation at the Karawang district agricultural department. Prosecutors have arrested a suspect in the alleged corruption of the DAM project at the Karawang Agriculture Department. The state suffered damage worth Rs. 1,046 billion as a result of the case, there were 170 witnesses from the peasantry group that revealed the suspect's execution. Searches found five bundles of documents. Tipikor sentenced the suspect to four years in prison and a fine of Rs.284 million. This budget deviation is allegedly due to the still low audit by the Inspectorate.

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Examples of the technical obstacles that occurred are such as the Special Allocation Fund Programme (SDF) for the construction of Basic Schools. The funds did not come in or out of the local cash. But the funds directly went into the account of the school committee concerned. That then the use and programming of the budget is directly undertaken by the school committee without the intervention of the DPRD first. Then from that, the DPRD Karawang automatically oversees it becomes unknown in detail and structured by the school committee in the use of the budget. The case that occurred in Karawang District was corruption committed by Waluya Village Head in 2018 amounting to Rs.720,000,000.00 (tujuh ratus dua puluh juta rupiah). The motive for doing this budget deviation is for personal interests such as paying off debts and everyday needs. According to the results of discussions with Bapak Endang Sodikin, SH., MH. he said that this case of budget deviation was also a consequence of the technical obstacles that occurred in the Karawang DPRD. He said that the village funds were transferred directly from the center to the village and not through the local cash first so this paradigm became the hardest task of the DPRD in overseeing the budget. The DPRD only receives the village's accountability reports and is then checked and audited by the inspectors.

The construction that is under way on the Karawang Square is also a direct construction by the province. Because the program is a program from the province, the budget used is from the provincial funds. Although carried out directly by the province, the DPRD of Karawang also oversees the construction of the Karawang Square.

According to the author's analysis, the obstacles experienced by the DPRD Karawang in overseeing the use of budgets such as technical problems, technical problems are obstacles that occur in the field that are inappropriate between planning and implementation.

4. Conclusion

Based on the research carried out by the author, the author concludes as follows:

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- a) The optimization of the role and function of the DPRD in overseeing the regional budget is still not optimal. From the beginning of the phase of planning, planning, implementation and supervision. This statement can be demonstrated by the results of the BPK findings, the number of which is still on the rise. The 2016 fiscal year 2018 revealed six (6) findings of ineffectiveness. In the budget year 2019-2021 there were 13 (thirteen) findings of Jabar BPK inspection results in Karawang district that were loaded in the Inspection Results Report (LHP) with the number: 33B/LHP/XVIII.BDG/06.2022 dated June 6, 2022. For this, the DPRD Karawang has special programmes such as the findings of the BPK, Public Prosecution and triwulan programmes, which is a meeting of council members held every three months to monitor the progress of the realization of the budget in accordance with the percentage measure that has been targeted in the planning.
- b) The difficulties encountered by the People's Representative Council of Karawang district are technical obstacles. Technical obstacles are the obstacles that occur in the field that are inappropriate between planning and implementation.

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