

Strengthening the Understanding of Constitutionalism of Regional Heads Through Optimizing the Role of Regional Representative Councils in the Implementation of Regional Government

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ABSTRACT

The implementation of regional governance within a democratic state based on the rule of law requires the exercise of power based on the principles of constitutionalism. These principles include limitations on authority, compliance with the law, respect for citizens' constitutional rights, and transparent and accountable governance. As the holder of executive authority at the regional level, the regional head holds a strategic position in managing government affairs, development, and public services. This broad authority requires an institutional oversight and balance mechanism to ensure that the exercise of power does not deviate from the principles of the rule of law. Within this framework, the Regional People's Representative Council (DPRD) holds a strategic position through the implementation of legislative, budgetary, and oversight functions. This community service activity is aimed at increasing understanding of the principles of constitutionalism in the implementation of the authority of the regional head and strengthening understanding of the DPRD's role in overseeing the implementation of regional governance. The activity is implemented using an educational and participatory approach through legal counseling, interactive dialogue, review of statutory provisions, and evaluation of participants' level of understanding. The material provided covers the principles of the rule of law, the limits of the regional head's authority, the institutional relationship between the regional head and the DPRD, and strategies for strengthening the DPRD's oversight function. This activity demonstrates that improving understanding of constitutionalism is crucial for building a proportional institutional relationship between regional heads and the Regional People's Representative Council (DPRD). Strengthening the DPRD's function is not intended to hinder the implementation of executive policies, but rather to serve as a constitutional instrument to ensure that regional governance remains based on the law, democratic principles, accountability, and the needs of the community.

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1. INTRODUCTION

The Constitution plays a fundamental role in the governance of state life in Indonesia. Indonesia's affirmation of its constitutional status implies that all governmental powers must be based on law and must not depend solely on the political will of those in power. Within the framework of a constitutional state, law has a dual function: regulating public life while simultaneously limiting the actions of those in power to prevent the exercise of authority from spiraling into uncontrolled power. Therefore, state administrators, including regional governments, are obligated to exercise all their authority based on law, democratic principles, and constitutional objectives.

This idea is closely related to the concept of constitutionalism. Constitutionalism positions the constitution as an instrument for regulating and limiting state power. The constitution serves not only as the basis for the formation of state institutions and the division of authority, but also as a means to prevent the concentration of power and guarantee the protection of citizens' rights. Therefore, the existence of a constitution must be accompanied by a commitment to subjecting power to legal norms and democratic principles (Asshiddiqie, 2021).

Theoretically, limiting power is a fundamental element in the development of a modern rule of law. Power without control has the potential to lead to abuse of authority. The idea of limiting power later developed through Montesquieu's theory of the separation of powers. Although modern systems of government do not always implement an absolute separation of powers, the substance of his thinking remains relevant, namely the need to prevent the concentration of power in a single institution or government actor.

Over time, the principle of separation of powers evolved into the concept of checks and balances. This concept emphasizes the importance of a mutually oversight and balancing relationship between state institutions. Each power must have a control mechanism to prevent excessive use. Therefore, the exercise of power requires not only a division of authority but also an oversight mechanism capable of ensuring that each institution acts in accordance with its functions and limits of authority. In the context of regional government, this principle can be seen in the relationship between the regional head and the Regional People's Representative Council (DPRD), which have different but interconnected functions in the implementation of regional government.

Constitutionalism is also inseparable from the principles of democracy. Government power in a democratic system derives legitimacy from the people and must be used to fulfill the public interest. However, democracy cannot be understood simply as the process of selecting leaders through general elections or regional head elections. Democracy also demands transparency, accountability, protection of citizens' rights, and oversight of the exercise of power. Therefore, electoral victory or legitimacy cannot be used as a basis for regional heads to exercise unlimited authority. Every action of regional heads must remain subject to the constitution, law, and principles of good governance (Budiardjo, 2018).

In the regional government system, the principle of constitutionalism has gained increasing relevance with the implementation of decentralization. Decentralization grants regions the authority to regulate and manage government affairs based on the principle of autonomy. Constitutionally, the regulation of regional government is based on Article 18 of the 1945 Constitution of the Republic of Indonesia. Granting autonomy to regions is essentially aimed at bringing government services closer to the community and increasing the effectiveness of government administration.

However, regional autonomy cannot be interpreted as unlimited freedom for local governments. The granting of authority to regions must be accompanied by mechanisms of accountability, oversight, and legal control. Without adequate oversight mechanisms, decentralization has the potential to create new concentrations of power at the regional level. Therefore, the implementation of regional autonomy

must remain within the framework of a unitary state, the rule of law, democracy, and the protection of public interests (Huda, 2019).

Regional heads hold a crucial position in the administration of regional government. As holders of regional executive power, regional heads have the authority to conduct government affairs, implement public policy, manage public services, direct development, and manage regional resources and finances. This broad scope of authority makes regional heads crucial actors in determining the direction of regional government policy.

However, the authority of regional heads remains limited. From the perspective of state administrative law, every government action must have a legitimate basis for authority and be implemented in accordance with the purpose for which the authority was granted. The exercise of authority must also adhere to the principles of legal certainty, accuracy, transparency, the public interest, and the prohibition on abuse of authority. Therefore, the constitutionality of regional heads relates not only to the conformity of policies to constitutional norms but also to adherence to administrative law and the principles of good governance.

In the construction of regional governance, the regional head and the Regional People's Representative Council (DPRD) are elements of the regional government administration with distinct functions. The regional head carries out executive functions, while the DPRD carries out the formulation of regional regulations, budgeting, and oversight. This division of functions demonstrates that regional governance is not built on the dominance of a single institution. Instead, the system is designed to create a complementary and controlling institutional relationship.

The Regional People's Representative Council (DPRD) plays a crucial role in ensuring that the regional head's authority remains in accordance with the law and the public interest. As a regional representative body, the DPRD serves not only as a political institution but also as an oversight body for regional governance. The DPRD's oversight function is a crucial instrument in ensuring that the regional head's policies are implemented in accordance with laws and regulations, established policies, and regional development goals.

From a checks and balances perspective, DPRD oversight should be understood as a constructive mechanism for controlling power. Oversight is not intended to inhibit or usurp executive authority, but rather to ensure that such authority is exercised transparently, responsibly, and in accordance with the law. Conversely, regional heads should position the DPRD's oversight function as part of the democratic mechanisms within regional governance.

In practice, the relationship between regional heads and the Regional People's Representative Council (DPRD) is not always ideal. Problems can arise from differing political interests, a weak understanding of the boundaries of authority, institutional conflicts, or a lack of independence in the implementation of oversight functions. In certain situations, overly confrontational political relations can hinder governance. Conversely, excessive political closeness can render oversight functions ineffective. Both conditions can lead to weakened regional government accountability.

The effectiveness of law enforcement in regional government is not solely determined by the existence of laws and regulations. Friedman (2001), using legal systems theory, explains that legal effectiveness is influenced by three main components: legal structure, legal substance, and legal culture. In the context of the relationship between regional heads and the Regional People's Representative Council (DPRD), the existence of regulations regarding the division of authority is not sufficient to guarantee the realization of constitutional governance. Institutions capable of carrying out their functions effectively and a legal culture that supports compliance with the constitution and laws and regulations are also required.

Based on this perspective, strengthening understanding of constitutionalism is a crucial need for regional government administrators. Regional People's Representative Council (DPRD) members need to understand that the legislative, budgetary, and oversight functions are instruments to ensure the use of power remains within legal boundaries. Furthermore, regional heads also need to understand that

oversight mechanisms are a consequence of the principle of the rule of law and not a form of obstruction to the exercise of executive authority.

Thus, strengthening regional heads' understanding of constitutionalism by optimizing the role of the Regional People's Representative Council (DPRD) is strategically relevant in building democratic and accountable regional governance. Community service activities in this area are not only aimed at imparting knowledge about regulations, but also at fostering legal awareness regarding the importance of limiting power, oversight, transparency, and public accountability.

This community service activity aims to strengthen participants' understanding of the principles of constitutionalism in the implementation of regional government, provide an understanding of the scope and limits of the authority of regional heads, increase understanding of the functions of the DPRD in the fields of legislation, budgeting, and supervision, and encourage the realization of institutional relations between regional heads and DPRD based on the principles of democracy, law, balance of power, and community interests.

2. METHODS

This community service activity was implemented using an educational-participatory approach. This approach was chosen because the activity is not only oriented towards the one-way delivery of legal knowledge but also encourages active participant involvement in understanding, discussing, and analyzing constitutional issues in regional governance. Through this approach, participants are positioned as subjects who have the opportunity to share their views, experiences, and understanding of the relationship between regional heads and the Regional People's Representative Council (DPRD).

The participatory approach allows the learning process to take place in a dialogic and contextual manner. Participants not only receive information about legal provisions but are also encouraged to connect the material to issues related to the use of regional head authority, the implementation of the functions of the Regional People's Representative Council (DPRD), and oversight mechanisms in regional government. Chambers (1997) explains that the participatory approach provides space for the community to be involved in the process of identifying problems, analyzing needs, and formulating solutions. Meanwhile, the educational approach is used to increase participants' legal knowledge and understanding regarding constitutionalism, limitations of power, the principle of checks and balances, and the institutional relationship between regional heads and the DPRD. According to Soekanto (2018), knowledge and understanding of the law are essential in building legal awareness.

The implementation of activities is carried out through several stages, namely preparation, implementation, evaluation, and follow-up.

1. Preparation Stage

The preparation phase begins with identifying the participants' problems and needs. This identification is conducted to determine their level of understanding of the principles of constitutionalism, the position and authority of regional heads, and the function of the Regional People's Representative Council (DPRD) in regional governance. Aspects of focus include understanding the limits of the regional head's authority, the DPRD's oversight function, the relationship between the regional executive and legislative bodies, and the role of the community in overseeing government policies.

The results of this identification are used as the basis for determining the material and methods of the activity. The material is structured by integrating theoretical, normative, and practical aspects. Topics include the concept of the rule of law and constitutionalism, limitations on power, the principle of checks and balances, the position of regional heads, the function of the Regional People's Representative Council (DPRD), and the importance of accountability and public participation. The normative basis of the activity refers to the 1945 Constitution of the Republic of Indonesia, Law Number 23 of 2014 concerning Regional Government as amended, and laws and regulations relating to the implementation of regional government and the position of the DPRD.



Figure 1. Preparation Delivery and Problem Identification Stage

The material was also developed from the perspective of legal systems theory, which explains that the success of legal implementation is influenced by legal substance, legal structure, and legal culture (Friedman, 2001). Therefore, activities are not only directed at understanding legal norms but also at strengthening the institutional capacity and legal awareness of participants.

2. Implementation Stage

The activities were implemented through legal counseling, interactive presentations, discussions, and case study analysis. The legal counseling was used to provide a basic understanding of the relationship between constitutionalism and regional governance. Participants were taught that regional heads have broad authority, but this authority is still limited by the constitution, laws and regulations, principles of good governance, and public interest.

Next, the material was delivered using an interactive lecture method. This method provided participants with the opportunity to ask questions, express their opinions, and connect the material to concrete local government issues. The use of interactive methods is considered relevant because learning is more effective when linked to the participants' experiences and needs (Knowles et al., 2015).

The discussion was used to encourage participants to analyze the institutional relationship between regional heads and the Regional People's Representative Council (DPRD). During the discussion, participants addressed various issues related to the implementation of oversight functions, regional policy formation, budget management, and potential abuse of authority. The dialogue process was expected to foster a critical understanding of the importance of limiting power and government accountability. The dialogical approach is relevant to the thinking of Freire (2000), who positions dialogue as a means of developing critical awareness of social realities.

In addition to discussions, the activity also utilized case studies. Participants were provided with illustrations of issues related to the authority of regional heads and the functions of the Regional People's Representative Council (DPRD). Analysis was conducted by identifying the issues, determining the authority of the relevant institutions, reviewing the legal basis, and formulating solutions based on constitutional principles. The use of case studies was intended to enable participants to connect theoretical understanding with practical issues in regional governance.

3. Evaluation Stage

Evaluations were conducted to determine the level of success of the activities and changes in participants' understanding. These included observing participant participation, conducting question-

and-answer sessions, conducting discussions, and measuring understanding before and after the activities using relevant evaluation instruments. Aspects evaluated included participants' understanding of the concept of constitutionalism, the principle of the rule of law, limitations on power, the position and authority of regional heads, the function of the Regional People's Representative Council (DPRD), the principle of checks and balances, and the importance of public participation in oversight of regional government.

Evaluation was also conducted qualitatively by observing participants' ability to express opinions and analyze case studies. Active participation in discussions, the quality of questions, and the ability to connect legal concepts to local government issues served as additional indicators for assessing the program's success. Evaluation is necessary to determine the degree to which program objectives have been achieved and to provide a basis for improving future activities (Arikunto & Jabar, 2018).

4. Follow-up Stage

Follow-up is carried out to ensure the sustainability of the program's benefits. This can include disseminating materials, strengthening communication with participants, and developing follow-up activities related to DPRD oversight, transparency in regional financial management, public information disclosure, community participation, and preventing abuse of authority.

With this method, community service activities are expected to not only increase knowledge but also raise participants' awareness of the importance of constitutionalism in regional governance. Strengthening understanding of the limits of regional head authority and the functions of the Regional People's Representative Council (DPRD) is expected to support the formation of balanced, democratic, transparent, and community-oriented institutional relationships.



Figure 2. Follow-up of DPRD Optimization Strengthening Activities

3. FINDINGS AND DISCUSSION

Constitutionalism as the Basis for Limiting the Power of Regional Heads

Constitutionalism is essentially a fundamental idea in a state based on the rule of law, placing public power under the control of the constitution. This concept stems from the idea that government power cannot be exercised without limits, but must be controlled through legal norms, the division of authority, oversight mechanisms, and guarantees of citizens' rights. Therefore, constitutionalism is not

only related to the existence of the constitution as the supreme law, but also relates to the practice of exercising power, which is always subject to constitutional limits (al Arif, 2017).

From a constitutional law perspective, the constitution has two primary functions: legitimizing power and limiting its exercise. The constitution determines how power is obtained, who is authorized to exercise it, and the limits to which those in power must adhere. Thus, governmental power cannot be understood as a stand-alone authority, but rather as an authority that must be exercised within a legal framework and to achieve state goals.

This idea has strong relevance to the position of regional heads. Regional heads obtain political legitimacy through a democratic process, but this legitimacy does not make them power holders free from legal restrictions. Elections only provide the basis for political legitimacy, while the authority to act as administrators must still be derived from the law. In other words, public political support cannot be used to justify every action of a regional head.

The distinction between political legitimacy and legal authority is crucial for understanding the constitutionality of regional heads. A regional head may enjoy substantial political support, but all government actions must still have a valid legal basis. In this context, the principle applies that all government authority must be derived from statutory regulations and used in accordance with the purposes for which it was granted.

This principle aligns with the doctrine of legality in governance. The principle of legality requires that government actions have a clear legal basis. Regional heads cannot exercise authority solely based on political will, personal considerations, or the interests of particular groups. Every policy must have a legitimate basis for authority and be implemented within the limits determined by law. Such limitations are necessary to prevent abuse of power and arbitrary government actions (Ridwan, 2016).

Thus, the constitutionalism of regional heads can be understood through several fundamental principles.

1. **the principle of constitutional and legal supremacy.** As administrators of government, regional heads are obliged to use the constitution and laws and regulations as the primary basis for exercising their authority. Every regional policy, whether in the form of regulations, decisions, or administrative actions, must comply with higher legal norms. Policies that conflict with the constitution, laws, or the constitutional rights of the people cannot be justified simply because they have political support.

The supremacy of the constitution also implies that political interests must not override the law. In regional governance, regional heads have the freedom to determine policies in accordance with their political vision and program. However, this policy space remains limited by the constitution, laws and regulations, and the principle of protecting public interests. Therefore, political policies must remain within the legal framework.

2. **the principle of limiting power.** Limiting power is a key element of the concept of constitutionalism. Regional heads cannot freely exercise all their authority without oversight. Limitations on power are implemented through provisions regarding the scope of authority, term of office, decision-making procedures, accountability mechanisms, and oversight by institutions with relevant functions. These limitations are not intended to hinder regional heads from running their government. Rather, they are necessary to ensure that their authority can be used legitimately, purposefully, and in accordance with legal objectives. From the perspective of a state governed by law, regional heads who adhere to the limits of their authority demonstrate that government power is exercised constitutionally.
3. **the principle of checks and balances.** Limiting power requires an effective oversight mechanism. Power granted to a single institution without oversight can create the potential for abuse. Therefore, an institutional relationship is needed that allows for oversight and balance between institutions. In the context of regional government, the principle of checks and balances does not imply an absolute separation of powers between the regional head and the Regional People's Representative Council (DPRD). Both are elements of the regional government administration

with distinct functions. The regional head carries out executive functions, while the DPRD carries out representative functions, formulates regional regulations, budgets, and oversees. This difference in function creates space for checks and balances in the administration of regional government (Sunarto, 2016). The DPRD's oversight function within this framework is strategic. Oversight of regional government policies and implementation is an instrument to ensure that the regional head's authority is used in accordance with the law and the public interest. Therefore, DPRD oversight should not be understood as a form of intervention in executive authority, but as part of a democratic mechanism to prevent abuse of power.

4. **accountability principle.** Every public authority must be accompanied by an obligation to provide accountability. Regional heads are not only required to formulate policies but also to be able to explain the legal basis, decision-making process, objectives, and impacts of the policies implemented. Regional head accountability has broad dimensions. Accountability can be legal, administrative, political, financial, and social. This is because regional head policies have a direct impact on public services, regional development, budget utilization, and the fulfillment of community rights. Therefore, accountability is an inseparable part of the implementation of governmental power.
5. **the principle of protecting the constitutional rights of the people.** Regional governments are fundamentally formed not only to carry out administrative functions, but also to provide services and fulfill the rights of the people. Therefore, every policy of the regional head must consider the principles of justice, equality, the public interest, and the protection of citizens' rights.

In this context, limiting power serves not only to prevent regional heads from abusing their authority, but also to ensure that power is used for the benefit of the people. Constitutionalism thus has a substantive dimension because governance is not merely based on a legal basis but must also reflect the values of democracy, justice, and the protection of human rights.

According to Law Number 23 of 2014 concerning Regional Government, the regional head and the Regional People's Representative Council (DPRD) are elements of regional government administration with distinct functions. The regional head carries out executive functions, while the DPRD carries out the functions of formulating regional regulations, budgeting, and oversight. This regulation demonstrates that regional government administration is structured through a division of functions, rather than through the concentration of power in a single institution.

This institutional structure positions the Regional People's Representative Council (DPRD) as a crucial instrument in maintaining the balance of power in the regions. Through its oversight function, the DPRD can exercise control over the implementation of regional government policies. However, the implementation of this function must remain based on law, objectivity, and the public interest. Oversight based solely on political interests has the potential to diminish the quality of democracy and undermine the effectiveness of government.

Therefore, the relationship between regional heads and the Regional People's Representative Council (DPRD) should ideally be built through the concept of a critical partnership. This partnership demonstrates the crucial role both institutions play in regional governance. Meanwhile, the critical nature of the partnership demonstrates that the DPRD retains its responsibility to oversee regional government policies. Therefore, the partnership should not be interpreted as a relationship that eliminates its oversight function.

The relationship between regional heads and the Regional People's Representative Council (DPRD) should not be built on excessive dominance or conflict. Domination by regional heads can weaken oversight, while uncontrolled political conflict can hamper governance. The ideal institutional relationship is one that allows for cooperation in governance and oversight of the exercise of power.

From a constitutional perspective, optimizing the function of the Regional People's Representative Council (DPRD) is a consequence of the need to limit the power of regional heads. If the DPRD's oversight function is not implemented effectively, then the limitation of power has the potential to become merely a normative provision. Conversely, oversight conducted without a legal basis and

without a focus on the public interest can also become an instrument of political conflict. Therefore, the effectiveness of checks and balances mechanisms is greatly influenced by institutional quality, compliance with the law, independence, and a political culture that supports accountability.

Based on this description, the constitutionalism of regional heads cannot be understood solely as an obligation to obey the constitution. Constitutionalism also encompasses the establishment of institutional mechanisms capable of controlling the use of power. In regional governance, these mechanisms are realized through the division of functions between the regional head and the Regional People's Representative Council (DPRD), oversight of the use of authority, transparency, accountability, and community involvement.

Thus, strengthening the understanding of constitutionalism among regional heads, the Regional People's Representative Council (DPRD), and the public is crucial for realizing democratic regional governance. Regional heads need to understand that their authority is limited by law, while the DPRD needs to understand that its oversight function is an instrument for maintaining a balance of power and protecting public interests. Ultimately, constitutionalism must be realized in practice through limited power, effective oversight, public accountability, and government policies oriented toward fulfilling the rights and welfare of the community.

The Position of the DPRD in Monitoring the Constitutionalism of Regional Heads

The Regional People's Representative Council (DPRD) is a crucial institution in the local democratic system, serving as a means of public representation in regional governance. The DPRD's position extends beyond its representative function and also has a constitutional dimension in controlling the use of executive power. In its institutional relationship with the regional head, the DPRD plays a role in ensuring that government runs according to law, democracy, and the public interest. This relationship reflects the application of the principle of checks and balances in regional governance (Wicaksono, 2021).

Based on the legal framework of regional government, the regional head and the Regional People's Representative Council (DPRD) are elements of government administration with distinct authorities. The regional head carries out executive functions, while the DPRD carries out the functions of formulating regional regulations, budgeting, and oversight. This difference in function is not intended to create a dominant relationship, but rather to establish a balance of power. Somad (2011) explains that the DPRD's position in regional government is crucial in creating a balanced institutional relationship between the executive and the people's representatives.

a. function of forming regional regulations

The function of formulating regional regulations serves as a means for the Regional People's Representative Council (DPRD) to develop a legal framework for regional governance. Regional regulations, developed jointly with the regional head, must align with the constitution, higher-level laws and regulations, and the needs of the community. Therefore, the DPRD has a responsibility to ensure that regional regulations are not merely the product of political compromise but also meet the principles of legal certainty, justice, transparency, and benefit.

From a constitutional perspective, the function of formulating regional regulations also serves to limit the use of executive power. Regional heads' policies must have a clear legal basis and cannot be implemented solely based on political whims. Therefore, the Regional People's Representative Council (DPRD) plays a role in ensuring that regional government policies are placed within a legally accountable framework.

b. Budget Function

The budget function is a crucial instrument for controlling the use of public finances. The regional budget (APBD) serves not only as a financial document but also reflects the policy direction and priorities of regional development. Through its budget function, the Regional People's Representative Council (DPRD) can ensure that regional financial allocations align with community needs and development goals.

The budgetary function also limits the possibility of executive monopolization of power in regional financial management. Budget use must be conducted through transparent and accountable mechanisms. Therefore, the Regional People's Representative Council (DPRD) needs to conduct oversight not only of administrative aspects but also of the effectiveness and benefits of budget use for the community. Oversight that is too technically oriented without considering development goals can diminish the effectiveness of the DPRD's function (Abidin et al., 2018).

c. Supervisory Function

The oversight function is the DPRD's primary instrument in overseeing the implementation of the regional head's authority. Oversight is conducted to ensure that policies, program implementation, budget utilization, and regional government administration remain in accordance with the law and the public interest. However, the effectiveness of the oversight function is not solely determined by the DPRD's formal authority. Member capacity, information availability, independence, and political relations with the regional head also influence the quality of oversight. Kariem (2018) points out that political and institutional relations can influence the DPRD's oversight function. Therefore, oversight must be conducted objectively, professionally, proportionally, and oriented toward the public interest. The DPRD should not use oversight as an instrument to hinder the regional head's policies for political gain, while the regional head should also not view oversight as a form of intervention in executive authority. The ideal relationship between the two institutions is a critical partnership, namely cooperation in governance that is still accompanied by oversight mechanisms.

Law Number 13 of 2019 emphasizes the importance of representative institutions in carrying out democratic functions, absorbing public aspirations, and championing the interests of the people and the region. This provision demonstrates that the Regional People's Representative Council (DPRD) has a responsibility to connect public interests with the public policy-making process. Thus, the DPRD's role in safeguarding the constitutionality of regional heads can be seen through three interrelated functions. The function of formulating regional regulations establishes the legal basis for governance, the budget function controls the use of public resources, and the oversight function ensures that the exercise of power remains in accordance with the law. Optimizing these three functions requires strengthening institutional capacity, legal understanding, information transparency, and public participation.

Ultimately, an effective DPRD is not an institution that constantly confronts regional heads, but rather one that can critically, objectively, and responsibly carry out its representation, legislative, budgetary, and oversight functions. By carrying out these functions, the DPRD can serve as a crucial instrument in preventing the concentration of power and strengthening the implementation of regional governance that is democratic, accountable, transparent, and oriented toward the interests of the community.

Optimizing the Relationship between Regional Heads and the Regional People's Representative Council (DPRD)

The quality of regional governance is greatly influenced by the relationship between the regional head and the Regional People's Representative Council (DPRD). Although both gain legitimacy through different election mechanisms, this difference should not lead to competition for political influence. The regional head is mandated to carry out government functions, while the DPRD is mandated to represent the interests of the community. This difference in mandates should be placed within a framework of division of functions and oversight of power.

The relationship between these two institutions can be explained through the principle of checks and balances. This principle requires that power not be concentrated in a single institution, but rather be controlled through the distribution of authority and oversight mechanisms between institutions (Sunarto, 2016). In regional government, the regional head and the Regional People's Representative

Council (DPRD) are not in a subordinate relationship. Both are elements of government administration with distinct but complementary authorities.

Therefore, the relationship between regional heads and the Regional People's Representative Council (DPRD) needs to be built through a critical partnership model. Partnership implies cooperation in governance, while criticality implies that this cooperation does not eliminate the oversight function. Such a relationship is necessary to ensure effective governance processes without compromising the principles of accountability and control over power.

Optimizing this relationship can be done through several steps, as follows:

- 1) It is necessary to strengthen constitutional understanding regarding the limits of each institution's authority. Regional heads and the Regional People's Representative Council (DPRD) must understand that public authority can only be exercised based on a valid legal basis and in accordance with the objectives of the authority grant. This understanding is crucial to prevent actions exceeding authority (*ultra vires*) and institutional conflict. Somad (2011) emphasized that the relationship between regional heads and the DPRD needs to be built on a balance of functions, not the dominance of one institution.
- 2) The DPRD's oversight function needs to be enhanced through a data-based approach and performance indicators. Oversight based solely on political interests has the potential to miss its primary objective. Therefore, the DPRD needs to assess policy implementation based on program achievement, budget utilization, development outcomes, and benefits to the community. Results-oriented oversight will better strengthen local government accountability (Abidin et al., 2018).
- 3) Transparency in regional governance needs to be strengthened. Information regarding policies, budgeting, and program implementation must be accessible to the public in accordance with legal provisions. Open information allows the Regional People's Representative Council (DPRD) and the public to conduct more effective oversight and reduces the potential for abuse of authority.
- 4) Public participation needs to be recognized as an integral part of local democracy. Communities play a role not only in the election of regional heads and members of the Regional People's Representative Council (DPRD), but also in the policy-making process and government oversight. The DPRD holds a strategic position to connect public aspirations with the public decision-making process.
- 5) Institutional relationships need to be supported by the integrity and ethics of government officials. Legal norms alone are insufficient to guarantee constitutionalism without a legal culture that respects the limits of public authority and responsibility. Accountability of regional heads and the Regional People's Representative Council (DPRD) must be demonstrated through accountability to the law and the public (Said et al., 2021).

Thus, optimizing the relationship between regional heads and the Regional People's Representative Council (DPRD) must be aimed at creating a balance between cooperation and oversight. Regional heads require DPRD support in governance, while the DPRD requires space to objectively carry out its oversight function. The ideal relationship is not one based on conflict or domination, but rather an institutional relationship based on law, transparency, accountability, and the public interest.

Results of Community Service Activities

The implementation of community service activities demonstrated that understanding the constitutionality of regional heads is closely related to understanding the position and function of the Regional People's Representative Council (DPRD). Participants understood that the authority of regional heads in running the government is not absolute, but is limited by the constitution, laws and regulations, principles of good governance, and the interests of the community.

This activity also reinforced the understanding that the Regional People's Representative Council (DPRD) plays a crucial role in controlling the use of power through its functions of formulating regional regulations, budgeting, and oversight. These functions are not merely administrative but are part of a

democratic mechanism to ensure that regional government operates in accordance with the law and public objectives.

The results of the discussion showed several aspects that still need to be strengthened, namely understanding the limits of authority of regional heads and the DPRD, the ability to analyze regional government policies, data-based supervision, information transparency, public participation, and the application of the principle of checks and balances.

These findings demonstrate that the success of constitutionalism is not solely determined by the existence of laws and regulations. Legal effectiveness is also influenced by the understanding, awareness, and behavior of government officials. Therefore, legal education and outreach are crucial instruments for improving the quality of legal culture in regional governance.

This activity also emphasized that DPRD oversight should not be viewed as a form of opposition to regional heads. Oversight is part of the accountability mechanism and the control of power. Instead, regional heads need to understand that DPRD oversight is an instrument for improving policy quality and preventing irregularities.

Thus, strengthening constitutionalism in regional government requires three main elements: authority limited by law, representative institutions capable of carrying out oversight functions, and the opportunity for public participation. The synergy of these three elements can foster regional governance that is democratic, transparent, accountable, and oriented toward the public interest.

4. CONCLUSION

Constitutionalism in regional governance emphasizes that the authority of regional heads must be exercised within the boundaries of the constitution, law, democracy, and the public interest. Despite possessing strategic authority, regional heads must still be subject to public oversight and accountability mechanisms. In this context, the Regional People's Representative Council (DPRD) plays a crucial role through its functions of formulating regional regulations, budgeting, and oversight. These functions must be carried out professionally, objectively, proportionally, and oriented toward the public interest through a balanced and constructive institutional relationship with the regional head.

The results of community service activities indicate that strengthening understanding of constitutionalism can raise awareness of the importance of limiting power, oversight, transparency, and accountability in regional governance. Therefore, legal education regarding the relationship between regional heads and the Regional People's Representative Council (DPRD) needs to be implemented continuously to build a constitutional culture that supports the realization of democratic, transparent, accountable, and community-oriented regional governance.

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