



## Legal study on the implementation of the right of interpellation by the Aceh House of Representatives

Fauzal Zahri<sup>1</sup>, Eddy Purnama<sup>2</sup>, Zainal Abidin<sup>2</sup>

<sup>1</sup> Faculty of Law, Universitas Syiah Kuala, Indonesia, Banda Aceh, Indonesia

<sup>2</sup> Lecturers, Faculty of Law, Universitas Syiah Kuala, Indonesia, Banda Aceh, Indonesia

DOI: <https://doi.org/10.66856/ijl.2026.12.2.12208>

### Abstract

The right of interpellation is a constitutional prerogative of the Aceh Regional People's Representative Council employed to exercise control over regional government operations. The right of interpellation is utilised to obtain information from the Aceh Government concerning initiatives that are significant, strategic, and broadly impactful on the community. The current issue regarding the exercise of the right of interpellation pertains to the policy of realigning and redistributing the Aceh Regional Revenue and Expenditure Budget for the years 2020-2021 in relation to the management of the Covid-19 epidemic. The concept has ignited discussions concerning legal and political dimensions related to transparency, accountability, and the constraints of authority in regional financial governance. This study seeks to analyse the execution of the right of interpellation by the Aceh Regional People's Representative Council. The employed research method is empirical juridical legal research, incorporating legislative, conceptual, and sociological approaches, and utilising both primary and secondary legal materials, with empirical data from governance practices in Aceh. The research findings indicate that the House power of interpellation possesses a definitive legal foundation; yet, its execution encounters numerous challenges arising from regulatory, political, and institutional elements. The efficacy of the interpellation right under the Budget Expenditure refocusing policy for 2020–2021 is influenced not only by legal considerations but also significantly by the political dynamics between the DPRA and the Aceh Government, along with varying interpretations of the criteria for policies eligible for interpellation.

**Keywords:** Interpellation rights, DPRA, APBA refocusing, regional government oversight, legal effectiveness

### Introduction

The implementation of oversight functions by the legislative body is realized thru various constitutional instruments, one of which is the right of interpellation. The right of interpellation grants the people's representative institution the authority to request information from the government regarding important and strategic policies that have a broad impact on the lives of the community, the nation, and the state. Thus, the right of interpellation is understood not merely as a political instrument but also as a means to strengthen accountability, transparency, and democratic control over the administration of government.<sup>[1]</sup>

The right of interpellation not only serves as a means to obtain information but also becomes an instrument to test the accountability, transparency, and legitimacy of government policies before the representative institutions and the public.<sup>[2]</sup> The right of interpellation is one of the oversight instruments that has a strong constitutional basis. The existence of this right is affirmed in Article 20A paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Regulations regarding the right of interpellation are further elaborated in Article 79, paragraph (2) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional House of Representatives, as last amended by Law Number 13 of 2019.

Specifically in the administration of the Aceh Government, the right of interpellation has its own regulation as part of the supervisory authority held by the Aceh House of Representatives (later called as the DPRA). The regulation is stated in Article 32 of Law Number 11 of 2006

concerning the Government of Aceh, which grants the DPRA the right to interpellation, the right to inquiry, and the right to express opinions. Although the right of interpellation has been normatively regulated in various laws and regulations as one of the instruments of legislative oversight over the executive, in practice, various legal issues affecting the effectiveness of the use of this right are still found. The implementation of the right of interpellation by the Aceh Regional People's Representative Council against the Acting Governor of Aceh, Nova Iriansyah, is one of the important events in the dynamics of the relationship between the legislative and executive institutions in Aceh following the enactment of Law Number 11 of 2006 concerning the Aceh Government. The use of the interpellation right did not arise suddenly, but rather as an accumulation of various issues that developed in the administration of Aceh, particularly related to regional financial management policies during the COVID-19 pandemic.

The Aceh government made a significant budget shift thru the refocusing policy of the 2020 Aceh Regional Revenue and Expenditure Budget (later called the APBA). The amount of the budget that was reallocated is estimated to reach between Rp1.7 trillion and Rp2.3 trillion. The policy then raised various questions from DPRA members regarding the legal basis, decision-making mechanism, details of budget usage, and the level of transparency in its management.<sup>[3]</sup> The debate regarding the use of refocusing funds intensified when several DPRA members stated that the large budget changes were not accompanied by adequate details of programs and activities being presented to the legislative body. According to the interpellation proponents,

the DPRA, as an institution with oversight functions, did not receive sufficient information regarding the direction of budget usage that had been redirected for handling the COVID-19 pandemic. This condition is seen as potentially reducing the effectiveness of the oversight function that the DPRA should perform.<sup>[4]</sup>

One of the main issues that is the primary focus of the interpellation is the refocusing policy of the 2020 APBA. The interpellation proponents questioned the changes in budget allocation amounting to more than IDR 2 trillion without detailed explanations regarding the programs and activities funded by that budget. In addition, the DPRA also questioned whether the budget reallocation process had been carried out in accordance with the applicable laws and regulations.

### **Research Method**

The type of research conducted in this study applies the empirical juridical research method. Empirical juridical research, also known as sociological legal research, is a type of legal research that examines law conceptualized as actual behavior as an unwritten social phenomenon experienced by everyone in their community life.<sup>[5]</sup> The source of data in empirical legal research comes from field data. Field data is data obtained from respondents and informants, including experts as sources.<sup>[6]</sup> In this research, primary data is not obtained through interviews or field observations, but rather through various official documents containing facts about the implementation of the interpellation rights of the Aceh Regional People's Representative Council in budget oversight. This research uses data analysis that will be conducted qualitatively, which an analysis is carried out by understanding and organizing the collected data, aiming to develop a theory based on secondary data.

### **Results and Discussions**

The authority held by the DPRA to use the right of interpellation is attributed because it is granted directly by law as part of the regional legislative body's oversight function over local government administration. Thus, the use of the right of interpellation is not merely a political act but the implementation of constitutional authority granted by the lawmaker to realize the mechanism of checks and balances between the legislative and executive branches at the regional level.<sup>[7]</sup>

The interpellation right of the DPRA is firmly grounded in Article 34 paragraph (2) letter a of Law Number 11 of 2006 concerning Aceh Governance, which states that the DPRA has the right to interpellation. In addition to being regulated by the Aceh Government Law, the existence of the right of interpellation is also in line with the general provisions regarding the rights of the Regional People's Representative Council (DPRD) as stipulated in Article 153 paragraph (1) letter a of Law Number 23 of 2014 concerning Regional Government, which has been amended several times, most recently by Law Number 6 of 2023 concerning the Enactment of Government Regulation in place of Law Number 2 of 2022 concerning Job Creation into Law. The mechanism for the use of the interpellation right within the DPRA is regulated in the Aceh Regional People's Representative Council Regulation Number 1 of 2020 concerning the Rules of Procedure of the Aceh Regional People's Representative Council.

From a substantive aspect, the refocusing policy of the APBA is a regional fiscal policy that results in changes to the budgeting structure, development priorities, and the use of regional finances on a very large scale. The Aceh government even reallocated approximately Rp1.7 trillion to support the handling of the COVID-19 pandemic, covering the health sector, social safety nets, and regional economic recovery. The use of the right of interpellation by the DPRA against the refocusing policy of the APBA for the years 2020–2021 has a strong legal basis both in terms of authority and in terms of the object being interpellated. The authority to use the interpellation right is granted by the Aceh Governance Law and supported by other regulations that govern the supervisory function of the Regional House of Representatives (later called the DPRD). Meanwhile, the APBA refocusing policy meets the characteristics of being an important, strategic, and widely impactful policy on the lives of the Acehnese people.

The use of the right of interpellation by the DPRA regarding the refocusing policy of the Aceh Provincial Budget (APBA) for the years 2020–2021 cannot be separated from the position of the DPRA as a representative institution that has an oversight function in the administration of regional government. The oversight function is one of the main functions inherent in the position of the DPRA as an element of the Aceh government administration. The oversight function possessed by the legislative body is a consequence of the separation of powers in a democratic state. The theory developed by Montesquieu is based on the idea that power concentrated in one institution has the potential to lead to an abuse of power.

The use of the right of interpellation by the DPRA is closely related to the implementation of oversight functions in the management of regional finances. The refocusing policy of the APBA not only involves changes in budget allocation in very large amounts but also has implications for changes in regional development priorities, the implementation of government programs, and the distribution of public resources to the community. The use of the right of interpellation by the DPRA regarding the refocusing policy of the APBA actually demonstrates the functioning of institutional oversight mechanisms as desired in a democratic state. The existence of the right of interpellation allows the DPRA to exercise control over executive policies without interfering with the administrative authority that falls under the jurisdiction of the Aceh Government.

The right of interpellation is one of the institutional rights of the people's representative council that functions as an instrument of oversight over the implementation of governance by the executive. The initial stage of the analysis of the legality of the use of the interpellation right in this study focuses on the assessment of the fulfillment of its formal requirements. These requirements include the minimum number of proposers, the submission of the proposal in writing, the inclusion of the policy matter in question, and the reasons underlying the request for clarification to the Governor of Aceh. The refocusing policy implemented by the Aceh Government is a follow-up to the national policy for handling the Covid-19 pandemic, which requires local governments to reallocate and refocus budgets to support the health sector, social safety nets, and economic recovery. The policy not only altered the previously established structure of the APBA but also had a direct impact on the implementation of various regional

development programs, the distribution of the public sector budget, and services to the community. From the perspective of policy substance, the change indicates that the refocusing of the APBA has a strategic nature and wide-ranging impact, thus theoretically fulfilling the criteria as an object of interpellation rights.

Friedrich Julius Stahl explains that a state governed by the rule of law has four fundamental elements, namely the protection of human rights, the separation of powers, governance based on law, and an independent administrative judiciary.<sup>[8]</sup> This concept indicates that the exercise of authority by a state institution must not only have a legal basis but must also be carried out within a framework of power limitation that allows for oversight mechanisms between state institutions. Every government action must have a clear legal basis and be legally accountable. Both government policies and oversight actions carried out by legislative bodies must adhere to the principle of legality and procedures established by law.<sup>[9]</sup>

The use of the right of interpellation by the DPRA emerged as a response to the budget policy changes made by the Aceh Government in the context of handling the COVID-19 pandemic. These policies resulted in a significant budget reallocation and impacted various regional development programs. In the perspective of checks and balances, policies that have a wide impact on regional finances and public services are policies that rightly deserve oversight from the legislative body. Based on the results of field research, Mr. Azhar Abdurrahman argues that the use of the right of interpellation by the DPRA is part of the oversight function regarding the use of regional budgets during the COVID-19 pandemic. Furthermore, Mr. Azhar explains that the interpellation is not intended to hinder pandemic handling, but rather to obtain a comprehensive explanation regarding the basis for considerations, decision-making mechanisms, and the use of the reallocated APBA budget. According to Mr. Azhar, the large amount of the reallocated budget needs to be accompanied by a transparent explanation to the DPRA as the representative of the Aceh people.

The use of the right of interpellation by the DPRA regarding the refocusing of the APBA policy for the years 2020–2021 is a form of implementing the principle of checks and balances in the governance of Aceh. The DPRA performs its oversight function on policies that have a wide impact on regional finances and society, while the Aceh Government retains the authority to explain and account for the policies that have been implemented. Thus, the interpellation mechanism does not indicate an abuse of authority by either party, but rather reflects the implementation of each institution's functions in accordance with the principles of the rule of law and democracy.

The use of the right of interpellation by the DPRA regarding the refocusing policy of the APBA for the years 2020–2021 cannot be conducted solely from a normative aspect but must also consider the empirical facts found during the research. This approach is important because the object of the research is not only related to the existence of legal norms but also involves the implementation of regional institutional authority in the practice of governance. Based on the research findings, it is known that the use of the right of interpellation by the DPRA is motivated by the need to obtain a more comprehensive explanation regarding the refocusing policy of the APBA implemented by the Aceh

Government during the Covid-19 pandemic. From the results of interviews with research informants, it was found that some members of the DPRA view the budget reallocation policy as having a very broad impact on the implementation of regional development programs, thus requiring a more intensive oversight mechanism through the use of the right of interpellation. On the other hand, the Aceh Government argues that the policy is a follow-up to the national policy that must be implemented immediately in order to address the public health emergency.

The difference in views is essentially a natural consequence in the relationship between the legislative and executive branches in a democratic governance system. The difference does not automatically indicate a violation of the law, but rather reflects the functioning of the oversight role held by the DPRA over regional government policies. In fact, from the perspective of checks and balances, the request for information from the legislative body regarding executive policies is a necessary form of oversight to maintain the accountability of local government administration.

From the aspect of authority, the use of the right of interpellation by the DPRA regarding the refocusing policy of the APBA for the years 2020–2021 has fulfilled the principle of legality, which is one of the main pillars of the rule of law. This principle requires that every action or use of authority by state institutions must have a clear legal basis and be derived from applicable laws and regulations. In this context, the authority of the Aceh Regional People's Representative Council (DPRA) to use the right of interpellation is directly grounded in Article 34 paragraph (2) letter a of Law Number 11 of 2006 concerning Aceh Governance, which states that the DPRA has the right of interpellation, namely the right to request information from the Aceh Government regarding important and strategic government policies that have a wide impact on the lives of the community and the region. The provision is a form of attribution of authority by law to the DPRA as the representative institution of the people in Aceh.

Furthermore, the existence of the right of interpellation cannot be separated from the supervisory function of the DPRA as stipulated in Article 22 paragraph (1) letter c of Law Number 11 of 2006 concerning the Governance of Aceh, which states that the DPRA has a supervisory function over the implementation of Aceh's governance. In other words, the right of interpellation is a legal instrument granted to the legislative body to perform oversight functions over the implementation of executive policies. Therefore, the use of the right of interpellation by the DPRA in this matter is not an action that exceeds its authority (*ultra vires*), but rather the exercise of authority that has been explicitly granted by law as part of the oversight mechanism for regional government administration.

Based on the results of field research, interviews with sources, and analysis of applicable legal regulations, the use of the right of interpellation by the DPRA regarding the refocusing policy of the APBA for the years 2020–2021 constitutes the exercise of oversight functions that have legal and constitutional legitimacy. The conclusion is based on the fact that the right of interpellation is an institutional right explicitly granted to the DPRA under Article 34 paragraph (2) letter a of Law Number 11 of 2006 concerning the Aceh Government, and is an integral part of the DPRA's supervisory function as regulated in Article 22 paragraph (1) letter c of the Aceh Government Law.

The use of the interpellation right by the DPRA regarding the refocusing policy of the APBA for the years 2020–2021 is not an intervention in the executive's authority, but rather a manifestation of the legitimate exercise of oversight functions according to the law. The presence of the interpellation mechanism actually strengthens the principles of transparency, accountability, and responsibility in the administration of regional government, while also serving as a means to realize good governance in accordance with the rule of law and democratic principles upheld in the Indonesian constitutional system.

### **Conclusion**

In conclusion, by law, the right of interpellation of the Aceh Regional People's Representative Council (DPRA) has a clear and strong legal basis as regulated in Law Number 11 of 2006 on Aceh Governance and other implementing regulations in the DPRA's rules of procedure. Conceptually, the right of interpellation is a legislative oversight instrument aimed at requesting information from the Aceh Government regarding policies that are important, strategic, and have a wide impact on the community. However, in its implementation, there are still normative problems in the form of unclear parameters regarding the criteria for policies that can be the subject of interpellation, leading to differing interpretations between the DPRA and the Aceh Government. The implementation of the DPRA's right of interpellation regarding the refocusing and reallocation of the APBA for the years 2020–2021 shows that the interpellation instrument not only functions as a legal mechanism but is also heavily influenced by political factors. The dynamics of inter-factional interests, the political relationship between the DPRA and the Aceh Government, as well as differing views on the urgency of policies in the COVID-19 pandemic emergency situation, have caused the implementation of the right to interpellation not to fully function optimally as a substantive oversight instrument.

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