

Legal Reconstruction of Strengthening the Function of Regional Representation in Indonesia

Hananto Widodo^a  , Muh. Ali Masnun^a ,
Intan Lovisonnya^a , Dicky Eko Prasetyo^a ,
Noviyanti Noviyanti^b

^a Faculty of Law, Universitas Negeri Surabaya, Surabaya, Indonesia

^b College of Humanities and Social Sciences, National Dong Hwa University,
Hualien, Taiwan

 Corresponding email: hanantowidodo@unesa.ac.id

Abstract

Indonesia has two legislative bodies namely the Regional Representative Council (DPD) and the House of Representatives (DPR). Only the DPD's oversight authority remains weak. This research focuses on analyzing the oversight function of the Regional Representative Council using a comparative law approach. It is a normative legal study with conceptual, legislative, and comparative approaches. The research findings confirm that the legal status of the Regional Representative Council (DPD) in Indonesia's current constitutional system is still considered weak and not equal to that of the House of Representatives (DPR). The DPD's limited oversight function, confined to specific areas such as regional autonomy and regional formation, and the imbalance of power in the bicameral system, have resulted in the DPD's strategic role as a regional representative at the national level not being optimal. Comparative studies with bicameral systems in countries like the Netherlands, the United States, and the United Kingdom show that both chambers in a representative system of government must be given equal authority to ensure an effective system of checks and balances. Therefore, this study proposes the need

to strengthen the authority and capacity of the DPD thru legal reform, both thru amendments to the 1945 Constitution with several important indicators that are strengthened, such as: the right of interpellation, the right of inquiry, the right to express an opinion, the right of subpoena, the right of impeachment, and involvement in the national budget process.

Keywords

Regional Representative Council, Supervisory Function, People's Representative Institution, Bicameral System.

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Introduction

Representative bodies are fundamentally essential to a democratic state. Paul Christopher Manuel and Anne Maria Camissa argue that representative bodies have several crucial functions, including championing the people's aspirations, including enacting laws as legislative acts.¹ In this role, representative bodies ensure that all laws, regulations, and even policies enacted by the executive branch align with the desires, needs, and even aspirations of the people represented by the representative body.²

Representative institutions in various countries around the world can consist of various types, such as a parliament consisting of one chamber (unicameral), a parliament consisting of two chambers (bicameral), or a parliament consisting of three chambers or even more according to the needs of each country.³ Although the determination of chambers in each country varies, adjusted to the needs of each country, there is one important aspect in which the determination of chambers in a representative institution is intended to be participatory and substantively able to represent and explore the aspirations desired by the people.⁴

Representative institutions in various countries can consist of one, two, or more chambers according to the needs of each country.⁵

¹ Muhammad Yusuf Hasmin Muhammad Rivai, Muh. Akbar, "Implementation Of The Supervision Functions Of Villages Consultancy Agency In Optimizing Village Development According To Regulation Of The Minister Of Home Affairs Number 110 Of 2016 (Study at Lumbe, Nambo District, Banggai Regency)," *Indonesian Research Journal in Legal Studies* 2, no. 1 (2023): 63–86.

² Muhammad Mutawalli Mukhlis et al., "Heavy Parliamentary v. Heavy Executive: Ambiguity of Power in Indonesian Constitutional Practices," *Legal Media Journal* 31, no. 2 (July 8, 2024): 186–205, <https://doi.org/10.18196/jmh.v31i2.21703>.

³ Imtiaz Ahmad, Abdul Waheed, and Saqib Ali, "Exploring Bicameral Dynamics: Comparative Institutional Frameworks in the Islamic World," *Social Science Review Archives* 3, no. 1 (January 2025): 714–24, <https://doi.org/10.70670/sra.v3i1.355>.

⁴ Ferdinando La Placa, "Is There Still a Role for the Second Chamber?," *International Journal of Parliamentary Studies* 5, no. 1 (April 2025): 39–66, <https://doi.org/10.1163/26668912-bja10103>.

⁵ Alda Kushi, Federico Russo, and Marcello Carammia, "Parliamentary Downsizing and Legislative Behavior. Evidence from Italy," *South European Society and Politics*

Although the number of chambers varies, the goal remains the same, which is for the institution to be participatory and able to substantively absorb the aspirations of the people. The bicameral system is commonly found in various countries.⁶ According to Giovanni Sartori, the bicameral system aims to accommodate two characteristics of representatives, namely political representatives from political parties participating in elections and non-political representatives from social groups such as workers, farmers, or regional representatives.⁷ Regional representation is very important, especially for countries with vast territories and diverse ethnicities, religions, races, and cultures.⁸

Regional representation in the people's representative institutions also became one of the important focuses in the reform idea in 1998 in Indonesia. The need to institutionalize regional representation in the people's representative institutions in Indonesia was intended to ensure that regional development and empowerment became one of the important orientations as one of the reform spirits in 1998 which then gave birth to amendments to the Indonesian constitution so that the formulation of the 1945 Constitution of the Republic of Indonesia after the amendment in 2002.⁹ After the reform with the ratification of the 1945 Constitution of the Republic of Indonesia, Indonesia basically attempted to institutionalize two types of people's representative institutions, namely the People's Representative Council as a political

30, no. 1 (January 2, 2025): 57–83, <https://doi.org/10.1080/13608746.2025.2483506>.

⁶ Hezron Sabar Rotua Tinambunan and Dicky Eko Prasetyo, "Constitutional Reconstruction in the Regional Representative Council of the Regional Representative Council Regarding Legislative Functions," *Legal Issues* 48, no. 3 (2019): 266, <https://doi.org/10.14710/mmh.48.3.2019.266-274>.

⁷ Alda Kushi, Federico Russo, and Marcello Carammia, "Parliamentary Downsizing and Legislative Behavior. Evidence from Italy," *South European Society and Politics* 30, no. 1 (January 2, 2025): 57–83, <https://doi.org/10.1080/13608746.2025.2483506>.

⁸ Ana Fauzia and Fitria Esfandiari, "Political Party Deliberation: Mechanism for Safeguarding Constituent Rights against Vacancies in House of Representatives Affected by Political Party Dissolution," *Jambura Law Review* 6, no. 2 (2024), <https://doi.org/10.33756/jlr.v6i2.24110>.

⁹ Saldi Isra, *State Institutions: Concepts, History, Authority, and Constitutional Dynamics* (Jakarta: Rajawali Pers, 2020).

representative and the Regional Representative Council as a regional representative.¹⁰ In terms of membership, the People's Representative Council and the Regional Representative Council are members of the People's Consultative Assembly as regulated in Article 2 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

In principle, both the DPD and DPR are representatives of the people who are procedurally elected thru general elections. The difference between the DPD and DPR lies only in the substantive focus of the parties they represent, where the DPR is a political representative, thus being members of political parties, while the DPD is a regional representative, filled by non-political party members. The existence of the DPD and DPR is to ensure the presence of "comprehensive aspirations" from the people's representatives, one being a political representative and the other a non-political representative (in this case, a regional representative). Therefore, ideally, political representatives and non-political representatives should have equal or at least proportional status and authority.

The existence of the Regional Representative Council institution as a regional representative in Indonesia to accommodate the spirit of reform basically confirms that there are two institutions of people's representative institutions in Indonesia, namely the People's Representative Council and the Regional Representative Council. As a people's representative institution, the Regional Representative Council also has a supervisory function, especially related to regional interests and affairs such as regional autonomy, central and regional relations, including the management of natural resources between the center and regions as regulated in Article 22D paragraph (3) of the 1945 Constitution of the Republic of Indonesia.¹¹ Although there are clear rules in the Indonesian constitution, namely the 1945 Constitution of the Republic of Indonesia, there are still legal problems, especially related

¹⁰ Firdaus Firdaus and Ratih Agustin Wulandari, "Implications of Low Women's Representation: Strategies and Challenges Towards Gender Equality in Indonesian Politics," *Indonesian Journal of Religion and Society* 5, no. 2 (December 2023): 138–53, <https://doi.org/10.36256/ijrs.v5i2.383>.

¹¹ Beny Abukhaer Tatara, "The Role of Law in Facing Asymmetric Warfare Through Illicit Drug Trafficking in Indonesia," *Journal of Law Science* 5, no. 1 (2024): 1–9, <https://doi.org/10.18196/jls.2018.0096>.

to the supervisory function of the Regional Representative Council because the supervisory function regulated in the constitution can be said to be still vague so that the function of the Regional Representative Council has not been optimal in carrying out its authority as a regional representative institution.

Based on the description above, this study aims to analyze legal reform efforts related to the regulation of the oversight function in the Regional Representative Council (DPRD) in Indonesia by comparing laws between the Netherlands, the United States, the United Kingdom, and Germany. The legal comparison with the Netherlands is based at least on historical reasons, namely that Indonesia, before proclaiming its independence, was a former colony, one of which was the Dutch East Indies. The comparison with the Netherlands also aims to observe how the oversight function of regional representatives in the Netherlands is in its regulations. The comparison with the United States is because the United States is one example of a "republic" whose constitution emphasizes the importance of the role of regions in the state system in the United States, which is based on a federal system. The legal comparison with the United Kingdom is because United Kingdom is a country that is nicknamed the "Mother of the Parliamentary System," so an analysis of the authority of the people's representative institutions in United Kingdom finds relevance.

Research on the institutional analysis of the Regional Representative Council has basically been conducted by several previous studies, such as research by Irsyada and Wardana (2024) which generally discusses strengthening the Regional Representative Council institution so that it can be balanced with the function of the House of Representatives in implementing legislative, budgetary, and oversight functions. The novelty of this research is still limited to the affirmation of the DPD's functions, which are not yet optimal, specifically in the aspects of legislative, budgetary, and oversight functions.¹² Another study was conducted by Firlandani, et al. (2025) who conducted a legal

¹² Nadia Elza Irsyada and Dodi Jaya Wardana, "Strengthening of Position The Regional Representative Council (DPD) in the Indonesian Constitutional System," *USM LAW REVIEW JURNAL* 7, no. 3 (December 8, 2024): 1690–1704, <https://doi.org/10.26623/julr.v7i3.10651>.

comparison between the Regional Representative Council and similar institutions in the United States, focusing on strengthening the Regional Representative Council institution in a bicameral system.¹³ The novelty of this research essentially emphasizes the weaknesses of regional representation in Indonesia from the perspective of bicameralism with a legal comparison to the United States. Further research was also conducted by Mukhlis et al. (2025) who analyzed the weaknesses of the Indonesian bicameral system where the Regional Representative Council in a bicameral system can be said to have weaker authority when compared to the House of Representatives.¹⁴ This novelty emphasizes the significant weakness of the bicameral system in Indonesia, causing non-political aspirations (in this case, those carried out by regional representatives) to become suboptimal. Of the three previous studies above, this study can be said to be original research because it focuses on the analysis related to the supervisory function of the Regional Representative Council institution with a comparative legal approach that has not been analyzed specifically by the three previous studies.

This research focuses on the analysis of the supervisory function of the Regional Representative Council (DPD) using a comparative legal approach, which is a normative legal research.¹⁵ Normative legal research is characterized by its analysis of authoritative legal products, including laws and court decisions.¹⁶ The primary legal materials used in this research are the 1945 Constitution of the Republic of Indonesia, Constitutional Court Decisions, and other laws and regulations that

¹³ Dani Firlandani, Dian Eka Prastiwi, and Tati Karhati, "The Existence and Authority of the Regional Representative Council in Indonesia's Bicameral System," *Jurnal Multidisipus Sabombu* 5, no. 3 (2025): 646–654, <https://doi.org/10.58471/jms.v5i03>.

¹⁴ Muhammad Mutawalli Mukhlis et al., "Disparity in Parliamentary Power in the Formation of Laws in Indonesia: Considering Proportional Bicameralism," *International Journal of Law and Society (IJLS)* 4, no. 1 (July 2025): 141–64, <https://doi.org/10.59683/ijls.v4i1.160>.

¹⁵ Cynthia Hadita Eka NAM Sihombing, *Legal Research*, 1st ed. (Malang: Setara Press, 2022).

¹⁶ Maalikatussofa Masnun, Muh. Ali, Prasetio, Dicky Eko, "Reconstruction of the Normative Legal Research Paradigm in Responding to Global Challenges: An Epistemological Analysis," *Novum: Jurnal Hukum* 12, no. 3 (2025): 372–84, <https://doi.org/10.2674/novum.v12i03.74364>.

analyze the supervisory function of the Regional Representative Council (DPRD) in Indonesia, the Netherlands, the United States, the United Kingdom, and Germany. The choice of legal comparison with the Netherlands is based on the historical context in which the Netherlands once colonized Indonesia and bequeathed a civil law-based legal system that is still in use in Indonesia today, albeit with various modifications. Comparison with the United States is made because this country serves as an example of a modern democratic nation based on strengthening representative institutions, particularly regional representation. Comparison with United Kingdom is made because United Kingdom is known as the "mother of the parliamentary system," one of the substances of which is the system of checks and balances within the legislative body, in this case, the relatively strong position of regional representatives. The comparison with Germany is due to both being countries with parliamentary systems and the proportional involvement of both chambers of parliament in the legislative process and other powers.

Secondary legal materials include journal articles, books, and research findings that discuss representative institutions, particularly the DPD and similar institutions in other countries. Non-legal materials include legal dictionaries. The approaches used are historical, statutory, conceptual, and comparative. The collected legal materials are then subjected to prescriptive analysis, an analysis that emphasizes legal solutions in the form of legal reforms related to the regulation of the DPD in Indonesia.¹⁷ The analysis of legal materials is conducted prescriptively, where existing legal materials are analyzed and critically evaluated in relation to the authority of the DPD in Indonesia, and efforts for renewal are made in connection with the functions of regional representative institutions in various countries that have been compared, namely the Netherlands, the United States, the United Kingdom, and Germany. This prescriptive analysis is conducted by making a substantive comparison of the authority of regional representatives with

¹⁷ Małgorzata Augustyniak Edyta Sokalska, "Legal Interpretation from the Perspective of French Jurisprudence: From Positivist Exegesis to Free Scientific Research," *Review of European and Comparative Law* 48, no. 1 (2022): 175–89, <https://doi.org/10.31743/recl.12394>.

several indicators for strengthening oversight functions, such as the right of interpellation, the right of inquiry, the right to express an opinion, the right of subpoena, the right of impeachment, and involvement in the national budget process.

A. Legal Position of the Regional Representative Council in the Indonesian Constitutional System

The Regional Representative Council (DPD) in Indonesia is a legislative body that plays a strategic role in Indonesia's democratic and constitutional system.¹⁸ The DPD was established to represent the regions within the central government, with the aim of championing and overseeing regional aspirations and interests at the national level.¹⁹ Members of the DPD are directly elected by the people through general elections using a proportional representation system from each province, ensuring that each region has representatives capable of addressing various issues related to the welfare, development, and progress of their region.

Constitutionally, the regulation regarding the authority of the Regional Representative Council is regulated in Article 22C and Article 22D of the 1945 Constitution of the Republic of Indonesia after the third and fourth amendments. Article 22C of the 1945 Constitution of the Republic of Indonesia stipulates that members of the Regional Representative Council are elected from each province in equal numbers and the number of members of the Regional Representative Council shall not exceed one-third of the total number of members of the People's Representative Council. Article 22D of the 1945 Constitution of the Republic of Indonesia regulates the authority of the Regional Representative Council which includes the right to submit draft laws related to regional autonomy, central and regional relations, the formation, expansion and merger of regions, management of natural resources and economic resources, and financial balance between the

¹⁸ Dian Pertiwi and Dani Amran Hakim, "Mid-Term Replacement Members of the Regional Representative Council of Bandar Lampung City Based on the *Siyasah Syar'iyah* Perspective," *KnE Social Sciences* 10, no. 8 (April 17, 2025): 455–68, <https://doi.org/10.18502/kss.v10i8.18459>.

¹⁹ Firlandani, Prastiwi, and Karhati, "The Existence and Authority of the Regional Representative Council in Indonesia's Bicameral System."

central and regional governments.²⁰ In addition, the Regional Representative Council also has the right to participate in discussing draft laws related to these matters, supervise the implementation of laws regarding regional autonomy, central and regional relations, natural resource management, and the implementation of the state budget.²¹

The Regional Representative Council (DPD), as a regional body, plays a crucial role in optimizing the aspirations of local communities and balancing political representation.²² According to Liesbet Hooghe and Gary Marks, regional representatives serve as a mechanism to accommodate regional interests and aspirations in the broader policymaking and legal process, as well as to bridge the relationship between the central and regional governments.²³ The Regional Representative Council (DPD) as a regional representative is relevant to Liesbet Hooghe and Gary Marks's view that the DPD can be considered an extension of the regions, championing their aspirations. Within the context of the Unitary State of the Republic of Indonesia, regional aspirations are a crucial dimension, with regional interests being a substantive and sensitive issue that must be accommodated and championed by the central government.²⁴

The Regional Representative Council (DPD) as a regional representative is also relevant to the idea of regional autonomy, which is

²⁰ Bagir Manan, Indra Perwira, and Mei Susanto, "Prospects for the Relationship between the Regional Representative Council and Political Parties," *Jurnal Hukum Ius Quia Iustum* 28, no. 2 (2021): 233–57, <https://doi.org/10.20885/iustum.vol28.iss2.art1>.

²¹ Ahmad Goza Zaenury, Yuniar Rahmatiar, and Muhamad Abas, "Comparative Analysis Of Law In The Representative Member Election System Between The Regional Representative Council Of The Republic Of Indonesia And The Rajya Sabha Of The Republic Of India," *Collegium Studiosum Journal* 6, no. 2 (December 2023): 400–407, <https://doi.org/10.56301/csj.v6i2.1073>.

²² Gilang Endah Permatasari and Vishnu Juwono, "Supervision of DPD RI in the Implementation of Regional Autonomy," *Jurnal Transformativ* 8, no. 2 (2022): 217–37, <https://doi.org/10.21776/ub.transformativ.2022.008.02.4>.

²³ Arjan H Schakel, "Multi-Level Governance in a 'Europe with the Regions,'" *The British Journal of Politics and International Relations* 22, no. 4 (November 20, 2020): 767–75, <https://doi.org/10.1177/1369148120937982>.

²⁴ Andrizal Eddy Asnawi, Birman Simamora, "Special Autonomy on the Existence of the Unitary State of the Republic of Indonesia," *Journal of Legal Analysis* 4, no. 2 (2021): 245.

also one of the demands of the reform movement in Indonesia. The DPD as a regional representative ensures that policies at the central level do not ignore regional interests, so that regional autonomy can be implemented properly and effectively. Thus, the function of regional representatives strengthens the system of government decentralization, creates fairer representation for regions, and increases political participation and public oversight of regional and central government.²⁵ This is an important foundation in creating unity and balance between the central and regional governments, as well as strengthening democracy and equitable development throughout Indonesia. The function of regional representatives, especially the DPD in Indonesia, is to represent regional interests and aspirations in the process of formulating and making policies at the national level.

Understanding the oversight function of the Regional Representative Council (DPD) cannot be separated from the historical development of representative institutions in Indonesia. Throughout its history, Indonesia has known at least four versions of the Constitution: the 1945 Constitution, the 1949 Constitution of the Republic of Indonesia, the 1950 Provisional Constitution, and the amended 1945 Constitution (UUD NRI 1945). In the 1945 Constitution, the people's representative institutions are divided into two: the People's Consultative Assembly (MPR), which serves as the highest state institution, and the House of Representatives (DPR), which serves as a high state institution.²⁶ The status of the MPR as the highest state institution has given rise to the view among experts that the Indonesian constitutional system adheres to the supremacy of the MPR, rather than the supremacy of the constitution as in presidential systems in other countries. Meanwhile, the

²⁵ Hananto Widodo et al., "Legal Implications of the Authority of Acting Regional Heads Based on Policy Regulations," *Indonesian Journal of Administrative Law and Local Government* 1, no. 1 (November 2024): 65–81, <https://doi.org/10.26740/ijalgov.v1i01.35774>.

²⁶ R.M. AB Kusuma, *The Founding Fathers' System of Government Versus the Presidential System of the Reform Order*, 1st ed. (Depok: Publishing House of the Faculty of Law, University of Indonesia, 2011).

MPR is referred to as a high state institution to distinguish its status from the DPR, even though some members of the DPR are from the MPR.²⁷

The House of Representatives holds a strategic position because its members constitute the majority of the People's Consultative Assembly (MPR). Historically, the MPR consisted of members of the DPR as well as representatives from various groups and regions.²⁸ Following the amendments to the 1945 Constitution, the MPR's position as the highest state institution was abolished, although it remained constitutionally recognized. With this abolition, the terms "highest institution" and "high state institution" changed, as they became interconnected. Currently, the Constitution regulates the status of state institutions, including the DPR and the MPR, as equals. The relationship between state institutions emphasizes the principle of checks and balances, rather than a hierarchy of supremacy over one institution over another.²⁹

Lisa James, Alan Renwick, and Meg Russell emphasize that one of the important functions of checks and balances is to ensure that power does not occur in a singular and absolute manner so that a power should require supervision and balance from other parties.³⁰ Checks and balances here must be understood broadly, namely not only as an effort to supervise and balance by carrying out a separation of powers between legislative, executive, and judicial powers, but also must be attempted in each power such as in legislative power must be formulated the existence

²⁷ Hananto Widodo, Dicky Eko Prasetyo, and Fradhana Putra Disantara, "Power Relations Between the President and Vice President in the Constitutional System of the Republic of Indonesia," *Pandecta Research Law Journal* 15, no. 1 (2020): 13–25, <https://doi.org/10.15294/pandecta.v15i1.24554>.

²⁸ R.M. AB Kusuma, *The Birth of the Constitution: Containing Authentic Copies of Documents Oentoek Investigating the Preparatory Works for Independence*, 1st ed. (Jakarta: Publishing Agency of the Faculty of Law, University of Indonesia, 2004).

²⁹ Furcony Putri Syakura, "Setting the National Legislation Program in Indonesia (Study of the Formation of Laws on the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council and the Regional People's Representative Council)," *Tambusai Education Journal* 6, no. 1 (2022): 3101–16, [http://repo.jayabaya.ac.id/id/eprint/1999%0Ahttp://repo.jayabaya.ac.id/1999/1/Setting the National Legislation Program in Indonesia.pdf](http://repo.jayabaya.ac.id/id/eprint/1999%0Ahttp://repo.jayabaya.ac.id/1999/1/Setting%20the%20National%20Legislation%20Program%20in%20Indonesia.pdf).

³⁰ Meg Russell James, Lisa, Alan Renwick, "Checks and Balances: What Are They, and Why Do They Matter?," *The Constitution Unit Blog* 1, no. 1 (2023): 2–4.

of more than one institution so that checks and balances can also be applied optimally in legislative power.³¹

The implementation of checks and balances in legislative power can be done by institutionalizing people's representative institutions formulated in more than one institution. This bicameral system or two-chamber parliament is one form of legislative system that is widely implemented in various countries in the world. By 2025, it is estimated that around 41% of countries in the world will adopt a bicameral system in their government structure.³² These countries generally consist of two legislative chambers with different functions and roles, namely the lower house and the upper house. The lower house is usually directly elected by the people and acts as the main legislative institution that is more dominant in making laws, while the upper house often functions as a supervisory body or regional/state representatives that provide a balance to the decisions of the lower house.

The weakness of the limited authority of the Regional Representative Council (DPD) compared to the People's Consultative Assembly (DPR) is very apparent in the practice of Indonesian constitutional law, often leading to the DPD being perceived as a politically and legislatively powerless institution. In the context of legislation, the DPD does not have full legislative rights, cannot participate in the final decision-making of bills, and does not hold an equal position as a co-legislator with the DPR and the President, thus its scope of action is significantly reduced in the legislative process. This limitation is reinforced by the construction of Law Number 27 of 2009 concerning the MPR, DPR, DPD, and DPRD (MD3 Law) and Law Number 12 of 2011 concerning the Formation of Legislation, which places the position of the DPD dependent on the DPR, so that legislative proposals from the DPD must go thru takeover and prioritization by the DPR before being processed further. As a result, the DPD lives in the

³¹ Maarten Bouwmeester, "Checks and Balances under Pressure in the Welfare State: Disentangling the Rule of Law Risks of Automation and Welfare Conditionality," *European Journal of Social Security* 27, no. 2 (June 2025): 98–120, <https://doi.org/10.1177/13882627251330438>.

³² Will Kenton, "Bicameral System: What It Is, How It Works, History in US," 2024, <https://www.investopedia.com/terms/b/bicameral-system.asp>, from bicameral to unicameral systems.

shadow of DPR hegemony, where the regional aspirations proposed can be altered, shifted, or even ignored without any significant political sanctions, rendering the DPD's function as a channel for regional interests ineffective. Moreover, the mechanism of the relationship between the DPR and DPD in the legislative and oversight processes still feels unclear, causing DPD's considerations and recommendations to often be ignored or merely treated as supplementary. This limited authority of the DPD not only weakens the regional position in Indonesia's bicameral system but also reduces the bargaining power and political effectiveness of the DPD as a representative of regional interests at the national level.

Many countries choose a bicameral system for several reasons, including to create a mechanism of checks and balances in policymaking and to ensure fairer representation, particularly for regions within a federal state, and as a measure to improve the quality of legislative decision-making. Examples of countries that use a bicameral system include the United States with its Senate and House of Representatives, the United Kingdom with its House of Lords and House of Commons, Germany with its Bundestag and Bundesrat, and Australia, Brazil, India, and Indonesia with their House of Representatives and Regional Representative Councils.³³ This system tends to be found in countries with federal government structures as well as unitary states that want to ensure regional representation is not marginalized.

In the Indonesian context, the bicameral system within the people's representative institutions through the House of Representatives and the Regional Representative Council (DPD) essentially requires in-depth analysis and criticism. Referring to Jimly Asshiddiqie's view, Indonesia can be said to not fully adopt a bicameral system because the authority of the DPR is essentially greater than that of the DPD.³⁴ Essentially, the authority of the DPD in Indonesia is limited and significantly different when compared to the DPR. The DPD's primary function is to represent the region with legislative authority limited to only a few areas such as proposing draft laws related to regional autonomy, central-regional

³³ Jimly Asshiddiqie, *Principles of Indonesian Constitutional Law Post-Reformation* (Jakarta: Bhuna Ilmu Populer, 2007).

³⁴ Jimly Asshiddiqie, *New Developments on the Constitution and Constitutionalism in Theory and Practice*, 1st ed. (Yogyakarta: Genta Publishing, 2018).

relations, the formation and expansion of regions, and the management of natural resources and regional economic resources. In addition, the DPD only has the right to provide consideration on certain draft laws, including those related to the State Budget (APBN), taxes, education, and religion.³⁵ However, the final authority in making decisions on laws remains entirely in the hands of the DPR, particularly regarding its full legislative function which includes proposing, discussing, ratifying, and overseeing the implementation of laws.

Regarding the legislative function of the Regional Representative Council, through Constitutional Court Decision Number 79/PUU-XII/2014, the Constitutional Court, as the final interpreter of the constitution, essentially provides an important affirmation regarding the legislative function of the Regional Representative Council in Indonesia.³⁶ In this decision, the Constitutional Court stated that the Regional Representative Council has the right to submit and participate in discussing draft laws (RUU) related to regional autonomy, central and regional relations, the formation and expansion of regions, and the management of natural resources and other economic resources. This decision confirms the position of the Regional Representative Council, which has previously been considered subordinate to the House of Representatives, so that constitutionally the Regional Representative Council has an equal position with the House of Representatives and the President in certain legislative processes directly related to the region. Thus, the Regional Representative Council has the authority to be fully involved in the preparation of the National Legislation Program (Prolegnas) and the discussion of bills within its scope of authority.

Although the Constitutional Court Decision Number 79/PUU-XII/2014 has strengthened the position of the Regional Representative Council, this is still not enough to strengthen the position of the Regional

³⁵ Bayangsari Wedhatami Dicky Eko Prasetyo, Muh Ali Masnun, "Legal Uncertainty of Golf Game as Sports and Entertainment Branch in Local Tax Imposition," *Wawasan Yuridika* 4, no. 1 (2024): 76–93, <https://doi.org/10.25072/jwy.v8i1.4369>.Abstract.

³⁶ Indra Bayu Nugroho, "A Critical Review of the Regional Representative Council (DPD) from the Perspective of Strengthening Institutional Functions in the Indonesian Constitutional System," *INICIO LEGIS* 5, no. 1 (June 11, 2024): 46–64, <https://doi.org/10.21107/il.v5i1.25880>.

Representative Council as a legislative body, especially from a bicameral perspective. Giovanni Sartori classifies people's representative institutions with a bicameral system into three main types, namely first, a weak bicameral system (asymmetric bicameralism or weak bicameralism/soft bicameralism), where the power of one chamber is much more dominant than the other chamber.³⁷ Second, a strong bicameral system (symmetric bicameralism or strong bicameralism), which is characterized by almost equal or balanced power of both chambers.³⁸ Third, perfect bicameralism, which is a condition where the power between the two chambers is completely balanced.³⁹ If we refer to the classification of the bicameral system in people's representatives as stated by Giovanni Sartori above, it can be concluded that the bicameral system adopted by Indonesia is a weak bicameral system (asymmetric bicameralism or weak bicameralism/soft bicameralism) because the position of the Regional Representative Council can be said to be still weak or not yet equal to the People's Representative Council.

The legal standing of the Regional Representative Council, which can be said to be still weak or not yet equal to the People's Representative Council, can also have implications for the implementation of the Regional Representative Council's functions such as legislation, budgeting, and oversight. Specifically regarding the oversight function, the weak bicameral system in Indonesia with the limited authority of the Regional Representative Council makes the oversight function of the Regional Representative Council also still not optimal so that the supervisory authority of the Regional Representative Council is only limited to aspects of regional autonomy, central and regional relations, the formation and expansion of regions, and the management of natural resources and other economic resources.

³⁷ Dicky Eko Prasetyo Hananto Widodo, Pudjiastuti, Budi Hermono, Dita Perwitasari, "Implications of Regional Representative Council Supervision Arrangements According to the 1945 Constitution of the Republic of Indonesia," *Journal of Law, Policy and Globalization* 143, no. 1 (2024): 1–9.

³⁸ Imtiaz Ahmad, Abdul Waheed, and Saqib Ali, "Exploring Bicameral Dynamics: Comparative Institutional Frameworks in the Islamic World."

³⁹ Firlandani, Prastiwi, and Karhati, "The Existence and Authority of the Regional Representative Council in Indonesia's Bicameral System."

B. Legal Reform Related to the Oversight Function of the Regional Representative Council in Indonesia: A Comparative Legal Perspective

The people's representative institutions in Indonesia essentially have three main functions: budgetary, legislative, and oversight. The budgetary function focuses on the formulation of the State Budget (APBN), while the legislative function focuses on the formation of laws, specifically oriented towards overseeing the implementation of the APBN, laws, and policies in society. Essentially, the budgetary, legislative, and oversight functions are the authority of the House of Representatives. However, with the presence of the Regional Representative Council as a regional representative, the budgetary, legislative, and oversight functions also apply to the Regional Representative Council insofar as they relate to regional autonomy, central-regional relations, the formation and expansion of regions, and the management of natural resources and other economic resources. This confirms that the implementation of the budgetary, legislative, and oversight functions for the Regional Representative Council is essentially limited due to the construction of the formulation of the authority regulations of the Regional Representative Council which still positions the Regional Representative Council as a pseudo-legislator, also known as a co-legislator.

The Regional Representative Council's oversight authority over the government cannot be separated from the comprehensive power of the people's representative institutions in Indonesia. To understand the position and authority of the people's representative institutions in Indonesia, it cannot be separated from the history of representative institutions in Indonesia. The history of the people's representative institutions in Indonesia cannot be separated from the Constitutions that have been in effect in Indonesia. At least three Constitutions have been in effect in Indonesia. First, the 1945 Constitution. Second, the 1949 Constitution of the United States of America. Third, the 1950 Constitution. Based on the Presidential Decree of July 5, 1959, President Soekarno restored the 1945 Constitution as the applicable Constitution in Indonesia.

From a State Science perspective, the requirements for establishing a state must have at least three things: first, territory, second, people, and third, government.⁴⁰ However, these requirements will not function properly without a constitution as a mechanism for the state's operation. A constitution is said to be a mechanism for the state's operation because its content includes the division/separation of powers between branches of government and the protection of human rights.⁴¹ Therefore, from a constitutional perspective, the requirements for establishing a state are not only based on these three things: territory, people, and government, but also on the existence of other state institutions.⁴² The existence of territory, people, and government is the first stage in the establishment of a state. After that, the constitution will determine the system of government, the form of state, and the structure of the state that will be adopted within a state.

A country that adheres to a democratic system of government naturally requires effective representative institutions to oversee the running of government.⁴³ A country that claims to be democratic will also be heavily influenced by its choice of government system. There are at least two systems of government in effect worldwide. The first is the presidential system. The second is the parliamentary system. The presidential system requires the government to be fully subject to the constitution. Therefore, this presidential system is better known as constitutional supremacy. Meanwhile, the parliamentary system is characterized by the parliament's ability to do anything, except to make men into women and women into men.⁴⁴

⁴⁰ Tundjung Herning Sitabuana, *Indonesian Constitutional Law*, 1st ed. (Jakarta: Konstitusi Press, 2020).

⁴¹ Dicky Eko Prasetyo, Muh. Ali Masnun, and Noviyanti Noviyanti, "Post-Election Reconciliation in 2024 as a Constitutional Convention in Indonesia: A Progressive Legal Culture Perspective," *Jambura Law Review* 7, no. 1 (January 2025): 176–96, <https://doi.org/10.33756/jlr.v7i1.26999>.

⁴² Hezron Sabar Rotua Tinambunan et al., "Recentralization of Mining Licensing Authority and Its Impact on Local Autonomy in Indonesia," *Jurnal Suara Hukum* 7, no. 2 (August 2025): 520–39, <https://doi.org/10.26740/jsh.v7n2.p520-539>.

⁴³ Endah Permatasari and Juwono, "Supervision of DPD RI in the Implementation of Regional Autonomy."

⁴⁴ Muhammad Mutawalli Mukhlis et al., "Law Reform in Parliamentary Democratization: A Comparative Study of Legislative Terms in Indonesia,

In relation to the parliamentary institution, its main function as a representative body of the people cannot be separated from its main function, namely as a representative body of the people, which is to form laws, supervise the performance of the government and the state budget function.⁴⁵ According to Jimly Asshidiqie, although initially the main function of the legislature was the legislative function, in parts of the world the priority is the supervisory function. According to Jimly Asshidiqie, the supervisory function of the people's representative institution can be divided into five, namely: 1. Supervision of policy determination (control of policy making) ; 2. *Supervision of policy implementation (control of policy executing)* ; 3. Supervision of budgeting and the state (control of budget implementation); 5. Supervision of government performance (control of government performance); 6. Supervision of the appointment of public officials (control of political appointment of public officials) in the form of approval or rejection, or in the form of giving consideration by the DPR.⁴⁶

The existence of the Regional Representative Council (DPD) in Indonesia serves as a regional representation with authority in the form of budgetary, legislative, and supervisory functions, which are also inherent to the DPD as long as they relate to issues of regional autonomy, central-regional relations, the formation and expansion of regions, as well as the management of natural resources and other economic resources. Nevertheless, the implementation of these functions in the DPD shows limitations that are structural and normative in nature. This is reflected in the construction of the DPD's authority, which has not yet fully positioned it as a legislative body equivalent to the DPR, but rather tends to be a pseudo-legislator or co-legislator. In this context, the analysis of indicators for strengthening oversight functions becomes important, such as the right of interpellation, the right of inquiry, the right to express an opinion, the right of subpoena, the right of impeachment, and involvement in the national budget process. From the perspective of the

Philippines, and the United States of America,” *Journal of Law and Legal Reform* 6, no. 3 (2025), <https://doi.org/10.15294/jllr.v6i3.20664>.

⁴⁵ Jimly Asshidiqie, *Principles of Post-Reformation Indonesian Constitutional Law* , 1st ed. (Jakarta: Buana Ilmu Populer, 2007).

⁴⁶ Patrialis Akbar, *The Relationship between the Presidential Institution and the House of Representatives and the Presidential Veto* , 1st ed. (Jakarta: Total Media, 2013).

right of interpellation, the DPR has clear authority to request information from the government regarding strategic policies, while the DPD does not have directly equivalent instruments, thus limiting its role in critiquing national policies that impact regions. Similarly, the right of inquiry, which allows for the investigation of government policies, is still dominated by the DPR, while the DPD only plays an indirect role through the provision of considerations or recommendations. This indicates an imbalance in the oversight capacity possessed by the two institutions.

The right to express opinions as the highest form of political articulation in assessing government performance, including in the context of dismissing state officials, is also not fully possessed by the DPD. The absence of the right of subpoena further weakens the position of the DPD in effectively carrying out its oversight function, as it lacks the legal power to summon the necessary parties in the clarification or investigation process. Furthermore, the right of impeachment, which is the strongest control mechanism against the executive, is entirely within the domain of the DPR, so the DPD has no significant role in that process.

In terms of budgetary functions, the involvement of the DPD in the discussion of the state budget (APBN) is also limited, specifically to the stage of providing considerations on draft laws related to regional interests. This limitation indicates that although the DPD is formally recognized as part of the representative institution, its authority in substantively influencing national fiscal policy remains very limited. Thus, if measured through these indicators, it is clear that the DPD does not yet have adequate institutional instruments to optimally perform its legislative, budgetary, and oversight functions. Therefore, this condition emphasizes that the institutional design of the DPD within the Indonesian state system still leaves fundamental issues related to the imbalance of power among representative institutions. As long as the authority of the DPD is still limited within the framework of co-legislator, the function of regional representation cannot be effectively realized in the national policy-making process. This ultimately demands a legal reconstruction and strengthening of the DPD's authority so that it can perform its constitutional functions more optimally and equally within the framework of an ideal bicameral system.

Comparisons in other countries regarding the representation of regional representative functions in this study are made with the Netherlands, the United States, the United Kingdom, and Germany. In the Netherlands, the authority of regional representation is carried out by the *Eerste Kamer*, which is an important part of the bicameral mechanism designed to ensure the quality of legislation and the balance of power between the government and parliament.⁴⁷ This is regulated in the *Grondwet*, specifically in Articles 51 to 72, which govern the structure of the *Staten-Generaal* (Dutch parliament) consisting of the *Tweede Kamer* (lower house) and the *Eerste Kamer* (upper house). The *Eerste Kamer* functions as a chamber of review with the primary authority to accept or reject bills that have been approved by the *Tweede Kamer* without the right to amend the content of those bills, thereby positioning it as an institution that plays a role in testing the quality of law, consistency, and conformity with constitutional principles and international law. Regarding the indicators of modern legislative functions, such as the right of interpellation, the right of inquiry, the right to express an opinion, the right of subpoena, the right of impeachment, and involvement in the state budget, the *Eerste Kamer* performs its oversight function indirectly thru critical assessment of bills and parliamentary discourse that reflects the right to express an opinion, related to the rights of subpoena and impeachment. The *Eerste Kamer* does not have explicit authority to summon or impeach executive officials, as the political accountability of the government is carried out thru the parliamentary confidence mechanism primarily located in the *Tweede Kamer*.⁴⁸ From a learning perspective for Indonesia, the *Eerste Kamer* model provides an important lesson on the significance of establishing a legislative body that focuses on the quality of regulation rather than merely quantity or short-term political interests, so that the Regional Representative Council (DPD) or even a redesign of Indonesia's bicameral system can be directed toward strengthening a more in-depth legal review function.

⁴⁷ Tinambunan and Prasetyo, "Rekonstruksi Konstitusi Dalam Regional Representative Dewan Perwakilan Daerah Terhadap Fungsi Legislatif."

⁴⁸ Tinambunan and Prasetyo.

The authority of regional representation in the United States is exercised by one of the chambers in the United States Congress, which possesses broad and strategic constitutional powers as outlined in the United States Constitution, particularly in Article I, which governs legislative powers, as well as several additional provisions in Article II and Section 3 of Article I that affirm the Senate's special role in the system of checks and balances.⁴⁹ In the context of indicators such as the right of interpellation, although this term is not explicitly used in the United States legal system, the function is substantially reflected in the oversight authority possessed by the Senate thru hearings that allow senators to request explanations from executive officials regarding public policy, rooted in the principle of implied powers from Article I Sections 1 and 8. The right of inquiry is also strongly embedded in the Senate's investigative functions carried out thru various standing and special committees, which have a legal basis in the legislative authority to make laws and conduct oversight, thereby enabling investigations into allegations of abuse of power or important national issues.⁵⁰ The right of subpoena is an important instrument in supporting the Senate's oversight and investigative functions, where Senate committees have the authority to summon witnesses and demand documents forcibly. Although not explicitly mentioned in the text of the Constitution, this authority is recognized thru legal practices and court rulings as part of the inherent legislative power; related to the right of impeachment. The Senate has the exclusive role of trying all impeachment cases as stipulated in Article I Section 3, where the President of the United States or other federal officials who have been impeached by the House of Representatives will be tried by the Senate, with the Chief Justice presiding over the trial if the one being tried is the president, and a guilty verdict requires a two-thirds majority of the senators' votes.⁵¹ The

⁴⁹ Manan, Perwira, and Susanto, "Prospects for the Relationship between the Regional Representative Council and Political Parties."

⁵⁰ PAMELA BAN And SETH J. HILL, "Efficacy of Congressional Oversight," *American Political Science Review* 1, no. 1 (January 28, 2025): 1–19, <https://doi.org/10.1017/S0003055424001242>.

⁵¹ Mary Sarah Bilder, "The Soul of a Free Government: The Influence of John Adams's A Defence on the Constitutional Convention," *Journal of American*

Senate's involvement in the state budget is part of its legislative function in the appropriations and authorization process, where, together with the House of Representatives, the Senate discusses, amends, and approves the federal budget bill in accordance with Article I Section 7. Although revenue bills must originate in the House of Representatives, the Senate still has significant authority to amend them.

In United Kingdom, regional representation is carried out by the House of Lords within the English constitutional system, which is regulated thru various legal sources such as the Parliament Acts of 1911 and 1949, constitutional conventions, and historically evolving practices. The House of Lords functions as a revising chamber with the authority to review, amend, delay, and provide input on bills that have been passed by the House of Commons, but it does not possess absolute veto power, especially regarding money bills, which, according to the Parliament Act of 1911, can only be delayed for one month, while other types of bills can be delayed for up to one year, thereby maintaining the democratic supremacy of the lower house.⁵² In relation to indicators of modern legislative functions such as the right of interpellation, the House of Lords actively performs this function thru question and debate sessions that allow members to seek explanations from the government, while the right of inquiry is realized thru the work of committees that can conduct in-depth investigations into specific issues, although they do not always possess the coercive power found in presidential systems. The right to express opinions is very prominent in the House of Lords because this institution serves as a forum for public discourse that is relatively free from electoral political pressure.⁵³ Regarding the right of subpoena, the House of Lords, thru its committees, has the authority to summon witnesses and request documents, although in practice it relies on

Constitutional History 1, no. 1 (2023): 1–40,
<https://doi.org/10.59015/jach.axbf8835>.

⁵² Ian D. Marder et al., “New Ideas, Enduring Cultural Barriers? An Analysis of Recommendations from the All-Party Parliamentary Group on Restorative Justice in England and Wales,” *Criminology and Criminal Justice* 1, no. 1 (2023): 1–18, <https://doi.org/10.1177/17488958231198787>.

⁵³ William Fittall, “The Practice and Politics of Establishment,” *Ecclesiastical Law Journal* 24, no. 3 (September 2022): 332–45, <https://doi.org/10.1017/S0956618X22000357>.

compliance and convention. The right of impeachment was historically held by the English Parliament, including the House of Lords as the high court for impeachment cases, but in modern practice, this authority is no longer used and is considered obsolete. In terms of involvement in the national budget, the House of Lords has a very limited role because it cannot substantially amend or reject money bills, thus the dominant role lies with the House of Commons. From the overall structure and authority, Indonesia can draw several important lessons, including the importance of establishing a second chamber legislative body that functions as a balance based on expertise rather than just the quality of legislation and public policy oversight.

In Germany, the authority of regional representative institutions is carried out by the *Bundesrat*, which is one of the important pillars in maintaining the balance between the federal government and the states (*Länder*). This is explicitly regulated in the *Grundgesetz* or the German Basic Law, specifically in Articles 50 to 53, where it is stated that the *Bundesrat* functions as the representation of the state governments in the federal legislative and administrative processes.⁵⁴ Article 50 of the *Grundgesetz* emphasizes that thru the *Bundesrat*, the *Länder* participate in the formation of laws and federal administration as well as in European Union affairs, making the *Bundesrat* not just a second legislative chamber but an institutional forum that ensures regional interests are not neglected in national policies. In practice, the powers of the *Bundesrat* are divided into two main categories, namely *Zustimmungsgesetze* (laws that require the approval of the *Bundesrat*) and *Einspruchsgesetze* (laws that can be rejected by the *Bundesrat* but can be overturned by the *Bundestag*), where for the first category, the *Bundesrat* has an absolute veto power that makes the law invalid without its approval.⁵⁵ The *Bundesrat* also has the authority to propose bills to the *Bundestag*, provide opinions on federal government policies, and participate in the oversight process of federal law implementation by the states, which shows that the functions of the *Bundesrat* are not only legislative but also

⁵⁴ I Dewa Gede Palguna, "Constitutional Complaint and the Protection of Citizens the Constitutional Rights," *Constitutional Review* 3, no. 1 (2017): 3.

⁵⁵ Tanto Lailam and Nita Andrianti, "Legal Policy of Constitutional Complaints in Judicial Review: A Comparison of Germany, Austria, Hungary, and Indonesia," *Bestuur* 11, no. 1 (2023): 75–94, <https://doi.org/10.20961/bestuur.v11i1.70052>.

involve coordination and administrative control; in the context of international relations.

When linked to the indicators of modern legislative oversight functions such as the right to interpellation, the right to inquiry, the right to express opinions, the right to summon or subpoena, the right to impeach, and involvement in state budget preparation, the *Bundesrat* does not explicitly perform all these indicators like a parliament in a presidential system. However, it still has equivalent functions in several aspects, such as thru the right to approve or reject laws that impact state finances, which indirectly reflects involvement in budget policy, and thru mechanisms of participation and evaluation of federal policies that reflect collective oversight functions, even tho not in the form of formal interpellation or inquiry. On the other hand, the *Bundesrat* does not have direct authority related to the impeachment of the head of the federal government, as this mechanism falls within a different framework in the German parliamentary system. However, it still plays a role in maintaining accountability thru intensive involvement in the legislative and administrative processes. From that structure and authority, Indonesia can draw several important lessons, especially in strengthening the role of regional representative institutions like the DPD so that they are not merely symbolic but have real authority in the legislative process, particularly regarding issues of regional autonomy, fiscal matters, and regional development, as well as the importance of creating more effective coordination mechanisms between the central and regional governments so that national policies truly reflect local needs.

Table 1. Comparison of the Authority of Regional Representative Institutions in Indonesia, the Netherlands, the United States, the United Kingdom, and Germany

State / Institution	Rights to Interpellation, Inquiry, Opinion)	Subpoena Rights and Impeachment	Budget Involvement
Indonesia (DPD)	Limited (opinion exists, interpellation & inquiry indirect)	None	Limited (for consideration only)
Netherlands (<i>Eerste Kamer</i>)	Limited (opinion thru review)	None	Limited (agree/disagree with the bill)
United States (Senat)	Strong (hearing & investigation)	Strong (subpoena & impeachment trial)	Strong (discuss & change the budget)
United Kingdom (House of Lords)	Strong enough (debate & committee)	Limited (weak subpoena, outdated impeachment)	Very limited
Germany (<i>Bundesrat</i>)	Limited (through opinion & approval of the law)	None	Limited (related to the regional fiscal law)

(Source: Author's Analysis)

Historically, the Regional Representative Council (DPD) began as regional representatives. Regional representatives are one element of the People's Consultative Assembly (MPR).⁵⁶ These regional representatives can be said to merely complement the other elements of the MPR, along with group representatives. The mechanism for filling these regional representative positions during the New Order era was through appointment. These regional representatives arguably lacked any functions, such as legislative and oversight, because they were not

⁵⁶ Aan Eko Widiarto, "Ratio Legislative Regulatory Authority of the Regional Representative Council of the Republic of Indonesia (DPD RI) in Supervision of Draft Regional Regulations and Regional Regulations," *International Journal of Multicultural and Multireligious Understanding* 8, no. 1 (2021): 395–401.

considered a high state institution like the DPR. These regional representatives only gained a function when they joined group representatives and the DPR in a single, highest state institution called the MPR.

The existence of the Regional Representative Council (DPD) historically was actually a form of strengthening regional representatives. Therefore, the original nomenclature of the DPD was the Regional Representative Council (DPD). The existence of the DPD shares the same philosophy as the regional representatives, namely as an element of regional representation. *The legislative ratio* of the DPD is indeed only to increase the number of state institutions or *constitutional organs*.⁵⁷ Although historically the regulation of the DPD in the 1945 Constitution of the Republic of Indonesia was a strengthening of regional representatives, but because the authority of the DPD as regulated in the 1945 Constitution of the Republic of Indonesia is weak when compared to the authority of the DPR, it can be said that the DPD's existence is only a complement to *the constitutional organ*.⁵⁸

Based on the theory of representation, the Regional Representative Council (DPD) should function as a counterweight to the House of Representatives, similar to the Senate in the United States or other countries with a bicameral legislative structure. With a bicameral system, each chamber is designed to have independent legislative and oversight powers. While several models of bicameral systems exist, a bicameral system is expected to provide more than just the House of Representatives with independent legislative and oversight powers.

Theoretically, there are three models of bicameral systems. First, soft bicameral. In this soft bicameral system, there is a fairly wide gap in authority between the House of Representatives and the Senate. Typically, in this soft bicameral system, the House of Representatives' authority is much higher than that of the Senate. Second, strong bicameral. In this strong bicameral system, the House of Representatives' authority is still stronger than that of the Senate, but *the gap* is not as

⁵⁷ Mirnawanti Wahab and Fahri Bachmid, "The Position of the Letter from the Chief of the Supreme Court and the Decision of the Constitutional Court in the Polemic on the Advocate's Oath," *Journal of Law, Politics and Humanities* 4, no. 2 (2024): 82–89, <https://doi.org/10.38035/jlph.v4i2.319>.

⁵⁸ Isra, *State Institutions: Concepts, History, Authority, and Constitutional Dynamics*.

wide. Third, perfectionist bicameral. In this perfectionist bicameral system, the authority of the two chambers, the House of Representatives and the Senate, is completely balanced.

Some countries typically prefer a *strong bicameral model* over bicameral perfectionism. The choice of a strong bicameral model is intended to avoid deadlock between the two chambers when drafting legislation. After all, both the House of Representatives and the Senate are state institutions, so if they have equal authority, the legislative process will be more difficult. Laws are a crucial legal foundation in a country that adheres to the principle of the rule of law. Laws are the primary embodiment of the principle of legal certainty, a key principle in a state based on the rule of law. Therefore, a rapid law-making process without neglecting the principles of openness and public participation is significant from a constitutional perspective.

The weakness of the authority of the Regional Representative Council compared to the authority of the People's Representative Council, because the structure of the Indonesian people's representative institution according to the 1945 Constitution of the Republic of Indonesia is not a bicameral system. Article 2 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states "The People's Consultative Assembly consists of members of the People's Representative Council and members of the Regional Representative Council who are elected through general elections..." Article 2 paragraph (1) refers to "members," of the People's Representative Council and the Regional Representative Council, not referring to the People's Representative Council and the Regional Representative Council as institutions. In the bicameral system structure, it is not the members who are the elements, but the bodies, namely the People's Representative Council and the Regional Representative Council.

From the description above, it can be seen that the bicameral system in Indonesia is still not optimal, with the oversight function given to the Regional Representative Council (DPD) still weak. The existence of the People's Consultative Assembly (MPR), which oversees members of the DPR and the DPD, is actually wasteful from a constitutional perspective. The authority of the MPR is as stipulated in Article 3 of the 1945 Constitution of the Republic of Indonesia. The authority of the MPR can be said to be all incidental, except for the authority to

inaugurate the President and Vice President. This authority to inaugurate the President and Vice President is also only exercised once every five years. Therefore, it can be said that there is no routine authority exercised by the MPR. Thus, changing the position of the MPR from a permanent state institution to an *ad hoc state institution* needs to be considered. By making the MPR a non-permanent state institution, it is necessary to reform the authority of the MPR.

The proposal for the fifth amendment to the Indonesian constitution, namely the 1945 Constitution of the Republic of Indonesia, to strengthen the position of the Regional Representative Council (DPD) is urgent and important. The amendment and improvement of Article 22D of the 1945 Constitution of the Republic of Indonesia is an important aspect to strengthen the idea of bicameralism in Indonesia by placing the function of the DPD on an equal and proportional footing with the DPR. If we refer to the comparison with the Netherlands, the United States, the United Kingdom, and Germany above, although not fully accommodated, at least there are several important indicators that are strengthened, such as: the right of interpellation, the right of inquiry, the right to express an opinion, the right of subpoena, the right of impeachment, and involvement in the national budget process. The strengthening of several aspects in the amendment to Article 22D of the 1945 Indonesian Constitution is the most important aspect to ensure the strengthening of the bicameral institution in Indonesia, while also reinforcing the position and function of the Regional Representative Council (DPD) so that it can be balanced or at least proportional to the position and function of the People's Representative Council (DPR).

Conclusion

The legal standing of the Regional Representative Council (DPD) in Indonesia's constitutional system is still relatively weak and not yet equal to that of the People's Representative Council (DPR). This has significant implications for the implementation of its primary functions, including legislation, budgeting, and oversight. Particularly in its oversight function, the weak bicameral system in Indonesia, with its limited authority, has prevented the DPD from carrying out its oversight

function optimally. This situation impacts the DPRD's effectiveness in overseeing the implementation of laws and policies related to the regions, thus leaving the DPRD's strategic role as a regional representative at the national level far from expectations.

The oversight function of the Regional Representative Council can be said to be still weak when compared to the House of Representatives as stipulated in Article 22D of the 1945 Constitution of the Republic of Indonesia. Comparison with other countries, namely the Netherlands, the United States, the United Kingdom, and Germany shows that in a two-chamber representative system, both chambers should be given equal authority to ensure checks and balances in the representative institution. This weakness requires strengthening the oversight function of the Regional Representative Council so that its existence is not merely symbolic, but can play a real and optimal role in the government system. This strengthening is very important so that the supervisory function of the Regional Representative Council can be expanded and equal to the House of Representatives, thus creating a more effective bicameral system mechanism in guaranteeing the principle of checks and balances between legislative institutions.

This study recommends the need for legal reform, which can be achieved through amendments to the 1945 Constitution of the Republic of Indonesia with several important indicators that are strengthened, such as: the right of interpellation, the right of inquiry, the right to express an opinion, the right of subpoena, the right of impeachment, and involvement in the national budget process. The strengthening of several aspects in the amendment to Article 22D of the 1945 Indonesian Constitution is the most important aspect to ensure the strengthening of the bicameral institution in Indonesia, while also reinforcing the position and function of the Regional Representative Council (DPD) so that it can be balanced or at least proportional to the position and function of the People's Representative Council (DPR). In general, this research is still limited to legal materials in the form of literature and legislation, thus not linking the strengthening of the DPD's function with the realities and political culture in Indonesia. Recommendations for future research, which relate to socio-legal aspects and are oriented toward strengthening the DPD's function and its relevance to the political system in Indonesia, become important, especially with the addition of

supporting empirical data, so that the strengthening of the DPD's function and authority will be more optimal both from the regulatory and practical sides.

References

- Akbar, Patrialis. *Hubungan Lembaga Kepresidenan Dengan Dewan Perwakilan Rakyat Dan Veto Presiden*. 1st ed. Jakarta: Total Media, 2013.
- Asshiddiqie, Jimly. *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*. Jakarta: Bhuana Ilmu Populer, 2007.
- Asshiddiqie, Jimly. *Perkembangan Baru Tentang Konstitusi Dan Konstitusionalisme Dalam Teori Dan Praktik*. 1st ed. Yogyakarta: Genta Publishing, 2018.
- . *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*. 1st ed. Jakarta: Buana Ilmu Populer, 2007.
- BAN, PAMELA, and SETH J. HILL. "Efficacy of Congressional Oversight." *American Political Science Review* 1, no. 1 (January 2025): 1–19. <https://doi.org/10.1017/S0003055424001242>.
- Bilder, Mary Sarah. "The Soul of a Free Government: The Influence of John Adams's A Defence on the Constitutional Convention." *Journal of American Constitutional History* 1, no. 1 (2023): 1–40. <https://doi.org/10.59015/jach.axbf8835>.
- Bouwmeester, Maarten. "Checks and Balances under Pressure in the Welfare State: Disentangling the Rule of Law Risks of Automation and Welfare Conditionality." *European Journal of Social Security* 27, no. 2 (June 2025): 98–120. <https://doi.org/10.1177/13882627251330438>.
- Dicky Eko Prasetyo, Muh Ali Masnun, Bayangsari Wedhatami. "Legal Uncertainty of Golf Game as Sports and Entertainment Branch in Local Tax Imposition." *Wawasan Yuridika* 4, no. 1 (2024): 76–93. <https://doi.org/10.25072/jwy.v8i1.4369>.Abstract.
- Eddy Asnawi, Birman Simamora, Andrizal. "Otonomi Khusus Terhadap

- Eksistensi Negara Kesatuan Republik Indonesia.” *Jurnal Analisis Hukum* 4, no. 2 (2021): 245.
- Edyta Sokalska, Małgorzata Augustyniak. “Legal Interpretation from the Perspective of French Jurisprudence: From Positivist Exegesis to Free Scientific Research.” *Review of European and Comparative Law* 48, no. 1 (2022): 175–89. <https://doi.org/10.31743/recl.12394>.
- Eka N.A.M. Sihombing, Cynthia Hadita. *Penelitian Hukum*. 1st ed. Malang: Setara Press, 2022.
- Endah Permatasari, Gilang, and Vishnu Juwono. “Supervision of DPD RI in The Implementation of Regional Autonomy.” *Jurnal Transformative* 8, no. 2 (2022): 217–37. <https://doi.org/10.21776/ub.transformative.2022.008.02.4>.
- Fauzia, Ana, and Fitria Esfandiari. “Political Party Deliberation: Mechanism for Safeguarding Constituent Rights against Vacancies in House of Representatives Affected by Political Party Dissolution.” *Jambura Law Review* 6, no. 2 (2024). <https://doi.org/10.33756/jlr.v6i2.24110>.
- Firdaus, Firdaus, and Ratih Agustin Wulandari. “Implications of Low Women’s Representation: Strategies and Challenges Towards Gender Equality in Indonesian Politics.” *Indonesian Journal of Religion and Society* 5, no. 2 (December 2023): 138–53. <https://doi.org/10.36256/ijrs.v5i2.383>.
- Firlandani, Dani, Dian Eka Prastiwi, and Tati Karhati. “The Existence and Authority of the Regional Representative Council in Indonesia’s Bicameral System.” *Jurnal Multidisiplin Sahombu* 5, no. 3 (2025): 646–654. <https://doi.org/10.58471/jms.v5i03>.
- Fittall, William. “The Practice and Politics of Establishment.” *Ecclesiastical Law Journal* 24, no. 3 (September 2022): 332–45. <https://doi.org/10.1017/S0956618X22000357>.
- Hananto Widodo, Pudjiastuti, Budi Hermono, Dita Perwitasari, Dicky Eko Prasetyo. “Implications of Regional Representative Council

- Supervision Arrangements According to the 1945 Constitution of the Republic of Indonesia.” *Journal of Law, Policy and Globalization* 143, no. 1 (2024): 1–9.
- Imtiaz Ahmad, Abdul Waheed, and Saqib Ali. “Exploring Bicameral Dynamics: Comparative Institutional Frameworks in the Islamic World.” *Social Science Review Archives* 3, no. 1 (January 2025): 714–24. <https://doi.org/10.70670/sra.v3i1.355>.
- Irsyada, Nadia Elza, and Dodi Jaya Wardana. “Strengthening of Position The Regional Representative Council (DPD) in the Indonesian Constitutional System.” *JURNAL USM LAW REVIEW* 7, no. 3 (December 2024): 1690–1704. <https://doi.org/10.26623/julr.v7i3.10651>.
- Isra, Saldi. *Lembaga Negara: Konsep, Sejarah, Wewenang, Dan Dinamika Konstitusional*. Depok: Rajawali Pers, 2020.
- James, Lisa, Alan Renwick, Meg Russell. “Checks and Balances: What Are They, and Why Do They Matter?” *The Constitution Unit Blog* 1, no. 1 (2023): 2–4.
- Kenton, Will. “Bicameral System: What It Is, How It Works, History in U.S.,” 2024.
- Kushi, Alda, Federico Russo, and Marcello Carammia. “Parliamentary Downsizing and Legislative Behaviour. Evidence from Italy.” *South European Society and Politics* 30, no. 1 (January 2025): 57–83. <https://doi.org/10.1080/13608746.2025.2483506>.
- Kusuma, RM. A.B. *Labirnya Undang-Undang Dasar: Memuat Salinan Dokumen Otentik Oentoek Menyelidiki Oesaha-Oesaha Persiapan Kemerdekaan*. 1st ed. Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2004.
- . *Sistem Pemerintahan Mandiri Negara Versus Sistem Presidensial Orde Reformasi*. 1st ed. Depok: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2011.
- Lailam, Tanto, and Nita Andrianti. “Legal Policy of Constitutional Complaints in Judicial Review: A Comparison of Germany,

- Austria, Hungary, and Indonesia.” *Bestuur* 11, no. 1 (2023): 75–94. <https://doi.org/10.20961/bestuur.v11i1.70052>.
- Manan, Bagir, Indra Perwira, and Mei Susanto. “Prospek Relasi Dewan Perwakilan Daerah Dengan Partai Politik.” *Jurnal Hukum Ius Quia Iustum* 28, no. 2 (2021): 233–57. <https://doi.org/10.20885/iustum.vol28.iss2.art1>.
- Marder, Ian D., Rebecca Banwell-Moore, Jonathan Hobson, and Brian Payne. “New Ideas, Enduring Cultural Barriers? An Analysis of Recommendations from the All-Party Parliamentary Group on Restorative Justice in England and Wales.” *Criminology and Criminal Justice* 1, no. 1 (2023): 1–18. <https://doi.org/10.1177/17488958231198787>.
- Masnun, Muh. Ali, Prasetyo, Dicky Eko, Maalikatussofa. “Reconstruction of the Normative Legal Research Paradigm in Responding to Global Challenges: An Epistemological Analysis.” *Novum: Jurnal Hukum* 12, no. 3 (2025): 372–84. <https://doi.org/10.2674/novum.v12i03.74364>.
- Muhammad Rivai, Muh. Akbar, Muhammad Yusuf Hasmin. “Implementation Of The Supervision Functions Of Villages Consultancy Agency In Optimizing Village Development According To Regulation Of The Minister Of Home Affairs Number 110 Of 2016 (Study at Lumbe, Nambo District, Banggai Regency).” *Indonesian Research Journal in Legal Studies* 2, no. 1 (2023): 63–86.
- Mukhlis, Muhammad Mutawalli, Yusuf Ibrahim Arowosaiye, Ahmad Masum, Zulhilmi Bin Paidi, and Maskun. “Disparity in Parliamentary Power in the Formation of Laws in Indonesia: Considering Proportional Bicameralism.” *International Journal of Law and Society (IJLS)* 4, no. 1 (July 2025): 141–64. <https://doi.org/10.59683/ijls.v4i1.160>.
- Mukhlis, Muhammad Mutawalli, Hariyanto Hariyanto, Maskun Maskun, Muhammad Saleh Tajuddin, and Andi Tenri Yeyeng.

- “Law Reform in Parliamentary Democratization: A Comparative Study of Legislative Terms in Indonesia, Philippines, and the United States of America.” *Journal of Law and Legal Reform* 6, no. 3 (2025). <https://doi.org/10.15294/jllr.v6i3.20664>.
- Mukhlis, Muhammad Mutawalli, Harlida Abdul Wahab, Zulhilmi Paidi, Nila Sastrawaty, and Haslinda Hasan. “Heavy Parliamentary v. Heavy Executive: Ambiguity of Power in Indonesian Constitutional Practices.” *Jurnal Media Hukum* 31, no. 2 (July 2024): 186–205. <https://doi.org/10.18196/jmh.v31i2.21703>.
- Nugroho, Indra Bayu. “Tinjauan Kritis Dewan Perwakilan Daerah (DPD) Dalam Perspektif Penguatan Fungsi Kelembagaan Dalam Sistem Ketatanegaraan Indonesia.” *INICIO LEGIS* 5, no. 1 (June 2024): 46–64. <https://doi.org/10.21107/il.v5i1.25880>.
- Palguna, I Dewa Gede. “Constitutional Complaint and the Protection of Citizens the Constitutional Rights.” *Constitutional Review* 3, no. 1 (2017): 3.
- Pertiwi, Dian, and Dani Amran Hakim. “Mid-Term Replacement Members of the Regional Representative Council of Bandar Lampung City Based on the Siyasa Syar’iyyah Perspective.” *KnE Social Sciences* 10, no. 8 (April 2025): 455–68. <https://doi.org/10.18502/kss.v10i8.18459>.
- Placa, Ferdinando La. “Is There Still a Role for the Second Chamber?” *International Journal of Parliamentary Studies* 5, no. 1 (April 2025): 39–66. <https://doi.org/10.1163/26668912-bja10103>.
- Prasetio, Dicky Eko, Muh. Ali Masnun, and Noviyanti Noviyanti. “Post-Election Reconciliation in 2024 as a Constitutional Convention in Indonesia: A Progressive Legal Culture Perspective.” *Jambura Law Review* 7, no. 1 (January 2025): 176–96. <https://doi.org/10.33756/jlr.v7i1.26999>.
- Schakel, Arjan H. “Multi-Level Governance in a ‘Europe with the Regions.’” *The British Journal of Politics and International Relations* 22, no. 4 (November 2020): 767–75.

<https://doi.org/10.1177/1369148120937982>.

Sitabuana, Tundjung Herning. *Hukum Tata Negara Indonesia*. 1st ed. Jakarta: Konstitusi Press, 2020.

Syakura, Furcony Putri. "Pengaturan Program Legislasi Nasional Di Indonesia (Studi Pembentukan Undang-Undang Tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah Dan Dewan Perwakilan Rakyat Daerah)." *Jurnal Pendidikan Tambusai* 6, no. 1 (2022): 3101–16.

Tatara, Beny Abukhaer. "The Role of Law in Facing Asymmetric Warfare Through Illicit Drug Trafficking in Indonesia." *Journal of Law Science* 5, no. 1 (2024): 1–9. <https://doi.org/10.18196/jls.2018.0096>.

Tinambunan, Hezron Sabar Rotua, Istislam, Shinta Hadiyantina, Adi Kusumaningrum, and Amalina Ahmad Tajudin. "Recentralization of Mining Licensing Authority and Its Impact on Local Autonomy in Indonesia." *Jurnal Suara Hukum* 7, no. 2 (August 2025): 520–39. <https://doi.org/10.26740/jsh.v7n2.p520-539>.

Tinambunan, Hezron Sabar Rotua, and Dicky Eko Prasetyo. "Rekonstruksi Konstitusi Dalam Regional Representative Dewan Perwakilan Daerah Terhadap Fungsi Legislatif." *Masalah-Masalah Hukum* 48, no. 3 (2019): 266. <https://doi.org/10.14710/mmh.48.3.2019.266-274>.

Wahab, Mirnawanti, and Fahri Bachmid. "The Position of the Letter from the Chief of the Supreme Court and the Decision of the Constitutional Court in the Polemic on the Advocate's Oath." *Journal of Law, Politic and Humanities* 4, no. 2 (2024): 82–89. <https://doi.org/10.38035/jlph.v4i2.319>.

Widiarto, Aan Eko. "Ratio Legis Regulatory Authority of the Regional Representative Council of the Republic of Indonesia (DPD RI) in Supervision of Draft Regional Regulations and Regional Regulations." *International Journal of Multicultural and*

Multireligious Understanding 8, no. 1 (2021): 395–401.

Widodo, Hananto, Dicky Eko Prasetyo, and Fradhana Putra Disantara.

“Relasi Kekuasaan Antar Presiden Dan Wakil Presiden Dalam Sistem Ketatanegaraan Republik Indonesia.” *Pandecta Research Law Journal* 15, no. 1 (2020): 13–25. <https://doi.org/10.15294/pandecta.v15i1.24554>.

Widodo, Hananto, Dicky Eko Prasetyo, Ridwan Arma Subagyo, and

Sunanta Chemaming. “Legal Implications of the Authority of Acting Regional Heads Based on Policy Regulations.” *Indonesian Journal of Administrative Law and Local Government* 1, no. 1 (November 2024): 65–81.

<https://doi.org/10.26740/ijalgov.v1i01.35774>.

Zaenury, Ahmad Goza, Yuniar Rahmatiar, and Muhamad Abas.

“ANALISIS PERBANDINGAN HUKUM DALAM SISTEM PEMILIHAN ANGGOTA PERWAKILAN RAKYAT ANTARA DEWAN PERWAKILAN DAERAH REPUBLIK INDONESIA DENGAN RAJYA SABHA REPUBLIK INDIA.” *Collegium Studiosum Journal* 6, no. 2 (December 2023): 400–407. <https://doi.org/10.56301/cs.j.v6i2.1073>.

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