

Critical Review of the Journey of Democracy in Indonesia: Functions and Authorities of the Regional Representative Council (DPD) in the Constitutional System

Maximus Dorisara

Universitas Islam Indonesian, Indonesia

Email: 20912032@students.uui.ac.id

Abstract

The aim of this research is to analyze and explain the function and authority of the Regional Representative Council (DPD) in the Indonesian constitutional system and to see objectively how the function and authority of the Regional Representative Council (DPD) is implemented according to the Indonesian constitution. This research uses descriptive normative law to explain the function and role of regional representative bodies in the constitutional system. Normative legal research only uses literature studies to collect data.

Keywords: Functions and authorities of the DPD and the constitutional system

INTRODUCTION

The Regional Representative Council (DPD) is a constitutionally recognized state institution that represents regional interests and aspirations, especially in matters of national level decision making. In addition, the Mandate of the 1945 Constitution (Amendment IV) establishes the DPD as a joint representative institution which has legislative, supervisory and budgeting responsibilities. (Zulkarnain, 2019) .

The DPR is a regional or regional representative institution consisting of individuals, while the DPR is a political representative institution consisting of political parties. The duties, functions and responsibilities of the DPD are related to fighting for and integrating the aspirations, interests and existence of various regions of Indonesia as well as maintaining and upholding the Unitary State of the Republic of Indonesia (Aldi Putra, 2022) .

"The MPR consists of members of the People's Representative Council and members of the Regional Representative Council," according to the amendments to the 1945 Republic of Indonesia Law. The current direction of the Indonesian representative body shows that the second representative body has two chambers. (P. Akbar, 2013) .

Fulfilling the growing aspirations of each region in Indonesia in social, economic, political, legal and socio-cultural matters is the aim of establishing a bicameral, or two-chamber, representative system in the Indonesian state administration. This goal can be achieved through representation in the Regional Representative Council (DPD), an institution that provides support to regions in Indonesia (Ilham & Prihatmadja, 2008) .

However, as stated in Article 22D paragraph (1) of the 1945 Republic of Indonesia Constitution, the DPD only has the authority to submit certain draft laws to the DPR. Next, the DPR determines the "fate" of the draft law, whether it will be discussed further by the DPR or simply submitted to the DPR by the DPD (Pakpahan, 2015) .

As mentioned above, the DPR has a more dominant position compared to the DPD. This is because the DPD is a new representative institution that was formed after the 1945 Constitution of the Republic of Indonesia was amended. In fact, as implementers of the two-chamber system, the DPR and DPD must have the same powers as the DPR in terms of proposing and forming laws (Fitri & Sihombing, 2019) .

The Regional Representative Council (DPD) is a regional representative institution with the same status and authority as other state institutions. In this case, "position" indicates the status, or condition, of an organ, agency, or state, and the DPD as a representative institution is at the same level as other state institutions. A state institution has a certain position compared to other institutions, and this position is based on its main function (Utami, 2022) .

Based on this understanding, based on the amended 1945 Constitution, only state institutions are referred to as the highest state institutions; now only state institutions, which means that all state institutions have the same position, only differ in their functions. Therefore, the DPD is comparable to the MPR, DPR, BPK, President, MA, MK, and KY (MS Akbar, 2018) .

The representative system forms a Regional Representative Council to carry out legislative duties and responsibilities. The aim is to prevent power from being concentrated in one party, as in the New Order era, when the executive government had stronger executive powers compared to other governments. Democracy created the Regional Representative Council of the Republic of Indonesia (DPD). Chapter VII, Article 22C, and Article 22D of the 1945 NRI Constitution state the requirements needed to establish a DPD.

As shown by the authority, the DPD is only a regional representative institution and does not have strong functions or authority to fight for regional interests which have been ignored and neglected for years. Apart from that, from a procurement perspective, the role of the DPD is very small, even though the process of selecting DPD members is very complicated and difficult. To become a DPD member, someone must be a well-known person in their community, not a member of a political party, so that they can be known outside the party political system. But after he was elected as a member of the DPD, he had to stay in Jakarta, and his only job was to give advice to the DPR on legislative issues (Asshiddiqie, 2002) .

Democracy in Indonesia has existed since the founding of the country. The basic requirements, or constitution, which is now known as the 1945 Constitution of the Republic of Indonesia, were created by the founders. These basic values govern state life as we know it today. Indonesian democracy experienced a major transformation in its form and application during the Orla, New Order and Reform eras. It was not until the Reformation Era in 1988 that true democracy was understood and implemented. In four stages, from 1999 to 2002 (Handoyo, 2018) . The 1945 Constitution of the Republic of Indonesia was amended, indicating a desire for reform. This will change the current constitutional structure, as well as its institutional and institutional functions, as well as the rights of citizens. The 1945 Constitution of the Republic of Indonesia emphasizes human rights and the state as a form of sovereign democracy.

Indonesia has implemented democracy as a government system because of its vast territory and large population. Democracy, which is based on the principle of equality that every citizen has the same rights and position in government because basically every citizen has the same power to rule, has become the main model of modern government. This power is what gives the state legitimacy and legality.

Indonesia's constitutional system has experienced many changes since the 1945 Constitutional Amendment. At the implementation level, the system that has been

normatively established has experienced many changes and contractions. The position and authority of the DPD is one of the most dynamic developments. This dynamic ultimately led to the idea of the Fifth Amendment to the 1945 Constitution, which clearly requires a strong basis to support it.

Even though the idea of forming a DPD has been made known to the public, everyone, especially experts, is of the opinion that a bicameral parliamentary structure was created. The parliamentary structure consists of two chambers, each of which has the same authority and position. The ideal parliamentary system is comparable to the bicameralism system that exists in the United States. This opinion is very reasonable because the existence of a bicameral parliament is also correct from a theoretical point of view. The unitary state of Indonesia still has a bicameral parliament, which is part of Indonesian democracy, although there are differences regarding the form of the state. Ardent Lijphart made a statement (Lijphart, 1999) .

" The pure majoritarian model calls for the concentration of legislative power in a single chamber; the pure consensus model is characterized by a bicameral legislature in which power is divided equally between two differently constituted chambers ."

Constitutional law experts and other academic circles related to the constitutional domain are currently investigating the issue of the function and role of facts that occur in the DPD. Jimly Asshiddiqie states in his latest book, "Development and Consolidation of Post-Reform State Institutions", that he is one of the constitutional law practitioners who is most focused on discussions about state institutions.

The formation of the Regional Representative Council (DPD) was originally part of a change in the structure of the Indonesian parliament into two chambers, or *bicameral*, which would allow the legislative process to be carried out through a *double check system* , which would enable the distribution of representation of the interests of all the people on a relatively wider social basis. The DPR is a political representation, while the DPD is a territorial or regional representation.

In responding to Jimly Asshiddiqie's previous book, the author concludes that, although the current authority of the DPD may not be ideal, basically there have been restrictions on its authority, functions and responsibilities since its founding. In addition, the main reason for this limitation is a return to the initial legal system that regulated DPD institutions. This can be seen in Article 22 of the 1945 Constitution, especially Article 22 D, and Law Number 22 of 2003 concerning Composition and Position (UU Susduk).

Since then, the institution called the Regional Representative Council (DPD) has become the subject of heated debate among the general public and academics. more debate about the position of the DPD as a new institution in the Indonesian parliament and the power it has. They have the ability to participate actively in making decisions about legislation in parliament and convey the voice of the central region. The DPD institution was formed with many hopes, especially from regional voices who have prioritized the interests of the central government for many years.

It is not only debated about what they did and how the parliamentary system was established, as well as how they chose a bicameral or unicameral system. In the 1945 Constitution, the DPD and its position in the state institutional structure are regulated. Likewise, as representatives of the people, the two other legislative institutions, the DPR and the MPR, continue to carry out these roles and positions. These three institutions still have their respective roles, and the MPR is still owned by members of the DPR and DPD. As a result, what is the actual relationship between these three institutional components, and is it still relevant if we consider that the Indonesian parliamentary

system uses two chambers? (Bicameral), one-chamber system (unicameral), or even the emerging three-chamber parliamentary system.

The DPD was established with the strategic aim of providing regional people with opportunities to participate in national policies, especially those relating to regional interests. It is hoped that this formation will increase national integration and feelings of togetherness as a nation consisting of regions. However, the role and position of the DPD as a parliamentary institution is very limited. According to Hamdan Zoelva, with no more than a third of the members of the DPR, the DPD is only a complementary representative institution in the constitutional structure that accommodates regional representatives at the national level. (Zoelva, 2013) .

One of the tasks of the Regional Representative Council is to discuss laws, reject laws, and discuss laws to repeal Government Regulations in Lieu of Law (Perpu), and disseminate legislative programs and draft national laws. After the Constitutional Court decision Number 92/PUU/2012, the Regional Representative Council took a different part from before.

Issues related to the position of the DPD RI will include various matters regarding the composition, duties and functions of the DPD, as well as institutional relationships between the DPD and other institutions, such as the President, DPR and MPR. From an institutional perspective, the DPD RI cannot carry out its functions well because there are many juridical elements that influence its institutional functions. Therefore, the author's research thesis is entitled "The Function and Authority of the Regional Representative Council (DPD) in the State Constitutional System (A Critical Review of the Journey of Democracy in Indonesia)".

Based on the matters above, the problems of this research are as follows: 1) how does the role and authority of Regional Representatives in the national system affect the democratic process in Indonesia? and 2) Has the Regional Representative Council (DPD) carried out these functions and authorities in accordance with the Indonesian constitutional system? The objectives of this research are as follows: 1) Analyze and explain the function and authority of the Regional Representative Council (DPD) as part of the Indonesian constitutional system; and 2) Objectively examine how the Regional Representative Council (DPD) implements its functions and authority.

RESEARCH METHODS

Types of research

To explain the function and role of regional representative bodies in the constitutional system, this research uses descriptive normative law. Normative legal research is document research that uses data from theories, written regulations, and other legal materials such as relevant books. The appropriate research stage for this research is library research, which includes books, legal journals, and articles relevant to the title of the thesis (Kadir, 2004) .

Data source

Data sources consist of primary data and secondary data. Primary, secondary and tertiary legal materials are divided into secondary data, which will be discussed further below:

1. Primary legal material is information obtained from official documents, such as the legislation of the Regional Representative Council of the Republic of Indonesia. This primary legal material is included in the category of material whose contents are binding because they are issued by the state. The following statutory regulations will be used in this research:
 - a. Constitution of the Republic of Indonesia 1945;

- b. Law Number 17 of 2014 concerning the MPR, DPR, DPD and DPRD;
 - c. Law Number 12 of 2011 concerning the Formation of Legislative Regulations; Law Number 8 of 2012 concerning General Elections of Members of the DPR, DPD and DPRD; And
 - d. Law Number 27 of 2009 concerning the MPR, DPR, DPD and DPRD.
2. Secondary legal materials are materials that provide an explanation of primary legal materials and help researchers analyze and understand primary legal materials. Secondary legal materials include statutory regulations relating to the issue, legal books (such as theses, journals, magazines and scientific works), and library materials.
 3. Tertiary legal materials are materials that help primary and secondary. For example, scientific works, dictionaries, mass media, encyclopedias, and official websites of related organizations on the internet. The literature searched and selected must be relevant and up-to-date to obtain the latest and relevant information.

Approach Method

Peter Mahmud Marzuki said that there are five (five) approaches that can be used in legal research (Marzuki, 2009) : case approach; statutory approach (statute approach); historical approach (historical); comparative approach (comparative approach); and conceptual approach.

Two different approaches are used in legal research: the statutory approach and the historical approach. The legislative approach looks at the laws and regulations relating to the legal problem, while the historical approach looks at the problems underlying what is studied and the development of the law.

Data Processing and Analysis

Basically, data processing is the process of compiling legal materials so that they are easier to analyze and build. The main problem, scope and problems identified above will be discussed in a descriptive-analytical study. This will make this research a complete reference for the proposal. Content analysis, also known as content analysis, is used in writing this proposal as a data analysis technique. This content analysis is based on existing theories. Results from primary and secondary data sources, consisting of secondary and tertiary legal materials, are intended. It is hoped that this type of analysis will allow selecting and retrieving data from the various available library materials and directing the data to objects. The progress of democracy in Indonesia is linked to the authority of representative bodies in the state administration system.

RESULTS AND DISCUSSION

A. Functions and Authorities of the Regional Representative Council (DPD) in the Constitutional System on the Journey of Democracy in Indonesia

State institutions consist of two categories: main state institutions, which function as main organs, and auxiliary state institutions, which function as supporting organs. The three axes of power—executive, legislative, and judicial—form the main institutions, according to political triad theory. The Constitution (UUD) forms and gives direct authority to the main State institutions, while the law alone forms and gives authority to auxiliary State institutions.

The 1945 Constitution of the Republic of Indonesia establishes the main state institutions such as the President and Vice President, the People's Representative Council (DPR), the Regional Representative Council (DPD), the Financial Audit Agency (BPK), the Supreme Court (MA), the Constitutional Court (MK), and the Judicial Commission. . based on the organ theory. The DPD is considered the main state

institution because of its name and function, and has a legislative position that is parallel or equivalent to the DPR. According to Chapter VIIA concerning DPD, Articles 22C and 22D of the 1945 Constitution of the Republic of Indonesia state: (1) Each province has members of the Regional Representative Council who are elected through general elections. (2) Each province has the same members of the Regional Representative Council, and the total number of members of the Regional Representative Council may not exceed one third of the members of the People's Representative Council. (3) The Regional Representative Council must meet at least once a year. (4) The law determines the structure and position of the Regional Representative Council in Article 22.

After the 1945 Constitution of the Republic of Indonesia was amended, the Regional Representative Council (DPD) was a new institution in the Indonesian constitutional structure. DPD is supported and strengthened in the Indonesian representative system; The DPD functions as a representative institution based on the aspirations and political understanding of the people as holders of sovereignty; and DPD convey various regional aspirations. To support the principle of regional representation, the DPD was established. Indonesia's representative system is the result of the desires, interests and struggles of the Indonesian people.

The existence of the DPD in the Indonesian constitutional structure is stipulated by the 1945 Constitution of the Republic of Indonesia, strengthening and strengthening the relationship between the regions and the Unitary State of the Republic of Indonesia as one unit and strengthening regional unity; 2) combining regional interests and aspirations with state and regional interests in the formulation of national policies; and 3) proportionally and equally encourage development, democracy and progress in the region.

As a result, the existence of regions as stated in Article 18 paragraph (1) and regional autonomy as stated in Article 18 paragraph (5) operate in accordance with regional diversity in the context of the progress of the state and nation.

DPD has limited duties in the fields of legislation, budgeting, supervision and consideration. Its function is closely related to the system of mutual monitoring and balancing in the Indonesian constitutional system, and includes:

- a) Has the right to submit draft laws to the House of Representatives regarding regional autonomy, central and regional relations, formation, expansion and merger of regions, management of natural and other economic resources, as well as balancing central and regional finances;
- b) Has the right to participate in discussing draft laws regarding regional autonomy, central and regional relations, and management of natural and other economic resources.

DPD must be positioned on an equal footing with other state institutions because of its status as a state institution. Their functions and responsibilities differentiate them from each other. Due to these limitations, the DPD should take action to increase its function and authority. Factors that hinder the DPD In the constitutional systems of contemporary democratic countries based on the constitution, representative institutions are usually given sufficient roles, functions and authority to represent the sovereignty of the people. Monitoring and balancing mechanisms form this system. The DPD is relatively new compared to the Volksraad, which has existed since 1918. Because he felt marginalized, his role, function and authority had not been optimized during his initial period of office.

B. Implementation of the Duties of the Regional Representative Council Based on the Indonesian Constitution

The DPD is located in the nation's capital and is parallel to other state institutions in the constitutional system of the Republic of Indonesia such as the MPR, President, DPR, Supreme Court, MK, and BPK, which in our constitutional system are considered high state institutions.

DPD is based on two ideas: democratization and efforts to accommodate local interests to maintain national involvement. According to Sri Soemantri Martosoewignjo and Mochamad Isnaeni Ramadhan, the formation of the DPD cannot be separated from two reasons. The first is the need to democratize the membership of institutions so that all voters can be involved. There are two reasons why the DPD replaced the MPR in composition. First, demands for regional autonomy, which can lead to separatism if not managed well. DPD was created to represent local communities (Al Atok, 2015) .

These two backgrounds can be seen from the way in which changes to the 1945 Constitution are discussed. The focus on the past, when most of the MPR members were appointed to support the MPR and DPR, gave rise to demands that the people elect all representatives, the DPR and the MPR.

The second DPD was established to recognize the important role of regions in making national policies and maintaining national integration. In the New Order era, the tendency to place power at the center has led to inequality at the center and in places, which has caused much disappointment and injustice throughout the region. The dangers threatening the country's independence are increasing, which makes this problem even worse. Several regions to leave the Republic of Indonesia. In addition, Law 22 of 1999 provides broad, real and responsible autonomy.

Based on the 1945 Constitution of the Republic of Indonesia, the Regional Representative Council is designated as a high state institution with legislative functions equivalent to the DPR. Basically, the function of the DPD is to involve regions in making public policies and improve relations between the center and regions to strengthen the integrity and unity of the Republic of Indonesia. However, the DPD is clearly experiencing obstacles in carrying out its functions because, according to paragraphs (1) and (2) of Article 22D of the 1945 Constitution of the Republic of Indonesia, the authority of the Regional Representative Council is still lacking. In addition, this hinders the desire to implement a system of checks and balances in parliament.

It is very important for the DPD to improve its functions to maximize its role as regional representatives in national policy making. The aim of strengthening the function of the DPD is to maintain regional trust in the central government, which is an important component for maintaining the integrity of the Republic of Indonesia.

CONCLUSION

The Regional Representative Council (DPD) in Indonesia plays a significantly limited role within the constitutional framework. According to the 1945 Constitution, it functions primarily to submit proposals, participate in discussions, and supervise specific laws, especially those concerning regional autonomy. Despite being designated as a high state institution with legislative powers equivalent to the DPR, the DPD faces considerable challenges in fulfilling its mandate to integrate regional perspectives into national policy-making. These obstacles stem from its restricted authority under Article 22D (1) and (2) of the Constitution, which hampers efforts to establish effective parliamentary checks and balances.

REFERENCES

- Akbar, MS (2018). *The Role of the Regional Representative Council in the National Legislation Program: A Study of the Role of the DPD in Conveying the Aspirations of the People of West Java Province*. Indonesian education university.
- Akbar, P. (2013). *State Institutions According to the 1945 Constitution of the Republic of Indonesia*. Sinar Graphics Publishers.
- Al Atok, AR (2015). *The concept of forming statutory regulations: theory, history, and comparison with several bicameral countries*. Equivalent Press.
- Aldi Putra, A. (2022). *The Urgency of Determining the Outline of State Policy by the People's Consultative Assembly in the State Government Administration System*. Jambi University.
- Asshiddiqie, Ji. (2002). Consolidation of the 1945 Constitution Text After the Fourth Amendment, Jakarta: Center for Constitutional Law Studies, Faculty of Law, University of Indonesia. Constitution of 1945. *In Journal of Legality*, 10(1).
- Fitri, RR, & Sihombing, ENAM (2019). Juridical Study of the Authority of the People's Consultative Assembly in Determining National Development Plan Policy. *Restitution: Journal of Legal Studies Students*, 1(1), 41–62.
- Handoyo, BHC (2018). *The essence of the existence of the Regional Representative Council in post-reform decentralized democracy in Indonesia*. UAJY.
- Ilham, PN, & Prihatmadja, D. (2008). The Position of the Regional Representative Council in the Indonesian Constitutional System. *Lex Journalica*, 5(2), 17965.
- Kadir, A. (2004). Law and Legal Research, Bandung: PT. Aditya Bakti's image.
- Lijphart, A. (1999). *Patterns of democracy: Government forms and performance in thirty-six countries*. Yale university press.
- Marzuki, PM (2009). Empirical Legal Research. Jakarta: Kencana Prenada Media Group.
- Pakpahan, M. (2015). Strengthening the Authority of DPD RI in the Field of Supervisory Functions. *To-Ra*, 1(3), 207–214.
- Utami, B. (2022). *The Position of the Regional Representative Council of the Republic of Indonesia in the Indonesian Constitutional System from the Siyasah Dusturiyah Perspective*. UIN Fatmawati Sukarno Bengkulu.
- Zoelva, H. (2013). Problems of resolving disputes over post-conflict regional election results by the Constitutional Court. *Constitutional Journal*, 10(3), Zoelva-Zoelva.
- Zulkarnain, N. (2019). *Siyasah Dusturiyah's analysis of the authority of the Regional Representative Council (DPD) in the Legislation process according to Law Number 17 of 2014*. IAIN Padangsidimpuan.

Copyright holder:

Maximus Dorisara (2024)

First publication right:

Journal of Social Science

This article is licensed under:

