

Strengthening of Position The Regional Representative Council (DPD) in the Indonesian Constitutional System

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Abstract

This article aims to discuss the strengthening of the position of The Regional Representative Council (DPD) In the Indonesian constitutional system, as a representative institution region. The Regional Representative Council (DPD) is a high state institution that was formed through amendments to the 1945 Constitution of the Republic of Indonesia (UUD 1945). The aim is to strengthen regional representation in decision-making at the national level. Even though it is expected to be able to fight for regional interests and act as a balancer to central power, the DPD is often considered to have limited authority compared to the People's Representative Council (DPR). This research uses a normative juridical method, which focuses on the analysis of statutory regulations and legal documents related to the position and authority of the DPD. This method is used to understand the legal provisions governing the DPD through a review of the 1945 Constitution, related laws, and relevant legal literature. After the amendment to the 1945 Constitution, Indonesia's constitutional structure underwent significant changes, including the formation of the DPD as a regional representative institution. Although the DPD has the authority to provide consideration to draft laws relating to regional interests, its role is often considered less influential than that of the DPR. These limitations, for example in the formal review of Law Number 17 of 2023 concerning Health, reflect the challenges in implementing the DPD's role and the existence of legal politics that leads to decentralization. The evaluation shows that although the DPD is designed to strengthen regional autonomy, implementing functions and coordination between the DPD, DPR, and the central government still face obstacles.

Keywords: *Constitutional System; Indonesia; Regional Representative Council*

1. INTRODUCTION

The Regional Representative Council (DPD) is one of the high institutions of a state in the Indonesian constitutional system which was founded based on the mandate reform and regulated in the amended 1945 Constitution. The presence of the DPD is designed to strengthen regional representation in decision-making at the national level, as well as to meet the need for regional participation in the legislative process.¹ At the beginning of its formation, it was hoped that the DPD would become an institution. strategic in realizing regional aspirations, fighting for the interests of regions, and acting as a counterbalance to the dominance of central power. However, in practice, the authority and role of the DPD are often considered inadequate. optimal and limited compared to the House of Representatives (DPR). This is due to constitutional limitations and statutory regulations. an invitation that regulates the authority of the DPD, where the DPD only has consultative authority and does not have legislative powers equivalent to the DPR.

Prior to the amendment to the 1945 Constitution, it was stipulated in Article 2 paragraph (1) that the people's deliberative assembly consisted of the People's

¹ Muksalmina Muksalmina, Tasyukur Tasyukur, and Nabhani Yustisi, "Dinamika Kewenangan Dewan Perwakilan Daerah Sebagai Lembaga Legislatif Dalam Sistem Ketatanegaraan Indonesia," *Unes Journal of Swara Justisia* 7, no. 2 (July 11, 2023): 764–73, <https://doi.org/10.31933/ujsj.v7i2.379>.

Representative Council plus regional and group delegates. Regional delegates are elected by the Regional People's Representative Council (DPRD). The second amendment, which was related to Article 18 of the 1945 Constitution, was strengthened by adding Articles 18A and 18B. Furthermore, in the third amendment, the DPD Institution was born to fight for regional rights. According to Moh Mahfud MD, the birth of the DPD is part of the political configuration that underlies democratic power relations and has an impact on legal products. The establishment of the DPD institution is actually intended to expand the legislative function so that it is not only represented by the DPR which is oriented towards political representation but also to ensure regional representation to accommodate the concept of regional autonomy.²

However, the DPD regulations in the 1945 Constitution are still very limited. The DPD does not have any power because it only provides input, considerations, and suggestions, while decisions remain in the hands of the DPR. Therefore, the existence of the DPD as an additional institution alongside the DPR does not indicate that the position of the two legislative chambers is equal, in other words, the DPD only provides considerations, while decisions rest with the DPR, so that the DPD is more appropriately called the DPR Advisory Council because its role is only to provide considerations to the DPRD.³

After the amendment to the 1945 Constitution, significant alterations occurred in the structure of the Indonesian state. A notable development is the establishment of the Regional Representative Council (DPD) organization, created for regional representation. The objective is to reinforce the notion of regional autonomy and decentralization within the governmental framework. The modification to the 1945 Constitution further enhances the role and function of other legislative bodies, including the House of Representatives (DPR) and the People's Consultative Assembly (MPR). These modifications are anticipated to establish a system of checks and balances.

Enhanced equilibrium within the Indonesian governmental framework. Significant alterations in the state structure have occurred subsequent to the amendment. The 1945 Constitution continues to encounter numerous challenges. One of the legal concerns that surfaced pertained to the role and status of the DPD within the state system. The DPD is frequently perceived as having a diminished role in comparison to the DPR, leading to discussions about the DPD's efficacy and significance within the Indonesian state system.⁴

After the amendment to the 1945 Constitution of the Republic of Indonesia, the Regional Representative Council (DPD) acquired a status as a significant governmental

² Dwi Putri Melati, Nikmah Rosida, and Heni Siswanto, "Evaluation and Strategy: Strengthening Indonesia Council of Representatives of the Regions," *International Journal of Criminology and Sociology* 10 (2021): 1515–22, <https://doi.org/10.6000/1929-4409.2021.10.173>.

³ Muksalmina Muksalmina et al., "Dinamika Kewenangan Dewan Perwakilan Daerah Sebagai Lembaga Legislatif Dalam Sistem Ketatanegaraan Indonesia," *UNES Journal of Swara Justisia* 7, no. 2 (2023): 764, <https://doi.org/10.31933/ujsj.v7i2.379>.

⁴ La Ode Husen and Husni Thamrin, "Hukum Konstitusi: Kesepakatan (Agreement) Dan Kebiasaan (Custom) Sebagai Pilar Konvensi Ketatanegaraan," *Makassar: Social Politic Genius*, 2017, <https://scholar.google.com/scholar?cluster=16945385545168623726&hl=en&oi=scholar>.

organization within the Indonesian constitutional framework. The DPD was established to advocate for regional issues at the national level and to contribute to policy discussions pertinent to the region. The role and authority of the DPD remain subjects of contention, particularly concerning its influence and power inside the legislative process. The DPD possesses many legal authorities, including advising the DPR on the formulation of specific legislation, offering counsel and recommendations to the President, and overseeing the enforcement of certain regional laws. In practice, the work of the DPD is sometimes regarded as constrained due to its lack of authority to engage in judgments that are final and binding. Constraints The authority of the DPD presents numerous legal concerns regarding the efficacy of its function. DPD advocates for regional concerns. Numerous parties believe that the DPD's position requires enhancement to perform its tasks more effectively. Enhancing the role of the DPD is seen as essential to guarantee that regional views and interests are authentically represented in the legislative process and national policy formulation.⁵

These legal issues indicate the need for a review of the role and authority of the DPD in the Indonesian state system. With strengthening the position of the DPD, it is hoped that a better balance can be created both between the center and regions, and increase the effectiveness of the system state administration in realizing the goal of equitable national development and fairness.⁶ This article aims to discuss the strengthening of the position of The Regional Representative Council (DPD) in the Indonesian constitutional system, as a representative institution region.

2. METHOD

This research employs a normative legal methodology, concentrating on the investigation of legislation and legal documents pertinent to the position and authority of the DPD within the Indonesian state structure. According to Wayan Puja Astawa in his book entitled normative legal research methods, normative legal methods are used to understand and interpret the legal provisions governing the DPD, by reviewing the 1945 Constitution of the Republic of Indonesia, related laws, as well as relevant legal literature. Through this approach In this study, the research will identify legal issues that arise from the role and DPD functions, as well as compare existing regulations with practices its implementation. Furthermore, the normative legal technique enables academics to develop proposals grounded in comprehensive legal analysis, aimed at enhancing the status and power of the DPD for more effective representation of regional interests at the national level. This methodology provides a robust and trustworthy foundation for assessing and proposing modifications to the Indonesian Constitutional System.

⁵ Eza Helyata Begovic, *Hukum Pemekaran Wilayah Dalam Kajian Dewan Perwakilan Daerah Republik Indonesia: Daerah pemekaran kabupaten musirawas utara* (Penerbit Adab, 2023), [//opac.indramayukab.go.id%2Findex.php%3Fp%3Dshow_detail%26id%3D26450%26keywords%3D](https://opac.indramayukab.go.id%2Findex.php%3Fp%3Dshow_detail%26id%3D26450%26keywords%3D).

⁶ Eka Nam Sihombing and Cynthia Hadita, "Withdrawal Of Draft Regional Regulations By Regional Heads Before The Process Of Discussing The Draft Regional Regulations," *Veteran Law Review* 5, no. 1 (May 24, 2022): 55, <https://doi.org/10.35586/velrev.v5i1.4270>.

3. RESULTS AND DISCUSSION

3.1 The Structure of The Indonesian State Government After The Amendment to The Constitution of The Republic Of Indonesia 1945

Observe that the DPD Regional Representative Council is a state institution that was newly born through the third amendment to the 2001 Constitution of the Republic of Indonesia, which change was to replace the element of representation which before the amendment to the Constitution came from group delegates.⁷ This entity serves a function analogous to that of the People's Representative Council of the Republic of Indonesia (DPR RI), specifically in reflecting regional interests in national decision-making processes. The aspirations for reform manifested through the modification of the 1945 Constitution have engendered substantial changes in the framework of Indonesian constitutional law. Improved Checks and Balances System: Amendments to the 1945 Constitution of the Republic of Indonesia, which included strengthening the role of the Regional Representative Council (DPD), brought about significant changes in the structure of the Indonesian government. With the addition of the DPD's authority, the checks and balances system in Indonesia will be better maintained and more balanced. The DPD, which consists of members representing each province in Indonesia, is tasked with supervising and providing input on policies taken by the DPR (House of Representatives) and the government. Previously, the control authority was more dominant in the DPR, the majority of whose members represented the interests of political parties.

Strengthening the function of the DPD after the amendment allows for a more in-depth examination of policies that have the potential to harm the region. DPD has the ability to provide views, considerations, and recommendations related to policies that have an impact on the region. Thus, this creates a stronger mechanism to balance power between the legislative (DPR and DPD) and executive (Government) institutions. One of these modifications is the establishment of a new institution, specifically the DPD. The Third Amendment to the 1945 Constitution, enacted in 2001 during the MPR Annual Session, formally established the DPD as a regional representative institution.⁷ The Role of the DPD in Strengthening Regional Autonomy: One of the main objectives of strengthening the role of the DPD in the post-amendment constitution is to strengthen regional autonomy. Previously, regional autonomy in Indonesia was often hampered by inequality between the center and regions, where policies from the central government tended to dominate without paying enough attention to regional interests. The DPD, which represents each province, is expected to be a bridge to fight for regional interests at the national level.

Even though it is clearly stipulated that the DPD has the duty to provide considerations in making laws relating to regional autonomy, its implementation is not always easy. Often, the DPD's influence in forming policies or laws that favor regions is limited, especially when compared to the DPR's greater power in determining the direction

⁷ Abdul Hakim Siagian, "Penguatan Kewenangan DPD Dalam Sistem Ketatanegaraan Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 92/PUU-X/2012," *De Lega Lata: Jurnal Ilmu Hukum* 5, no. 2 (2020): 124–33.

of national policy. However, in several cases, the DPD succeeded in fighting for policy improvements related to regional budget allocation and natural resource management. These changes were made to adapt to the demands of reform and improve the quality of democracy in Indonesia. The state structure resulting from the amendment is as follows; a) People's Consultative Assembly (MPR) The MPR has strategic authority in the state system of Indonesia. As a high-state institution, the MPR has a key role in directing state policy and governance.⁸

One of the important authorities of the MPR is to change and determine laws. The 1945 Constitution of the Republic of Indonesia (UUD NRI). With this authority, the MPR can adjust the constitution with developments of the times and demands for reform, resulting in the 1945 Constitution remaining relevant as the highest legal basis in the system of constitutional law. In addition, the MPR also has the authority to determine broad outlines of state policy. Through this determination, the MPR can provide strategic direction for the government in running the wheels of government government, so that government policies and programs are in line, The main function of the MPR is to formulate and decide on issues related to the basis of government and the constitution. Amendment and Ratification of the Constitution: The MPR has the authority to amend the Constitution of the Republic of Indonesia. Therefore, the MPR is an integrated forum for formulating policies related to the interests of the nation and state. Given the established direction. The MPR is also integral to the inauguration procedure of the President and Vice President. The MPR, as a representative institution, plays a pivotal role in electing and supervising national leadership, so serving as a symbol of the people's representatives within the state structure. Consequently, the presence of the MPR is a fundamental component of the checks and balances framework inside the Indonesian constitutional structure following the revision of UUD 1945. The MPR can serve as a balancing authority and oversee government operations to foster a more democratic and accountable state governance; b) The House Of Representatives (DPR) The People's Representative Council (DPR) is the main legislative institution in Indonesia which plays the role of representing the people. The DPR has three main functions that are very strategic in the Indonesian constitutional system, namely the legislative function, the executive function budget, and the oversight functions. In the legislative function, the DPR has the authority to form joint laws same as the President. The DPR actively participates in the writing process and discussions on proposed legislation to articulate the desires of the populace and ensure that laws and regulations are developed in accordance with community needs. The DPR possesses the authority to establish the State Budget for Revenue and Expenditure (APBN). The DPR can offer feedback and authorize the draft APBN presented by the President to ensure the allocation and utilization of the state budget align with development priorities and public welfare. Additionally, the DPR oversees the execution of laws and government policies in its supervisory capacity. The

⁸ Nadir Nadir, "Penguatan Hak Dan Kewenangan Dewan Perwakilan Daerah (DPD) Berbasis Konstitusi," *Innovative: Journal Of Social Science Research* 4, no. 1 (2024): 8479-92.

DPR is authorized to undertake investigations, solicit information, and offer recommendations on governmental policies to uphold accountability and openness in their implementation. The DPR fulfills a crucial role in articulating the populace's expectations, monitoring governmental progress, and ensuring checks and balances between the legislative and executive departments.

This makes the DPR a vital representative institution in the state system of Indonesia, as a balance of power and guardian of democracy. The DPR plays an important role in Indonesia's democratic system, ensuring that the people's voices are represented in political and policy decision-making;⁹ c) Regional Representatives Council (DPD), DPD is part of the People's Relations Parliament (MPR) and the People's Representative Council (DPR). In the MPR, the DPD plays a role in proposing and making general government plans and contributing to legislative reform. has very important functions in the system of Indonesian state administration. One of the main roles of the DPD is to provide consideration of related laws with regional interests. In this function, the DPD can provide input and suggestions regarding the draft law that will have a direct impact on regions in Indonesia. Input and recommendations from the DPD are anticipated to ensure local interests and regional ambitions are adequately incorporated into national legislative outputs. Furthermore, the DPD contributes recommendations and insights to the federal government. The DPD can serve as a conduit between regional interests and national government policies through this capacity. This seeks to guarantee that development and wealth are more equitably distributed across Indonesia, considering the specific needs and attributes of each region. Consequently, the presence of DPD is crucial for sustaining the equilibrium between national and regional interests, while also promoting the establishment of more just and equitable development throughout the territory of the Unitary State of the Republic of Indonesia. DPD represents regional interests at the national level. Each state has four DPD members, regardless of population or area; d) President The President has a crucial function in the constitutional legal framework. As the head of state, the President embodies a symbol of national unity. The President represents Indonesia in international relations, signs treaties and agreements with other countries, and implements policies. The President is responsible for the executive branch of government, the implementation of laws, and the management of executive functions. The President is tasked with maintaining the integrity of the Unitary State of the Republic of Indonesia and protecting the entire nation and the blood of Indonesia. In addition, The President also acts as head of government. In this capacity In this case, the President is responsible for implementing laws and government policy. The President possesses the authority to operate the machinery of government, formulate policies, and make strategic decisions in the national interest. Revisions to the Indonesian constitutional framework seek to reinforce the tenets of democracy and decentralization.

⁹ Ario Dharmapala, Sri Anggraini Kusuma Dewi, and Gesang Iswahyudi, "Penguatan Dewan Perwakilan Daerah Terkait Fungsi Legislasi dalam Perspektif Demokrasi Deliberatif," *Al-Manhaj: Jurnal Hukum dan Pranata Sosial Islam* 4, no. 2 (October 14, 2022): 307–18, <https://doi.org/10.37680/almanhaj.v4i2.1865>.

This is implemented to guarantee that the views and interests of the regions are reflected in national decision-making. One of the initiatives to achieve this objective is the establishment of a Regional Representative Council (DPD) as a regional representative entity inside the national legislative framework. The DPD is anticipated to serve as a conduit between regional concerns and central government policy. Although institutional structure has been improved, implementation and effectiveness of the role. The idea of forming a DPD is also part of the reform of the structure of the Indonesian parliament. According to Jimly Assiddiqie, originally, reform of the structure of the Indonesian parliament was suggested by many legal and political experts to be developed according to a strong bicameral system.¹⁰

Theoretically, the reason for establishing the DPD institution is to build control and balance mechanisms (checks and balances) between branches of power state and between the legislative institutions themselves (House of Representatives). If when the pre-amendment 1945 Constitution adopted a unicameral system by placing MPR RI as the supremacy that holds the sovereignty of the people, then the general assembly The 2001 MPR succeeded in amending the 1945 Constitution and restoring its existing legislature to a bicameral system.¹¹ These institutions, including the DPD, still need to be studied further. This assessment is important to ensure that regional voices are heard, truly represented and able to influence decision-making at the national level optimally.¹²

3.2 Position and Authority of the DPD after the Amendment to the 1945 Constitution of the Republic of Indonesia

The Impact of Weaknesses in DPD Authority on Regional Representation and the Principle of Checks and Balances in the Indonesian Government system weaknesses in the authority of the Regional Representative Council (DPD) have a significant impact on regional representation at the legislative level and have the potential to affect the principle of checks and balances in the Indonesian government system. In general, this weakness in authority reduces the effectiveness of the DPD in carrying out its role as a supervisor and balancer on policies taken by the DPR (House of Representatives) and the executive (government). Weaknesses of the DPD Authority in Regional Representation

The DPD was established to represent regional interests in the legislative and policy-making process at the national level. However, although the DPD has the authority to provide considerations in making laws, in practice this authority is very limited. The DPD does not have the same legislative authority as the DPR, such as the right to submit or draft a bill (draft law) or the right to vote in the decision-making process regarding a law that has been discussed.

¹⁰ A. Khaerul Anas, A. Muin Fahmal, dan Nurul Qomar, "Kedudukan Dewan Perwakilan Daerah Dalam Ketatanegaraan Indonesia," *Journal of Philosophy (JLP)*, Volume 2, Nomor 2, Desember 2021, P-ISSN: 2722-1237, E-ISSN: 2722-2020, <https://mail.pasca-umi.ac.id/index.php/jlp/article/view/433/1123>.

¹¹ Sinaga, Syahrul Suparmando, "Kedudukan dan Peran Dewan Perwakilan Daerah (DPD) dalam Sistem Ketatanegaraan Republik Indonesia," *Oxford University Press*, no. 1 (2002): 649.

¹² Nadir Nadir, "Penguatan Hak Dan Kewenangan Dewan Perwakilan Daerah (DPD) Berbasis Konstitusi," *Innovative: Journal of Social Science Research* 4, no. 1 (2024): 8479-92.

As a result, the DPD is often trapped in a more symbolic position and has less real power to influence national policy. This has an impact on regional representation because even though DPD members are elected from each province, they do not have enough influence to fight for regional interests effectively in the legislative process. Decisions taken more often benefit central or national interests, while regional interests can be neglected. This shows that although the Indonesian government structure accommodates regional representatives, their influence in legislative decision-making remains limited. However, in practice, the role and The DPD's authority are often considered less significant when compared with the DPR as a representative institution of the people. This is an important issue that needs to be studied further, especially in relation to efforts to strengthen the role of the DPD in the Indonesian state system.¹³

The existence of the DPD is a state tool that balances the functions and activities of the DPR. The choice to improve the bicameral (bicameral) parliamentary system is believed to be part of improving the political system which adheres to the principles of a democratic system, where people's representatives must also be included in political party and regional channels. Representative.¹⁴

Thus, the DPD's authority to provide considerations and suggestions or input regarding regional interests in the legislative process is constitutionally regulated in the 1945 Constitution.¹⁵ The primary concern is the restricted authority of the DPD in the legislative process. The DPD possesses the jurisdiction to review draft laws concerning regional interests; nevertheless, it lacks the comprehensive legislative powers held by the House of Representatives (DPR). This is frequently regarded as diminishing the DPD's influence in the legislative process. The most recent legal matter pertains to formal testing. Law Number 17 of 2023 concerning Health (Health Law) presents several notable legal concerns and issues. A primary concern is the insufficient participation of the House of Representatives (DPD) in the legislative deliberation process.¹⁶

The DPD's neglect in the formation of the Health Law is deemed a violation of the constitutional obligation that ensures regional participation in legislation affecting regional autonomy. This indicates the presence of legal measures that promote decentralization, disregarding the idea of regional autonomy and reforms advocating for broader autonomy. In addition, there are challenges related to the quality of implementation of the DPD's role. The evaluation showed that there were obstacles in coordination between the DPD, DPR, and the central government. The implementation of

¹³ Suparto, "The Existence of Indonesian Regional Representatives Council as The State Institution on Carrier the Regional Aspirations," in *Proceedings of the 3rd International Conference on Globalization of Law and Local Wisdom*, Surakarta, Indonesia: Atlantis Press, 2019), <https://doi.org/10.2991/icglow-19.2019.91>.

¹⁴ Friska Sucipto, "Analisis Peran Dan Fungsi DPR/DPD Sebagai Legislator Ditinjau Dari Perspektif Filsafat Hukum," *Jurnal Panorama Hukum* 5, no. 2 (2020): 150–58, <https://doi.org/10.21067/jph.v5i2.4701>.

¹⁵ Indra bayu Nugroho, "Tinjauan Kritis Dewan Perwakilan Daerah (DPD) Dalam Perspektif Penguatan Fungsi kelembagaan Dalam Sistem Ketatanegaraan Indonesia," *Inicio Legis* 5, no. 1 (June 11, 2024): 46–64, <https://doi.org/10.21107/il.v5i1.25880>.

¹⁶ Indra Bayu Nugroho, "Kelembagaan Dalam Sistem Universitas Trunojoyo Madura Universitas Trunojoyo Madura" 5 (2024): 46–64.

the DPD's functions is often not optimal due to limited resources and working mechanisms that have not been well structured. With this, it is necessary to review the position and authority of the DPD in the Indonesian constitutional system. Strengthening the role of the DPD, both in terms of legislative authority and working mechanisms is very important for ensuring that regional interests are truly represented in decision-making at the national level. Thus, it is expected Indonesia's constitutional structure can create a balance that is better between the center and regions, and increase the effectiveness of the system state administration in achieving equitable national development goals and fair.¹⁷ Besides that, the extent to which the constitutional system or constitution outlines the powers, duties, and authority of the DPD in the process of making political decisions at the national level, especially political decisions relating to regions. regional representation through the DPD which is outlined in the 1945 Constitution of the Republic of Indonesia and then described in statutory regulations shows that the DPD does not have full authority in carrying out its functions, duties, and authority.¹⁸

The DPD also discussed bills relating to regional interests and gave consideration to the DPR on bills regarding the APBN, taxes, education, and religion. Apart from that, the DPD has a role in supervising the implementation of laws related to regional autonomy and central-regional relations.¹⁹ The Regional Representative Council (DPD) possesses specific roles and powers; a) DPD is a governmental entity under the constitutional framework of the Republic of Indonesia, alongside the House of Representatives (DPR) and the President. The DPD functions as regional representation inside the national government framework; b) The DPD holds an equivalent position to the DPR regarding function and authority in the legislative process, while without the same legislative rights as the DPR; c) Regional Delegates DPD operates as a regional representative within the framework of the national government. The primary function of the DPD is to communicate the regional ambitions and interests of local communities to the central authority; d) Relations with the DPR and the Government The DPD has a close working relationship with the DPR and the Government. The DPD could put forward a Draft Law (RUU) pertaining to regional autonomy, central-regional relations, and regional issues. However, the DPR possesses primary initiative rights in proposing legislation, while the DPD offers recommendations and advice. e) Position in the Legislative Structure: The DPD lacks the comprehensive legislative authority possessed by the DPR; however, the DPD is entitled to engage in the legislative process by offering comments and insights concerning draft laws pertinent to regional concerns. The DPD is entitled to express opinions during the deliberation of the measure in the DPR.

¹⁷ Siagian, "Penguatan Kewenangan DPD Dalam Sistem Ketatanegaraan Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 92/PUU-X/2012."

¹⁸ Irfan Amir, "Constitutional Law Review," *Jurnal Iain Bone* 2, no. 1 (2022): 45–57.

¹⁹ Nova Yarsina, "Eksistensi Fungsi Dan Peranan Dewan Perwakilan Rakyat Daerah (DPD) Sebagai Lembaga Negara Di Sistem Ketatanegaraan Indonesia," *Ensiklopedia of Journal* 6, no. 2 (2024): 22–31.

Even though the DPD has various duties and authorities, its existence is always closely linked to the DPR. The duties and authorities of the DPD cannot be completed internally alone and require assistance from other state institutions, especially the DPR. In terms of legislative functions, the DPD will always lead to the DPR as the main executor of this function.²⁰ When assessing the relationship between the DPD, DPR, and the President in legislative functions, the constitution does not give the DPD the authority to reject or change bills that have been approved by the President and the DPR²¹. Apart from that, the DPD also does not have the authority to delay the ratification of a bill that has been approved by the President and the DPR.²²

Post-amendment, the DPD plays a crucial role in advocating for regional interests and ensuring that national policies consider the unique requirements and circumstances of many regions in Indonesia. The Regional Representative Council (DPD) is constitutionally established by Article 22C and Article 22D of the 1945 Constitution. Article 22D of the 1945 Constitution delineates the existence, status, and functions of the DPD. Article 22C states that; a) Members of the Regional Representative Council are elected through general elections held in each province. This process ensures that every region has a legitimate representative who can voice the aspirations and interests of the local community at the national level; b) The representation in the Regional Representative Council is uniform across provinces, with each province contributing an equal number of members. Furthermore, the total membership of the Regional Representative Council is capped at one-third of the total number of members in the House of Representatives. This structure is designed to maintain a balanced representation while ensuring that the Regional Representative Council can effectively contribute to legislative processes without overshadowing the primary legislative body; c) The Regional Representative Council convenes a minimum of once each year. This annual meeting is crucial for facilitating discussions on regional matters, allowing members to assess current issues and propose initiatives that reflect the needs of their constituencies; d) The structure and authority of the Regional Representative Council are defined by the Constitution. This legal framework outlines the Council's composition, ensuring that it is representative of the diverse regions within the nation.²³

Then Article 22 D it is states; a) The Regional Representative Council has the authority to present draft legislation to the Regional People's Council concerning various matters, including regional autonomy, the relationship between central and regional

²⁰ H Abustan and Otom Mustomi, *Regional Development in the Context as the Role of the House of Regional Representatives of the Republic of Indonesia (DPD RI)*, 2020, <https://doi.org/10.2991/assehr.k.201017.002>.

²¹ David Putra, "Juridical Overview of the Position of the Regional Representative Council (DPD) of the Republic of Indonesia in the Legislation System in Indonesia," *Negrei: Academic Journal of Law and Governance* 2 (June 18, 2022): 35, <https://doi.org/10.29240/negrei.v2i1.4607>.

²² Ali Masykur Musa, "The Relationship between the President and the House of Representatives in Budget Rights," *Journal of Legal, Ethical and Regulatory Issues* 24 (2021).

²³ Fahrul Reza, "The Authorities of Regional Representative Council After Constitutional Court Decision: Is It Strong Enough?," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 5, no. 1 (2020): 95–104, <https://doi.org/10.22373/petita.v5i1.92>.

governments, the creation, expansion, and merging of regions, and the management of natural resources and other economic assets. Additionally, the Council can address issues related to the balance of finances between the central and regional governments. This capacity to propose legislation reflects the Council's crucial role in shaping policies that directly impact regional governance and development, ensuring that local interests are effectively represented and harmonized with national objectives; b) The Regional Representative Council also engages in discussions regarding proposed legislation related to regional autonomy, the relationships between central and regional governments, the creation, expansion, and merging of regions, and the management of natural and economic resources. Additionally, the Council addresses issues concerning the balance of finances between central and regional authorities. Furthermore, it provides valuable input to the House of Representatives on draft laws pertaining to the state revenue and expenditure budget, as well as legislation concerning taxation, education, and religious affairs. This collaborative approach not only enhances the legislative process but also ensures that regional perspectives are considered in national policies; c) The Regional Representative Council is empowered to oversee the implementation of laws related to regional autonomy, the formation, expansion, and merging of regions, the relationship between central and regional governments, and the management of natural and economic resources. Additionally, the Council supervises the execution of the state revenue and expenditure budget, as well as regulations concerning taxation, education, and religious affairs. Following its oversight activities, the Council is responsible for reporting its findings to the House of Representatives for further consideration and action. This supervisory function is crucial for ensuring compliance with legislative mandates and promoting accountability within regional governance; d) Members of the Regional Representative Council may be dismissed from their positions. his position, the terms and procedures of which are regulated by law.²⁴

To increase the effectiveness of the DPD in the Indonesian constitutional system, further reforms are needed that strengthen the role and authority of the DPD. This reform must include increasing the DPD's authority in legislative functions so that it can play a more active role in decision-making related to regional interests. In this way, the DPD can function as an effective balance to the DPR, and not just as a complement.²⁵ In addition, increasing DPD involvement in the decision-making process will help create a more inclusive and democratic government system, which is able to accommodate the interests of all regions in Indonesia.²⁶ The aforementioned regulations governing the position and

²⁴ Ario Dharmapala, Sri Anggraini Kusuma Dewi, and Gesang Iswahyudi, "Penguatan Dewan Perwakilan Daerah Terkait Fungsi Legislasi Dalam Perspektif Demokrasi Deliberatif," *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (2022): 307–18, <https://doi.org/10.37680/almanhaj.v4i2.1865>.

²⁵ Abdul Hakim Siagian, "Penguatan Kewenangan DPD Dalam Sistem Ketatanegaraan Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 92/PUU-X/2012," *De Lega Lata: Jurnal Ilmu Hukum* 5, no. 2 (2020): 124–33, <https://doi.org/10.30596/dll.v5i2.4348>.

²⁶ Bambang Gunawan et al., "Role Optimization Of Regional Representative Council In The Legislative Function," *Journal Of Social Sciences And Humanities*, September 15, 2023, 1–25, <https://doi.org/10.56943/jssh.v2i3.374>.

function of the DPD introduce modifications to the representative system in Indonesian state administration, which previously lacked authentic representation. In the Indonesian representative system, the DPR is bolstered and reinforced by the DPD. The House of Representatives (DPR) serves as a representative institution grounded in the aspirations and political views of the populace, who are the ultimate holders of sovereignty. In contrast, the Regional Representative Council (DPD) functions as a body dedicated to representing the diverse aspirations of various regions. The establishment of the DPD is an initiative to uphold the principle of regional representation, as articulated by Jimly Asshiddiqie. While the members of the DPR are selected through political representation processes, the DPD members embody the principle of regional representation, with each province having its own designated representatives. This dual structure is intended to ensure that both national interests and regional diversity are effectively represented in the legislative process. In the view of the MPR, the regulation of the existence of the DPD in the Indonesian state structure according to The 1945 Constitution, among other things, is intended to; a) Enhance regional connections within the context of the Unitary State of the Republic of Indonesia is essential for fostering national unity among all regions. This objective involves not only promoting collaboration and mutual understanding between diverse localities but also reinforcing a shared sense of national identity; b) Enhancing the aggregation and incorporation of regional aspirations and interests in the development of national policies is crucial for fostering effective governance that aligns with both national and local needs. This process involves actively engaging with various regions to ensure that their unique perspectives and priorities are reflected in policymaking; c) Promoting the rapid advancement of democracy, development, and progress across regions in a harmonious and balanced manner is essential for fostering a thriving society. This initiative aims to create an environment where democratic principles are upheld, allowing for active participation from all citizens in governance processes. Additionally, it focuses on ensuring equitable development across various regions, addressing disparities, and fostering inclusive growth.

The existence of regions as referred to in Article 18 paragraph (1) and autonomy of the area as referred to in Article 18 paragraph (5) is running in accordance with regional diversity in the context of progress nation and state 8. Article 22C paragraph (4) of the 1945 Constitution states that: "The composition and position of the Regional Representative Council regulated by law." Based on Article 22C paragraph (4) this is, therefore Law Number 22 of 2003 as amended by Law Number 27 In 2009 the regulations were clearer regarding the composition of the position of the DPD. Article 221 states that "the DPD consists of provincial regional representatives elected through elections general". Then in Article 222, it is emphasized that "DPD is a regional representative institution that is based as a state institution. This pertains to Article 67 and Article 68 of Law Number 27 of 2009, indicating that the DPD and DPR hold equivalent status as state institutions, albeit with differing levels of representation; the DPD serves as a regional representative institution,

whereas the DPR functions as a people's representative institution.²⁷ Nevertheless, it is hoped that the DPD will be able to contribute to voicing regional interests, even though its role in parliament is not as sharp as that of the DPR and the President. The presence of the DPD should provide a solution to the centralized state administration system. However, with limited authority in legislative functions, the DPD is often considered only as a democratic accessory in the representative system.²⁸ This can be seen from the articles that regulate the DPD's authority in legislative functions, which feel very discriminatory against public expectations that the DPD can participate widely and competitively in the legislative process.²⁹

Even though the DPD has a position in the legislative body to fight for regional aspirations, the authority and functions of the DPD are still limited and need to be strengthened. In this way, DPD can position its position in the Indonesian state administration as has been discussed and decided in accordance with the Constitution, as well as carry out its duties as a significant regional representative so that it is beneficial to each region in accordance with its function and authority.³⁰

4. CONCLUSION

This research aims to discuss the strengthening of the position of the Regional Representative Council (DPD) in the Indonesian constitutional system, as a regional representative institution. DPD has an important role in representing community aspirations at the regional level. The DPD has the authority to propose, debate, and review draft laws (RUU) relating to regional autonomy, fiscal balance, and regional-related issues. However, in practice, the role and authority of the DPD are considered less than optimal if compared to the House of Representatives (DPR). Although the DPD has the authority to provide considerations and input regarding laws that have an impact on the region, this authority is consultative and does not have legislative powers equal to the DPR. DPD can play a greater role in fighting for regional interests and improving the quality of government in Indonesia. Legal issues that emerged, such as ignoring the role of the DPD in discussing the Law Health Law, show that there are significant challenges in the implementation of the DPD function. This not only reflects problems in the implementation of the principle of regional autonomy, but also shows shortcomings in coordination between the DPD, DPR, and the central government. To overcome this problem, a review of the position and authority of the DPD is needed in the Indonesian constitutional system. Strengthening the role of the DPD, both in terms of legislative authority and working mechanisms is very important for

²⁷ Anggi Sihol Dameanti, Reza Mahendra, and Yori Viski Oktivan, "Kedudukan Fungsi Legislasi Dewan Perwakilan Daerah Dalam Ketatanegaraan Indonesia," *Civil Officium: Journal of Empirical Studies on Social Science* 4, no. 1 (2024): 9–14, <https://doi.org/10.53754/civilofficium.v4i1.390>.

²⁸ B Utami, "Kedudukan Dewan Perwakilan Daerah Republik Indonesia Dalam Sistem Ketatanegaraan Indonesia Perspektif Siyasah Dusturiyah," 2022, <http://repository.iainbengkulu.ac.id/id/eprint/9925>.

²⁹ Busman Edyar, "Buku Legislasi Hukum Islam," 2021, cetakan pertama, (Bengkulu: Cind Валокан, Februari 2021), ISBN 978-623-96121-0-8..

³⁰ Rohmatul Jannah et al., "Analisis Hukum Kedudukan Lembaga Negara Berdasarkan UUD 1945 Dalam Sistem Ketatanegaraan Indonesia," *Hukum Inovatif: Jurnal Ilmu Hukum Sosial Dan Humaniora* 1, no. 3 (2024): 65–78, <https://doi.org/10.62383/humif.v1i3.291>.

ensuring that regional interests are truly represented in decision-making decisions at the national level.

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