

STRENGTHENING OF POSITION THE REGIONAL REPRESENTATIVE COUNCIL (DPD) IN INDONESIAN CONSTITUTIONAL SYSTEM

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**STRENGTHENING OF POSITION ¹ THE REGIONAL
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Abstract

The Regional Representative Council (DPD) is a high state institution which 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 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 recentralization. The evaluation shows that although the DPD is designed to strengthen regional autonomy, the implementation of functions and coordination between the DPD, DPR and the central government still faces obstacles.

Keywords: DPD, Position, Constitutional Structure, 1945 Constitution, Authority.

Abstract

The DPD is one of the state's high bodies formed through an amendment to the 1945 Constitution. Its purpose is to strengthen regional representation in decision-making at the national level. Although it is expected to fight for regional interests and act as a counterweight to central power, the DPD is often considered to have limited authority compared to the (DPR). This study uses a normative legal method, which focuses on the analysis of laws and 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, the Indonesian state structure underwent significant changes, including the formation of the DPD as a regional representative institution. Although the DPD has the authority to provide considerations on draft laws relating to regional interests, its role is often considered less influential than with the DPR. These limitations, for example in the formal testing of Law Number 17 of 2023 concerning Health, reflect the challenges in implementing the role of the DPD and the existence of legal politics that lead to recentralization. The evaluation shows that although the DPD is designed to strengthen regional autonomy, the implementation of functions and coordination between the DPD, DPR, and the central government still face obstacles.

Keywords: DPD, Position, State Structure, 1945 Constitution, Authority

INTRODUCTION

The Regional Representative Council (DPD) is one of the high institutions 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 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 (Muksalmina et al., 2023).

At the beginning of its formation, it was hoped that the DPD

would become an institution that. strategic³ in realizing regional aspirations, fighting for interests regions, and act 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 DPR.

Since Indonesia³ proclaimed its independence in 1945, the state constitution, namely the Constitution of the Republic of Indonesia in 1945. 1945 (UUD 1945), has undergone several important changes through the process amendment. This amendment process is carried out with the aim of improving state structure and adapt it to the development of democracy and the needs of the community. Amendments to the 1945 Constitution were made in the 1999-2002 period had a significant impact on the structure Indonesian constitutional law. The changes⁵ made at that time, among other things, strengthening the system of checks and balances between state institutions, expanding guarantees and protection of human rights, and changing the system government from centralistic to more decentralized by² providing broader autonomy to the regions. This amendment also gave birth to new institutions in the state structure, such as the Court Constitution and the Judicial Commission, which have an important role in enforcing constitution and supervision of judicial power. In addition, The amendment also strengthens the position of the legislative body, namely The People's Representative Council (DPR) and the Regional Representative Council (DPD), in the process of forming laws (Yarsina & Irhamni, 2024).

After the amendment to the 1945 Constitution, there were a number of important changes in the structure of the Indonesian⁹ state. One of the significant changes is the formation of the Regional Representative Council (DPD) institution which was formed as regional representation. The aim is to strengthen the principle of regional autonomy and decentralization in the government system. In addition, the amendment to the 1945 Constitution also strengthens the role and function of other legislative institutions, such as the House of Representatives People's Representative Council (DPR) and People's Consultative Assembly (MPR). These changes are expected

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to create a system of checks and balances.

more effective balances in the Indonesian state structure. Although there have been significant changes in the state structure post-amendment. The 1945 Constitution still faces various challenges. One of the legal issues that What emerged was regarding the role and position of the DPD in the state system. The DPD is often considered to have a limited role compared to DPR, thus giving rise to debate regarding the effectiveness and relevance of the DPD in the Indonesian state system (Husen & Thamrin, 2017).

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After the amendment to the 1945 Constitution of the Republic of Indonesia, the Regional Representative Council (DPD) gain a position as one of the state institutions with an important role in the Indonesian constitutional system. The DPD was formed with the aim of representing regional interests at the national level and providing input related to policies related to the region. However, the position and authority of the DPD is still often debated, especially regarding the extent of influence and the power that the DPD has in the legislative process. Legally, the DPD has several authorities, such as providing advice to the DPR in the preparation of certain laws, providing advice and considerations to the President, as well as supervising the implementation of laws certain laws relating to the region. However, in practice, the role of The DPD is often considered limited because it does not have the power to participate in making decisions that are final and binding. Limitations The DPD's authority raises various legal issues related to the effectiveness of its role. DPD in fighting for regional interests. Many parties are of the opinion that the position of the DPD needs to be strengthened so that it can carry out its functions properly more effectively. Strengthening the position of the DPD is considered important to ensure regional voices and interests are truly represented in the legislative process and policy making at the national level (Adab, 2019).

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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 state administration in realizing the goal of equitable national development and fair.

METHOD

This research uses a normative legal method, which focuses on analysis of legislation and legal documents related to the position and authority of the DPD in the state system Indonesia. 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 comparing existing regulations with practices its implementation. In addition, the normative legal method allows researchersto formulate recommendations based on legal analysis. in depth, with the aim of strengthening the position and authority of the DPD to be more effective in representing regional interests at the national level. This approach offers a strong and credible basis for evaluating and suggest changes in the Indonesian constitutional system.

A. The Structure of the Indonesian State Government after the Amendment to the Constitution of the Republic of Indonesia 1945

The Regional Representative Council (DPD) is a high state institution which formed based on the mandate of the 1945 Constitution (UUD 1945). This institution has a similar function to the People's Representative Council. Republic of Indonesia (DPR RI), namely representing regional interests in decision making at the national level. The demands for reform that were realized through the amendment to the 1945 Constitution has brought about significant changes in the system Indonesian constitutional law. One of these changes is the addition of new institution, namely the DPD. The Third Amendment to the 1945 Constitution which was carried out in 2001 in the MPR Annual Session legally became the basis the formation of the DPD as a regional representative institution (Gani, 2020).

After the amendment to the 1945 Constitution of the Republic of Indonesia, the constitutional structure of Indonesia experienced significant changes that changed the dynamics of power and relations between state institutions. This amendment was carried out in four stages, namely in 1999, 2000, 2001, and 2002, which resulted in several important changes in the governance of the country. 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. MPR

The MPR has strategic authority in the state system Indonesia. As a high state institution, the MPR has a key role in directing state policy and governance. One of the most important authority of the MPR is to change and determine laws. The 1945 Constitution of the Republic of Indonesia (UUD NRI). Through With this authority, the MPR can adjust the constitution with developments of the times and demands for reform, resulting in the 1945 Constitution

remains relevant as the highest legal basis in the system 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

with the direction that has been set. The MPR also plays an important role in the inauguration process of the President and Vice President. As an institution that representing the people, the MPR has a central role in electing and overseeing national leadership, so that it can become a symbol of people's representatives in the state system. Thus, the existence of the MPR is an integral part of the checks and balances system in the Indonesian constitutional system post-amendment UUD 1945. Through its authority and role, the MPR can become balancing power and overseeing the running of government, so that a more democratic state governance is created and accountable.

b. DPR

The DPR has three main functions which are very strategic in the Indonesian constitutional system, namely the legislative function, the executive function budget, and oversight functions. In the legislative function, the DPR has the authority to form joint laws same as the President. The DPR plays an active role in the drafting process and discussion of draft laws, so that they can voicing the aspirations of the people and ensuring that laws and regulations are invitations are produced according to the needs of the community. On budget function, the DPR has the right to determine the Budget State Revenue and Expenditure (APBN). The DPR can provide input and approval of the draft APBN submitted by President, so as to ensure the allocation and use state budget in accordance with

development priorities and people's welfare. Furthermore, in its supervisory function, the DPR supervising the implementation of laws and government policy. The DPR can conduct investigations, request information, and provide considerations on government policies, so that it can maintain accountability and transparency in its implementation government. Through these three functions, the DPR plays an important role in voicing the aspirations of the people, overseeing the progress government, as well as maintaining checks and balances between branches legislative and executive powers.

This makes the DPR as a vital representative institution in the state system Indonesia, as a balance of power and guardian of democracy.(Dharmapala et al., 2022).

c. DPD

DPD has very important functions in the system Indonesian state administration. One of the main roles of the DPD is provide consideration of related laws with regional interests. In this function, the DPD can provide input and suggestions regarding the draft law that will be have a direct impact on regions in Indonesia. Input and suggestions from the DPD are expected to guarantee that interests and regional aspirations are well accommodated in the products national legislation. In addition, the DPD also plays a role in providing suggestions and input to the central government. Through this function, the DPD can be a bridge between regional interests and central government policy. This aims to ensure that development and prosperity can be more evenly distributed throughout the territory of Indonesia, taking into account the needs and characteristics of each region. Thus, the existence of DPD is very important in maintaining the balance between national interests and regional interests, as well as encouraging the creation of fairer and more equitable development through out territory of the Unitary State of the Republic of Indonesia.

d. President

The President has a very important role in the system constitutional law. In his position as head of state, the President become a symbol and symbol of national unity. The President is tasked with to maintain the integrity of the Unitary State of the Republic of Indonesia and protect 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 has the authority to running the wheels of government, making policies, and taking decisions strategic decisions in the national interest. Changes in the Indonesian constitutional system aim to strengthening the principles of democracy and decentralization. This is done to ensure that the voices and interests of the regions are represented in decision making at the national level. One of the efforts to to realize this goal is by forming a Representative Council Regional Representative Council (DPD) as a regional representative institution in the legislative system national. The presence of the DPD is expected to be a connecting bridge between regional interests and central government policies. Although institutional structure has been improved, implementation and effectiveness of the role

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 in national level optimally (Nadir, 2024).

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

After the amendment to the 1945 Constitution, the position and The authority of the Regional Representative Council (DPD) is specifically regulated in Article 22C and Article 22D. The DPD was formed with the main objective of representing the interests of the regions and contributing to legislative process at the national level. However, in practice, the role and The DPD's authority is often considered less significant when compared with the DPR as a representative institution of the people. This is an important issue which needs to be studied further, especially in relation to efforts to strengthening the role of the DPD in the Indonesian state system (Siagian,2020).

Thus, the DPD's authority to provide considerations and suggestions or input regarding regional interests in the legislative process constitutionally regulated in the 1945 Constitution (Nugroho, 2020).

One of the main issues is the limited authority of the DPD in legislative process. Although the DPD has the authority to provide consideration of draft laws relating to regional interests, the DPD does not have full legislative powers like as well as the House of Representatives (DPR). This is often considered to make The role of the DPD is less influential in the formation of laws. For example, the latest legal issue is regarding formal testing regarding Law Number 17 of 2023 concerning Health (Law Health) reveals some significant legal challenges and issues. One of the main issues is the lack of involvement of the House of Representatives. Region (DPD) in the process of discussing this law.

The neglect of the DPD in the formulation of the Health Law is considered violates the constitutional mandate which guarantees regional participation in legislation that has an impact on regional autonomy. This reflects the existence of legal policies that lead to recentralization, ignoring the principle of regional autonomy and reforms that demand greater autonomy wide. 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 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 review of the position and authority of the DPD in Indonesian constitutional system. Strengthening the role of the DPD, both in terms of legislative authority and working mechanisms are very important for ensure 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 better between the center and regions, and increase the effectiveness of the system state administration in achieving equitable national development goals and fair (Siagian, 2020).

The Regional Representative Council (DPD) has the following positions and authorities:

which has been clarified and strengthened. Amendment to the 1945 Constitution of the Republic of Indonesia, especially the fourth amendment, brought significant changes to structure and function of DPD. The following is the position and authority of DPD after amendment as a State Institution

1. DPD is a state institution in the constitutional system of the Republic of Indonesia, together with The House Representatives (DPR) and the President. The DPD serves as regional representation in the national government structure.
2. Position in the Government Structure: The DPD has a position which is equal to the DPR in terms of function and authority in legislative process, although the DPD does not have the same legislative rights like the DPR
3. Regional Representatives DPD functions as a regional representation in the structure national government. The main task of the DPD is to convey regional aspirations and interests of local communities to the central level.
4. Relations with the DPR and the Government The DPD has a close working relationship with the DPR and the Government. The DPD can submit a Draft Law (RUU) which related to regional autonomy, central-regional relations, and issues regional. However, the DPR has the main initiative rights in proposes a bill, and the DPD provides recommendations and input.
5. Position in the Legislative Structure: The DPD does not have full legislative rights like the DPR, the DPD has the right to participate in the legislative process by providing recommendations and input regarding the draft law relating to regional interests. The DPD also has the right to provide views in the discussion of the bill in the DPR.

Overall, post-amendment, the DPD has an important role in fighting for regional interests and ensuring that national policies take into account specific needs and conditions from various regions in Indonesia, The Regional Representative Council (DPD) has a constitutional basis in Article 22C and Article 22D of the 1945 Constitution. In Article 2 Article 22D of the 1945 Constitution regulates the existence, position and DPD function. Article 22C states that:

- 1) 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.
- 2) 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.

- 3) 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.
- 4) 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.

Then in Article 22 D it is stated:

- 1) 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 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.
- 2) 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.

3) 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.

4) Members of the Regional Representative Council may be dismissed from their positions. his position, the terms and procedures of which are regulated by law. Based on the provisions above which regulate the position and function DPD, provides changes to the representative system in Indonesian state administration which previously did not show the true form of representation. With the presence of the DPD, In the Indonesian representative system, the DPR is supported and strengthened 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 the existence of the

DPD in the Indonesian state structure according to

The 1945 Constitution, among other things, is intended to:

1. Enhancing 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;
2. 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.;
3. 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 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 the position of the DPD. Article 221 states that "the DPD consists of on 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 is related to Article 67 and Article 68 of Law

Number 27 of 2009, then the DPD and DPR have the same position as state institutions, while the level of representation is different as a representative institution, where the DPD is an institution regional representatives, while the DPR is an institution people's representatives.

CONCLUSION

The Regional Representative Council (DPD) was formed to strengthen representation regional interests in the Indonesian state system. 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 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. Legal issues that emerged, such as ignoring the role of the DPD in discussing the Law Health Law, shows that there are significant challenges in implementation of the DPD function. This not only reflects problems in 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 Indonesian constitutional system. Strengthening the role of the DPD, both in terms of legislative authority and working mechanisms are very important for ensure that regional interests are truly represented in decision-making decisions at the national level.

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