

BICAMERAL SYSTEM IN THE PRACTICE OF ORGANIZING THE INDONESIAN PARLIAMENT (A Study of The Transformation of The Regional Representative Council Into The Second Chamber in The Parliamentary System In Indonesia)

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Abstract

The Indonesian Parliament after the amendment to the 1945 Constitution of the Republic of Indonesia practiced an incongruent patterned bicameral system. It was called incongruent because the first room was different from the second room. The first room (DPR) is a political representation while the second room (DPD) is a territorial/regional/regional representation and soft character, because the Council's legislative functions and authority are limited to certain fields. The problem is what is the style and character of the Indonesian Parliament after the changes to the 1945 Constitution of the Republic of Indonesia? How is the system of checks and balances (supervision and balances) in people's representation in Indonesia fulfilled through a bicameral parliamentary system? How is the transformation of the Regional Representative Council of the Republic of Indonesia into the second room in the Indonesian parliament to realize popularism led by wisdom in deliberation/representation in Indonesia? The research method in this dissertation is legal research with a normative juridical approach. The results of his research are that the ideal building of the Indonesian parliament in the future must be developed into a strong bicameralism system. MPR membership consists of DPR and DPD. MPR as a joint session. The MPR is no longer an independent institution. It is only a forum for meetings between 2 (two) institutions items, namely the Council and the Parliament. When the trial takes place, both Council members and the House of Representatives members, Werner as members of the Council and the Parliament. They did not join together in an MPR institution.

Keywords: The bicameral System, Implementation of Parliament

INTRODUCTION

The regional representative board of the Republic of Indonesia should be the second chamber of parliament in Indonesia because the DPD-RI was born with a number of constitutional powers provided by the constitution of the Republic of Indonesia in 1945. However, the constitutional authority was systematically reduced by a number of laws governing it. as a result. The DPD - RI cannot carry out its ideal function as a chamber of parliament for many years.¹ This is paradoxical with one of the original objectives of establishing the DPD-RI, which is to strengthen the legislative body,² according to Gayus T. Lumbuun. Legislative institution is one of the legal structures in the actualization of Pancasila values.³

Thus the two-chamber system in parliament in Indonesia is still a half-hearted or not strong system (strong bicameralism), which means that it is far from an ideal and effective two-room system for carrying out the functions of the people's representative institutions. in other words the bicameral system in the implementation practices in Indonesia does not work as expected. therefore a reconstructive study of the ideal arrangements for the transformation of the DPD-RI philosophically, the DPD -RI was born driven by an interest in coloring national government policies by providing new space for the interests of regional communities. Regional understanding here is not a regional area. rather, it is a geo-structural region within a pluralistic framework within the unitary state of the Republic of Indonesia. while the Pancasila in the fourth precept "The people who are led by wisdom in the deliberation of representatives" have outlined the principles of Indonesian representative institutions.

Factually, the DPD-RI was born on 10th October 2004 which was marked by the inauguration and taking of oaths/promises of DPD-RI members whereas legally the provisions in the 1945 Constitution governing the DPD-RI began to be stipulated in the Indonesian constitution, the third amendment that contained Chapter VIIA specifically governing Xewan regional representatives. after twelve years (10 Oct 2016) DPD-R1 takes part in the Indonesian constitutional system there are a number of records regarding the travel of the DPD-RI in terms of position, duties and functions including. First, DPD-RI member selection mechanism. Second, the composition of DPD-RI members that are not more than 1/3 of the total number of DPR members shows that the DPD-RI composition is not balanced from the number of DPR members. Third, The DPD-RI that can only submit to the House of Representatives a draft law relating to the regional economy. take part in discussing the draft law.

Laws relating to regional autonomy; and giving consideration to the House of Representatives on the draft budget law for state income and expenditure and the draft law relating to tax, education and religion. can also conduct oversight of the implementation of the law on regional autonomy and submit the results of its supervision to the House of Representatives as a material for consideration to be followed up. This as stated above shows the two-chamber system in parliament in Indonesia. is still a system that is half-hearted or not yet strong (strong bicameralism), or is far from an ideal and effective two-room system for carrying out the functions of the people's representative functions. in other words the application of the bicameral system in the practice of implementation in Indonesia does not run as expected. Therefore, it is necessary to regulate the position, function and relationship of the working mechanism between the DPR and the DPR-RI in the system of people's representation in accordance with the principles of consultation/representation in accordance with the development of the needs of the Indonesian people based on Pancasila and the 1945 Constitution. effective. research on the regional representative council in the representative system in Indonesia becomes the second chamber in realizing the mechanism of oversight and balance of parliamentary institutions in Indonesia after changes to the constitution of the Republic of Indonesia in 1945. This will answer.

Question of research is what is the style and character of the Indonesian parliament after the

¹Periksa Putusan Mahkamah Konstitusi Republik Indonesia Nomor: 92/PUU-X/2012 mengenai Pengujian Undang-Undang Nomor 27 Tahun 2009 tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, dan Dewan Perwakilan Rakyat Daerah dan Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan. Putusan tersebut dibacakan tanggal 27 Maret 2013. Hakikat negara adalah organisasi kekuasaan (Sri Soemantri dan Bintang R. Saragih, *Ketatanegaraan Indonesia Dalam Kehidupan Politik Indonesia (30 Tahun Kembali ke Undang-Undang Dasar 1945)*, Jakarta, Pustaka Sinar Harapan), 1993, hlm. 4). Sebagai organisasi kekuasaan, acap kali lembaga tertentu cenderung memperkuat kekuasaannya bahkan melewati batas koridor konstitusi sekalipun

²Bagir Manan, *Kinerja DPR, DPD, dan MPR Pasca Perubahan UUD 1945*. Makalah pada Diskusi yang diselenggarakan oleh FH Universitas Atmajaya, Jakarta, 27 Oktober 2011, hlm. 18

³Gayus T. Lumbuun, *Aktualisasi Struktur Hukum Dalam Sistem Hukum Pancasila*, dalam Philips A. Kana dan Otong Rosadi (eds), *Percikan Pemikiran Hukum, Ketatanegaraan, dan Kebijakan Publik, (70 Tahun Prof. Dr. Bintang R. Saragih)*, (Jakarta: Penerbit Wildan Akademika dan Universitas Ekasakti Press, 2010), hlm. 69

change in the basic constitution of the Republic of Indonesia in 1945? How can the system of checks and balances (representation and balance) in Indonesian people's representation be fulfilled through a bicameral parliamentary system? and how the transformation of with regional representatives of the republic of Indonesia becomes the second chamber in the Indonesian parliament to realize democracy led by wisdom in the deliberation/representation of Indonesia.

METHODS

This type of dissertation research is analytical descriptive research. This is intended to search, find, describe and analyze materials regarding the bicameral system in the practice of carrying out the functions of the parliament through a comprehensive and all-inclusive review of secondary data. This research is legal research with a normative juridical⁴ approach that is evaluative. This research was carried out by inventorying positive law, synchronizing legislation vertically and horizontally the discovery of legal⁵ principles related to the regional representative councils in the system of representation in Indonesia after changes to the constitution of the Republic of Indonesia in 1945.

RESEARCH RESULTS AND DISCUSSION

The Practice of Bicameral Implementation and the Position of the DPD in the Indonesian Constitutional System Post-Amendment to the 1945 Constitution in accordance with the principles adopted by the fourth principle of Pancasila

The principle of sovereignty that comes from the people so far has only been realized in the People's Consultative Assembly which is the incarnation of all the people, the full perpetrators of people's sovereignty and is recognized as the highest institution of the state with unlimited power. From this Assembly, the people's power was divided vertically into the higher state institutions under it. Therefore, the principle adopted as the principle of distribution of power (distribution of power). However, in the constitution resulting from the changes, the principle of people's sovereignty is determined to be distributed horizontally by separating it (separation of power) into powers formed as functions of state institutions as equals and controlling each other based on the principle of checks and balances.⁶

The branch legislative power remained in the Assembly, but the assembly is composed of representatives of the two institutions equal to other state institutions. People's Consultative Assembly remains the incarnation of all the people of the house structure is developed in two rooms, namely the House of Representatives and the Regional Representatives Council. Therefore, the principle of regional representation in the House of Representatives must be differentiated nature of the principle of the people's representatives in the House of Representatives. The idea is that all the aspirations of the people can actually incarnated into Consultation People's Assembly which consists of two doors.

Ide bicameralism in parliamentary structure Indonesia gets tough challenge from the conservative group in the Committee Adhoc in MPR 1945 Change in 1999-2002.⁷ As the authors describe that the presence of DPD was originally formed in order to reform the structure of the Indonesian parliament into two chambers (bicameral) comprising of DPR and DPD. With the adoption of the bicameral system in Indonesian parliamentary structure causes a change in the legislative process. The legislative process after the establishment of the DPD is administered on a double-check system that allows representation of the interests of all the people in relative terms can be dispensed with a more social basis large.⁸

While in placing the position of the MPR, at a hearing in 2000, PDKB faction argued that the MPR is a state institution composed of members of the DPR and DPD members, according to the

⁴Menurut Philipus M. Hadjon, Ilmu hukum memiliki karakter yang khas. Ciri khas ilmu hukum adalah sifatnya yang normatif. Lihat Philipus M. Hadjon, *Pengkajian Ilmu Hukum*, Penataran dan Lokakarya Sehari "Menggagas Format Usulan dan Laporan Penelitian Hukum Normatif" Fakultas Hukum Universitas Brawijaya, Malang, 22 Februari 1997, hlm. 1

⁵Soerjono Soekanto, Sri Mamuji, *Penelitian Hukum Normatif*, RajaGrafindo Persada, Jakarta, 2009, hlm. 14

⁶Jimly Asshiddiqie, *Struktur Ketatanegaraan Indonesia Setelah Perubahan Keempat UUD Tahun 1945*, Makalah, disampaikan pada Seminar Pembangunan Hukum Nasional VIII dengan tema " *Penegakan Hukum Dalam Era Pembangunan Berkelanjutan*", diselenggarakan oleh Badan Pembinaan Hukum Nasional, Departemen Kehakiman dan Hak Asasi Manusia RI, Denpasar, 14-18 Juli 2003.

⁷Lihat penjelasan peneliti dalam BAB IV pembahasan tentang sejarah dan tuntutan keberadaan DPD RI

⁸Lihat juga dalam, Jimly Asshiddiqie, *Perkembangan dan Konsolidasi Lembaga Negara, Pasca Reformasi*, Jakarta, Sinar Grafika, 2010, hlm. 119

rules established by UU.⁹ However, in 2001, proposed that the Assembly is *joint session* between Parliament and DPD.¹⁰ The opinion was also expressed by the PKB, PPP, UN faction which further found MPR is a joint session of the House of Representatives and DPD.¹¹ Here Hamdan Zoelfa statement that represents the proposal of the UN Fraction:¹²

"..we too have agreed to change the fundamental provisions regarding the sovereignty of the people. If in our present Constitution stipulates that "sovereignty is in the hands of the people and carried out entirely by the Assembly", was changed to "sovereignty is in the hands of the people and carried out by the People's Consultative Assembly. This change in twos very important, the first elimination of the word "fully" with that sense MPR no longer as the only state institution that fully implement the sovereignty of the people for the implementation of the sovereignty of the people that have various also to other state institutions ... ".¹³

(Risal 51st Meeting of PAH I BP MPR 2000)

"... reason us because of this Assembly just as a joint session between the DPR and DPD and he is no longer as the highest state institutions which are permanent, so he was there because of the MPR, DPR and DPD, if the DPR and DPD does not exist, the Assembly does not exist so we proposed to be merged into one chapter between these three agencies ".¹⁴

(Risalah of the 37th Meeting of PAH I BP MPR 2000)

Most of the factions except the PDI-P and PDU agreed to put the DPD as a separate room in parliament. From what was stated in the trial, there are differences regarding the number of rooms in the parliament. Upon analysis of all functions the parliamentary structure consists of three (3) rooms which MPR, DPR and DPD. However, when analyzed according to the legislative function in the narrow sense as legislators, of various opinions above, it is generally suggested that parliament consists of two (2) kamar.¹⁵

The Character and Character of the Bicameral System in the Concept of People's Sovereignty According to the 1945 Constitution of the Republic of Indonesia

In a democratic country based on the constitution (constitutional democracy) all state institutions, especially in the sphere of the executive, legislative, and judicial branches of government should be given a proportional proportion. In addition each state agency with its function should show a significant role, so as to create a healthy contestation role in carrying out its functions. The dominant role of an institution against another state agency is not allowed in the country demokrasi.¹⁶ desired changes in the context of a democratic Indonesia is to realize national stability inherent (attached) and not the apparent stability is sustained pattern of centralized power and full potential for conflict, but towards decentralized power.

In addition, related to legislative authority, it should be before discussing the formal authority in the law, what must be done by the first DPD member is to understand his existence as regional representatives who certainly must know the character of the region. The DPD formally represents the regions, but substantially-materially represents the government and people in the area as regional

⁹Sekretariat Jenderal MPR-RI, *Risalah Rapat ke-39 Panitia Ad Hoc I BP MPR 6 Juni 2000*, hlm.15-16

¹⁰Sekretariat Jenderal MPR-RI, *Risalah RapatPleno ke-25 Panitia Ad Hoc I BP MPR 2001* hlm.7 dan hlm. 35 .

¹¹Sekretariat Jenderal MPR-RI, *Risalah Rapat ke-37 Panitia Ad Hoc I BP MPR 30 Mei 2000*,. Op.Cit., hlm. 23

¹²Sekretariat Jenderal MPR-RI, *Risalah Rapat ke-51 Panitia Ad Hoc I BP MPR....2000*, Op.Cit.,hlm. 50. Lihat juga Sekretariat Jenderal MPR-RI, *Risalah Rapat ke-37 Panitia Ad Hoc I BP MPR....2000*, Op.Cit.,hlm. 23. Lihat juga Fatmawati, *Struktur dan Fungsi Legislasi Parlemen...*Op.Cit., Hlm. 98

¹³Sekretariat Jenderal MPR-RI, *Risalah Rapat ke-51 Panitia Ad Hoc I BP MPR....2000*, Op.Cit.,hlm. 50

¹⁴Lihat juga Sekretariat Jenderal MPR-RI, *Risalah Rapat ke-37 Panitia Ad Hoc I BP MPR....2000*, Op.Cit.,hlm. 23. Dalam pandangan akhir Fraksinya dalam sidang PAH I BP MPR tahun 2000 mengusulkan agar MPR terdiri dari anggota DPR dan anggota DPD yang dipilih melalui Pemilihan Umum ditambah dengan utusan masyarakat tertentu yang karena tugas dan fungsinya tidak menggunakan hak pilihnya (anggota TNI/POLRI) dimana utusan TNI/POLRI tersebut hanya untuk sementara dalam masa transisi, dan karenanya cukup diatur dalam aturan peralihan

¹⁵Kecuali PDI-P dan PDU yang mengemukakan bahwa DPD bukan merupakan kamar tersendiri dalam parlemen

¹⁶John Pieris, Aryanti Baramuli Putri, *Penguatan Dewan Perwakilan Daerah RepublikIndonesia: beberapa langkah strategis Kajian Hukum Tata Negara dan Politik (MemotongSpiral kekuasaan)*, Jakarta, Pelangi Cendikia, 2009. Hlm. 228-209.

representatives.¹⁷

In the context of regional central relations, the DPD is expected to be a bridge that connects regional desires in the central policy. The link is with regional autonomy, the DPD allows regions to engage in collective bargaining with the center, and will also help create temporary agreements between the center and rich regions that do not benefit poor regions so that the DPD can in the future drive the pace of decentralization, especially sectoral decentralization.¹⁸

As for the constituents' point of view, according to the Institute for Research and Empowering (IRE) researcher, Abdur Rozaki, the pattern of the DPD's relationship with constituents in developing the representation function in parliament is still not going well. This is based on three things, namely:¹⁹

- a. DPD members focus more on taking care of constituents a major supporter during the election campaign, so it tends to ignore the aspirations of the people that are beyond the support base. It can be seen from the choice of location of the areas visited during the recess, namely in the area support base only. So it does not lead to the interests of the citizens as a whole.
- b. DPD members skimpy constituency initiation for networking between citizens and stakeholders region (district/city and province) in integrating the regional aspirations to be taken at national level. As an example of conflict of citizens and local governments in the management of natural resources of iron sand in Kulon Progo, Yogyakarta. Construction of highway infrastructure-Tahura stalled because of past conservation forest.
- c. Not maximal secretarial functions in the area, so that the process of aspiration constituents to DPD has not gone well.

The practice of constituent relations involves communicating with constituents, learning what their problems are and how to solve their problems. Mansbridge explained that Conflict issues are the first step towards the process of deliberation (the process of deliberation), namely the efforts of elites and representatives of the people to understand their desires, emotions, the desires and interests of individuals and groups that are considered good (their own good) for political society.²⁰ This means that regional representatives who receive a mandate from the region must understand and equate their political perceptions with the political preferences that develop in society.

So that it can be classified into priorities in making the national legislation program to be achieved. In addition, to increase the effectiveness and empowerment of the DPD in a democratic constitutional system, there are several principles that would need to be guided:

- a) In the field of legislation need not be fully DPD position equivalent to or coextensive with the House.
- b) the legislative authority of DPD fairly limited in areas that are now listed in the Constitution, and even then remained together (share) by the House of Representatives (taking over).
- c) The authority of the DPD legislation can be formulated in various ways as has been true in other countries, ranging from the right to refuse to return to the House of Representatives or simply delay its implementation.
- d) However, in terms of authority supervision (oversight) DPD should have the same legal force with Parliament, so that the control can be effective. To avoid duplication with Parliament can be organized division of authority and oversight responsibilities between the two institutions. For instance, surveillance DPD more focused in the area and the House of Representatives at the Center.

With consider the expectations of the people in the region are very big on the DPD and political legitimacy is high, then in an effort to further strengthen democracy in Indonesia, as well as to strengthen the implementation of regional autonomy, has grown initiatives to empower the role (empowering) DPD, through amendments to -5 Constitution 1945. The establishment of the DPD is not just that there are areas that represent and participate in managing the interests of the region at the central level, but also to enhance the role of the regions in the country. Gait DPD also directed to include the area in determining the country's political and state management, appropriate scope of the DPD function as a legislative body. Indonesia is a large country in population size or area. With the

¹⁷*Ibid.*

¹⁸Hari Sabarno, *Untaian Pemikiran Otonomi Daerah: Memandu Otonomi Daerah Menjaga Kesatuan Bangsa*, Jakarta, Sinar Grafika, 2008. Hlm. 29.

¹⁹Abdur Rozaki, *Mengkritisi Hubungan Kerja DPD dengan Konstituen*, artikeldipublikasikan dalam Koran Tempo, 19 Juli 2013

²⁰Mansbridge, Jane J., "A Deliberative Theory of Interest Representation," dalam Petracca (ed), *The Politics of Interest*, Oxford: West view, 1992. Dalam Kris Nugroho, *Problematika Dewan Perwakilan Daerah: Antara Fungsi Konstitusional dan Realitas Politik*, artikel tidak diterbitkan, Jurusan Ilmu Politik FISIP, Universitas Airlangga. Hlm. 3

diversity of interests that are born by nature a multi-ethnic and multi-cultural nation, the required representation (representation) which is not only on the basis of population, but also on regional considerations and the heterogeneity of the whole region and its importance, Indonesia needs a strong bicameral system.

So that the existence of the legislation function together is the best choice for the Indonesian nation where the DPR and DPD can complement and strengthen each other. We can see that DPR members are chosen based on population and through parties, DPD members are chosen based on regional representation and individually. Both systems can be complementary, complementary, offset and safeguarding (checks and balances) between representative institutions (the legislature). We understand the will to retain the power we have as a natural instinct because that power is considered a right and pleasure. But that view will change if power and authority are seen as a trustful and sharing authority is a natural and part of a democratic system. Democracy prevents excessive authority, either in the hands of individuals or in a collective group. Actually therein lies the essence of the existence of the DPD, which is to strengthen democracy and justice in our state system. That is really the soul of the 1945 amendment that has given birth to the DPD.

Amendments to the Constitution are only possible if carried out through established requirements and procedures. As regulated in Article 37 paragraphs (1) and (2) of the 1945 Constitution it is stated that:

- (1) Proposed amendments to the articles of the Constitution can be scheduled in the MPR session if submitted by at least 1/3 of the total number of MPR members.
- (2) Every proposal for amendments to the articles of the Constitution is submitted in writing and clearly indicated the proposed part to be changed along with the reasons.

Based on the description above, the demand to strengthen the DPD RI in accordance with the concept of popular sovereignty can only be done through changes to the Constitution 1945 the fifth.

Checks and Balances System (Supervision and Balance) In the Representation of the People In Indonesia Fulfilled With The Bicameral Parliamentary System

The holding of general elections every five years is evidence of the implementation of "people's sovereignty" in Indonesia.²¹ General elections are held to elect the DPR, DPD, President and Vice President and DPRD. At the central level, there are two representative institutions, both of which are elected directly by the people, namely the DPR and DPD.

DPR and DPD have different concepts of representation. The general election participants to elect DPR members are Political Parties,²² while the general election participants to elect DPD members are individuals²³ with the following mechanism:

Article 11

- "(1) To be able to become a candidate for DPD member, an election participant from an individual must fulfill the conditions of support with the following provisions:
- a. Provinces with a population of up to 1,000,000 (one million) people must be supported by at least (one thousand) voters;
 - b. Provinces with a population of more than 1,000,000 (one million) to 5,000,000 (five million) people must be supported by at least 2,000 (two thousand) voters;
 - c. Provinces with a population of more than 5,000,000 (five million) to 10,000,000 (ten million) people must be supported by at least 3,000 (three thousand) voters;
 - d. Provinces with a population of more than 10,000,000 (ten million) to 15,000,000 (fifteen million) people must be supported by at least 4,000 (four thousand) voters;
 - e. The province with a population of more than 15,000,000 (fifteen million) people must be supported by at least 5,000 (five thousand) voters.
- (2) The support referred to in paragraph (1) is spread at least 25% (twenty-five percent) of the total regencies/cities in the province concerned.
- (3) The requirements as referred to in paragraph (1) and paragraph (2) are proven by a signature or thumbprint and a photocopy of the Identity Card or other valid identities.
- (4) A supporter is not permitted to provide support to more than one candidate for DPD member.
- (5) Support is given to more than one prospective member the DPD as referred to in paragraph (4)

²¹Edy Purnama, *Pemikiran tentang Sistem Perwakilan Sebagai Implementasi Dari Prinsip Kedaulatan rakyat Berdasarkan Undang-Undang Dasar 1945*, Disertasi untuk memperoleh gelar Doktor dalam Ilmu hukum Pada Universitas Padjajaran, Bandung, 2005, hlm. 232

²²Pasal 22E Ayat (3) Undang-Undang Dasar Negara Republik Indonesia tahun 1945.

²³Pasal 22E Ayat (4) Undang-Undang Dasar Negara Republik Indonesia tahun 1945

shall be declared null and void."²⁴

Furthermore, DPR members are chosen based on the proportion of the area and number of inhabitants of a province,²⁵ but the DPD is only elected by four people per province.²⁶ Legally formalistically, DPD members are far more representative than the DPR because only four people are elected from each province, so The DPD should have strong authority to fight for regional aspirations, especially in the ratification of a bill relating to regions, preparation of the APBN relating to regions and oversight of the implementation of laws relating to regions.

In Article 249 Paragraph (2) of the MD3 Law it is stated that "In carrying out the supervisory duties as referred to in paragraph (1) letter d, DPD members may hold meetings with the regional government, DPRD, and elements of the community in their constituencies."²⁷ But unfortunately, The DPD cannot carry out these supervisory tasks independently and does not have the power to execute its findings because its authority is limited to the submission of the results of oversight to the DPR.

Furthermore, the DPD's important function in terms of checks and balances is related to the legislative function. Article 22D of the 1945 Constitution of the Republic of Indonesia emphasizes the powers of the DPD in the formation of laws, namely that the DPD "can submit" a bill to the DPR and "participate in the discussion" with the DPR and the President in relation to regional issues. The authority of the DPD is important as a state institution that represents the region and brings regional aspirations.

In terms of submitting a bill, the DPD is authorized to submit a draft National Legislation. The DPD, like the DPR and the President, prepares a draft National Legislative Program in their respective environments before being discussed together in coordination with the DPR Legislative Body (Baleg) to be agreed upon and determined in the DPR Plenary Meeting.

In addition, the DPD can submit a bill outside the National Legislation Program. Basic DPD to file a bill outside the National Legislation Program is:²⁸

- (1). to deal with extraordinary circumstances, conflict situations, or natural disasters; and
- (2). other certain conditions that ensure the existence of national urgency over a bill that can be jointly approved by the DPR's special instruments that specifically handle the field of legislation and ministers who administer government affairs in the field of law.

Proposed Draft Bills Outside the National Legislation Program can be submitted by the public, DPD members, committees, the Law Drafting Committee, or a combination of Fittings. Next, the Deliberation Committee determines the Competencies / Joints of Competencies that are competent to examine whether the proposed bill meets the requirements of the bill beyond

Prolegnas. If the bill meets the requirements, the Chairperson of the Completion Tool / Joint Completion Tool submits the proposal to the Deliberation Committee to be scheduled for decision making at the Plenary Session.

The next stage, after the proposed bill has been established in the Session

The plenary session will become the DPD Bill, the leadership of the DPD submits in writing the intended Bill along with its Academic Manuscript to the leadership of the DPR and the President. The letter also mentions the members of the Working Team who are determined from the Committee or PPUU's proposal to represent the DPD in conducting discussions with the DPR and the Government.

Entering the initial process of Level I Discussion, the DPD through the Apparatus or Working Team appointed by the Plenary Session provides an explanation of the proposed bill. The explanation is referred to as the DPD's explanation of the intent, purpose, and argument of the conception and material provisions contained in the proposed bill. Meanwhile, the Government and the Parliament will provide views on the Bill from the DPD in question and submit a List of Problem Inventory (DIM). Conversely, if a bill related to the authority of the DPD in which the DPD participates in the discussion

²⁴Pasal 11 Undang-Undang Nomor 12 Tahun 2003 Tentang Pemilihan Umum Anggota Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, Dan Dewan Perwakilan Rakyat Daerah

²⁵Pasal 48 Undang-Undang Nomor 12 Tahun 2003 Tentang Pemilihan Umum Anggota Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, Dan Dewan Perwakilan Rakyat Daerah.

²⁶Pasal 52 Undang-Undang Nomor 12 Tahun 2003 Tentang Pemilihan Umum Anggota Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, Dan Dewan Perwakilan Rakyat Daerah.

²⁷Pasal 249 Ayat (2) Undang-Undang Nomor 17 Tahun 2014 tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, Dan Dewan Perwakilan Rakyat Daerah *juncto* Undang-Undang Nomor 42 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 17 Tahun 2014 Tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, Dan Dewan Perwakilan Rakyat Daerah.

²⁸Lampiran Peraturan Dewan Perwakilan Daerah Republik Indonesia Nomor 02 Tahun 2014 tentang Pedoman Penyusunan Rancangan Undang-Undang yang Berasal dari Dewan Perwakilan Daerah RI, hlm. 47.

is proposed by the DPR or the President, the DPD gives a view and submits a DIM.

In discussing DIM, the DPD Working Team prepares materials and arguments to respond to DIM materials from the DPR and the Government. The DPD Working Team is involved in every Working Committee (Panja) meeting, the concentration of activities, and working visits with the DPR and the Government. Timja actively lobbied the DPR and the government to ensure the ideas contained in the DPD Bill were acceptable. If there is a difference in principle, the Team shall convey this matter at the Completeness Meeting and Panmus Meeting or the Plenary Session to determine the DPD's attitude towards the difference. At the end of the Level I Talks, the DPD, the Government and the DPR expressed Mini Opinions.

If the Draft Bill is continued at the Second Level of Discussion, the DPD and the Government will then submit a Final Opinion before the Draft Bill is stipulated as a Law through a joint agreement between the President and the House of Representatives legislation which is used as a decision/regulation of the DPD RI. The draft consists of 1 (one) draft prolegnas proposal; 10 (ten) drafts of the DPD Initiative Bill; and 2 (two) draft Opinion Views. However, 13 of these drafts missed the achievement target of 14 draft decisions/regulations, so that the percentage of realized performance indicators was only 92.85%. The list of DPD RI decisions/regulations related to the legislative function used to be the DPD RI decisions/regulations in 2015 namely:

- a. Draft Proposal of the DPD RI National Legislation Program (Prolegnas):
 1. Draft DPD RI Decree on the Proposal of DPD RI for the National Legislation Program Draft Priority Law 2016 which is used to become DPD RI Decree Number 8 / DPD RI / I / 2015-2016.
- b. Draft Proposal on Initiative Bill of DPD RI:
 1. Draft DPD RI Decree on Archipelagic Insights used as Decree DPD RI Number 37 / DPD RI / IV / 2014-2015;
 2. Draft DPD RI Decree concerning Cooperatives used as Decree Number 04 / DPD RI / I / 2015-2016;
 3. Draft DPD RI Decree on Land which is used to be Decree DPD RI Number 16 / DPD RI / I / 2015-2016;
 4. Draft DPD RI Decree concerning Review of the Draft Bill on Amendment to Law Number 12 of 2011 which is used as Decree of DPD RI Number 21 / DPD RI / I / 2015-2016;
 5. Draft DPD RI Decree on the 2nd Amendment to Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD used as Decree of DPD RI Number 24 / DPD RI / II / 2015-2016;
 6. Draft DPD RI Decree on Central and Regional Financial Relations used as DPD RI Decree Number 25 / DPD RI / II / 2015-2016;
 7. Draft DPD RI Decree concerning Plant Cultivation System used to be DPD RI Decree Number 28 / DPD RI / II / 2015-2016;
 8. Draft DPD RI Decree concerning Procurement of State Goods and Services used to be Decree of DPD RI Number 29 / DPD RI / II / 2015-2016;
 9. Draft DPD RI Decree on the Creative Economy that is used to be DPD RI Decree Number 33 / DPD RI / II / 2015-2016;
 10. Draft DPD RI Decree on Regional Languages used as Decree of DPD RI Number 34 / DPD RI / II / 2015-2016.
- c. Draft Views of the DPD RI Opinion
 1. Draft DPD RI Decree on the Views and Opinion of the DPD RI to the Financial System Safety Net Bill that is used to be the DPD RI Decree Number 13 / DPD RI / I / 2015-2016;
 2. Draft DPD RI Decree on the Views and Opinion of the DPD RI to the Guarantee Bill used to be DPD RI Decree Number 36 / DPD RI / II / 2015-2016.

Achievement of the performance indicators of the percentage of the DPD RI's decision/regulation related to the legislative function used to be the decision/regulation of the DPD RI in 2015 decreased compared to the achievements in 2014. The achievements in 2014 reached 100%. This is due to the substance of the DPD RI Decree on Amendments to the Law on General Provisions and Tax Procedures that have not been used as a DPD RI decision because it is not in accordance with the political will of the DPD RI.²⁹

The Embodiment of the Regional Representative Council of the Republic of Indonesia as the Second Chamber in the Indonesian

Parliament to Realize People-Led Leadership of Wisdom in Consultation / Representation in

²⁹*Ibid*, hlm. 52.

Indonesia The Regional Representative Council of the Republic of Indonesia (DPD RI) is realized with the spirit of the realization of development justice and accommodating the aspirations of the people in the region. This was emphasized in the 1945 Constitution. DPD, in this case, is a non-political organization that captures the aspirations of people in the regions. DPD is the result of a representative system called the bicameral system / Second Chamber, where in the country of origin the bicameral/second chamber (two rooms) is a system capable of absorbing and legislating the aspirations of the local community.

However, this does not appear to be working properly, because in reality the representation system in Indonesia is not a pure bicameral system. This, of course, is an anomaly in the constitutional system in Indonesia because the division of tasks and authority between the DPR and DPD is still in the shadow of unsynchronization. In this case, the role of the DPD is undeniably weakened due to the lack of budgeting rights and interpellation rights. Initially, the position of the DPD and the DPR was aligned with the function of the DPR, but in its development there was an evaluation and lack of supervision from government experts/experts, resulting in abrasion of authority possessed by the DPD.

Strengthening the role of the DPD is very important for progress in areas throughout Indonesia. Amending the constitution as one of the most important ways to change the pattern of making laws (legislation) in parliament, it is intended that the DPD has legal power so that the existence of the DPD is as influential as the DPR, because the DPD is a balancer of the DPR in all matters relating to regional regulations.³⁰

For this reason, the DPD seeks to propose amendments to the 1945 Constitution, especially in Article 22D, this means that an amendment to the 1945 Constitution is required. The possibility of such changes can occur as stipulated in Article 37 paragraph (1) of the 1945 Constitution, which is based on the following considerations:

- 1) The DPD RI has strong legitimacy because it is directly elected by the people, it should have high formal authority;
- 2) The proposal for granting such authority DPD as a state institution whose status is the same as other state institutions;
- 3) With limited authority, it is impossible for the DPD to fulfill the expectations of the local community and realize the aims and objectives of the DPD formation.³¹

DPD as an independent institution, because it is not a political party constituent, is absolutely necessary in order to realize equitable and equitable development in the Republic of Indonesia. state institutions.

Based on Article 22D paragraph (3) of the 1945 Constitution the DPD RI supervises the implementation of the Law on regional autonomy, the formation, combining and merging of regions, central and regional relations, management of natural and other economic resources as well as central and regional financial balances; implementation of the state revenue and expenditure budget, taxes, education and religion. Supervision conducted by the DPDRI in this case are:

- 1) Receiving and discussing the results of audits of state finances conducted by the BPK as material for conducting supervision over the implementation of certain laws;
- 2) Ask the government in writing for the implementation of certain laws;
- 3) Accommodating and following up on people's aspirations and complaints related to the implementation of certain laws;
- 4) Conducting work visits to the regions to conduct monitoring/monitoring of the implementation of certain laws.

In this field of supervision, the DPDRI can at any time absorb the aspirations of the community from the regions as much as possible to facilitate the regions to implement regional autonomy, the relationship between the center and the regions, the formation and expansion and merging of regions, the management of natural and economic resources, and the balance of central and regional finances. DPD RI in this issue will be significant if it is able to work together with the community in the regions. Many turbulent issues in the regions require the assistance of the DPD RI and this is the general public who claims to rarely hear let alone see the gait done by members of the DPD RI. For this reason, the DPD RI needs to strengthen its knowledge and skills base in both the political and legislative community, as well as expand cooperation networks with various parties, such as universities, NGOs, community leaders, religious leaders, traditional leaders, and others.

But the articulation mechanism of the people's aspirations that have been accommodated

³⁰Luse Lusmiaty, *Hubungan DPD dan DPR dalam Fungsi Legislasi Menurut Sistem Ketatanegaraan Republik Indonesia*, Makalah diakses 18 Mei 2015 Hlm. 10

³¹*Ibid* Hlm. 11.

through regional visits and community reports submitted to the DPD, when appointed as the DPD's oversight material to supervise the implementation of the law, is meaningless when the rules governing the rules of supervision are unclear and less explicit. In Article 150 paragraph (1) of the DPD RI Rules of Procedure, it is said that "In the event that the DPR RI does not follow up on the results of supervision submitted by the DPD RI, the DPD RI requests an explanation from the DPR".

This explanation is then given in writing by the Chairperson of the DPR RI in accordance with paragraph (2) of Article 150 of the DPD RI Code of Conduct, but it is not further explained how the results of the DPD RI supervision criteria have been followed up or not. Therefore, the oversight function of the DPD RI requires firmness in the supervision rules, so as not to make it appear as though the DPR RI is a supervisory body of the DPR RI, which oversees every work of the DPR RI received from the DPD RI, the implementation of this provision should be strictly regulated " that the DPR RI is obliged to consider and follow up the results of the supervision of the DPD RI and announce the results openly. "Thus the community can supervise these two representative institutions.

The function of the DPD RI nomination is to give consideration to the DPR RI in the election of BPK members conducted by the DPR. According to Article 22 of the 1945 Constitution and Article 275 of Law No. 27 of 2009 and Article 140 of the DPD RI Code of Conduct, it is explained that the DPD RI can give consideration in the selection of BPK RI members in writing to the Chairperson of the DPR RI no later than three days. The word three days referred to in that article is after the leadership of the DPD RI receives a letter from the leadership of the DPR RI regarding the nomination of BPK RI members. In the DPD RI Code of Conduct it is stated that the DPD RI will hold a plenary session to convey about the prospective member of the BPK RI, then the plenary session of the DPD RI will assign an ad hoc committee to compile the DPD RI considerations, these considerations include the submission of the candidate's name, administration research, delivery of vision, mission and determination of the candidates.

The time that the DPD RI has to give consideration to the Republic of Indonesia DPR regarding BPK RI prospective members is too narrow, which is three days after the Chairman of the DPD RI gets a letter from the Chairman of the DPR RI, to be taken into consideration for members/committee of the DPD RI ad hoc committee. The three days given by the DPR RI to the DPD RI to give a response about the prospective BPK member was too short and ineffective. The effective and appropriate time to give consideration to prospective BPK members is 14 (fourteen days) or two weeks, that is one week is used to solicit input from the public and the next Sunday is used to discuss and give consideration to prospective BPK members.

According to the provisions of Article 20 paragraph (1) of the 1945 amendment, the first amendment expressly states that "the House of Representatives holds the power to form laws", so the DPR is the institution authorized to form laws. Whereas the DPD will only be involved in discussing the Bill in the internal DPR trials, before the DPR issues with the President. Article 20 paragraph (2) states, "Every draft law is discussed by the House of Representatives and the President to obtain mutual agreement", There is no article that regulates the discussion of the bill together with the DPR, DPD and the President. Moreover, requiring DPD approval means 'disagreement' of the DPD may not hinder the law's formulation.

Based on the 1945 Constitution, now the MPR consists of members of the DPR and DPD members. The difference between the two lies in the nature of the interests they represent, members of the DPR to represent the people while the members of the DPD to represent the regions.

Article 20 paragraph (1) states that the DPR holds the power to form laws. Furthermore, to strengthen the position of the DPR as the holder of legislative power, then Article 20 paragraph (5) of the 1945 Constitution emphasized that in the case of a draft bill that was jointly approved not endorsed by the President, within 30 days after the bill was approved, it would automatically become law and must be enacted.

In the DPR's relationship with the DPD, there is a working relationship in which the discussion of the Draft Bill relates to a particular field. The DPD can submit to the DPR the Draft Bill relating to regional autonomy, the relationship between the center and the regions, the formation and expansion and merging of regions, management of natural resources and other economic resources, as well as those related to central and regional financial balance (See Article 22D of the 1945 Constitution).

Besides that to encourage the acceleration of democracy, development, and progress of the regions in a harmonious and balanced manner to realize the welfare of the people, the DPD was formed. The theoretical basis for the establishment of the DPD, among others, is to build a mechanism of control and balance (checks and balances) between branches of state power and between the legislature itself. However, in its journey, it was felt that the functions and powers as stated in Article 22D of the 1945 Constitution after the amendment had difficulty realizing the

purposes and objectives of establishing the DPDRI. Likewise, it is difficult for DPD RI members to be morally and politically accountable to voters and their constituencies. Article 22D also cannot reflect the principle of checks and balances between two representatives (legislative) institutions. In fact, the DPD RI as a state institution has very strong legitimacy because its members are directly elected by the people.

As a state institution of parliament, of course, the DPD RI must have the same position as the state institution of the DPR, including its duties and functions must be balanced. Therefore, strengthening the capacity of the DPD through changes to the 1945 Constitution is something that is inevitable. The authority of the DPD in discussing the bill is also considered far from the will of the constitution. The discussion of the bill relating to the authority of the DPD often does not involve the DPD.

CONCLUSION

Based on the results of this dissertation research that was revealed in the discussion of the chapters, the following conclusions can be drawn:

1. From the various sources of literature that became the author's reference in research on representative institutions (parliaments), there are several terms commonly used in representative agency theory including legislature, assembly, and parliament. the term legislature reflects one of the main functions of the institution, namely the making of laws (legislation) is analyzed based on the function of legislation based on the function of legislation in the sense of the Indonesian parliament after changes to the constitution of the Republic of Indonesia in 1945. practicing an asymmetric bicameral system with a weak character (asymmetric bicameralism/weak bicameralism/soft bicameralism) where one room is stronger than the other rooms, because the DPR's authority is more dominant than the DPD. systematic system, not something static in its development. according to Arend Lijphart, three models can be found in the implementation, namely strong bicameralism and insignificant bicameralism. between the strong and weak parliaments Arend Lijphart made three characteristics: first, the power given formally by the constituency, second, how their selection method, usually affects the democratic legitimacy of the chambers. third, the crucial difference between the two chambers in the bicameral legislature is that the second chamber may be chosen in a different way or design as well as a specific minority representative.
2. If analyzed by the Indonesian parliament after the amendment to the 1945 Constitution of the Republic of Indonesia, related to the opinion of Arend Lijphart, regarding the model of conducting a bicameral parliament in the context of the limited legislative function, the Indonesian parliamentary building adheres to a system of weak bicameralism with soft character and patterned congruent because the first room is different from the second room. the first room (DPD) is a territorial/regional/territory representative. the building of weak bicameralism is found in its provisions in the 1945 Constitution of the Republic of Indonesia, (post amendment), article 20 (1) and paragraph (2) and article 20A paragraph (1), the DPR has full legislative functions in making laws from the planning stage, the discussion stage and the decision making stage of approval, while the DPD has limited authority and legislative functions, as stipulated in article 22D paragraph (1) and paragraph (2), that is, they can submit a bill and participate in discussions but cannot participate in making the final decision.
3. Other discoveries in the practice of administering weak bicameralism as regulated in the law of the Republic of Indonesia number 27 of 2009 which has been amended by the law of the Republic of Indonesia number 17 of 2014 concerning the MPR, DPR, DPD and DPRD. The DPD has subordinate powers from the DPR with the following stages:

Article 163

- (1) Draft laws may originate from the Parliament, the President, or DPD,
- (2) Draft legislation from the House of Representatives, the President, or DPD accompanied by an academic text, except draft legislation concerning:
 - a. STATE BUDGET;
 - b. determination of government regulation in lieu of law into law; or
 - c. repeal laws or revocation of government regulation in lieu of law.

Article 164

- (1) The proposal for the draft legislation may be submitted by members of Parliament, commissions and joint commissions.
- (2) The proposal for a draft law submitted in writing by members of Parliament, leaders of the commission, or head of the Legislative Body to the leadership of the House with a list of names and signatures of the proposer.

- (3) Parliament decided proposal draft laws referred to in paragraph (2) in a plenary session, in the form of:
 - a. approval;
 - b. approval of the conversion; or c. rejection.
- (4) In the event of approval of the conversion, the House of Representatives tasked the commission, Legislation Agency, or a special committee to improve the bill.
- (5) The draft legislation has been prepared by the House of Representatives House leaders delivered a letter to the President.

Article 165

- (1) The bill that came from the President submitted to the President a letter to House leaders.
- (2) The bill that came from the President related to regional autonomy, central and local relations, the establishment and expansion and local incorporation, management of natural resources and other economic resources, and financial balance between the center and regions submitted to the House of Representatives and the House leadership deliver it to the leadership of the DPD.

Article 166

- (1) Draft legislation may be proposed by the DPD related to regional autonomy, central and local relations, the establishment and expansion and merger of regions, management of natural resources and other economic resources, as well as with regard to the financial balance between the center and regions.
- (2) The bill referred to in paragraph (1) and an academic paper submitted in writing by the leader of DPD to the House leadership.
- (3) The leadership of the House of Representatives no later than 30 (thirty) days of receiving the bill of DPD as referred to in paragraph (2) sent a letter to the President to appoint the minister assigned to represent the President in the discussion of Bill of legislation with the House to include DPD.
- (4) The leadership of the House of Representatives after receiving a draft law of the Council referred to in paragraph (1) sent a letter to the leadership to appoint fittings DPD DPD assigned to represent the DPD participate in the discussion of the draft law by the Parliament and the President.
- (5) the House of Representatives and the President began discussing a draft law of the Council referred to in paragraph (1) 60 (sixty) days commencing from the House leadership letters received by the President.

Article 167

The dissemination of the draft law as referred to in Article 166 paragraph (2) shall be carried out by the DPD.

Article 168

The follow-up discussion of the draft law originating from the DPR, the President, or the DPD is carried out through 2 (two) levels of discussion.

Article 169

The two levels of discussion referred to in Article 168 consist of:

- a. First-level discussions in commission meetings, joint commission meetings, Legislative Body meetings, Budget Agency meetings, or special committee meetings; and
- b. Level II discussion at the DPR plenary meeting.

Article 170

- (1) The first-level talks conducted with the following activities:
 - a. introductory discussion;
 - b. discussion list of inventory problems; and c. delivery mini opinion.
- (2) In the introductory meetings referred to in paragraph (1) letter a:
 - a. Parliament give an explanation and the President expressed the view if the draft law is derived from the DPR;
 - b. Parliament provides clarification and the President and the Council expressed the view if a draft law relating to the authority of the DPD as referred to in Article 71 letter c comes from the House of Representatives;
 - c. DPD provides clarification and the House of Representatives and the President expressed the view when the draft legislation relating to the authority of the DPD from the DPD;
 - d. President provide explanations and fractions give their views if the draft law is derived from the President; or

- e. President provides clarification and fractions and the Council expressed the view if the draft legislation relating to the authority of the DPD as referred to in P71 c origin comes from the President.
- (3) List of inventory problems referred to in paragraph (1) letter b shall be submitted by:
 - a. President if the bill comes from the House of Representatives;
 - b. Parliament if the bill comes from the President;
 - c. DPR and DPD if the bill comes from the president so far as the authority of the DPD as referred to in Article 71 letter c;
 - d. Parliament and the President if the bill comes from all associated with the authority DPD DPD as referred to in Article 71 letter c; or
 - e. DPD and the President if the bill comes from the House along with the relevant authority of the DPD as referred to in Article 71 letter c.
- (4) Submission mini opinion referred to in paragraph (1) c delivered at the end of the first-level talks by:
 - a. fraction;
 - b. DPD, if a bill relating to the authority DPD as referred to in Article 71 letter c; and
 - c. President.
- (5) In case DPD does not express a view as referred to in paragraph (2) b and e and/or expression mini referred to in paragraph (4) b, the first-level talks to go ahead.
- (6) In the first-level talks can be invited heads of state institutions or other institutions if a bill of material related to state institutions or other institutions.

Article 171

- (1) The second level discussion is the decision making by the DPR and the Government in a DPR plenary meeting with the following activities:
 - a. submission of a report containing the process, the opinion of the mini faction, the opinion of the mini DPD, and the results of the level I discussion;
 - b. statement of approval or rejection of each faction and DPR members verbally requested by the chairman of the plenary session; and
 - c. the President's final opinion conveyed by the minister assigned.
- (2) In the case that the agreement referred to in paragraph (1) letter b by deliberation to reach an agreement cannot be reached, the decision making shall be based on the majority of votes.
- (3) In the event that the draft law does not obtain joint agreement between the DPR and the President, the draft law may not be submitted again in the DPR session at that time.

Article 172

Further provisions regarding the level of discussion are regulated in the DPR regulations on the rules of procedure.

Article 173

- (1) In preparing and discussing the draft law, including discussion of the draft law on the State Budget, the public has the right to provide input verbally and/or in writing to the DPR through the leadership of the DPR and/or other DPR completeness instruments.
 - (2) Members or equipment of the DPR which prepare or discuss the draft law can conduct activities to obtain input from the public.
 - (3) Further provisions regarding the procedure for receiving input and absorption of aspirations from the public in the preparation and discussion of the draft law are regulated in the DPR regulations on the rules of procedure.
4. The interesting thing found by the author is related to the function of budget considerations regarding the State Budget. DPD as a regional representative, can not do anything, in the budget consideration function, because it is limited to a very limited function or called insignificantly. The DPD can only submit written considerations to the DPR and not participate in the discussion, this can be seen in practice as stipulated in the MD-3 Law as follows;

Article 174

- (1) The DPR accepts and follows up on written considerations regarding the draft law on the State Budget and the draft laws relating to tax, education, and religion submitted by the DPD before entering the discussion stage between the DPR and the President.
- (2) If the draft law as referred to in paragraph (1) comes from the President, the DPR leadership after receiving the President's letter submits a letter to the leadership of the DPD so that the DPD gives its consideration.
- (3) If the draft law as referred to in paragraph (1) comes from the DPR, the leadership of the DPR submits a letter to the leadership of the DPD so that the DPD gives its consideration.

- (4) DPD considerations as referred to in paragraph (2) and paragraph (3) shall be submitted in writing through the leadership of the DPR no later than 30 (thirty) days after receipt of the DPR leadership letter, unless the draft law on the APBN is submitted no later than 14 (four twelve) Days before a joint agreement between the DPR and the President is taken.
 - (5) At the next DPR plenary meeting, the DPR leadership notifies the DPR members regarding the acceptance of the DPD's consideration of the draft law as referred to in paragraph (4) and passes it on to the Consultative Body to be forwarded to the DPR's completeness instruments that will discuss it.
5. A system of checks and balances (supervision and balance), to ensure power does not exceed the limit, a system that is a checks and balances system is needed. Each power supervises and controls one another. Checks and balances system is a mechanism that measures the stability of the rule of law concept in order to realize democracy. After the amendment to the 1945 Constitution of the Republic of Indonesia, the relationship between the central government and regional governments was decentralized. Therefore, the DPD has an important role in running a system of checks and balances. This role is supported by giving authority to the DPD in terms of participating in deciding certain bills and carrying out independent oversight of matters relating to regional autonomy, central and regional relations, formation and expansion and merging of regions, management of natural resources and other economic resources , as well as those relating to central and regional financial balances. The division of roles between the DPR and the DPD, in which the DPD focuses on representing the interests of the people in their respective regions, shows how the checks and balances function can be fulfilled with the bicameral parliamentary system. But in practice, the implementation of double checks or parliamentary checks and balances in Indonesia is not in accordance with the ideal concept or in other words is far from the fire.
6. The incarnation/transformation of the Regional Representative Council of the Republic of Indonesia became the second chamber in the Indonesian parliament after the amendment to the 1945 Constitution of the Republic of Indonesia, reflected in the institutional structure of the representative (parliament) which is equally a branch of legislative power, membership being equally elected directly and membership period also same five years. Before the amendment to the 1945 Constitution of the Republic of Indonesia was in the form of regional envoys, the recruitment pattern for the election of regional representatives was carried out by the Provincial Regional House of Representatives and the membership period was also five years. DPD as a representative institution, this cannot be separated from the conception of a democratic country. In the conception of a democratic state contained the basic principle, namely the sovereignty of the people determines the course of government. The realization of this principle in daily government life is reflected in the people's participation in deciding government policies. DPD as a regional representative institution that has a character of representation based on regions is essentially a character of wider representation than the DPR because the dimension of representation is based on all the people contained in these regions. The existence of the DPD is to increase the aggregation and accommodation of aspirations in the context of formulating national policies for the interests of the state and the region as well as an effort to increase the empowerment of regions and communities throughout Indonesia. The Regional Representative Council (DPD) is a barometer of the success of reforms in the state administration in Indonesia. Based on the above provisions governing the position and function of the DPD, it provides changes to the system of representative institutions in the Indonesian state administration which previously did not reveal the actual form of representation. With the presence of the DPD, in the Indonesian representative institutions system, the DPR is supported and strengthened by the DPD. The DPR is a representative institution based on people's aspirations and political understanding as to the holder of sovereignty, while the DPD is a representative institution channeling the diversity of regional aspirations. The existence of the DPD is an effort to accommodate the principles of regional representation.
7. There is an ambivalent thing, DPD members who have very strong democratic legitimacy because they are elected directly through elections every five years, as stipulated in Article 22 E paragraph (1) of the 1945 Constitution), should have and be given adequate authority equivalent to the DPR, to fight for regional aspirations. However, due to changes in the 1945 Constitution which tend to be patchy and biased in political interests, making the position of the DPD can not carry out the function of regional representation to the fullest. In addition to limited functions and authority, the number of members. DPD as the Second Chamber is also limited, as stipulated in article 22-C Paragraph (2) of the 1946 NRI Constitution, there are no more than 1/3 members of the DPR (Second Chamber).

8. As a step to legitimize its role, the DPD submits an application for testing the MD3 Law and the P3 Law against the 1945 Constitution of the Republic of Indonesia to the Constitutional Court, the result of which the DPD has the authority to (1) be involved in making Prolegnas; (2) submit a bill in accordance with article 22D paragraph (1) of the 1945 Constitution; and (3) have the right to discuss the bill in full in the context of Article 22D paragraph (2) of the 1945 Constitution. Through this Constitutional Court ruling, a paradigm shift in the process of making laws has become more efficient, restoring the position of the DPD as a co-legislator in addition to the DPR, and strengthening system of checks and balances.

SUGGESTION

To achievement of the effective functioning of parliament in Indonesia after the change of the Constitution of the Republic of Indonesia Year 1945, the authors suggest the following:

1. Must constitutional reforms structuring representative institutions (parliament) Indonesia, particularly related to the setting position DPD which is a regional representative institutions and domiciled as a state agency, as stipulated in Article 1 (2) NRI Constitution of 1945, that developed into a strong bicameral system (strong bicameralism) in the sense that both are fitted with the same authority of a strong and mutually offset each other.
2. To establish checks and balances system, the DPD must be given full authority (from the planning stage, the stage of discussion and decision-making stage) particular field correspond to those provided for in Article 22D Paragraph (1) and Paragraph (2) of the Constitution of the Republic of Indonesia Year 1945, related to the interests of the region that is of regional autonomy, central and local relations, the formation, expansion and merger of regions, management of natural resources ,, other economic resources, as well as central and local finances, the state government budget, tax, education and religion, both in legislation, badgeting at least for a discussion of regional transper funds, as well as in supervision. In the process of legislation and budgeting, DPD is entitled to file a bill, discuss and make decisions.
3. There should be a setting on the pattern of the working relationship between DPD with DPR in the discussion of draft laws related to regionalism. If there is disagreement in the discussion of the bill should be formed Conference Committee (conference committee), the results are returned to their rooms to decide. The final decision rests with the Parliament and Council can be disallowed objections to the approval of members of the House with a 2/3 vote of the most time limit of 30 working days.
4. Ideal Building (transformation) Indonesian parliamentary MPR future is composed of DPR and DPD. Forum MPR just as the joint session (jointsession). Understanding the Assembly as a joint session of the Assembly is no longer an institution that is independent. He just is a meeting forum between the two (2) institutions, namely the Council and Parliament. When the trial takes place, both DPD and for DPR, DPD and remained a member of the House of Representatives. They did not merge into one in an institution of the Assembly.
5. To realize quality DPD products in the field of legislative, budgetary and oversight functions of government policy, the DPD must strengthen itself both individually and institutionally by providing expertise support (professional staff) that must be provided by the Secretariat General of the Regional Representatives of the Republic of Indonesia with a recruitment pattern through testing expertise competence.
6. Limitations of authority of the DPD, the future continues to be maximized and refined, membership DPD must be filled by members has sufficient credibility and capability of high integrity and national (non-partisan) or not from a member of the Political Parties.
7. There are three attempts to strengthen the position of DPD as a counterweight to the House of Representatives institutions towards an effective bicameral system, namely:
 - 1) To amend the Constitution of the State Republic Indonesia Year 1945.
 - 2) Amended the Law of the Republic of Indonesia concerning the MPR, DPR and DPD based on the decision of the Constitutional Court Number 92 / PUU-X / 2012 and published in the State Gazette of the Republic of Indonesia Number 26 of 2013. In its decision, the Court upheld five things, including:
 - a. DPD is involved in making the national legislation program (Prolegnas);
 - b. DPD has the right to submit a bill referred to in Article 22D paragraph (1) of the 1945 Constitution as is the case with the DPR and the President, including in the establishment of the Bill on Revocation of Government Regulations in lieu of Laws;
 - c. DPD has the right to discuss the bill in full in the context of the Article 22D paragraph (2) of the 1945 Constitution
 - d. Discussion of the Law in the context of Article 22D paragraph (2) is tripartite, namely

- between the DPR, DPD and the President; and
- e. The Court stated that the provisions in the MD3 Law and P3 Law were not in accordance with the MK's interpretation of the DPD's authority with itself contradicts the 1945 Constitution of the Republic of Indonesia, both of which requested or not.
- 3) With a constitutional convention.

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