

The Existence and Authority of the Regional Representative Council in Indonesia's Bicameral System

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ABSTRACT

Indonesia's constitutional system adopts a bicameral system with the presence of the Regional Representative Council (DPD) as a representation of regional interests. However, the effectiveness of the DPD within the legislative system still faces various challenges, particularly due to its limited authority compared to the House of Representatives (DPR). The DPD only has the right to propose and provide considerations on certain draft laws but does not possess full legislative authority. This study aims to analyze the existence and authority of the DPD within Indonesia's bicameral system, identify the challenges it faces, and offer recommendations for strengthening its role. This study employs a normative method with a legislative and conceptual approach. The findings indicate that Indonesia's bicameral system is asymmetrical, where the authority of the DPD remains far below that of the DPR, differing from the bicameral systems in other countries such as the United States, where both legislative chambers hold full authority. This limitation creates a dilemma in representing regional interests in national policymaking. Therefore, reforming the authority of the DPD is necessary to achieve a more balanced legislative system that reflects the principles of inclusive democracy.

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INTRODUCTION

Indonesia's constitutional system adopts a bicameral system with the presence of the Regional Representative Council (DPD) as a representation of regional interests in the national legislative process. The establishment of the DPD is based on the third amendment to the 1945 Constitution (UUD 1945), which aims to create a balance in political representation between the regions and the central government. According to Hadjon (2019), an ideal bicameral system should provide space for two legislative chambers to balance each other, ensuring that regional interests are not neglected in national policies. In practice, however, the role of the DPD still faces various obstacles, making its effectiveness in the constitutional system less than optimal.

One of the main issues faced by the DPD is its limited authority compared to the House of Representatives (DPR). The DPD can only propose and provide considerations on certain

draft laws but does not have full legislative rights in the law-making process. According to Asshiddiqie (2020), this weakness is due to the institutional design of the DPD, which from the outset was not given equal authority to the DPR, making it more consultative rather than a legislative body with strong influence. This has resulted in Indonesia's bicameral system being different from the bicameral system in other countries, such as the United States, where full legislative authority is granted to both chambers (Setiawan, 2021).

These limitations have sparked debates regarding the urgency and effectiveness of the DPD's existence in the constitutional system. Some propose strengthening the DPD's authority to give it a more significant role in national policymaking, particularly in legislation, oversight, and budgeting. On the other hand, some argue that Indonesia's bicameral system can still function with the existing checks and balances mechanisms without drastically changing the DPD's authority. According to Yulianto (2022), reforming the DPD's authority should be carried out gradually while considering the principles of fair representation and balance of power in the government system.

Based on these issues, this study aims to analyze the existence and authority of the DPD in Indonesia's bicameral system, identify the challenges it faces, and offer recommendations to strengthen its role in the legislative system. This study is expected to provide insights into optimizing the DPD's function to strengthen democracy in Indonesia.

This research employs a normative method with legislative and conceptual approaches. The legislative approach is conducted by examining the provisions in the 1945 Constitution and various related regulations governing the position and authority of the DPD. Meanwhile, the conceptual approach is used to compare the practice of the bicameral system in Indonesia with models applied in other countries.

The data sources used in this research include primary legal materials, such as the 1945 Constitution and related laws, as well as secondary legal materials in the form of academic journals, books, and scholarly articles discussing the regional representation system and the concept of bicameralism. Data analysis is conducted qualitatively using legal interpretation methods to understand the dynamics of the DPD's authority in the context of Indonesia's constitutional system.

With this study, it is hoped that solutions can be found for the problems faced by the DPD so that its role and authority in the legislative system can be optimized. The reform of Indonesia's bicameral system should consider a balance between the effectiveness of legislative institutions and the principle of regional representation to achieve a democratic and inclusive government.

METHODS

This study employs a normative method with a legislative and conceptual approach to analyze the existence and authority of the Regional Representative Council (DPD) within Indonesia's bicameral system. The normative approach is chosen as this research focuses on the study of positive law governing the DPD, including the 1945 Constitution (UUD 1945) and relevant legislation. Meanwhile, the conceptual approach is used to compare Indonesia's bicameral

model with similar systems in other countries, as well as to analyze weaknesses and opportunities for reforming the DPD's authority.

The data sources in this study consist of primary legal materials and secondary legal materials. Primary legal materials include the 1945 Constitution, Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD (UU MD3), and various regulations governing the regional representation system in Indonesia. Secondary legal materials include books, academic journals, scholarly articles, and previous research discussing bicameral systems, legislative authority, and legal reforms in Indonesia. Data collection is conducted through the library research method, in which legal documents and academic literature are analyzed to gain an in-depth understanding of the role and authority of the DPD. This library research also includes comparative analysis with bicameral systems in other countries, such as the United States and Germany, to assess how Indonesia's system can be strengthened.

The data analysis technique employed in this study is qualitative analysis with legal interpretation methods. This interpretation involves examining the content of existing legislation and comparing it with constitutional theory and bicameralism concepts. The analysis aims to identify the extent to which the DPD's authority can be strengthened to enhance its effectiveness in the national legislative system.

This study also adopts a comparative approach to examine the bicameral system in Indonesia alongside other similar legislative systems worldwide. Through this approach, the research can identify weaknesses and strengths in other countries' systems, providing a reference framework for reforming the DPD's authority. To enhance the analysis, this study also examines concrete cases where the DPD has played a role in advocating for regional policies, such as proposals for regional expansion and the management of natural resources. The case study analysis aims to evaluate the DPD's effectiveness in practice and determine to what extent its recommendations have influenced national policymaking.

In proposing reforms to the DPD's authority, this study considers the principle of checks and balances in the constitutional system. Therefore, the analysis will focus on how the power balance between the DPR and DPD can be optimized without hindering government effectiveness. Additionally, this study examines the mechanism for electing DPD members, which currently follows a direct election system. Alternative region-based or interest-group-based representation systems are also explored as potential solutions to enhance substantial regional representation in the DPD.

RESULTS AND DISCUSSION

Theoretical Foundation and Conceptual Framework

The bicameral system is one of the parliamentary models applied in various countries to create balance in the legislative process and political representation. This model allows for the existence of two legislative chambers with specific functions within the constitutional system. According to Hague and Harrop (2020), a bicameral system can enhance the quality of democracy by providing space for regional representation or specific interest groups in national policymaking. In countries with vast territories and high heterogeneity, such as the

United States and Australia, this system is considered effective in maintaining political stability and fairness in policy distribution.

In the context of Indonesia, the idea of a bicameral system began to gain serious attention after the 1998 reform. Previously, Indonesia had only one legislative chamber, namely the House of Representatives (DPR), which had full authority in legislative, budgetary, and oversight functions. However, along with increasing demands for decentralization and strengthening the role of regions, the Regional Representative Council (DPD) was established through the third amendment to the 1945 Constitution (UUD 1945). The formation of the DPD aimed to ensure a balance in the legislative process between central and regional interests. According to Asshiddiqie (2018), the existence of the DPD reflects the need to strengthen a more inclusive democracy, although in practice, it still faces various challenges in implementing its authority.

Historically, the establishment of the DPD in the amendment to the 1945 Constitution was driven by the desire to strengthen the role of regions in national political decision-making. Before the reform, regional representation in the legislative system was still limited and lacked significant influence on national policies. Therefore, in the third amendment to the 1945 Constitution, the DPD was established as a legislative body tasked with representing regional aspirations. However, although its concept resembles bicameral systems in other countries, the role of the DPD in Indonesia is more limited compared to the second chamber in other bicameral parliamentary systems.

The legal basis for the establishment and authority of the DPD is regulated in Articles 22C and 22D of the 1945 Constitution and further clarified in Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD (UU MD3). Under the constitution, the DPD has the authority to propose draft laws related to regional autonomy, central-regional relations, and the management of natural and economic resources. Additionally, the DPD is responsible for providing considerations on draft laws related to regional interests and overseeing the implementation of specific laws. According to Setiawan (2021), although normatively the DPD has authority in the legislative process, its rights remain far more limited than those of the DPR, making its role in national politics less than optimal.

A comparison with bicameral systems in other countries shows that the institutional framework of the DPD in Indonesia still has weaknesses in terms of authority. In the United States, for instance, the Senate has full legislative rights and can approve or reject bills proposed by the House of Representatives. Meanwhile, in Indonesia, the DPD can only propose and provide considerations on draft laws without having veto or approval rights. According to Yulianto (2022), this difference indicates that Indonesia's bicameral system is more asymmetric, where one chamber (DPR) holds far more dominant authority compared to the DPD.

Moreover, the oversight role of the DPD over the government remains limited. According to the provisions in the UU MD3, the DPD can only provide recommendations on government policies related to regional interests but does not have the authority to summon executive officials or impose political sanctions. This differs from the U.S. Senate, which has the authority to confirm high-ranking officials and approve international treaties. According

to Rahardjo (2019), this weakness prevents the DPD from effectively playing a role in the checks and balances system, which should be a fundamental principle in a bicameral system.

In practice, the limitations of the DPD's authority often create imbalances in the legislative system. Many national policies affecting the regions do not fully involve the DPD in the deliberation process. This creates a dilemma because, on one hand, the DPD is expected to represent regional interests, but on the other hand, its authority is insufficient to ensure that regional aspirations are truly accommodated in national policies. According to Priyono (2023), there is a need for reforms in the DPD's authority to enable it to perform its legislative and oversight functions more effectively, especially in advocating for regional rights at the national level.

The Authority of the Regional Representative Council (DPD) in the Constitutional System

The Regional Representative Council (DPD) is a representative institution established through the amendment of the 1945 Constitution (UUD 1945) to represent regional interests in Indonesia's constitutional system. However, the authority of the DPD remains very limited compared to the House of Representatives (DPR). In the legislative system, the DPR has full authority in drafting laws, discussing and approving the state budget, and overseeing the government. In contrast, the DPD only has the right to propose draft laws related to regional interests, provide considerations, and conduct limited oversight.

According to Jimly Asshiddiqie (2018), this system indicates that Indonesia does not adopt a balanced bicameralism but rather a "weak bicameralism," where the DPD only has an additional role in the legislative process. Normatively, Article 22D of the 1945 Constitution stipulates that the DPD has the authority to provide considerations on certain draft laws but does not have full rights in the law-making process. Unlike the Senate in other countries with a bicameral system, the DPD cannot approve or reject a draft law. This makes the DPD's position less effective in advocating for regional interests. According to Setiawan (2021), this difference shows that the authority of the DPD in Indonesia's constitutional system is more symbolic than substantive, as it lacks legally binding power in the national decision-making process.

The DPD's limitations are also evident in its oversight function over government policies. According to Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD (UU MD3), the DPD has the authority to oversee the implementation of laws related to regional autonomy. However, this oversight is only advisory in nature, without any mechanism to summon executive officials or impose sanctions. In contrast, the DPR has the right of interpellation, the right of inquiry, and the right to express opinions, whereas the DPD can only submit reports to the DPR or the government without further authority. According to Yulianto (2022), this limits the DPD's effectiveness in monitoring regional policies, making it have little impact on national policies.

In practice, several cases demonstrate the role of the DPD in advocating for regional aspirations, despite its limited authority. One such case is the DPD's involvement in regional expansion issues. The DPD often acts as the party proposing the establishment of new autonomous regions, although the final decision still rests with the DPR and the government. For example, in 2013, the DPD proposed the expansion of the South Papua, Central Papua,

and Highlands Papua provinces, but the realization of the decision remained dependent on the approval of the DPR and the central government. According to Rahardjo (2019), this indicates that while the DPD can play a role in advocating for regional interests, its decisions do not have legally binding power and still rely on other institutions.

Another case highlighting the DPD's limitations is in the management of natural resources in the regions. The DPD frequently provides recommendations regarding natural resource management policies, particularly concerning revenue sharing from mining and natural gas exploitation. However, the final decision remains with the DPR and the government. For example, in the renegotiation of the Freeport mining contract in Papua, the DPD recommended that the government prioritize regional interests, but this recommendation had no significant impact on the negotiation process. According to Priyono (2023), this demonstrates that without stronger authority, the DPD functions merely as an advisory body without any guarantee that its recommendations will be accommodated in state policies.

On the other hand, there have been some instances where the DPD successfully pushed for policies favoring the regions, although these cases are limited. One such success was the DPD's role in advocating for the revision of Law No. 33 of 2004 on the Financial Balance between the Central and Regional Governments. The DPD actively voiced the importance of a fairer distribution of balancing funds for the regions, which eventually became one of the considerations in revising the law. However, this process still required the support of the DPR and the government for realization.

Evaluation and Reform of Indonesia's Bicameral System

Since its establishment through the amendment of the 1945 Constitution (UUD 1945), the Regional Representative Council (DPD) was expected to represent regional interests in the national legislative process. However, in practice, the effectiveness of the DPD remains a subject of debate, particularly due to its limited authority compared to the House of Representatives (DPR). The main criticism of the DPD is that it lacks adequate legislative power, making its role in advocating for regional interests often merely symbolic. According to Asshiddiqie (2019), Indonesia's bicameral system does not provide a balance of power between the DPR and the DPD but rather leans towards a strengthened unicameral system, in which the DPR continues to dominate policymaking.

One criticism of the DPD is that its legislative authority is limited to submitting proposals and providing considerations on draft laws related to regional matters, without having the right to approve or reject legislation. This contrasts with bicameral systems in other countries, where the upper chamber has veto power or at least the right to amend legislation. As a result, recommendations submitted by the DPD often have little impact on national decision-making. According to Hutagalung (2020), this situation indicates that the DPD functions more as a consultative body rather than a true legislative institution.

To strengthen Indonesia's bicameral system, reforming the authority of the DPD is necessary to give it a more substantial role in the legislative process and government oversight. One proposed reform is to grant the DPD veto power over laws directly affecting regional interests. This would prevent the DPR from unilaterally determining policies

impacting the regions without considering the DPD's input. Additionally, the DPD's oversight authority should be expanded to allow it to summon executive officials and issue binding recommendations on policies related to regional autonomy. According to Harjono (2021), without enhanced authority, the DPD will remain an institution with little relevance in Indonesia's constitutional system.

As a comparison, many countries with strong bicameral systems grant more significant roles to their upper chambers in the legislative process. For example, in the United States, the Senate has equal power with the House of Representatives in lawmaking, including the right to approve or reject international treaties and high-level appointments. Meanwhile, in Germany, the Bundesrat has the authority to reject laws that affect state interests, ensuring a balance between the central government and the regions. According to Lijphart (2022), a more balanced bicameral model like this could serve as an example for Indonesia in designing DPD reforms to make it more effective.

In addition to strengthening authority, reforming the selection system for DPD members should also be considered to better reflect regional aspirations. Currently, DPD members are elected through direct elections with an equal number of representatives from each province. However, this mechanism often does not ensure that DPD members have the necessary competence to advocate for regional interests effectively. One alternative that could be implemented is a region-based or interest-group-based representation system, as seen in some federal countries, where upper chamber members are selected by regional governments or specific interest groups. This would provide more structured and effective regional representation within the DPD.

Nevertheless, reforming the DPD's authority cannot be done without constitutional and broader political system changes. Amendments to the 1945 Constitution are required to grant the DPD greater legislative and oversight authority. Additionally, political commitment from the DPR and the government is necessary to support the strengthening of the DPD's role, which has so far faced resistance from dominant political actors. This reform must also consider the balance between governmental effectiveness and regional representation to avoid creating dualism that could hinder the legislative process and national policymaking.

With the various challenges and opportunities present, reforming the DPD is crucial to ensuring that Indonesia's bicameral system functions more optimally. If the DPD remains in its current state, it will remain a symbolic institution without a meaningful role in the constitutional system. Therefore, in-depth studies on strengthening the DPD should continue, particularly in terms of legislation, oversight, and member selection mechanisms. In this way, a balance between national and regional interests in Indonesia's political system can be better ensured.

CONCLUSION

Based on the study conducted, it can be concluded that Indonesia's bicameral system has not yet achieved an ideal balance between the Regional Representative Council (DPD) and the House of Representatives (DPR). The limited authority of the DPD, particularly in legislation and oversight, makes its role ineffective in advocating for regional interests. Although the

initial objective of establishing the DPD was to strengthen regional representation in national policymaking, in reality, the DPD functions more as a consultative body rather than a legislative institution with significant influence. Compared to bicameral systems in other countries, the DPD is still far from the concept of an upper chamber with substantial legislative and oversight powers.

To enhance the effectiveness of the DPD in Indonesia's constitutional system, comprehensive reforms are necessary. One step that can be taken is to expand the DPD's authority in the legislative process, including granting it veto power over laws directly related to regional interests. This would ensure that policies concerning the regions are not solely determined by the DPR but also require approval from the DPD as a representative of regional interests. Additionally, the DPD needs greater oversight authority over government policies, including the right to summon executive officials and issue binding recommendations on policies related to regional autonomy.

Beyond strengthening authority, the mechanism for electing DPD members should also be improved to better reflect regional interests. One alternative that could be considered is involving representatives from regional governments or specific interest groups in the selection process, as practiced in some countries with strong bicameral systems. With an election system more oriented toward regional interests, DPD members would have greater legitimacy in advocating for policies aligned with the aspirations of their respective regions.

From a regulatory perspective, revising the 1945 Constitution is an unavoidable step if the DPD's role is to be significantly strengthened. Constitutional amendments are necessary to provide a stronger legal foundation for the DPD in performing its legislative and oversight functions. Additionally, revisions to laws governing the DPD's authority must also be made to ensure that its role is not merely ceremonial but has a tangible impact on national decision-making.

On the other hand, bicameral system reform must also consider the balance between government effectiveness and regional representation. The authority granted to the DPD should still adhere to the principle of efficiency in policymaking to prevent excessive bureaucracy or legislative gridlock. Therefore, further studies are needed to determine the ideal scope of authority for the DPD so that Indonesia's bicameral system can function optimally without disrupting governmental stability.

With comprehensive reforms, the DPD can become a more relevant institution in Indonesia's constitutional system. Without significant changes, the DPD will remain a symbolic institution without real influence on national policies. Therefore, political commitment from all stakeholders, including the government, DPR, and society, is essential to achieving a fairer and more effective bicameral system in Indonesia.

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