

CHAPTER I

INTRODUCTION

A. BACKGROUND

Since the establishment of the Regional Representative Council (the DPD) in 2004, there are 57 Bills that proposed by the DPD to the People Representative Council (the DPR). From 57 of the bills, there are none of the bills that processed by the DPR to be discussed in the legislation process.¹

The establishment of the DPD was intended to reform the parliament structure in Indonesia. According to Jimly Asshiddiqie, after the amendment of the 1945 Constitution, parliament consists of two main chambers, the DPR and the DPD. This formula is also called as bicameral system. Having bicameral system, it is expected that the legislation process has a double check system that enables the representative of all society's interest relatively conducted in a wider social basis. The DPR is elected based on the political representation, whereas the DPD is based on regional representation principle.²

Nowadays, the position of the DPD in legislation process of the bill is only involved in proposing the bills and giving opinion to the DPR. Based on

¹ Focus the data on years 2009 until 2014

² Jimly Asshiddiqie. 2011. *Negara Hukum dan Pilar-pilar Demokrasi*, Jakarta, Sinar Grafika p.18. However, some consist law expert also argue that parlement of Indonesia does not consist two chambers, but three chambers (tricameral)

Article 68 paragraph (5) Law No 12 of 2011, it is stated that there is no imperative clause that obliges the DPR to get DPD involve in the discussion of the bills proposed by the DPD. There is no imperative element (a must) in participation or to get statement and propose the bills by DPD to DPR. Further, every bill proposed by the DPR, the President, and the DPD must be listed in the National Legislation Program (Prolegnas) which is, over all, coordinated by Legislation Body (Baleg) of the DPR.³

In addition, under certain circumstances, the DPR or the President may propose bills outside of the National Legislation Program whereas the DPD may not have similar right. The dilemmatic position of the DPD is exacerbated by the mechanism of second level talks. In this second level, the DPD is only involved limitedly in the submission of the mini opinion but it does not have authorities to give consent with the President and the DPR. The submission of the mini opinion of the DPD is limited to the bills which are relevant to the authority of the DPD and it is not imperative, but only facultative in nature.⁴

Observing the regulation in the 1945 Constitution and the construction of the DPD in the legislation process as described above, then Stephen Sherlock gives quite interesting assessment that: ⁵

³ King Faisal 2013. *Sistem Bikameral Dalam Spektrum Lembaga Parlemen Indonesia*. Yogyakarta

“The DPD is thus a quite unusual example of a second chamber because it represents the odd combination of limited powers and high legitimacy. Its role in law making is limited to certain areas of policy, its power is only advisory and no bill is actually required to pass through it in order to be passed, yet at the same time it has the strong legitimacy that comes from being a fully elected chamber. This combination is not to be replicated anywhere else in the world”

To organize legislation function, it is necessary not only limited to the strengthening of legislation function of the DPD, but also by limiting the role or involvement of the President in legislation function. If they have a strong political will to carry out purification of presidential system, the President can not be involved again in the discussion of the bills. In other words, in the people representative council, the mechanism of checks and balances in the discussion of the bills only occurred between DPR and DPD. ⁶

Based on the description above, it is interesting to conduct research on,
**“THE ROLE OF THE REGIONAL REPRESENTATIVE COUNCIL IN
THE LAW MAKING PROCESS IN INDONESIA”**

B. RESEARCH QUESTION

Based on the background, a research problem can be formulated, that is:

1. How the strengthening of the DPD in the law making process in

C. THE BENEFITS OF THE RESEARCH

1. Objective

The research gives more understanding about the regulations on how to strengthen the Regional Representative Council, especially in legislation process in Indonesia and give solutions for the problems of the Regional Representative Council in legislation process.

2. Subjective

The research aims at exploring the laws law especially on the constitutional law as the authorities and strengthening Regional Representative Council in legislation process.