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Proceedings of the 3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019)

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Welcome to the 3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019), held on 7-8 July 2019 in Surakarta, Indonesia.

Technological advances on one hand help human beings in every aspect, whose main goal is effectiveness and work efficiency. On the other hand, excessive and unwise use of technology triggers various problems. The use of advanced technology encourages excessive exploration of natural resources. In the end it triggers environmental damage, disruption in the ecosystem, uncertain climate and threat to the sustainability of living creatures in the future. This conference is trying to solve this problem. Optimizing technology without ignoring the aspect of sustainability.

Proceedings of the 3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019)

The rapid social change due to the modernization process is felt like something that can potentially cause social unrest and social tension. Changes in the value system are rapidly demanding new norms of social life that occupy legislative bodies, dispute resolution institutions (in and out court) and efforts to socialize the law.

This situation demands a law that is open to the development and dynamics of society in the era of globalization. The so-called modernization and globalization are not facultative, but are phenomena that must be faced (change is not optional) and cannot be avoided. Both are natural things that arise immediately due to the complexity and heterogeneity of relations between humans as a social problem as a result of the discovery of modern technological tools.

The increasing process of modernization due to the discovery of modern communication tools and modern information technology, the issue of modernization has become global and has led to a new phenomenon of globalization. Globalization demands changes in the legal structure, legal substance and legal culture. Without a change in the legal system, there will be dangers to the peacefulness of life in various social lives, all will become uncertain, disorderly and unprotected.

Technological advances, on one hand, help human beings in every aspect, whose main goal

Technological advances, on one hand, help human beings in every aspect, whose main goal is effectiveness and work efficiency. Through smartphones, parts of the world can be connected, right from the palm of the hand. All information can be searched through the internet. However, on the other hand, excessive and unwise use of technology triggers various problems. For example, the use of advanced technology encourages excessive exploration of natural resources. In the end, it triggers environmental damage, disruption in the ecosystem, uncertain climate and threat to the sustainability of living creatures in the future. In the social field, the gap between "the rich" and "the poor" is increasingly prominent, inequality is increasingly obvious, and prosperity is only a "dream" for some people which consequently creates injustice. In addition, in the legal field, unwise use of technology causes hoax news, fraud, persecution, victim-blaming, cross-country narcotics transactions, and various other actions.

Therefore, it is our duty, especially academics, to reflect, think of solutions to the current problems and analyze potential problems that will arise in the future. In connection with this, we present the 3rd ICGLOW International Conference forum: Environmental Law and technology to achieve sustainable development goals in industrial Revolution 4.0 Era.

Hopefully, through this conference, many brilliant ideas will emerge from around the world. Environmental issues are raised in the forum and discussed together. So now we can formulate the right steps, so that the potential for crashes that arise in the future due to this modernization can be minimized, so that there is continuity, that the current development continues to be oriented towards the future.

The 3rd ICGLOW 2019

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Yusuf Saefudin, S.H., M.H.

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The Existence of Indonesian Regional Representatives Council as The State Institution on Carrier the Regional Aspirations

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Abstract- In the era of reformation occurred amendment of the 1945 Constitution, which result in changes in the constitutional structure of Indonesia, one of them is the establishment of the Regional Representative Council (DPD). The formation of the Regional Representative Council is intended to bridge and accommodate the interests of the region in participating in making policies carried out by the Central Government, so the idea of forming a Regional Representative Council is felt to be very ideal and rational. The purpose of this study is to determine the function and authority of the Regional Representative Council in carrying the interests and regional aspirations. The research method uses a normative legal approach and the data used are secondary data. Based on the results of the discussion it was found that when viewed from the current functions and authority of the Regional Representative Council, in fact it can be said that it does not have a meaningful constitutional function and is only a sub-ordination of the House of Representatives (DPR), this is contrary to the original purpose of the formation of the House of Representatives Area. The Regional Representative Council only becomes important if political events occur that will rarely occur and are incidental in nature, namely changes to the Constitution and impeachment of the President / Vice President. If it seen from the way the recruitment / election of members of the Regional Representative Council carried out through direct elections by the people is the same as the election of members of the People's Representative Council, then it is appropriate for the Regional Representative Council to be given wider authority. For the current condition, the House of Representatives as the holder of the authority to form a law must be willing to accept, accommodate and follow up on proposals, recommendations, considerations and supervision of the implementation of a law related to regional government submitted by the Regional Representative Council.

Keywords- *Existence, Regional Aspirations, Regional Representative Council*

I. INTRODUCTION

One of the changes made to the 1945 Constitution was the formation of a new body called the Regional Representative Council (DPD). In the old regulation (before being amended), the People's Consultative Assembly (MPR) consists of members of the House of Representatives (DPR), plus representatives from regions and groups, according to the rules established by law. In the later law, the intended envoys from the regions are the

representatives of the provinces, the number of which is between 4 (four) to 8 (eight) people, depending on the number of citizens in each province. [5]

As a legislative body that was born after the amendment of the 1945 Constitution. The basis for its formation is the third amendment to the 1945 Constitution, namely in articles 22C, 22D and 22E of the 1945 Constitution. In the fourth amendment to the 1945 Constitution, the position of the Regional Representative Council (DPD) is further regulated in its context as part of the People's Consultative Assembly (MPR). In article 2 paragraph 1 it is said that the MPR consists of members of the House of Representatives (DPR) and members of the DPD who are elected through general elections and regulated further by law. Before the change to the 1945 Constitution, one of the problems that arose in the administration of the State was how to bridge the interests of the central and regional governments. Therefore, the presence of the DPD as a parliament was expected to solve the problem. In a democratic system, parliament is an institution that represents the interests of the people. Parliament has the authority of the people, Parliament has the authority to determine every rule of law and policy in a country.

In a number of countries which have a wide area and have a very diverse society, such as the United States, Australia, China, Argentina, Brazil, Japan and the Philippines, the existence of political institutions that fight for local / regional interests is an inevitable prerequisite. For this reason, the parliament is divided into 2 forms, in addition to the representation of national interests in general through political parties, there is also an institution that directly represents the aspirations of the local community. This form of parliament is popularly referred to as bicameralism. Each country that adopts a bicameral system certainly has a different character and approach in terms of membership recruitment, authority or obligations.

In the current context of Indonesia, the will to strengthen the democratic system through the establishment of a two-chamber political institution is a necessity. As a pluralistic nation, political and cultural plurality certainly needs to get the right place. In addition to political flow, the construction of politics must also

consider the sociological-anthropological reality of people who live based on diverse cultures (localities). That diversity should be accommodated as a nation's strength. The model of democracy to be built in a multi-ethnic-multicultural society such as in Indonesia, in the end must indeed reflect the two things above, namely political representation and cultural representation [4].

With the formation of the Regional Representative Council (DPD), in line with the implementation of regional autonomy policy, the bargaining position of the region towards the central government is getting stronger. The DPD does not only function as a representation of the local community but also carries a mission to appreciate regional interests. Meanwhile, opportunities to strengthen central and regional relations, including maintaining national integration and integrity, can be properly maintained.

From the description above it can be seen that the formation of the Regional Representative Council (DPD) is intended to bridge and accommodate regional interests in participating in making policies by the central government, so the idea of forming a DPD is felt to be very ideal and rational. Therefore, the diverse State of Indonesia is aimed at increasing unity and integrity within the framework of the Unitary State of the Republic of Indonesia, therefore it is imperative to have an adhesive device by empowering the regional potential through its representatives. For this reason, it is reasonable if every State policy takes into account the aspirations of the local people through the Regional Representative Council actively involved in it. However, this State policy is also a policy that must be carried out by the people in the region. Although also the regions have been represented by those elected from political parties to sit on the House of Representatives (DPR) [2].

The formation of the DPD is evidence of a constitutional change, which was originally a regional representative only in the form of a Regional Representative (original 1945 Constitution) with a regional representative mechanism chosen by the provincial DPRD, otherwise the DPD is now formed through a direct election process by the people, this is a form of development and at the same time to improve the democratic climate in Indonesia. DPD was formed aiming to represent the region and was assigned by the constitution to fight for regional interests. But the problem is that in reality the DPD's existence is not as expected, because the DPD does not have a role, authority and function that is quite decisive especially in terms of legislative functions. Therefore in this paper The Author will discuss the issue of the position, authority and function of the DPD in the Indonesian State Administration System, especially in fighting for regional interests.

II. RESEARCH METHOD

In this study, The Researcher used a normative legal research method by means of literature study. The data used is secondary data, namely RI Law No. 7 of 2017 concerning General Elections for Members of DPR, DPD, DPRD, RI Law No. 27 of 2009 concerning the Composition and Position of the MPR, DPR, DPD and DPRD and RI Law No. 17 of 2014 concerning the Composition and Position of the MPR, DPR, DPD and DPRD as well as from the results of research, journals, books and other relevant laws and regulations.

Data analysis was carried out in a qualitative descriptive manner. The analysis phase starts from collecting data, this data is then presented by selecting, classifying systematically, logically and juridically to find out the specific picture related to the problem of the research, after which The Writer makes an interpretation or interpretation. Then The Writer compare with theories and concepts from secondary data consisting of scientific books, journals, and related legislation and legal opinions from state constitutional law experts.

III. FINDINGS AND DISCUSSION

1. *Regional Representative Council as a State Institution*

State Institution or equipment is one component that must be regulated in a legal provision called the constitution, in other words State institutions are one of the contents of the constitution, as Sri Soemantri's opinion that (1). Arrangements regarding the protection of human rights and citizens; (2). There is a regulation regarding the fundamental state structure of a country, and; (3). There is a limitation and division of basic constitutional tasks.

In this regard, what is meant by the basic constitutional arrangement is the stipulation of State equipment in the constitution. In the Republic of Indonesia, it consists of the People's Consultative Assembly (MPR), the President and Vice President, the House of Representatives (DPR), the Regional Representative Council (DPD), the Supreme Audit Board (BPK), the Supreme Court (MA) and the Constitutional Court (MK) [6].

Based on the Third Amendment to the 1945 Constitution, articles relating to the Regional Representative Council (DPD) have been regulated, including: (1). Article 22C paragraph (1) concerning the procedures for filling DPD members through general elections. (2). Article 22C paragraph (2) concerning the provisions of the same amount for each province with a limit of no more than 1/3 the number of DPR members. (3). Article 22C paragraph (3) concerning the minimum provisions of the DPD holds its session. (4). Article 22D paragraph (1) concerning the provisions of the Draft Law (RUU) concerning matters related to regional interests by the DPD to the DPR. (5). Article 22D paragraph (2) concerning the discussion of the intended Bill (RUU). (6).

Article 22D paragraph (3) concerning supervision over the implementation of the law referred to as the implementation of the state budget, tax, education and religion (7). Article 22D paragraph (4) concerning the terms and procedure for dismissal of DPD members is attributed to the law. (8). Article 22F paragraph (1) concerning the consideration of the Regional Representative Council for the election of members of the Supreme Audit Board (BPK) by the House of Representatives.

In a two-chamber parliamentary system like in the United States, each bill requires joint agreement between the House of Representatives and the Senate. Such provisions certainly do not have to be adopted precisely in the situation in Indonesia. If a draft law is required to be approved by the DPR and DPD at the same time as in the United States, there will undoubtedly arise an assessment that the process of a future law will become more difficult, in addition to being jointly approved by the DPD and the DPR, it must also be approved jointly by the President. [2].

After the establishment of the Regional Representative Council raises the question of whether the system can be said as the Indonesian parliament bicameral parliament? Experts have different opinions. Some argue that the Indonesian parliament is weak bicameralism, but there are those who state that Indonesia is not a bicameral parliament, but a trichameral. Saldi Isra example, argued that by the authority which still owned the Assembly, in addition to the constitutional authority owned DPR and DPD, then the actual Indonesia adheres three rooms parliamentary system. [4].

While Denny Indrayana argued that: the choice of the Indonesian parliamentary system, after the Third Amendment to the 1945 Constitution, reaffirmed the "no-nonsense" pattern in the Indonesian constitutional system. A system that is "neither fish nor fish: neither meat nor fish". For example, prior to the amendment to the 1945 Constitution Indonesia adopted a government system that was neither parliamentary, but not presidential. Sri Soemantri mentioned it as a quasi presidential government system. Another example, the election system for DPR members is recognized using the open proportional method, but in practice it is half closed; or the proportional system is neither open nor closed. The concept of "no-nonsense" is also produced in the current parliamentary system, not unicameral, but also not bicameral, but tends to be trichameral. To be more precise, the tramameral system formed was dominated by the power of the DPR.

Actually the unclear parliamentary model adopted by Indonesia was born as a result of the tug-of-war between the two poles in the People's Consultative Assembly when amending the 1945 Constitution. One pole is eager to form strong bicameralism, while the other camp completely rejects the formation of a bicameral system, or

wishes to continue to maintain a unicameral system. For the strong bicameralism camp, the unicameral model that places the MPR as a super parliamentary body creates an anti-democratic centralization of power, and is one of the main drivers for the presence of an MPR that is easily engineered by President Soeharto to perpetuate his power. Conversely, for the anti-bicameral parliamentary group, the concept will push Indonesia towards a federal state, one of the taboo concepts that must be avoided.

It was this compromise between the two camps in the 1999-2004 MPR that eventually gave birth to a system not unique, but not bicameral: *neither meat nor fish*. Even though the DPD was finally approved by the bicameral rejection camp, one of which was pioneered by the PDI-P faction, it was because the authority and existence of the DPD was intentionally compromised and designed between being and nothing [1].

Initially the idea of forming a Regional Representative Council was associated with efforts to restructure the Indonesian parliament building into two chambers (bicameralism). Therefore, it needs to be regulated and determined appropriately the division of tasks and authority of each of these representative institutions which at the same time are both legislative institutions. The House of Representatives and the Regional Representative Council are both parliaments with their main functions of supervision and legislation or supplemented by the budget function as an important instrument in the framework of the function of parliamentary oversight of the government. As both parliamentary institutions, the overall function of the parliament is in these two institutions, and because of this the division of tasks can be regulated with regard to certain aspects related to the legislative function, the oversight function and the budget function. For example, the implementation of legislative functions, oversight functions and budget functions relating to the interests of the regions, must be carried out by the DPD not the DPR [2].

The Regional Representative Council was formed to further develop democratization in Indonesia. This council was formed to accommodate regional aspirations to have a forum **in** voicing interests in the Indonesian constitutional system. Regarding the method of selecting members from this institution and how the powers and functions granted by the constitution will be discussed in accordance with those contained in the current Indonesian constitution and also according to the laws related to the Regional Representative Council.

2. *The Composition and The Position of Regional Representative Council (DPD)*

DPD composition or arrangement set forth in Article 22C paragraph (2) of the Third Amendment of the 1945 Constitution that: "Members of the Regional Legislative

Assembly of each province the same number and the total number of members of the Regional Representative Council was not more than a third of the House of Representatives".

The position of the DPD as one of the state institutions representing regional interests, besides that the DPR together with the DPD is a *joint session* in the MPR to discuss very basic issues, such as establishing and changing the Constitution and several other authorities, as regulated in Article 2 paragraph (1).

3. *The Membership of the Regional Representative Council (DPD)*

As explained earlier, that the existence of the Regional Representative Council is a state institution that presents the interests of the region, the membership of the Regional Representative Council will be colored by the components of the community that strive for regional welfare.

Regarding the membership of the Regional Representative Council in more detail, it is regulated in Law No.7 of 20017 concerning General Elections and also Law No. 17 of 2014 concerning the composition and position of the MPR, DPR, DPD and DPRD. In Law No.7 of 2017 concerning General Elections it is stated that the general election participants to elect members of the Regional Representative Council are individuals [7].

4. *The Duties, The Authorities and The Functions of Regional Representative Council*

4. 1. The Duties and The Authorities

In accordance with the provisions of Article 22D paragraph (1) (2) and (3) which states that: (1). Regional Representatives Council can submit to the House of Representatives a draft law relating to regional autonomy; central and regional relations; regional formation and expansion and merging; management of natural resources and other economic resources, as well as those related to central and regional financial balance. (2). The Regional Representative Council also discussed the draft law relating to regional autonomy; central and regional relations; regional formation and expansion and merging; management of natural resources and other economic resources, as well as those related to central and regional financial balance; 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. (3). The Regional Representative Council can supervise the implementation of laws concerning: regional autonomy, formation, division and merging of regions, central and regional relations, management of natural resources and other economic resources, implementation of the state income and expenditure budget, taxes, education and religion and

submit the results of their supervision to the House of Representatives as a material for consideration to be followed up.

In addition to the authority regulated in the provisions of article 22D paragraph (1) (2) and (3) of the 1945 Constitution above the DPD also has the authority as referred to in article 23E paragraph (2) and 23F of the 1945 Constitution which states;

Article 23E paragraph (2) The results of audits of state finances are submitted to the House of Representatives, the Regional House of Representatives and the Regional House of Representatives, in accordance with their authority.

Article 23F paragraph (1) Members of the Supreme Audit Board are elected by the House of Representatives by taking into account the considerations of the Regional Representative Council and formalized by the President.

4 2. *Function of the Regional Representative Council (DPD)*

The idea of forming a Regional Representative Council cannot be separated from the *First*, there is a demand for democracy, that the filling of members of state institutions can always include the voters, so that the existence of regional delegates and group representatives in the composition of the MPR which was originally appointed by government elements was replaced by the formation of a Regional Representative Council. *Second*, the formation of the Regional Representative Council also arises due to the increasing demand for the implementation of regional autonomy which, if not properly controlled, leads to demands for separatism so that the Regional Representative Council is formed as a representation of the interests of the people in the region.

In the meantime, the Regional Representative Council has a mission as a State institution that has the integration function as mandated by the third principle of Pancasila, namely the Unity of Indonesia, so that every regional interest is always within the corridor of the Unitary State of the Republic of Indonesia (NKRI). Thus, the nature of the existence of the Regional Representative Council must also flow from articles related to regional government, including: Article 18 paragraph (1) Third Amendment to the 1945 Constitution, that; The Unitary State of the Republic of Indonesia is divided into provincial regions and provincial regions are divided into districts and cities, each of which has provinces, regencies and cities that have local governments that are regulated by law [6].

This needs to be emphasized, considering that 34 provinces still have differences in natural resources and human resources, even significant sources of funds for the implementation of relatively equal regional autonomy. In such conditions it can be assumed, each DPD member will be burdened by the situation, conditions and interests of each province which are also very diverse which in the

end might affect the integrity of the Republic of Indonesia so that anticipation is needed for the implementation of the integration function [2].

5. *The Regional Representative Council (DPD) becomes the Sub-Ordination of the House of Representatives (DPR)*

By ignoring the presence of the MPR, the DPR and DPD relations are like *the lower house* and *upper house* relations in the two-chamber parliamentary system, where the DPD is the upper house. The lower house is language differently than *The House of Commons* (England); *House of Representatives* (United States) and *Bundestag* (Germany). On the other hand, the upper house is called *The House of Lords* (United Kingdom), *The Senate* (United States), *Bundesrat* (Germany) and *Councillors* (Japan).

In bicameral which is far from balanced (*weak bicameralism*) whose position is weaker is always *the upper house*, and has never happened otherwise. *The lower house* is stronger because there are upper house members who are not directly elected. Although that doesn't happen in the case in Japan, where the upper house is chosen directly. In the land of the rising sun, the legislative authority of the upper house remains weaker, because it can be vetoed by the lower house. However, the position of the upper house in Japan is still more tolerable than the fate of the upper house in Indonesia. Here, the DPD, although it has also been directly elected but still has a position far lower than the DPR, and far from that it does not have the legislative authority as strong as *The House of Councillors* in Japan [1].

Compared to the DPR, the authority of the DPD is very minimalist, both institutional and personal. The institutional side of the DPR is the holder of the legislative mandate together with the President; has a supervisory function; and has a *budgeting* function. On the other hand the DPD is only an "institution of great consideration" to the DPR into the three institutional functions of the DPR. Furthermore, unlike the DPR which is protected from the possibility of being dissolved by the President, the DPD does not have such constitutional protection. Not only institutionally vulnerable, the DPD is also personally weak. If DPR members are protected with immunity rights in the constitution, DPD members do not have such constitutional guarantees. The right to immunity for new DPD members is present in the DPR, DPD and DPRD Composition and Position Laws. Furthermore, the other rights possessed by DPR members are all guaranteed in the 1945 Constitution, while the rights of DPD members are only regulated in the Susduk Law. The difference in the regulation hierarchy clearly illustrates the inferiority of the DPD before the DPR [1].

This very limited authority can be said to cause the DPD to be merely a constitutional formality caused by a compromise underlying the implementation of the amendment to the 1945 Constitution. As is well known,

when the idea of this amendment emerged strongly, there was also opposition from certain groups so that there were two extreme currents that faced at that time. First, the current that requires changes in the 1945 Constitution because it always creates a political system that is not democratic. Both currents want the 1945 Constitution to be preserved as it is because it is the work of the founding fathers who have been very good. Rejection between the two extremes eventually gave birth to a compromise in the form of a basic agreement that caused the amendments could not be done freely to be adjusted to constitutional science [3].

The basic agreement contains five things. *First*, does not change the preamble to the 1945 Constitution; *Second*, still maintaining the Unitary Republic of Indonesia; *Third*, emphasizing the presidential system; *Fourth*, the explanation of the 1945 Constitution which contains normative matters will be included in the articles; and *Fifth*, changes are made by addendum.

It is the fifth basic agreement which then directly causes the DPD to be formed as a State institution but with almost meaningless functions. With addendum changes, the original 1945 Constitution remains the main basis so that the changes are made through the insertion of each article when there are articles that must be changed or replaced, the changes are made as an attachment to the original Constitution. In this way, when amending an article on the MPR, it was determined that the MPR only consisted of members of the DPR and DPD members who seemed to accommodate bicameral ideas (even though the MPR was not given a legislative function), but when amending the articles about the DPR the DPR function was strengthened as a state institutions that hold the power to form laws without being with the DPD. That is why the DPD then only became a complementary accompaniment among existing state institutions [3].

Even if the Regional Representative Council can submit a Draft Law, the Draft Law must be submitted to the DPR and if the DPR agrees, the Draft Law is deemed to be a Proposed Draft Law from the DPR. This can be seen in Law No. 17 of 2014 concerning the Composition and Position of the MPR, DPR, DPD and DPRD. Article 166 paragraph (1) The draft law may be submitted by the DPD 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 related to the balance of central and regional finances. Then Article 166 paragraph (2) of the draft law as referred to in paragraph (1) along with academic texts originating from the DPD shall be submitted in writing by the leadership of the DPD to the leadership of the DPR [9].

With such functions and authorities, actually the Regional Representative Council can be said to have no meaningful constitutional function. The roles that are often carried out to convey the aspirations of the people of the Region towards the center can actually be carried out

by CSOs and NGOs or by the Mass Media. DPD only becomes important if something happens that will rarely happen and is incidental based on the 1945 Constitution, namely the change in the Constitution and the *impeachment* of the President / Vice President whose process reaches the MPR.

6. *The existence of the Regional Representative Council (DPD) is required*

6.1. *Constitution Amendment*

As is known, the proposal to amend the 1945 Constitution according to article 37 must be submitted by at least 1/3 of the members of the MPR, stating the article and the reasons to be amended at the same time with the proposed amendment. If there is a political effort in this direction, DPD members, if they are united, will be important and will determine whether they agree with the proposed changes. In practice that has emerged lately, all DPD members have instead become a major element in the effort to propose a fifth amendment. Furthermore, if the support requirements meet the requirements, then again the DPD member becomes important, both for the trial quorum which is attended by at least 2/3 of all MPR members and for the minimum number of votes to make a decision. Because, the decision to change the articles of the Constitution must be approved by at least 50 percent more than one member of the entire MPR, not only from the number present at the trial [3].

6.2 *There was an Impeachment to the President / Vice President*

DPD will also be very important if there is an impeachment process that reaches the MPR after the DPR submits (*impeachment I*) to the Constitutional Court and the Constitutional Court has decided (*privilegium forum*) that the DPR "indictment" is true. If the Constitutional Court's decision is followed up by the DPR, with the proposal that the MPR convene to determine the President / Vice President will be dismissed or not (*impeachment II*), then the votes of DPD members will be very decisive. As is known, to topple the President through *impeachment* at the MPR, the MPR session for that must be attended by $\frac{3}{4}$ of all MPR members and the decision on *impeachment* can only be made if at least 2/3 of those present agree the President is dismissed [3]. It is only in these two highly incidental events and forums that DPD members become important given their role which will greatly influence the quorum and various decisions.

7. *The Future of the Indonesian Parliament System*

The clarity of the future Indonesian parliamentary system must be firmer. The election of DPD members directly through the district system must be synchronized with stronger authority. The consideration function currently attached to the DPD, in matters relating to the region, should be improved. For example, in the legislative process, if in the future there are amendments to the Regional Government Law, the DPD will not only

be limited to giving consideration, but also has the right to vote to determine whether or not the amendment bill is passed.

In addition to the functional strengthening, it is also necessary to strengthen institutional and personal protection for the DPD. Institutional protection is to emphasize that just as the DPR cannot be dissolved by the President, so too is the DPD. Whereas personal protection is by raising the DPD's immunity rights which currently exist from the level of the Act to the constitutional level. A similar increase in the legal status of the DPD's rights must also be made. This means that the Indonesian parliamentary system in the future should lead to a strong bicameral parliamentary system, although not to the same bicameral parliamentary system (*perfect bicameralism*). The persistence of political groups that are antipathy to the federal system and always associating with the bicameral parliamentary system is a sociological reality of the Indonesian people, which is not fair to be ignored. That is, it would be unwise to bring an equally strong bicameral system into the Indonesian national system. Moreover, *perfect bicameralism* also has the potential to lead to a deadlock in the political process. One example of a political crisis experienced by Australia in 1975. Senate rejection of the draft budget proposed by the Labor government, forced the Governor General of Australia to dismiss the government [1].

Related to the relationship between the federal state system and the bicameral parliament, Lijphart's research in 1996 showed that of the 27 democratic unitary states examined 13 each was a unicameral parliament, 13 bicameral and 1 were *a one and a half parliamentary system*. From these figures it can still be concluded that the bicameral parliamentary system does not always relate to the federal state, but the evidence that all federal states must be bicameral remains an indisputable fact. Clearer about the relationship between bicameral-unicameral and federal unity, Lijphart's research states that when the degree of federalism and decentralization increases, usually changes from the unicameral to bicameral system occur and subsequently the degree of power of the bicameral parliamentary system also increases. But that does not mean that a unitary state like Indonesia cannot form a strong bicameral system because it is still an exception. The unitary states that have a large population as well as Indonesia, such as France, Colombia and Italy continue to implement a strong bicameral parliamentary system, despite all three being a centralized unitary state [1].

Finally, the step to make further amendments to the 1945 Constitution to create a strong bicameral parliament is one of the political agendas that must continue to be advocated and urged. But changing the constitution is certainly not an easy job. Many constitutional procedures and requirements are difficult to pass, especially with the number of DPD members being less than one third of the DPR members. However, the parties concerned should not be discouraged and must continue to strive so that the strengthening of the DPD, especially in the field of

legislative functions through amendments to the 1945 Constitution can be implemented. So that the existence or existence of the DPD as a State Institution fighting for the interests of the regions can be accomplished.

IV. CONCLUSION

In the reform era, Amendments to the 1945 Constitution occurred resulting in changes in the structure of the Indonesian constitution, one of which was the formation of a Regional Representative Council (DPD). The formation of the Regional Representative Council is intended to bridge and accommodate regional interests in participating in making policies carried out by the Central Government, so the idea of forming a DPD is felt to be very ideal and rational.

If seen from the way the recruitment / election of DPD members carried out through direct elections is the same as the election of DPR members, then the DPD should be given wider authority. For the current conditions (the current Constitution and legislation) the DPR as the holder of the power to form a law must be willing to accept, accommodate and follow up on proposals, recommendations, considerations and oversight of the implementation of a law related to regional government submitted by the DPD.

Then, if it is considered the current function and authority of the Regional Representative Council, in fact the Regional Representative Council can be said to have no constitutional function which means this is contrary to the original purpose of establishing the Regional Representative Council. DPD only becomes important and necessary if political events occur that will rarely occur and are incidental in nature, namely changes to the Constitution and impeachment of the President / Vice President.

In the future, it is expected that there will be a political will from the MPR as a state institution authorized to change the Constitution and the Parliament as the holder of the power to form a law, in order to accommodate the wishes of DPD members to strengthen their functions and authorities, especially in the field of legislation through changes / amendments to the constitution (1945 Constitution)) and legislation related to DPD. So that the existence of the DPD as a state institution fighting for regional aspirations and interests can be realized

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