# The Constitutional Design of Weak Bicameralism: Re-evaluating the Legislative Powers of Indonesia's Regional Representative Council

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***Abstract***

*The legislative function constitutes a fundamental pillar of parliament, operating in tandem with the oversight and budgetary functions. The establishment of the DPD within the Indonesian system was originally intended to construct a bicameral system that ensures checks and balances while accommodating regional interests. However, the current constitutional design reflects a flawed mechanism, culminating in a system of weak bicameralism that marginalizes the DPD's institutional role and renders it subordinate to the DPR. Although previous literature has extensively highlighted the DPD's limited authority, prior scholarship remains largely descriptive, focusing on normative reform proposals without adequately addressing the theoretical implications of this asymmetric power distribution. To bridge this research gap, this article employs a normative approach to re-evaluate the DPD's legislative authority, thereby advancing the existing discourse on constitutional design and institutional reform. The findings indicate that the existing anomaly in power distribution distorts the genuine mechanism of mutual control. As its principal theoretical contribution, this study reconceptualizes the parameters of effective asymmetric bicameralism by asserting that genuine territorial representation necessitates a substantive expansion of legislative powers, encompassing independent initiative rights, comprehensive deliberative participation, and decisive final views. This theoretical framework enriches comparative constitutional literature by demonstrating how reconfiguring asymmetric powers is essential to transforming constitutional anomalies into a balanced, effective, and accountable parliamentary system.*

***Keywords:*** *Weak Bicameralism, Legislative Authority, Regional Representative Council, Constitutional Design, Checks and Balances.*

## Introduction

The concept of the legislature initially emerged and developed in the United States as a law-making body,[1] subsequently expanding to the European continent, including the United Kingdom.[2] In practice, however, parliament does not monopolize law-making authority.[3] Extra-parliamentary political bodies frequently play a highly significant role in the legislative process.[4] In modern industrialized nations, the executive branch (the government) often dominates and is deeply involved in formulating laws.[5] Therefore, the legislative function is a further development of parliament's primary function: to exercise oversight over the executive.[6]

Referring to Carl J. Friedrich's perspective, parliament constitutes the principal institution of modern representative government.[7] Parliament acts as representative assemblies whose primary function lies in legislation, while simultaneously serving as deliberative assemblies to resolve various socio-societal issues.[8] Parliament also exercises control over fiscal policy and government administration through speech and debate, inquiries, and the right of

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[1] Randall G. Holcombe, "The Origin of the Legislature," *Journal of Public Finance and Public Choice* 11, no. 1 (April 1993): 3–18, https://doi.org/10.1332/251569298X15668907539572.
[2] Vesa Koskimaa and Tapio Raunio, "Expanding Anticipatory Governance to Legislatures: The Emergence and Global Diffusion of Legislature-Based Future Institutions," *International Political Science Review* 45, no. 2 (March 2024): 261–77, https://doi.org/10.1177/01925121221134995.
[3] Ellen Paterson, "Corruption, Conspiracy and Collusion: Anti-Monopoly Petitioning in the Parliament of 1621*," *Parliamentary History* 42, no. 3 (October 2023): 289–308, https://doi.org/10.1111/1750-0206.12704.
[4] Thomas Bräuninger, Marc Debus, and Fabian Wüst, "Governments, Parliaments and Legislative Activity," *Political Science Research and Methods* 5, no. 3 (July 2017): 529–54, https://doi.org/10.1017/psrm.2015.29.
[5] Sergei Sergeevich Manukov, "The Activities of US President Theodore Roosevelt to Strengthen the Executive Branch of Government in the Context of Industrial Modernization," *Genesis: Исторические Исследования*, no. 2 (February 2026): 83–94, https://doi.org/10.25136/2409-868X.2026.2.78137.
[6] Sholahuddin Al-Fatih et al., "The Hierarchical Model of Delegated Legislation in Indonesia," *Lex Scientia Law Review* 7, no. 2 (November 2023): 629–58, https://doi.org/10.15294/lesrev.v7i2.74651.
[7] Johnathan O'Neill, "Carl J. Friedrich's Legacy: Understanding Constitutionalism as a Political System," *The European Legacy* 14, no. 3 (June 2009): 283–300, https://doi.org/10.1080/10848770902931685.
[8] O'Neill.

interpellation.[9] In alignment with this, Jimly Asshiddiqie dissects the functions of the legislative branch into three primary dimensions: the regulatory function (legislation), the oversight function (control), and the representative function (representation).[10] The legislative function is closely associated with the authority to enact laws and regulations that broadly bind citizens.[11] Theoretically, the legislative function can be interpreted broadly, encompassing the authority to frame the constitution, or narrowly, being restricted to the enactment of statutes.[12] Based on a comparative study conducted by the Inter-Parliamentary Union (IPU) across 41 countries, the parliamentary legislative function generally encompasses the authority to formulate constitutional law.[13]

In the discourse of constitutional law and political science, the organizational structure of the British parliament is frequently utilized as a primary reference.[14] Principally, parliamentary structures are classified based on the number of chambers or assemblies they comprise. A unicameral system is applied when the parliament consists of a single chamber, whereas a bicameral system is employed when two chambers are present.[15] The majority of countries worldwide adopt a

[9] Adina Akbik and Marta Migliorati, "Understanding Oversight through Parliamentary Questions: The European Parliament in the Economic and Monetary Union," *European Union Politics* 25, no. 4 (December 2024): 675–97, https://doi.org/10.1177/14651165241268274.
[10] Mochamad Haikal Badjeber and Syamsul Hadi, "Legislative Oversight Mechanisms under the DPR Rules of Procedure: Implications for Checks and Balances in Indonesia," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 8, no. 1 (April 2026): 243–58, https://doi.org/10.37680/almanhaj.v8i1.9407.
[11] Syafri Hariansah and Laila Qhistina, "Algorithmic Governance and Democratic Legitimacy: Rethinking Digital Co-Creation in Constitutional Law-Making," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 26, no. 1 (June 2026): 199–216, https://doi.org/10.30631/alrisalah.v26i1.2285.
[12] I Gusti Bagus Suryawan, "Strengthen the Authoritative Function of the Regional Representative Councils in Legislation," *Medico Legal Update* 21, no. 1 (January 2021): 351–54, https://doi.org/10.37506/mlu.v21i1.2333.
[13] Shaker Ahmed Alshareef, "Inter-Parliamentary Union: A Model in Parliamentary Leadership," *International Journal of Law and Public Administration* 5, no. 1 (May 2022): 1, https://doi.org/10.11114/ijlpa.v5i1.5579.
[14] Alex Schwartz, "The Changing Concepts of the Constitution," *Oxford Journal of Legal Studies* 42, no. 3 (November 2022): 758–86, https://doi.org/10.1093/ojls/gqac001.
[15] Elena Griglio and Nicola Lupo, "Parliamentary Administrations in the Bicameral Systems of Europe: Joint or Divided?," *The Journal of Legislative Studies* 27, no. 4 (October 2021): 513–34, https://doi.org/10.1080/13572334.2021.1953268.

unicameral system.[16] Uniquely, the United Kingdom itself originally adhered to unicameralism before ultimately adopting a bicameral system through the establishment of the House of Commons.[17] This measure was undertaken to establish a mechanism of checks and balances against the dominance of the House of Lords, whose power at the time exceeded monarchical authority and frequently contravened public interests.[18] Therefore, the historical evolution and theoretical foundations of these parliamentary structures underscore a fundamental premise for this study: legislative institutions must be systematically designed to prevent the concentration of power through robust checks and balances.

Fundamentally, the bicameral system manifests the deconcentration of power principle in government oversight and law-making.[19] This system generally divides the parliament into a Lower House and an Upper House.[20] Both hold equal standing institutionally; the distinction lies purely in the basis of membership representation and the distribution of authority.[21] Nevertheless, in practice, legislative authority is frequently not distributed symmetrically between the two chambers.[22] Certain countries even allocate asymmetric powers, such as granting budgetary initiative

[16] Louis Massicotte, "Legislative Unicameralism: A Global Survey and a Few Case Studies," *The Journal of Legislative Studies* 7, no. 1 (March 2001): 151–70, https://doi.org/10.1080/714003865.
[17] Jeremy Waldron, "Bicameralism," *SSRN Electronic Journal*, 2012, https://doi.org/10.2139/ssrn.2045646.
[18] chris Ballinger, "Hedging and Ditching: The Parliament Act 1911," *Parliamentary History* 30, no. 1 (February 2011): 19–32, https://doi.org/10.1111/j.1750-0206.2010.00239.x.
[19] Vait Qerimi and Naser Pajaziti, "Unicameral And Bicameral Parliaments: Their Advantages, Disadvantages, And Functionality," *International Journal of Religion* 5, no. 12 (December 2024): 1838–44, https://doi.org/10.61707/wzgm0533.
[20] Raden Siti Rachmah Wardani, "Regional Representative Council in the Indonesian State Governance System: A Study of the Bicameral System," *SIGn Jurnal Hukum* 5, no. 1 (April 2023): 1–16, https://doi.org/10.37276/sjh.v5i1.228.
[21] Huda Khan et al., "Socio-Political Legitimacy: An Integrative and Interdisciplinary Review and Agenda for Theory Development in Unit and Programmatic Approaches," *Journal of World Business* 61, no. 1 (January 2026): 101691, https://doi.org/10.1016/j.jwb.2025.101691.
[22] Anna Gamper, "Legislative Functions of Second Chambers in Federal Systems," *Perspectives on Federalism* 10, no. 2 (June 2018): 117-133a, https://doi.org/10.2478/pof-2018-0019.

rights to the Lower House while focusing the Upper House on formulating foreign policy.[23]

The metric for determining the format of parliamentary chambers does not merely rely on the number of institutions but must also be evaluated in terms of function, membership, and the legislative process.[24] A parliament is classified as genuinely bicameral if both chambers equally execute legislative, oversight, and budgetary functions, possess distinct membership bases, and require the law-making process to secure the approval of both chambers.[25] Unicameral systems are widely implemented in unitary states as they represent whole and undivided popular sovereignty (supreme legislative authority).[26] The merit of this system lies in its capacity for rapid, practical decision-making and in minimizing the risk of political deadlocks.[27] However, its vulnerability is the high susceptibility to the abuse of legislative power due to the absence of a balancing organ or veto player.[28]

Conversely, the bicameral system is typically a central pillar in federal states, where one chamber represents the populace proportionally (political representation), and the other represents state entities (territorial

[23] Elva Imeldatur Rohmah, Ernawati Huroirah, and Jean Arya Putra Prasetya, "Parliamentary Systems in Continental European Countries and Its Relationship to the Effectiveness of Legislative Institutions," *Al-Adalah: Jurnal Hukum Dan Politik Islam* 9, no. 1 (January 2024): 1–23, https://doi.org/10.30863/ajmpi.v9i1.3092.
[24] Daniel Diermeier, Hülya Eraslan, and Antonio Merlo, "Bicameralism and Government Formation," *Quarterly Journal of Political Science* 2, no. 3 (August 2007): 227–52, https://doi.org/10.1561/100.00005004.
[25] Alexander Baturo and Robert Elgie, "Why Do Authoritarian Regimes Adopt Bicameralism? Cooptation, Control, and Masking Controversial Reforms," *Democratization* 25, no. 5 (July 2018): 919–37, https://doi.org/10.1080/13510347.2018.1444031.
[26] Qerimi and Pajaziti, "Unicameral And Bicameral Parliaments: Their Advantages, Disadvantages, And Functionality."
[27] Dr. Vatada Jaya Kishore, "When the Fracture Tells the Diagnosis: Pathological Subtrochanteric Femur Fracture Through a Unicameral Bone Cyst and the Principle of LesionOriented Management," *Journal of Medical Science and Clinical Research* 14, no. 05 (May 2026): 53–60, https://doi.org/10.18535/jmscr/v14i05.08.
[28] Karleen Jones West and Hoon Lee, "Veto Players Revisited: Internal and External Factors Influencing Policy Production," *Legislative Studies Quarterly* 39, no. 2 (May 2014): 227–60, https://doi.org/10.1111/lsq.12043.

representation).[29] In the context of efficacy, George Tsebelis and Jeannette Money assert that a bicameral system can only engender an ideal mechanism of checks and balances if the upper house possesses authority extending beyond mere consultative rights.[30] Effective bicameralism can prevent the tyranny of both the majority and the minority, produce higher-quality legislation, provide quality control (double-checking), and mitigate the potential for collusion more effectively than a unicameral system. Examining the strength levels of bicameralism, Arend Lijphart classifies it into three typologies: strong bicameralism, medium-strength bicameralism, and weak bicameralism.[31] This classification is measured by the parity of formal authority (symmetric/asymmetric) and the divergence in membership bases (congruent/incongruent). Drawing upon Giovanni Sartori's approach, the parameter of this strength is determined by the availability of veto power.[32] If the upper house is equipped only with delaying power, the system falls into the category of weak bicameralism. By synthesizing these scholars' perspectives, a clear academic consensus emerges: the mere structural existence of two chambers is inadequate to guarantee democratic equilibrium; it fundamentally requires symmetric legislative authority and decisive veto power to prevent the systemic dysfunction of weak bicameralism.

When this analytical framework is applied to Indonesia's constitutional system after the amendments to the 1945 Constitution, the Indonesian parliamentary structure frequently provokes rigorous academic debate. Divergent

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[29] Riska Alkadri, "Role of the Regional Representatives Council on Bicameral Parliament System," *Journal of Indonesian Legal Studies* 1, no. 1 (August 2017): 3–12, https://doi.org/10.15294/jils.v1i01.16564.

[30] Luca Lanzalaco, "George Tsebelis e Jeannette Money, Bicameralism, Cambridge, Cambridge University Press, 1997," *Italian Political Science Review/Rivista Italiana Di Scienza Politica* 28, no. 1 (April 1998): 188–89, https://doi.org/10.1017/S0048840200025910.

[31] Steffen Kailitz, "Arend Lijphart, Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries, Yale 1999," in *Schlüsselwerke Der Politikwissenschaft* (Wiesbaden: VS Verlag für Sozialwissenschaften, n.d.), 237–40, https://doi.org/10.1007/978-3-531-90400-9_64.

[32] Giuseppe Di Palma, "How to Design Democracies - Giovanni Sartori: Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes. (New York: New York University Press)," *The Review of Politics* 57, no. 3 (August 1995): 570–73, https://doi.org/10.1017/S0034670500019860.

views exist on whether Indonesia adheres to a unicameral, bicameral, or tricameral system (involving the MPR, DPR, and DPD).[33] Viewed through the lens of the legislative function in a narrow sense, namely, the enactment of statutes, the structure of the Indonesian parliament essentially consists of two chambers (the DPR and the DPD). However, this manifestation of bicameralism is considered impure. Jimly Asshiddiqie characterizes it as asymmetric bicameralism, given that the supremacy of the legislative function rests entirely with the DPR, whereas the DPD acts merely as a *partner in legislation*.[34]

The inception of the DPD is fundamentally the product of the post-Reform decentralization paradigm shift, aimed at ensuring the accommodation of regional voices in the formulation of national public policy.[35] Reflecting the doctrine of checks and balances, this two-chamber design was intended to prevent the legislative process from being dominated by a single majority force within the political representative institution. Regrettably, the noble notion of strengthening regional representation has, in reality, been implemented half-heartedly. Although extensive literature has diagnosed the DPD's institutional weaknesses and classified Indonesia's parliament as structurally asymmetric, an unresolved academic debate remains over how to functionally cure this weak bicameralism without reverting to pure unicameralism. Previous studies have largely critiqued the DPD's subordination, yet they fall short of offering a comprehensive blueprint for systematically overhauling its constitutional mandate.

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[33] Dody Nur Andriyan, "Dewan Perwakilan Daerah Republik Indonesia Dalam Perspektif Teori Bicameralisme," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 1, no. 1 (June 2018): 79–94, https://doi.org/10.24090/volksgeist.v1i1.1742.

[34] Sheehan Ghazwa Mahardhika, Tunggul Anshari Setia Negara, and Ngesti Dwi Prasetyo, "Constitutional Reconstruction of Legislative Authority Toward Strong Bicameralism in the Indonesian State System," *International Journal of Business, Law, and Education* 7, no. 1 (June 2026), https://doi.org/10.56442/ijble.v7i1.1461.

[35] Roland Rich, "Designing the DPD: Indonesia's Regional Representative Council," *Bulletin of Indonesian Economic Studies* 47, no. 2 (August 2011): 263–73, https://doi.org/10.1080/00074918.2011.585953.

This is unequivocally reflected in the provisions of Article 22D of the 1945 Constitution, which impose extraordinary limitations on the authority of the DPD. The DPD's power in the law-making process is reduced to: (1) the right to propose specific draft bills, (2) participation in the preliminary discussions of specific draft bills, and (3) the provision of technical considerations. To bridge this research gap, this study explicitly positions itself as a novel contribution to the literature on legislative institutional design and constitutional reform by moving beyond mere institutional critiques to propose a concrete, structural reconceptualization. Stemming from the constitutional anomaly that reduces the role of the Regional Representative Council (DPD) to a mere partner in legislation without decisive authority, this research posits a central research question: How does the asymmetric constitutional design regarding the DPD's legislative authority construct a regime of weak bicameralism that distorts the efficacy of checks and balances within the Indonesian parliamentary framework?

To bridge this research gap, this study explicitly defines its theoretical contribution by advancing the broader discourse on comparative constitutional design and asymmetric bicameralism. Moving beyond descriptive critiques of Indonesia's regional representation or isolated constitutional reform proposals, this manuscript reconceptualizes the theoretical parameters of effective asymmetric bicameralism. It extends existing scholarship by arguing that the mere structural presence of a second chamber, even one with high democratic legitimacy, is insufficient to generate genuine institutional checks and balances. Instead, this study posits a novel theoretical framework: authentic territorial representation within an asymmetric system fundamentally necessitates a substantive expansion of legislative powers, specifically encompassing independent initiative rights, comprehensive deliberative participation, and decisive final views (veto powers). By demonstrating how the absence of these elements constructs a systemic regime of “weak bicameralism” that structurally distorts majoritarian control, this research enriches international comparative studies. Ultimately, it provides a theoretical

blueprint for reconfiguring asymmetric powers to transform constitutional anomalies into balanced, effective, and accountable parliamentary architectures. From this theoretical foundation, this research poses a central question: How does the asymmetric constitutional design of the DPD's legislative authority create a regime of weak bicameralism that distorts the efficacy of checks and balances within the Indonesian parliamentary framework? Furthermore, this study investigates the urgency and the reconceptualization model of the DPD's legislative authority, encompassing the expansion of imperative initiative rights, comprehensive participation in deliberations, and the granting of final approval (veto) rights, and how it can be fundamentally formulated to transform Indonesia's constitutional architecture toward a more balanced, territorially representative, and accountable bicameral system.

## Methods

This study employs a normative legal research design, grounded in the examination of principles, doctrines, and norms embodied in positive law instruments.[36] The primary object of study is to analyze the architecture of laws and regulations governing the law-making mechanism, specifically those enshrined in the 1945 Constitution of the Republic of Indonesia (UUD 1945) and its derivative regulations. To dissect the issue comprehensively, this research utilizes three primary approaches: the statute approach, the conceptual approach, and the comparative approach.[37]

The statute approach examines and analyzes constitutional synchronization and the hierarchy of regulations governing legislative procedures in Indonesia. Specifically, this approach is utilized to assess the attribution of legislative authority

[36] Alain Starke et al., "NORMalize 2024: The Second Workshop on Normative Design and Evaluation of Recommender Systems," in *18th ACM Conference on Recommender Systems* (New York, NY, USA: ACM, 2024), 1242–44, https://doi.org/10.1145/3640457.3687103.
[37] Tunggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Originis and Approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (February 2023): 1–9, https://doi.org/10.22219/aclj.v4i1.24855.

distributed among state institutional instruments, namely the House of Representatives (DPR), the Regional Representative Council (DPD), and the President. Furthermore, the conceptual approach is used to analyze the philosophical foundations, theoretical frameworks, and constitutional doctrines underlying the law-making process. This approach deconstructs parliamentary design theories (such as Arend Lijphart's classification of weak, medium, and strong bicameralism), the principles of functional and territorial representation, and the essence of the checks-and-balances mechanism within legislative institutions. By operationalizing these two approaches, the study systematically diagnoses the existing regulatory anomalies and evaluates them against established constitutional doctrines. This analytical framework directly addresses the central research questions by demonstrating how the current distribution of power distorts checks and balances, thereby establishing the theoretical necessity for the proposed constitutional redesign.

Finally, the comparative approach is employed to analyze the constitutional designs of several countries regarding the legislative authority of the second chamber (upper house). The selection of these comparative jurisdictions is grounded in distinct criteria related to constitutional structure and parliamentary design. France and Algeria were selected because their legislative structures closely mirror Indonesia's adoption of a weak bicameral system, yet they operationalize more effective deadlock-resolution mechanisms and inter-chamber oversight. Conversely, South Africa, India, Germany, and the United States were chosen as empirical benchmarks because their robust federal or quasi-federal designs successfully integrate territorial representation. Examining these diverse legal traditions provides a comprehensive evaluation of how second chambers can exercise meaningful legislative initiative and final approval rights. Synthesizing these comparative cases directly supports the study's conclusions by providing proportional, evidence-based benchmarks to reconstruct and empower the legislative capacity of the DPD within Indonesia's constitutional framework. This

comparison aims to establish proportional empirical benchmarks to reconstruct and empower the legislative capacity of the DPD within the constitutional system.

## Discussion

The existence of the Regional Representative Council (DPD) within the Indonesian parliamentary system post-amendment of the 1945 Constitution signifies an anomaly in the practice of bicameralism.[38] Although DPD members possess robust democratic legitimacy because they are directly elected by the people, their constitutional authority within the legislative function is severely restricted and asymmetric.[39] Consequently, the double-check or inter-chamber oversight mechanism, which serves as the fundamental objective of a two-chamber system, fails to be optimally realized.[40] Instead, Indonesia is trapped in a paradigm of "pseudo-bicameralism" or impure unicameralism,[41] wherein the House of Representatives (DPR) retains absolute supremacy in the law-making process.

**Table 1.** Analysis of the DPD's Position and Function in the Indonesian Parliamentary System

| Analytical Dimension | Current Constitutional Reality | Theoretical Classification & Comparative Gap | Key Institutional Anomalies |
|---|---|---|---|
| **Institutional Nature** | Operates as a "pseudo-bicameral" or "incomplete unicameral" system. | Classified as *Weak Bicameralism* with asymmetric powers. | High democratic legitimacy (direct election) but extremely limited formal authority. |

[38] Alexander J Sinukaban, "The Existence Of Regional Representative Boards In The Indonesian Representative Institution System," *Journal of Law Science* 2, no. 1 (January 2020): 15–23, https://doi.org/10.35335/jls.v2i1.1607.

[39] Hizran Al Farizy Pahlepi, "Constitutional Legitimacy of Regional Head Elections by Regional People's Representative Councils (DPRD)," *Indonesian Journal of Pancasila and Global Constitutionalism* 5, no. 1 (July 2026): 622–61, https://doi.org/10.15294/ijpgc.v5i1.47184.

[40] Zhihao Zhu et al., "Modelling and Control of a Semi-Active Dual-Chamber Hydro-Pneumatic Inerter-Based Suspension System," *Proceedings of the Institution of Mechanical Engineers, Part D: Journal of Automobile Engineering* 235, no. 9 (August 2021): 2355–70, https://doi.org/10.1177/0954407021990916.

[41] Paolo Passaglia, "Unicameralism, Bicameralism, Multicameralism: Evolution and Trends in Europe," *Perspectives on Federalism* 10, no. 2 (June 2018): 1–29, https://doi.org/10.2478/pof-2018-0014.

| Analytical Dimension | Current Constitutional Reality | Theoretical Classification & Comparative Gap | Key Institutional Anomalies |
|---|---|---|---|
| **Legislative Initiation** | Limited to five specific regional areas (autonomy, central-regional relations, etc.). | Middle-ground approach; most global systems (e.g., USA, Australia) grant near-equal initiation rights. | Use of the term *"may propose"* (*dapat*) vs. the President/DPR's *"has the right"* (*berhak*) weakens its legal standing. |
| **Deliberation Role** | Participation is restricted to "Level I" discussions; limited to specific regional clusters. | Subordinated consultative role; lacks the *double-check* mechanism. | DPD's absence in meetings does not halt the legislative process; roles are often merely "institutional accessories." |
| **Decision-Making (Veto Power)** | No authority in "Level II" (plenary) decision-making; no voting right for final approval. | Lacks the *Joint Committee* deadlock resolution found in France or Algeria. | Absolute legislative monopoly remains (the DPR and the President, Article 20 UUD 1945). |
| **Checks and Balances** | Minimal internal checks within the legislative branch. | Fails to prevent *legislative despotism* due to lack of co-equal status. | Absence of a "binding" consultative status for the DPD reduces its functional teeth. |

***Source**: based on the analysis of relevant legal materials*

Critically analyzing this constitutional design reveals that the DPD's institutional weakness is not merely a procedural flaw, but a fundamental distortion of the legislative balance. This is evident in the constitutional phrasing "may propose" (*dapat mengajukan*), which semantically and legally degrades its prerogative when contrasted with the binding phrase "entitled to" (*berhak*) held by the DPR and the President.[42] Theoretically, this asymmetry reduces the DPD from a co-equal legislative partner to a subordinate advisory body. Furthermore, the DPD's involvement in deliberating draft bills is strictly consultative at the preliminary stage, lacking any authority in final decision-making or joint approval.[43] When

[42] Wachid Nugroho et al., 'Informal Constitutional Change in Indonesia', *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 24, no. 1 (June 2025): 5591–632, https://doi.org/10.31941/pj.v24i2.6550.

[43] Hotma Sibuea, Ricky Thio, and Amelia Syauket, "Reimagining Legislative Representation in Indonesia: Integrating Regional Interests within Constitutional Checks and Balances," *Pena Justisia:*

compared systematically to other jurisdictions, the practical consequences of this design become apparent. In robust bicameral systems like the United States and Australia, upper houses are granted co-equal initiation and veto rights, ensuring regional interests cannot be bypassed. Even in countries that similarly adopt weak bicameralism, such as France and Algeria, a formal deadlock-resolution mechanism, such as a Joint Committee (Commission Mixte Paritaire), compels both chambers to negotiate. The analytical implication for the Indonesian context is clear: without integrating a binding conciliation mechanism or granting final approval rights at the plenary level, the DPD will perpetually function as a mere institutional accessory. To restore its functionality, a constitutional repositioning is imperative. Fortifying the DPD's legislative authority and elevating its recommendatory mandate to a binding status is not simply about redistributing power; it is a structural necessity to prevent majoritarian dominance by the DPR and to actualize a genuine system of checks and balances within the Indonesian parliament (see Table 1).

## The Institutional Position of the DPD within Indonesia's Constitutional Architecture

The presence of the Regional Representative Council (DPD) within Indonesia's parliamentary structure in law-making cannot be separated from the foundational concept of a bicameral parliament, which aims to create an inter-chamber oversight mechanism.[44] This is executed by utilizing a prerogative right, namely, the veto over the legal products of the other chamber, which Jimly Asshiddiqie refers to as the "double-check" mechanism.[45] This mechanism constitutes a dual examination of legislative products to guarantee their quality. However, given the severely limited

*Media Komunikasi Dan Kajian Hukum* 24, no. 1 (February 2025): 767–84, https://doi.org/10.31941/pj.v24i1.5791.

[44] Wardani, "Regional Representative Council in the Indonesian State Governance System: A Study of the Bicameral System."

[45] Ade Kosasih et al., "Strengthening the Indonesian Bicameral Parliament: Siyasah Dusturiyah Perspective," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 2024): 335, https://doi.org/10.29240/jhi.v9i1.10047.

authority previously outlined, realizing this double-check mechanism is impossible. Although the Indonesian parliament is institutionally constructed of two chambers, the absence of a balancing mechanism between the House of Representatives (DPR) and the DPD, where only the DPR possesses absolute authority to decide upon bills proposed by the DPD, results in the failure to optimally realize the various advantages of a bicameral system.

The highly restricted authority of the DPD directly implicates the failure to manifest the myriad advantages of a bicameral parliamentary system envisioned by scholars. The distinct merit of bicameralism according to C.F. Strong, namely, fostering an inter-chamber mutual control mechanism representing diverse interests to minimize the potential abuse of parliamentary power,[46] becomes impossible to attain. Similarly, the virtues of a bicameral system articulated by G.S. Diponolo are exceedingly difficult to implement. These virtues include: (a) a more comprehensive representation of national interests; (b) guaranteed protection against potential legislative despotism, as both parliamentary assemblies would apply a weighing mechanism, mutually evaluating and complementing the basis of consideration during decision-making; and (c) the assurance of a prudent, systematic, and comprehensive workflow to prevent the formulation of hasty, premature, or partial decisions.[47]

The specific attribution of the DPD's legislative authority indicates that this institution functions merely as an advisory council to support the DPR's duties in formulating laws with regional dimensions. Consequently, the bicameral design of the Indonesian parliament has proven unsuccessful in institutionalizing a system of checks and balances. Referring to the postulate of George Tsebelis and Jeannette Money, in precedents where the upper house merely possesses consultative authority and inferior binding power in final decision-making conclusions, such a

[46] George Duke, "Strong Popular Sovereignty and Constitutional Legitimacy," *European Journal of Political Theory* 19, no. 3 (July 2020): 354–74, https://doi.org/10.1177/1474885117701602.
[47] G.S. Diponolo, *Ilmu Negara Jilid 2* (Jakarta: Balai Pustaka, 1975).

bicameral model inherently fails to engender a genuine system of checks and balances.[48]

Therefore, theoretically, the architecture of the Indonesian parliament is not yet eligible to be classified as a bicameral system, even within the weakest category. This phenomenon is the product of a half-hearted compromise between the concepts of bicameralism and unicameralism, culminating in the construction of pseudo-bicameralism.[49] Jimly Asshiddiqie categorizes it as a form of impure unicameralism.[50] The Constitutional Commission, previously mandated to conduct a comprehensive review of the 1945 Constitution amendments, also affirmed that the parliamentary posture post-constitutional reform essentially reflects only a single-chamber system. Indeed, the constitutional design following the amendments to the 1945 Constitution leaves room for academic debate, harboring ambiguity as to whether it adopts unicameralism, bicameralism, or tricameralism.[51]

The duties and authority of the DPD are exceedingly limited within the legislative domain; thus, when compared against Arend Lijphart's taxonomy, the Indonesian parliamentary system can generally be classified as *weak bicameralism* with asymmetric authority.[52] Nevertheless, when evaluated through the instrument of selection methods, this institution does not entirely reflect the weak category. This is because, although the membership composition between the DPR and the DPD is incongruent, the electoral method applied to recruit members of both chambers is identical, namely, direct general elections. Interestingly, the DPD's election mechanism, based on a multi-member district system for individual

[48] Lanzalaco, "George Tsebelis e Jeannette Money, Bicameralism, Cambridge, Cambridge University Press, 1997."
[49] Andrey Irkliienko, "A Bicameral Parliament in the Context of Forming Constitutional Democracy," *Law Review of Kyiv University of Law*, no. 1 (April 2020): 136–39, https://doi.org/10.36695/2219-5521.1.2020.26.
[50] Massicotte, "Legislative Unicameralism: A Global Survey and a Few Case Studies."
[51] Mahardhika, Negara, and Prasetyo, "Constitutional Reconstruction of Legislative Authority Toward Strong Bicameralism in the Indonesian State System."
[52] Muhammad Mutawalli Mukhlis et al., "Disparity in Parliamentary Power in the Formation of Laws in Indonesia: Considering Proportional Bicameralism," *International Journal of Law and Society (IJLS)* 4, no. 1 (July 2025): 141–64, https://doi.org/10.59683/ijls.v4i1.160.

candidates, is often perceived as having a higher degree of democratic purity than the DPR's political party-based open proportional system.[53] Consequently, the legitimacy of the DPD is intrinsically equal to, or potentially even more robust than, the legitimacy of the DPR. Based on this rationalization of selection and membership, the structure could be aligned with *medium-strength bicameralism*. This paradoxical constellation visibly represents an anomaly to the general principles of bicameralism.

The general characteristics of bicameralism, as articulated by Arend Lijphart, indicate that the strength parameters of a dual-assembly system are guided by three primary indicators. First, the magnitude of formal power attributed by the constitution to both chambers. The customary pattern places the second chamber in a subordinate position relative to the first chamber. Second, the actual political significance of the second chamber does not rely solely on its formal legitimacy but is also determined by the selection mechanism of its members. Empirically, members of the first chamber are elected via direct elections, whereas members of the second chamber are generally selected through indirect mechanisms. This implies that an indirectly elected second chamber suffers from a deficit of democratic legitimacy. Third, the identification of a striking compositional differentiation where the second chamber is designed with specific characteristics or positioned as a representation of particular minority groups and territories.[54]

Thus, the proportion of power held by the second assembly (whether representing territorial or functional interests) directly implicates the degree of strength of the bicameral system.[55] Conversely, the scope of the second chamber's authority depends heavily on the escalation of its inherent democratic legitimacy. A

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[53] Siti Sarah and Sri Suatmiati, "General Election System In Indonesia Based On Law Of The Republic Of Indonesia NO. 7 OF 2017," *Jurnal Sosial Teknologi* 2, no. 9 (September 2022): 800–804, https://doi.org/10.59188/jurnalsostech.v2i9.412.

[54] MEG RUSSELL, "Elected Second Chambers and Their Powers: An International Survey," *The Political Quarterly* 83, no. 1 (January 2012): 117–29, https://doi.org/10.1111/j.1467-923X.2012.02275.x.

[55] Meg Russell, "The Territorial Role of Second Chambers," *The Journal of Legislative Studies* 7, no. 1 (March 2001): 105–18, https://doi.org/10.1080/714003852.

systemic correlation exists between the level of democratic legitimacy and the weight of formal power delegated to the second chamber. The higher its democratic legitimacy, the more robust its authority ought to be. Meanwhile, the parameter of democratic legitimacy is determined by the intensity of public participation in the election process for the respective chamber's members. Assembly members recruited through direct public involvement absolutely secure superior democratic legitimacy compared to those selected via indirect electoral mechanisms. Paradoxically, this logical general pattern is entirely unreflected in the institutionalization of the DPD. Although DPD senators are directly elected by the people through general elections, affirming the high supremacy of this institution's democratic legitimacy, the DPD's formal authority is severely reduced, particularly in lawmaking, with similar marginalization in its oversight and budgetary functions.[56]

In the architecture of *strong bicameralism*, legislative initiation can typically originate from either assembly and must undergo discursive processes in both chambers within a balanced forum before the ratification stage. In contrast, in *weak bicameralism*, one assembly generally holds hierarchical supremacy over the other.[57] The position of the DPD as the second chamber of the Indonesian parliament is categorized as exceedingly weak, given that substantive discourse on draft bills is absolutely dominated by the DPR as the first chamber occupying the legislative throne. Meanwhile, the DPD's capacity is reduced to a mere proposer, a participant in preliminary discussions, and a provider of considerations for specific clusters of laws. This constitutional reality demonstrates that the DPD's posture of authority is constructed as "excessively soft".[58]

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[56] FX Wartoyo and Teguh Prasetyo, "DPD Performance Implementation in The Supervision Function Based on The Dignity of Justice," *Mandalika : Journal of Social Science* 1, no. 1 (February 2023): 7–11, https://doi.org/10.56566/mandalika.v1i1.56.

[57] Mahardhika, Negara, and Prasetyo, "Constitutional Reconstruction of Legislative Authority Toward Strong Bicameralism in the Indonesian State System."

[58] Rudi Ahmad Suryadi, "'Implementasi Moderasi Beragama Dalam Pendidikan Agama Islam,'" *Paper Knowledge . Toward a Media History of Documents* Vol. 20, N, no. 11 (2022): 12–26.

In constitutional practice, this normative weakness inevitably translates into severe empirical consequences for legislative quality and regional representation. Because the DPD is excluded from the final decision-making phase, its substantive recommendations on regional autonomy, resource management, or central-regional fiscal relations are often discarded or unilaterally overridden by the House of Representatives (DPR) and the President during final deliberations. Consequently, the practical implementation of regional representation becomes merely symbolic rather than substantive. The resulting legislative products often reflect centralized political and party interests rather than accommodating balanced, territorially inclusive policies. This legislative experience shows that the absence of a binding inter-chamber conciliation mechanism directly degrades the effectiveness of parliamentary oversight, allowing the DPR to exercise majoritarian dominance without meaningful constitutional checks from regional representatives. A prominent practical illustration of this dysfunction can be observed during the deliberation of the (Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law; Law Number 2 of 2025 on the Fourth Amendment to Law Number 4 of 2009 on Mineral and Coal Mining; Law Number 21 of 2023 on the Amendment to Law Number 3 of 2022 on the National Capital), where the DPD's substantial input on regional impacts was largely marginalized in the final plenary session.

When juxtaposed with several other jurisdictions adopting weak bicameralism schemes, the polarization of power between the DPR and the DPD places Indonesia at an extreme point of being "too soft." As a comparison, in Algeria, the People’s National Assembly (the first chamber) is elected through universal secret suffrage. On the other hand, the Council of the Nation, whose membership composition is half that of the National Assembly, with two-thirds appointed by regional representatives and one-third appointed by the President, functions as the

second chamber.[59] Although it lacks the authority to initiate bills, the Council of the Nation is equipped with prerogatives equivalent to those of the National Assembly in ratifying draft laws. This institution transforms into an effective control organ over every legislative product passed by the first assembly or the government. Not a single bill can be enacted without the green light from the Council of the Nation. In the event of a deadlock in approval between the two assemblies, the executive authority is entitled to facilitate the formation of a Joint Committee with a balanced proportion of representation to seek a consensus resolution.[60]

A similar condition occurs in France, a unitary state practicing weak bicameralism. Members of the National Assembly (the first chamber) are elected directly, while senators in the Senate (the second chamber) are selected via indirect elections representing territorial units.[61] Despite holding a subordinate status to the National Assembly, the Senate possesses essential significance, particularly in influencing organic regulations and financial legislation, even though the decisive gavel is centered in the National Assembly. Like the first assembly, the Senate holds the constitutional right to receive government bill initiatives. Budgetary and social security bills absolutely originate from the National Assembly, but regulations concerning territorial organization and the representation of French expatriates must be initiated through the Senate. Both assemblies are endowed with equal competence to deliberate on every draft of government legislation.[62] To maintain stability and balance, both the National Assembly and the Senate are granted the authority to evaluate bills passed by their collegiate assembly. Should a disparity of

[59] Sinukaban, "The Existence Of Regional Representative Boards In The Indonesian Representative Institution System."
[60] A. Fatoni and Arif Rahman, "Constitutional Relations Between The President, The House Of Representatives, And The Regional Representative Boards In Lawmaking After The Amendment Of The 1945 Constitution," *Ajudikasi : Jurnal Ilmu Hukum* 8, no. 2 (January 2025): 210–20, https://doi.org/10.30656/ajudikasi.v8i2.9638.
[61] Rohmah, Huroirah, and Putra Prasetya, "Parliamentary Systems in Continental European Countries and Its Relationship to the Effectiveness of Legislative Institutions."
[62] John S. Dryzek, André Bächtiger, and Karolina Milewicz, "Toward a Deliberative Global Citizens' Assembly," *Global Policy* 2, no. 1 (January 2011): 33–42, https://doi.org/10.1111/j.1758-5899.2010.00052.x.

views result in an impasse, the Prime Minister will mandate a joint committee, and if a consensus fails to be reached, only then is the National Assembly authorized to render the final verdict.[63]

Departing from these comparative studies, it is transparently evident that the DPD, acting as the representation of the second chamber of the Indonesian parliament, is trapped in a conservative design that is highly marginal and heavily subordinated by the dynamics of the DPR's political interests. This constellation causes the DPD to suffer a deficit of functional authority in optimally orchestrating a system of checks and balances within the realm of law-making. On a philosophical level, the operationalization of mutual oversight and balance must not exclusively limit the executive and legislative branches alone, but must essentially be structurally institutionalized inter-chamber within the parliament itself.

Theoretically, the historicity of the bicameral parliament was indeed declared to stimulate the internalization of checks and balances within the body of legislative power. To accommodate these demands, a comparative dialectical arena between chambers must be created to foster an oversight climate that contributes to parliamentary equilibrium. This fundamental argument rests upon the sociological fact that the two assemblies represent substantially distinct political and territorial constituency bases.

**Constitutional Construction of the DPD's Legislative Initiative Rights in Indonesia's Bicameral System**

Regarding the initiation of drafting laws, the regulation in Article 22D Paragraph (1) of the Third Amendment to the 1945 Constitution attributes the authority of the DPD to propose draft bills (RUU) to the DPR across five specific dimensions: (1) regional autonomy; (2) vertical central-regional relations; (3) the restructuring, expansion, and merger of regions; (4) the management of natural

[63] Yongmo Lee and Inseok Seo, "National Assembly Committees and Support Organisations," in *Policy Analysis in South Korea* (Bristol University Press, 2023), 153–74, https://doi.org/10.46692/9781447362593.013.

resources and economic assets; and (5) the equilibrium of central and regional financial balance. This initiative authority is executed through two procedural stages: the formulation of the National Legislative Program (Prolegnas), followed by the proposal of the draft bill.[64]

In its initial phase of establishment, the DPD's legislative initiative privilege, based on Law No. 11 of 2009 and Law No. 12 of 2011, was constructed merely as a subordinate element to the DPR. The DPD was not granted independent jurisdiction to design the Prolegnas or submit draft bills. Responding to this marginalization, the DPD leadership officially pursued a judicial review of the related clauses on September 14, 2012. Consequently, through Decision No. 92/PUU-X/2012 dated March 27, 2013, the Constitutional Court partially granted the petition by declaring that the restrictive norms within both laws were unconstitutional and void of legal binding power.[65] The restoration of the DPD's institutional dignity was accommodated through the revision of the MD3 Law (Law No. 17 of 2014 in conjunction with Law No. 2 of 2018) and the revision of the Law on the Formation of Laws and Regulations (UU P3, Law No. 15 of 2019), which reinstated the DPD's mandate to formulate the Prolegnas and independently propose draft bills, free from the shadow of DPR subordination. This implies that the constitutional system currently recognizes three actors as legislative initiators: the DPR's initiative, the President's draft, and the DPD's independent proposal.

The compilation of the Prolegnas instrument represents a crucial phase in the law-making cycle. The Prolegnas document functions as the epicenter of legislative planning parameters, correlating absolutely with the orientation of national legal development. As a representation of the legal politics of legislation in Indonesia, the Prolegnas reflects a blueprint for the state's regulatory development that directly

[64] Chelvin Rachello and Fakhris Lutfianto Hapsoro, "The Application of Public Participation Laws in the Legislative Process for the 2019-2024 Term," *Decisio: Law Journal* 3, no. 2 (June 2026): 44–52, https://doi.org/10.52249/decisio.v3i2.56.
[65] Fajar Laksono et al., "Implementasi Putusan Mahkamah Konstitusi Nomor 92/PUU-X/2012 Terkait Kewenangan Dewan Perwakilan Daerah Dalam Pembentukan UndangUndang," *Jurnal Konstitusi* 12, no. 3 (May 2016): 542, https://doi.org/10.31078/jk1236.

intersects with macro-level legal politics. Therefore, integrating the DPD into the preparation of the Prolegnas is an authentic manifestation of a legislative political character that is more inclusive and responsive to regional autonomy aspirations.

Addressing the realm of proposing draft bills, both the DPR and the DPD are intrinsically endowed with the constitutional legality to submit legislative drafts. Nevertheless, as the holder of the absolute mandate of legislative power,[66] the supremacy of the DPR's initiative profoundly dominates the spectrum of bill propositions compared to the DPD's capacity. Not a single regulation within the constitution or its derivative laws limits the DPR's right of initiative. In sharp contrast, the scope of the DPD's initiative is strictly localized, being exclusively permitted to initiate draft bills in five specific realms: territorial autonomy, central-regional vertical relations, regional reorganization, natural and economic resource governance, and the harmonization of the financial balance sheet.[67]

A comparative review affirms the existence of global diversity in the distribution of the second chamber's authority. However, rather than merely cataloging these constitutional variations, a systematic evaluation utilizing common analytical indicators, legislative initiative, deliberative authority, veto powers, territorial representation, and institutional checks and balances, reveals a stark contrast between Indonesia and global benchmarks. Regarding legislative initiative and territorial representation, eight of the nine comparative samples attribute proposing rights proportionally to secure regional interests. For instance, robust

[66] Basrial Zuhri et al., "The Legislative Authority of the House of Representatives (DPR) in Law-Making under the 1945 Constitution of the Republic of Indonesia," *Tofedu: The Future of Education Journal* 5, no. 1 (January 2026): 609–25, https://doi.org/10.61445/tofedu.v5i1.1557.
[67] H. Berchenko and M. Petryshyna, "The Role of Municipal Policy in Ensuring Regional Development: Constitutional and Legal Aspect," *Uzhhorod National University Herald. Series: Law* 1, no. 93 (March 2026): 195–202, https://doi.org/10.24144/2307-3322.2026.93.1.29.

and medium bicameral systems like South Africa,[68] India,[69] Germany,[70] France,[71] Congo,[72] the United States,[73] Australia,[74] and Colombia[75] integrate their second chambers with co-equal or near co-equal legislative initiative rights, ensuring territorial voices initiate national discourse. Only Algeria strictly limits this initiative to the executive and lower house.[76] Furthermore, when evaluating deliberative authority and veto powers, the aforementioned jurisdictions empower their upper houses to actively negotiate and effectively block unilateral legislation. This equitable distribution of power structurally guarantees genuine institutional checks and balances. This systematic evaluation yields a critical analytical insight, the DPD's strictly localized initiative rights, completely devoid of deliberative parity and veto power, represent a severe institutional anomaly. This design structurally isolates the DPD from the global consensus on effective bicameralism, rendering it incapable of balancing the DPR's majoritarian dominance.

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[68] John Hatchard, "The Constitution of the Republic of South Africa," *Journal of African Law* 38, no. 1 (July 1994): 70–77, https://doi.org/10.1017/S0021855300011499.
[69] RAMBABU THOTAKURA, "Constitution Of India & Human Rights," *International Journal For Multidisciplinary Research* 8, no. 1 (January 2026), https://doi.org/10.36948/ijfmr.2026.v08i01.67184.
[70] Nadezhda G. Geymbukh, "On the State Structure of the Federal Republic of Germany at the Adoption of the Basic Law of 1949," *Vestnik Tomskogo Gosudarstvennogo Universiteta. Pravo*, no. 44 (2022): 30–37, https://doi.org/10.17223/22253513/44/3.
[71] Kazimierz Michał Ujazdowski, "Polish April Constitution of 1935 and Constitution of the Fifth Republic of France of 1958. Apparent Affinity," *Przegląd Prawa Konstytucyjnego* 2019, no. Nr 5 (51) (2019): 351–62, https://doi.org/10.15804/ppk.2019.05.23.
[72] Kai Peter Ziegler, "Democratic Republic of the Congo: The Transitional Constitution of April 1, 2003," *International Journal of Constitutional Law* 3, no. 4 (October 2005): 662–73, https://doi.org/10.1093/icon/moi044.
[73] Gábor Hamza, "Characteristic Features of the Constitution of the United States of America," *Belügyi Szemle* 72, no. 8 (October 2024): 1495–1512, https://doi.org/10.38146/bsz-ajia.2024.v72.i8.pp1495-1512.
[74] Mark Moshinsky, "Re-Enacting the Constitution in an Australian Act," *Federal Law Review* 18, no. 3 (September 1989): 134–52, https://doi.org/10.1177/0067205X8901800302.
[75] Luis Alejandro Silva and Fernando Contreras, "La Doctrina de La Sustitución de La Constitución En Colombia," *Estudios Constitucionales* 18, no. 1 (2020): 395–434, https://doi.org/10.4067/S0718-52002020000100395.
[76] Zahia Aissa, "The 2020 Constitutional Amendment in Algeria," in *Political, Social, Religious and Economic Challenges in the Middle East and North Africa* (London: Routledge, 2025), 209–32, https://doi.org/10.4324/9781003565178-12.

The delegation of partial authority to the DPD to draft specific bills can be interpreted as a moderate middle ground. The nomenclature specification of the bills, encompassing the dynamics of decentralized autonomy, central-regional administrative and fiscal relations, regional expansion, and the management of economic commodities and essential resources, is highly precise and aligns with the institutional essence of the DPD as a proxy for regional interests. The cluster of regulations entrusted to it manifests variables that directly implicate the continuity of regional development.[77]

Considering its status as a relatively novel state institution with a seat quota ratio not reaching one-third of the DPR's total population, the scope of initiative authority for these specific draft bills has fundamentally met the standard of proportionality. This logic is sustained by the essence of the DPD's establishment, which is oriented toward affirming local voices within the regional spectrum, whereas the DPR's domain is constructed as the aggregation of the people's voices on a national scale. In the anatomy of a dual parliament, a disparity in initiative that prioritizes the first chamber's privileges is commonly encountered, particularly within a soft-bicameralism format, which is often analogized to the essence of pseudo-unicameralism.

From the researcher's analytical perspective, the limitation of specific initiatives targeting strategic regional issues is actually sufficiently accommodative to position the DPD's function as a pillar of territorial representation, regardless of its asymmetry compared to the supremacy of the DPR's initiative. This reality is confirmed in the formulation of the First Amendment to the 1945 Constitution, Article 5 Paragraph (1): "The President is entitled to submit draft bills to the House of Representatives"; and Article 21: "Members of the House of Representatives are entitled to submit proposed draft bills." This contrasts sharply with the phrasing in

[77] Diana Gloria Wamafma et al., "A Legal-Historical Study of Legal Institutions and Special Autonomy Policy in Papua," *Nusantara: Journal of Law Studies* 5, no. 1 (June 9, 2026): 671–90, https://doi.org/10.66325/nusantaralaw.v5i1.188.

the Third Amendment, Article 22D Paragraph (1), which is drafted as: "The Regional Representative Council may propose to the House of Representatives draft bills...". The term "may" is consistently adopted in various derivative statutory regulations.

The diction formulating the exclusive authority of the DPR and the executive imperatively uses the lemma "entitled to" (berhak), whereas the articulation of the DPD's legislative capacity is diluted through the phrase "may propose" (*dapat mengajukan*). The terminology "may" degrades the substance of said authority to merely a facultative and non-absolute prerogative. Considering the implications of this normative weakening, both the constitutional formulation and operational regulations regarding the DPD's existence ought to be fundamentally reviewed by repositioning the word "may" to the terminology "entitled to," in order to synchronize and align the DPD's position with the independence of the DPR's initiative and the endowment of the President's rights.

**Redesigning Deliberation Authority and the Urgency of Granting Final Approval Rights to the DPD**

Examining the deliberation and discussion mechanisms of law-making, the political supremacy of the House of Representatives (DPR) absolutely eclipses the institutional dignity of the Regional Representative Council (DPD).[78] With the People's Consultative Assembly (MPR) positioning itself as the holder of legislative drafting power, the entire central spectrum of legislative dialectical discourse is monopolized within parliamentary meeting forums. The exploration of legal drafts is articulated on a bipartite basis with the executive to secure collective approval.[79] Meanwhile, the involvement of DPD representatives is strictly permitted only for exclusive regulatory drafts whose proposal is legalized by the DPD's mandate, while

[78] Benediktus Hestu Cipto Handoyo, "The Regional Representative Council (DPD RI) and Checks and Balances in Indonesia's Legislative Process," *Jurnal Ius Constituendum* 9, no. 3 (October 2024): 542–63, https://doi.org/10.26623/jic.v9i3.10633.

[79] Beni Suswanto, Irabiah, and Muh. As Ari AM, "The Authority and Duties of the People's Consultative Assembly (MPR) as a High State Institution of the Republic of Indonesia," *Journal of Creative Power and Ambition (JCPA)* 4, no. 01 (April 2026): 325–30, https://doi.org/10.70610/jcpa.v4i01.1184.

absorbing consultative recommendations for other regionally nuanced drafts.[80] The DPD's limited involvement scheme in national legislative debates alongside the DPR and the executive is delineated into three technical variants: (a) the DPD's crucial involvement in original legislative proposals originating from the DPD entity itself; (b) participatory deliberation on drafts proposed by the executive or the DPR that materially intersect directly with the DPD's initiative domain; and (c) the contribution of advisory considerations on specific statutory instruments proposed by either the President or the DPR.[81]

The systemic integration of DPD representation regarding the exploratory deliberation of its originally proposed laws is a highly logical jurisprudential consequence. The material scope of the DPD's pioneering draft bills occupies the parameters of regional autonomy, vertical relational hierarchy, regional expansion, natural resource management administration, and the configuration of national fiscal equilibrium.[82] If the executive or the central parliament duplicates an identical bill idea, the DPD delegation binds itself to a joint consignment obligation, although the probability of such a precedent is extremely minimal due to the preliminary consensus on determining the status of the dominant regulatory initiating actor.

Constitutional attribution grants authority to the DPD to distribute input perspectives on legislative drafts from both the DPR and the President, particularly regulations containing dimensions of autonomy, central-regional fiscal correlation, as well as crucial regulations managing aspects of natural commodities, strategic economic instruments, centralized taxation policies, public education regulations, and religious regulatory systems. The articulation of this input is facilitated during the Level I Deliberation hearings. Furthermore, this delegation accommodates fiscal

[80] Marshaal NG, Sri Suatmiati, and Heni Marlina, "The Existence of Regional Representative Council (DPD) and Regional Political Aspiration in Indonesia," *Varia Justicia* 14, no. 2 (October 2018): 74–77, https://doi.org/10.31603/variajusticia.v14i2.2117.
[81] Cipto Handoyo, "The Regional Representative Council (DPD RI) and Checks and Balances in Indonesia's Legislative Process."
[82] Gilang Endah Permatasari and Vishnu Juwono, "Supervision of DPD RI in The Implementation of Regional Autonomy," *Jurnal Transformative* 8, no. 2 (September 2022): 217–37, https://doi.org/10.21776/ub.transformative.2022.008.02.4.

reviews of the State Budget (APBN) draft bill. Ironically, if the DPD representation is absent to read its views, the dynamics of legal deliberation in Parliament will absolutely not experience stagnation. The position of contributing technical advisory views should be substantially integrated as a fundamental pillar of the legislative oversight duty in bridging vertical administrative needs.

The plenary participation procedure of the DPD in examining the compilation of laws is standardized through the precedent of Law No. 12 of 2011 in conjunction with Law No. 15 of 2019 and Law No. 13 of 2022. The significance of their involvement is narrowed down merely to reading introductory deliberation views and elaborating mini-opinions examining articles relevant to their authority during the Level I Deliberation in the special commission sessions of the legislative counci Interestingly,[83] the DPD's dysfunction due to the absence of a mini-opinion does not annul the legality of the Level I Deliberation conclusions.[84] Even more tragically, approaching the crucial stage of supreme decision-making in the Level II Deliberation during the Council's Plenary Session, the absence of participatory authority stifles the freedom of the DPD delegation. This reality affirms that the DPD delegation is shackled merely to preliminary discussions, powerlessly deprived of the legal attribution to secure verdict approval.

The escalation of systemic limitations emasculates the consultative role of the DPD delegation regarding legislative drafts on APBN fiscal funding, including taxation, national education, and religious regulations. The operational mechanism necessitates the submission of formal written documents from the DPD chairman addressed to the DPR leadership after obtaining the ratification of the regional plenary session decision,[85] no later than 30 (thirty) days post-issuance of the council

[83] Carlos Rico Motos, "Deliberation in Parliaments: A Review of the Empirical, Rhetorical and Systemic Approaches," *Revista de Sociologia e Política* 27, no. 72 (2019), https://doi.org/10.1590/1678-987319277207.
[84] Mei Susanto et al., "Constitutional Repair through Opposition Reform: Designing the Right of the Opposition and Incentive Systems to Counter Democratic Deterioration in Indonesia," *Jambura Law Review* 7, no. 2 (July 2025): 583–632, https://doi.org/10.33756/jlr.v7i2.29349.
[85] Cipto Handoyo, "The Regional Representative Council (DPD RI) and Checks and Balances in Indonesia's Legislative Process."

leadership's order, except for a specific 14 (fourteen) day deadline for the APBN draft before the ratification of tripartite legislative approval.[86] The regional technical consideration document is then forwarded via the DPR leadership channels navigating the deliberative assessment council instrument structure. This one-way delivery practice eradicates the guarantee of an interactive discursive rebuttal process for the regional chamber assembly. Moreover, the status of this exclusive written document merely docks at the DPR without being directly distributed to Presidential executive authority officials.

The systematic elaboration of all the aforementioned regulations legitimizes the skeptical assumption that the existence of the DPD parliament in legal review forums does not extend beyond a mere institutional accessory. The absence of responses, ideas, opinions, and the presence of regional representatives does not in any way halt the wheels of valid regulatory approval. The mechanism of submitting written memoranda for APBN instruments, taxes, as well as religious education pillars without guarantees of direct participation, downgrades the DPD's dignity into a subordinate primary legislative advisory council. Instead of securing an equal seat to cast confirmation on the decisive verdict agreement of essential statutory products, its consultative role in debating draft bills is oppressed to extreme minimal limits, resulting in the functional paralysis of the regional autonomy assembly.

The empirical conclusion, referring to the constellation of authority restrictions by the 1945 Constitution and its derivative regulatory regime, demonstrates the weak grip of the DPD's power across the crucial stages of forging statutory norms. Observing the systematics of procedural comparative analysis, the dominance of the DPD chamber's power is indicated to be imperfect in reaching the preliminary formation level (*ante-legislative* stage), just as their influential grip is

[86] Ari Wuisang and Roby Satya Nugraha, "Tripartite Institutional Mechanism in the Discussion of the Draft Law," *Jurnal Akta* 12, no. 4 (December 2025): 1084, https://doi.org/10.30659/akta.v12i4.46878.

proven to be exceedingly marginal at the material maturation stage (*legislative* stage), where their role is reduced to preliminary discussions without the sovereignty to strike the final verdict of joint decisions.

The exclusive authority of the regional chamber hits a dead end at the threshold of submitting draft formulations, negotiating preliminary discussions, depositing written considerations, disclosing technical recommendations, or submitting input. Even those few attributions turn out to be inadequately dispensed, leaving the DPD with a capability deficit in realizing the demands of an ideal legislative function. Even if the assembly manages to actualize the submission of files to the DPR leadership, that sovereignty is by no means an absolute guarantee, referring to Article 20 paragraphs (1) and (2) of the Constitutional Amendment which consolidates the absolute throne of legislation within the DPR's grasp along with the President's executive approval, without requiring DPD ratification. Furthermore, the authority to input considerations is facultative in nature. The DPD's absence in deliberation hearings will not delegitimize the validity gavel of a legal product gaining statutory status. The institutional authority of the two-chamber parliament turns out not to be founded on a comprehensively binding design, but rather on an artificial complementary subordination.

The obligation of the regional assembly's advisory attribution ought to be reviewed by legislators to encompass a progressive expansion of its mandate. This demand for contribution must transcend the specific barriers of APBN instruments, fiscal retribution, moral education, and religious rules, and be expanded to cover all regulatory spectrums whose initiative authority does not fall under regional institutional jurisdiction. This progressive argument rests on the rational foundational thought that all national legislative products inherently leave an impact on regional communal entities, even if the significance of the correlation occurs indirectly and derivatively. Moreover, centralizing assignments strictly to the APBN compilation and specific clusters will reduce the utility of effectiveness once those draft bills have been permanently enacted.

The expansion of the DPD's recommendation instruments over the formulation of exclusive, non-initiative regulations is absolutely insufficient if only dispatched to the DPR's authority desk; it must be ensured to penetrate the presidential bureaucracy. This aims to respond to the synchronization of plenary legislative formulation discourse before being bound by the ratification of collective executive-central approval. The construction of this progressive paradigm is oriented towards re-establishing the stature of an independent parliamentary institution so that it is not alienated as a subordinate proxy to the primary legislature. Distributing the presence of ideas to the executive-legislative axis will ignite a transparency mechanism of checks and balances in response to the critical dynamics of the national regional assembly.

Even more crucially, the circulation of delivering considerations should not be exclusively standardized through the bureaucracy of handing over dead draft files. Urgent recommendations must be projected verbally at the rostrum of the institutional views forum by the leadership council envoys during Level I Deliberation sessions. This must be supported by the sovereignty guarantee of trial completeness integration to dissect crucial substance before parliamentary executive officials, even if hindered by regulations regarding final veto decision-making rights. The freedom of essential discussion restores the DPD's dignity, formulating empirical-logical strength to safeguard the sanctity of the consideration's weight and the total guarantee of public voice protection in the highest national arena.

The mechanism for approval and ratification of legal product instruments is constitutionally regulated in Article 20 Paragraphs (2 and 4) of the First Amendment to the 1945 Constitution.[87] The process of material dissection is obligated to pass through the collective corridors of the DPR and the President to secure a mutual

[87] Kaharuddin Kaharuddin et al., "Omnibus Law in the Dynamics of Constitutional Law: A Comparative Research of Indonesia, the United States, the Philippines, and Canada," *Administrative and Environmental Law Review* 6, no. 1 (April 22, 2025): 1–22, https://doi.org/10.25041/aelr.v6i1.4054.

consensus. The executive leader then validates the collective decision by signing the binding, sovereign statutory instrument. This constitutional norm doctrine definitively seals off the involvement of DPD membership in the vital phase of confirming the legality of the national regulatory umbrella.

The final stage of enactment ratification is struck through the jurisdiction of the exclusive Level II Deliberation forum in the DPR. Even though the DPD's institutional existence is marginalized regarding the ratification of the closing vote on statutory enactments, academic calculations necessitate an elegant resolution if the authorities facilitate the autonomy delegation to vocalize the final views of their leadership. This should be akin to the equivalence of the rostrum's stage of honor facilitated to support the concluding speeches of state executive leaders.

The privilege of delegating a space of honor for the delivery of the DPD delegation's plenary messages should be guaranteed across every spectrum of material instrument enactment, regardless of whether its status is an envoy jurisdiction initiative or a central exclusive. The rationalization of this constitutional freedom is formulated as a causality precedent of the DPD's dedication in launching initiation proposals, its crucial involvement in discussing formulations alongside the parliamentary executive, its dedication in formulating the Problem Inventory List (DIM) architecture, its competence in launching regulatory criticisms, and its persistence in dissecting various legal products beyond the dimensions of local-regional legal certainty. The integration of regional representation's presence in reading crucial resolution views, even devoid of the privilege to intervene in the gavel-striking enactment, is the essence of existential recognition toward the legitimacy of the representatives guarding the political mandate of the integrity of the archipelagic unity.

## Conclusion

Based on the analysis of the constitutional architecture and parliamentary legislative functions, this study concludes by affirming the urgency of empowering the Regional Representative Council (DPD) to construct an ideal system of checks

and balances. As a preliminary step toward constitutional reform, a normative reconstruction of the facultative phrase "may" (dapat) to the imperative "entitled to" (berhak) is required to align the DPD's legislative initiative rights with the institutional supremacy of the House of Representatives (DPR) and the President. Furthermore, the DPD's authority to provide considerations must be expanded to all draft bills and articulated orally during Level I Deliberation forums. Finally, the DPD must be granted the space of honor to deliver its final opinion during the Plenary Session (Level II Deliberation) as a manifestation of political accountability. Beyond these normative reform proposals, this study makes a distinct contribution to comparative constitutional theory by reconceptualizing the parameters of effective asymmetric bicameralism. The findings demonstrate that structuralizing a second chamber with high democratic legitimacy while simultaneously depriving it of decisive deliberative and veto powers inherently distorts the mechanism of mutual control.

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