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

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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, Authority, Legislative, Regional, Constitutional, Design, Representative, Council, Checks and Balances.

turnitin Page 9 of 45 - Integrity Submission Submission ID trn:oid:::3618:148328863

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, law-making authority is not exclusively monopolized by the parliament.[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 exerts dominance and is deeply involved in the formulation of laws.[5] Therefore, legislative function is fundamentally a further development of the parliament's primary function, which is 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 interpellation.[9]

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[1] Holcombe, Randall G. '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] Koskimaa, Vesa 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] Paterson, Ellen. '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] Bräuninger, Thomas, 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] Manukov, Sergei Sergeevich. '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] Al-Fatih, Sholahuddin 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] O'Neill, Johnathan. '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. Johnathan. '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.
[9] Akbik, et al. 'Understanding Oversight through Parliamentary Questions: The European Parliament in the Economic and Monetary Union'. *European Union Politics* 25, no. 4 (Dec 2024): 675–97.

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 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 unicameral system.[16] Uniquely, the United Kingdom itself originally adhered to unicameralism before ultimately adopting a bicameral through the establishment of the House of Commons.[17] This measure was undertaken to establish of checks and balances mechanism against the dominance of the House of Lords, whose power at

[10] Badjeber, Mochamad Haikal 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 (Apl 2026): 243–58.
[11] Hariansah, Syafri 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 (Ju 2026): 199–216.
[12] Suryawan, I Gusti Bagus. 'Strengthen the Authoritative Function of the Regional Representative Councils in Legislation'. *Medico Legal Update* 21, no. 1 (Jan 2021): 351–54.
[13] Alshareef. 'Inter-Parliamentary Union: A Model in Parliamentary Leadership'. *International Journal of Law and Public Administration* 5, no. 1 (May 2022): 1.
[14] Schwartz. 'The Changing Concepts of the Constitution'. *Oxford Journal of Legal Studies* 42, no. 3 (November 2022): 758–86.
[15] Griglio, Elena and Nicola Lupo. 'Parliamentary Administrations in the Bicameral Systems of Europe: Joint or Divided?'. *The Journal of Legislative Studies* 27, no. 4 (Oct 2021): 513–34.
[16] Massicotte. 'Legislative Unicameralism: A Global Survey and a Few Case Studies'. *The Journal of Legislative Studies* 7, no. 1 (Mar 2001): 151–70.
[17] Waldron, Jeremy. 'Bicameralism'. *SSRN Electronic Journal*, ahead of print, 2012.

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: to avoid the monopolization of political control, lawmaking bodies require a deliberate architecture built around resilient systems of mutual oversight.

Fundamentally, the bicameral system is a manifestation of the deconcentration of power principle regarding government oversight and law-making.[19] A division between an upper and lower chamber usually characterizes the parliamentary structure in this framework.[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 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

[18] Ballinger. 'Hedging and Ditching: The Parliament Act 1911'. *Parliamentary History* 30, no. 1 (February 2011): 19–32.
[19] Qerimi, et al. 'Unicameral And Bicameral Parliaments: Their Advantages, Disadvantages, And Functionality'. *International Journal of Religion* 5, no. 12 (Dec 2024): 1838–44.
[20] Wardani. 'Regional Representative Council in the Indonesian State Governance System: A Study of the Bicameral System'. *SIGn Jurnal Hukum* 5, no. 1 (Apl 2023): 1–16.
[21] 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.
[22] Gamper. 'Legislative Functions of Second Chambers in Federal Systems'. *Perspectives on Federalism* 10, no. 2 (Jun 2018): 117–33.
[23] Rohmah, et al. '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.
[24] Diermeier, et al. 'Bicameralism and Government Formation'. *Quarterly Journal of Political Science* 2, no. 3 (August 2007): 227–52.

turnitin Page 12 of 45 - Integrity Submission Submission ID trn:oid:::3618:148328863

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 and practical decision-making, as well as 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 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 is capable of preventing the tyranny of both the majority and the minority, producing higher-quality legislative products, designing quality control (double-checking), and mitigating the potential for collusion more effectively than a unicameral system. Examining the strength levels of bicameralism, Arend Lijphart classifies it into three typologies: strong, medium-strength, and weak bicameralism.[31] This is measured by the parity of formal authority

[25] Baturo, et al. 'Why Do Authoritarian Regimes Adopt Bicameralism? Cooptation, Control, and Masking Controversial Reforms'. *Democratization* 25, no. 5 (Jul 2018): 919–37.
[26] Qerimi, et al. 'Unicameral and Bicameral Parliaments: Their Advantages, Disadvantages, And Functionality'. *International Journal of Religion* 5, no. 12 (Dec 2024).
[27] Kishore, Dr. Vatada Jaya. '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.
[28] West, et al. 'Veto Players Revisited: Internal and External Factors Influencing Policy Production'. *Legislative Studies Quarterly* 39, no. 2 (May 2014): 227–60.
[29] Alkadri. 'Role of the Regional Representatives Council on Bicameral Parliament System'. *Journal of Indonesian Legal Studies* 1, no. 1 (August 2017): 3–12.
[30] Lanzalaco, Luca, 'George Tsebelis e Jeannette Money, Bicameralism, Cambridge, Cambridge University Press, 1997', *Italian Political Science Review/Rivista Italiana Di Scienza Politica* 28, no. 1 (Apr 1998): 188–89.
[31] 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.

turnitin Page 13 of 45 - Integrity Submission Submission ID trn:oid:::3618:148328863

(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] Should the upper house merely be equipped with delaying power, the system falls into the category of weak bicameralism. By synthesizing the perspectives of these scholars, 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 employed to examine of the Indonesian parliamentary structure frequently provokes rigorous academic debate. Divergent views exist on whether Indonesia adheres to a unicameral, bicameral, or tricameral system (MPR, DPR, DPD).[33] Viewed through the lens of the legislative function in a narrow sense, namely, the enactment of statutes, the Indonesian parliament structure essentially consists of two chambers. 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 national public policy formulation.[35] Referring to the doctrine of checks and balances, this two-chamber design was intended to prevent the legislative process from being absolutely dominated by a single majority force within the

[32] Palma, Giuseppe Di. '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.
[33] Andriyan. 'Dewan Perwakilan Daerah Republik Indonesia Dalam Perspektif Teori Bicameralisme'. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 1, no. 1 (June 2018): 79–94.
[34] Mahardhika, et al. 'Constitutional Reconstruction of Legislative Authority Toward Strong Bicameralism in the Indonesian State System'. *International Journal of Business, Law, and Education* 7, no. 1 (Jun 2026).
[35] Rich. 'Designing the DPD: Indonesia's Regional Representative Council'. *Bulletin of Indonesian Economic Studies* 47, no. 2 (August 2011): 263–73.

political representative institution. Regrettably, the noble notion of strengthening regional representation has, in reality, been implemented half-heartedly. Although extensive literature has diagnosed the institutional weaknesses of the DPD and classified Indonesia's parliament as structurally asymmetric, there remains an unresolved academic debate concerning how to functionally cure this weak bicameralism without reverting to pure unicameralism. Previous studies have largely focused on critiquing the DPD's subordination, yet they fall short of offering a comprehensive blueprint to systematically overhaul its constitutional mandate.

This is unequivocally in the Article 22D of the 1945 Constitution, which impose extraordinary limitations on the DPD authority in the law-making process is reduced to: (1) 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 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 parliamentary system of Indonesian?

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 how reconfiguring asymmetric powers is essential to transforming constitutional anomalies into balanced, effective, and accountable parliamentary architectures. Stemming from this theoretical foundation, this research posits a central research question: How does the asymmetric constitutional design regarding the DPD authority construct a regime of weak bicameralism that distorts the efficacy of the Indonesian parliamentary system? Furthermore, this study investigates the urgency and the reconceptualization the DPD legislative authority model, 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

A normative research approach is applied in this study, as it is grounded in the examination of principles, doctrines, and norms embodied within positive law instruments.[36] The primary object of study focuses on analyzing the architecture of regulations governing the law-making mechanism, specifically in the 1945 Constitution of Indonesia and its derivative regulations. To dissect the issue

[36] Starke, Alain et al. 'NORMalize 2024: The Second Workshop on Normative Design and Evaluation of Recommender Systems' *18th ACM Conference on Recommender Systems* (New York, NY, USA), 8 October 2024, 1242–44.

comprehensively, it utilizes three primary approaches: statute, conceptual, and comparative approach.[37]

The statute approach to analyze constitutional synchronization and the hierarchy of various regulations governing the legislative procedures in Indonesia. Specifically, this approach is utilized to assess the attribution of legislative authority distributed among state institutional instruments DPR, DPD, and the President. Furthermore, the conceptual approach 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 in the 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 comparative of the constitutional designs of several countries regarding the legislative authority. The selection of these comparative jurisdictions is meticulously grounded in distinct criteria regarding 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 due to their robust federal or quasi-federal designs that successfully integrate territorial representation. Examining these diverse legal traditions provides a

[37] Negara. 'Normative Legal Research in Indonesia: Its Originis and Approaches'. *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (Feb 2023): 1–9.

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. This comparison aims to establish proportional empirical benchmarks to reconstruct and empower the legislative capacity.

Discussion

The establishment of the Regional Representative Council (DPD) after the 1945 Constitution amendments creates a unique exception to conventional bicameral parliamentary systems in Indonesia.[38] Although DPD members possess robust democratic legitimacy as they are directly elected by the people, their constitutional authority within the legislative function is severely restricted and asymmetric in nature.[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 DPR retains absolute supremacy in the law-making of 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	Operates as a "pseudo-	Classified as *Weak*	High democratic

[38] Sinukaban. 'The Existence of Regional Representative Boards in the Indonesian Representative Institution System'. *Journal of Law Science* 2, no. 1 (January 2020): 15–23.
[39] Pahlepi, Hizran Al Farizy. '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.
[40] Zhu, Zhihao 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.
[41] Passaglia. 'Unicameralism, Bicameralism, Multicameralism: Evolution and Trends in Europe'. *Perspectives on Federalism* 10, no. 2 (Jun 2018): 1–29.

turnitin Page 18 of 45 - Integrity Submission Submission ID trn:oid:::3618:148328863

Nature	bicameral" or "incomplete unicameral" system.	*Bicameralism* with asymmetric powers.	legitimacy (direct election) but extremely limited formal authority.
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: Grounded in a systematic review of corresponding legal authorities

Critically analyzing this constitutional design reveals that the institutional weakness of the DPD is not merely a procedural flaw, but a fundamental distortion of 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 the deliberation of draft bills is strictly consultative at the preliminary stage, lacking any authority in final decision-making or joint approval.[43] When compared systematically to other jurisdictions, the practical consequences of this design become apparent. In robust bicameral systems like the United States and

[42] Nugroho, Wachid et al. "Informal Constitutional Change in Indonesia". *Pena Justisia: Media Komunikasi dan Kajian Hukum* 24, 1 (Jun 2025): 5591–632.
[43] Sibuea, Hotma, Ricky Thio, and Amelia Syauket. 'Reimagining Legislative Representation in Indonesia: Integrating Regional Interests within Constitutional Checks and Balances'. *Pena Justisia: Media Komunikasi dan Kajian Hukum* 24, no. 1 (February 2025): 767–84.

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, the presence of 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 (see Table 1).

The Institutional Position of the DPD within Indonesia's System

The presence of the DPD within the Indonesian system regarding 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 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 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.

[44] Wardani. 'Regional Representative Council in the Indonesian State Governance System: A Study of the Bicameral System'. *SIGn Jurnal Hukum* 5, no. 1 (Apr 2023): 1–16.
[45] Kosasih, et al. 'Strengthening the Indonesian Bicameral Parliament: Siyasah Dusturiyah Perspective'. *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 2024): 335.

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

[46] Duke. 'Strong Popular Sovereignty and Constitutional Legitimacy'. *European Journal of Political Theory* 19, no. 3 (July 2020): 354–74.
[47] Diponolo, G. S. *Ilmu Negara Jilid 2* (Jakarta: Balai Pustaka, 1975).
[48] Lanzalaco. *'George Tsebelis e Jeannette Money, Bicameralism, Cambridge*, Cambridge University Press, 1997'.

bicameralism and unicameralism concepts, 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 1945 Constitution after amendments leaves room for 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, this 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, which is based on a multi-member district system for individual candidates, is frequently perceived as possessing a higher degree of democratic purity compared to the DPR's political party-based open proportional system.[53] Consequently, the DPD legitimacy is intrinsically equal to, or potentially even more robust than, the DPR legitimacy. Based on this rationalization of selection and membership, the structure could be aligned with *medium-strength bicameralism*.

[49] Irkliienko. 'A Bicameral Parliament in the Context of Forming Constitutional Democracy'. *Law Review of Kyiv University of Law*, no. 1 (Apr 2020): 136–39.
[50] Massicotte. 'Legislative Unicameralism…'.
[51] Mahardhika, et al. 'Constitutional Reconstruction of Legislative Authority Toward Strong Bicameralism in the Indonesian State System'. *International Journal of Business, Law, and Education* 7, no. 1 (Jun 2026).
[52] 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.
[53] Sarah, et al. 'General Election System in Indonesia Based on Law of The Republic of Indonesia. No. 7 OF 2017', *Jurnal Sosial Teknologi* 2, no. 9 (Sept 2022): 800–804.

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, the first chamber are elected via direct elections, whereas the second chamber are generally selected through indirect mechanisms. The implication is 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 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.

[54] Russell. 'Elected Second Chambers and Their Powers: An International Survey'. *The Political Quarterly* 83, No. 1 (January 2012): 117–29.
[55] Russell. 'The Territorial Role of Second Chambers'. *The Journal of Legislative Studies* 7, no. 1 (March 2001): 105–18.

Paradoxically, this logical general pattern is entirely unreflected in the institutionalization of the DPD. Even though DPD senators are directly elected, affirming the high supremacy of this institution's democratic legitimacy, the DPD's formal authority is severely reduced, particularly within the domain of law-making, following a similar marginalization in its oversight and budgetary functions.[56]

In the architecture of *strong bicameralism*, legislative initiation can typically originate from either assembly and is required to undergo discursive processes in both chambers within a balanced forum prior to 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]

In constitutional practice, this normative weakness inevitably translates into severe empirical consequences for legislative quality and regional representation. Because the DPD is entirely excluded from the final decision-making phase, its substantive recommendations regarding regional autonomy, resource management, or central-regional fiscal relations are frequently discarded or unilaterally overridden by the DPR and the President during final deliberations.[59] Consequently, the practical implementation of regional representation becomes merely symbolic rather than substantive. The resulting legislative products often

[56] Wartoyo, FX, 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.
[57] Mahardhika, et al. 'Constitutional Reconstruction of Legislative Authority Toward Strong Bicameralism in the Indonesian State System', June 2026.
[58] Suryadi. 'Implementasi Moderasi Beragama Dalam Pendidikan Agama Islam' *Paper Knowledge. Toward a Media History of Documents* Vol. 20, N, no. 11 (2022): 12–26.
[59] Sudirman, 'Single Executive in The Indonesian Presidential System'. *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (Apr 2023): 1.

reflect centralized political and party interests rather than accommodating balanced, territorially inclusive policies. This legislative experience vividly demonstrates 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 any meaningful constitutional checks from regional representatives. A prominent practical illustration of this dysfunction can be observed during the deliberation of the The legal frameworks governing Mineral and Coal Mining (Laws Number 4/2009 and Number 2/2025) alongside the National Capital regulations (Laws Number 3/2022 and Number 21/2023), 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 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 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.[60] 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

[60] Sinukaban. 'The Existence of Regional Representative Boards in the Indonesian Representative Institution System'. *Journal of Law Science* 2, no. 1 (January 2020): 15–23.

to facilitate the formation of a Joint Committee with a balanced proportion of representation to seek a consensus resolution.[61]

A similar condition occurs in France, a unitary state practicing weak bicameralism. The National Assembly are elected directly, while senators in the Senate are selected via indirect elections representing territorial units.[62] 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.[63] 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 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.[64]

Departing from these comparative studies, it is transparently evident that the DPD, acting as the representation of the second chamber, is trapped in a conservative design that is highly marginal and heavily subordinated by the dynamics of the political interests. This constellation causes the DPD to suffer a deficit of functional authority in optimally orchestrating of checks and balances

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[61] Fatoni, et al. '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.

[62] Rohmah, et al. '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.

[63] Dryzek, et al. 'Toward a Deliberative Global Citizens' Assembly', *Global Policy* 2, no. 1 (Jan 2011): 33–42.

[64] Lee, Yongmo and Inseok Seo, 'National Assembly Committees and Support Organisations'. in *Policy Analysis in South Korea* (Bristol University Press, 2023), 153–74.

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system 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 System

Regarding the initiation of drafting laws, the authority of the DPD to propose draft bills (RUU) across five specific dimensions: (1) regional autonomy; (2) regional relations; (3) the restructuring, merger and expansion of regions; (4) economic assets and natural resources; and (5) the equilibrium of central and regional financial balance. This initiative authority is executed through two procedural stages: the National Legislative Program formulation, followed by the proposal of the draft bill.[65]

In its initial phase of establishment, the DPD's legislative initiative privilege, based on the compilation of 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 endowed with the independent jurisdiction to design the Prolegnas or to submit draft bills. Responding to this marginalization, the DPD leadership officially pursued a judicial review of the related clauses on September 14, 2012. Consequently, the Constitutional Court partially granted the petition by declaring that the restrictive

[65] Rachello, et al. '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.

norms within both laws were unconstitutional and void of legal binding power.[66] The restoration of the DPD's institutional dignity was accommodated through the revision of the MD3 Law, which reinstated the DPD's mandate to formulate the Prolegnas and independently propose draft bills, free from the shadow of DPR subordination. The implication is 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 intersects with macro-level legal politics. Therefore, the integration of the DPD in orchestrating the Prolegnas preparation constitutes 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,[67] 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 initiative right. 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, regional relations,

[66] 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.

[67] Zuhri, Basrial 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 (Jan 2026): 609–25.

regional reorganization, natural and economic resource governance, and the harmonization of the financial balance sheet.[68]

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 and medium bicameral systems like South Africa,[69] India,[70] Germany,[71] France,[72] Congo,[73] the United States,[74] Australia,[75] and Colombia[76] 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.[77] Furthermore, when evaluating deliberative authority and veto powers, the aforementioned jurisdictions empower their upper houses to actively negotiate and effectively block unilateral legislation. This

[68] Berchenko, et al. '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.
[69] Hatchard. 'The Constitution of the Republic of South Africa'. *Journal of African Law* 38, no. 1 (July 1994): 70–77.
[70] Thotakura, Rambabu. 'Constitution of India & Human Rights'. *International Journal for Multidisciplinary Research* 8, No. 1 (Jan 2026). https://Doi.Org/10.36948/Ijfmr.2026.V08i01.67184.
[71] Geymbukh, Nadezhda G. '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.
[72] Ujazdowski, Kazimierz Michał. '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.
[73] Ziegler. 'Democratic Republic of the Congo: The Transitional Constitution of April 1, 2003'. *International Journal of Constitutional Law* 3, no. 4 (Oct 2005): 662–73.
[74] Hamza. 'Characteristic Features of the Constitution of the United States of America'. *Belügyi Szemle* 72, no. 8 (October 2024): 1495–512.
[75] Moshinsky, Mark. '*Re-Enacting the Constitution in an Australian Act*'. *Federal Law Review* 18, no. 3 (September 1989): 134–52. https://doi.org/10.1177/0067205X8901800302.
[76] Silva, et al. 'La Doctrina de La Sustitución de La Constitución En Colombia'. *Estudios Constitucionales* 18, no. 1 (2020): 395–434.
[77] Aissa, Zahia. '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.

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.

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.

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 prioritizing the first chamber's privileges is indeed commonly encountered, particularly within a soft-bicameralism format, which is substantively 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..."; and Article 21: "Members of the House of Representatives are entitled to submit proposed draft bills." This contrasts sharply with the phrasing in the Third Amendment, Article 22D Paragraph (1), which is drafted as: "The Regional Representative Council may propose to...draft bills...". The selection of the terminology "may" is consistently adopted by various of its derivative statutory regulations.

The diction formulating the exclusive authority of the DPR and the executive imperatively utilizes the lemma "entitled to" (*berhak*), whereas the articulation of the DPD's legislative capacity is diluted through the use of 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 DPR absolutely eclipses the institutional dignity of the DPD.[78] With the MPR positioning itself as the holder of legislative drafting power, the entire central spectrum of legislative dialectical discourse is monopolized within the jurisdiction of 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

[78] 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.
[79] Suswanto, Beni, 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.

exclusive regulatory drafts whose proposal is legalized by the DPD's mandate, while 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] Should the executive or the central parliament duplicate 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 in 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

[80] NG, Marshaal, et al. 'The Existence of Regional Representative Council (DPD) and Regional Political Aspiration in Indonesia'. *Varia Justicia* 14, no. 2 (October 2018): 74–77.
[81] Handoyo. 'The Regional Representative Council (DPD RI) and Checks…'.
[82] Permatasari, Gilang Endah and Vishnu Juwono. 'Supervision of DPD RI in The Implementation of Regional Autonomy', *Jurnal Transformative* 8, no. 2 (September 2022): 217–37.

turnitin Page 32 of 45 - Integrity Submission Submission ID trn:oid:::3618:148328863

the Level I Deliberation hearings. Furthermore, this delegation accommodates fiscal 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 in Law No. 12/2011, which was subsequently updated through Law No. 15/2019 and Law No. 13/2022. 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] Motos. 'Deliberation in Parliaments: A Review of the Empirical, Rhetorical and Systemic Approaches'. *Revista de Sociologia e Política* 27, no. 72 (2019).
[84] 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.
[85] Handoyo, Cipto. 'The Regional Representative Council (DPD RI)…'.

turnitin Page 33 of 45 - Integrity Submission Submission ID trn:oid:::3618:148328863

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 proven to be exceedingly marginal at the material maturation stage (*legislative*

[86] Wuisang, Ari and Roby Satya Nugraha. 'Tripartite Institutional Mechanism in the Discussion of the Draft Law', *JURNAL AKTA* 12, no. 4 (December 2025): 1084.

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 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 pursuant to Article 20, Paragraphs (2) and (4) of the First Amendment to the 1945 Constitution. The process of material dissection is obligated to pass through the collective corridors of the DPR and the President to secure a mutual 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.

Conclusion

This study concludes by affirming the urgency of empowering the 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 legislative initiative rights of DPD with the institutional supremacy of the DPR and the President. Furthermore, the authority to provide considerations of the DPD 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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