

Authority of Regional Representative Boards in the Establishment of Legislations Attached to the Bicameral System

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Abstract

This study aims to answer the formulation of the first problem, what is the authority of the Regional Representatives Council (DPD) in the formation of laws and regulations? Second, does the authority of the Regional Representatives Council in the formation of these laws and regulations reflect the representative institutions of the bicameral system? The conclusion is that the DPD has the authority in the field of Legislation at the following stages: This study uses a normative juridical approach, namely research that analyzes a legal problem by conducting a literature study, both from primary, secondary and tertiary legal materials. The analysis of research data is qualitative in nature, namely concluding and describing the answers to the legal problems under study. by planning, preparation and discussion related to bills related to regional autonomy, the formation and expansion and merging of regions, natural resource management, as well as those relating to the balance of central and regional finance. The DPD has the authority to provide considerations in the Tax Bill, APBN, Education and religion to the DPR. Second, the two-chamber representation system (Bicameral) provides an equally strong position, this applies to the DPD and the DPR. In implementing the Representative system, the DPD has weak authority in various functions, both legislation, supervision and budgeting. The weakness of the legislative function can be seen from the DPD's inability to participate in discussing the decision making the bill into law. This shows that the DPD's authority does not reflect as a pure bicameral system representative institution, but reflects a soft bicameral representation system.

Keywords

Authority; Formation; Bicameral.

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Introduction

The state of Indonesia is a state based on law as stated in the 1945 Constitution of the Republic of Indonesia. The concept of a state of law has long been known in the theory of state science, as it is known as the type of state of formal law and state of material law. Formal rule of law is better known for its characteristics, namely leading to legal certainty which everything is based on written law, namely statutory regulations. While the state of material law is known for its characteristics, namely, it boils down to justice so that the judge in deciding a case or the government in setting policies based on the law, both written and unwritten.

The concept of a state of law is directly proportional to the notion of constitutionalism which wants a better, orderly and directed state life which is marked by the destruction of absolutism in France. This understanding of constitutionalism is a milestone in the awareness in the state to carry out a government based on the state constitution, not only on rulers or kings. State institutions are state equipment that are very important in carrying out state functions. The function of the state is the movement and effort in running the wheels of government. The functions of the state as already known are the *trias politica* which divides the functions of the state into 3 (three) namely the Executive, Legislative and Judiciary. The separation of these 3 functions in different institutions is actually to distribute power so that it is not concentrated on one person or institution so that it becomes absolute power.

State institutions based on the 1945 Constitution (before the amendment) placed the People's Consultative Assembly as the highest state institution, which is implied in Article 1 paragraph (2) of the 1945 Constitution which states that "Sovereignty is in the hands of the people and is carried out entirely by the People's Consultative Assembly.". This has the consequence that the People's Consultative Assembly as an institution holding people's sovereignty has the highest position from other institutions with one of its authorities being to elect the President and Vice President with a term of office of 5 (five) years. Other state institutions that are domiciled as high state institutions are the President, the House of Representatives, the Supreme Audit Agency, the Supreme Advisory Council and the Supreme Court. The position of the highest state institutions and state institutions is stated in the Decree of the People's Consultative Assembly Number VI/MPR/1973 in conjunction with the Decree of the People's Consultative Assembly No. 3/MPR/1978 (Titik Triwulan Tutik, 2015).

State institutions prior to this amendment placed the House of Representatives as the only legislative body together with the President to form laws. In the Law on the Composition and Position of the House of Representatives, it is stated that there are 3 (three) functions of the House of Representatives, namely legislation, budgeting and supervision. Each of these functions is carried out in order to oversee the implementation of state administration in accordance with the mandate of Pancasila and the 1945 Constitution, namely the realization of the goals of the Indonesian state. According to

the 1945 Constitution of the Republic of Indonesia after the amendment, state institutions are as follows (Yuswalina dan Kun Budianto,2016):

1. People's Consultative Assembly.
2. President and Vice President.
3. The House of Representatives.
4. Regional Representative Council.
5. Supreme Court.
6. Supreme Audit Agency.
7. Constitutional Court and
8. Judicial Commission.

The result of the amendment to the 1945 Constitution does not recognize the highest state institutions because these state institutions have a comparable position between one another (Yuswalina, Kun Budianto, 2016).

Branches of state power which are divided into executive, legislative and judicial powers, are exercised by these state institutions in the 1945 Constitution of the Republic of Indonesia. Executive power is exercised by the President and Vice President assisted by ministers as state administrators and implementers of laws. The judicial power as stated in Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia is an independent power to administer justice in order to uphold law and justice. Judicial power is exercised by the Supreme Court and the judicial bodies under it within the scope of the general, religious, military, state administrative courts and a Constitutional Court as referred to in Article 24 paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

The third branch of power is the legislative power or also called the representative institution (parliament) as an institution that has the authority to form laws and regulations and as an institution that supervises the executive. Representative institutions based on the 1945 Constitution of the Republic of Indonesia have 3 (three) institutions, namely the People's Representative Council, the People's Consultative Assembly and the Regional Representative Council. The General Assembly of the People's Consultative Assembly in 2001 succeeded in amending the 1945 Constitution by returning the constitutional system, especially state institutions, to its proportions, namely returning the existence of the legislature to a bicameral system. This amendment places the People's Consultative Assembly no longer as a supremacist but as a high state institution whose membership includes the House of Representatives and the Regional Representative Council. The logical consideration of the bicameral system by establishing a second chamber after the People's Representative Council, namely the Regional Representatives Council, is to accommodate different representations, namely

the central and regional levels (Titik Triwulan Tutik, 2015). As stated in Article 22C of the 1945 Constitution of the Republic of Indonesia, the Regional Representative Council is a representative of the Province of the Republic of Indonesia who is elected through general elections with the same number of representatives from each Province. The total number of elected Regional Representatives Council members is not more than one third of the total members of the People's Representative Council.

The People's Consultative Assembly as the makers of the 1945 Constitution emphasized that the Regional Representative Council was convened for fundamental reasons to accommodate the existence of the Regional Representative Council in the Indonesian constitutional structure, namely (Sirajudin, Winardi, 2015):

1. Strengthening regional ties within the unitary State of the Republic of Indonesia.
2. Increasing the aggregation and accommodation of the aspirations and interests of the regions in the formulation of national policies relating to the state and regions.
3. Encouraging the acceleration of democratization of development and regional progress in a harmonious and balanced manner.

The authority of the Regional Representatives Council in the field of legislation/formation of laws and regulations is stated in Article 22D paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia which states that the Regional Representatives Council may submit a Draft Law and participate in discussing the Draft Law. related to regional autonomy, central and regional relations, formation and expansion and merging of regions, management of natural resources and other economic resources and the balance between the center and the regions. This is interesting to study regarding the authority of the Regional Representatives Council in the field of forming legislation as the second chamber after the Regional Representative Council in the bicameral system, both of which have a role in the formation of legislation. For this reason, the researcher wants to analyze the role and authority of the Regional Representatives Council in the formation of laws and regulations, related to its position and function as a representative institution in the bicameral system.

Research Methods

This research uses a normative juridical approach. The normative juridical research approach in this study means that research related to the content of the Constitution of the Republic of Indonesia is related to the authority of the Regional Representatives Council, especially in the formation of legislation and theories about representative institutions of the bicameral system. This research was conducted through a document study, then an analysis of the document was carried out in order to find answers to the formulation of the problem proposed qualitatively.

Discussion

A. Position and Authority of the Regional Representative Council

1. Theory of State Institutions

Terminologically, the term State Institution is not a uniform concept in various countries. The term State Institution in the English literature is called a political institution, in Dutch it is known as *staat organen*, while in Indonesia it is known as a State Institution or state agency or state organ (Sirajudin dan Winardi, 2015). In the Constitution of the Republic of the United States of Indonesia in 1949 (KRIS 1949) and the Provisional Constitution of 1950, state institutions are known as state equipment. In the Big Indonesian Dictionary, the term institutions and the phrase government institutions are known which are defined as government agencies within the executive environment. When the word government is replaced with the state, it can be interpreted as state bodies in all state government circles, especially the executive, legislative and judicial branches (Sirajudin dan Winardi, 2015). State institutions have an important meaning in the administration of government in a country. The state as a power organization formed and held certainly has a goal to be achieved. The existence of this state institution will later be used as a tool to carry out state functions.

In the theory of state functions, there are dwipraja theory, chess praja theory, panca praja and trias politica theory.

- a) The Dwi Praja theory divides the function of the state into 2 (two), namely policy making and policy executing. State power is divided into 2 powers which are exercised by different state institutions. Policy makers are institutions that make regulations in one country, while the power to implement this policy is also the administrator of state government power. Institutions that hold the power of policy making and policy executing as institutions that must work together so that state goals can be achieved. State regulations/policies must be made and these regulations/policies must also be implemented.
- b) The Catur Praja theory divides state functions into 4 (four) namely state power in *Regeling* (statutory function), *Bestundang-* (government function), *Recht Spraak* (judicial function) and *Politie* (police function). State powers related to these 4 (four) functions are carried out by different state institutions so that they are not concentrated in one institution. This theory was initiated by Van Vollenhoven (Solly Lubis, 2008).
- c) The Trias Politica theory divides the function of the state into 3 (three) powers assigned by John Locke and Montesquieu. John Locke separated state power into 3 (three) namely the legislature which has the authority to make regulations, the executive which has the authority to maintain regulations and adjudicate, the federative which includes powers that are not included in the executive realm and the legislature which includes foreign relations. Montesquieu divides and separates state power into 3, namely the legislature as the legislator, the executive as the one who implements the law and the judiciary which adjudicates violations of the law (Solly Lubis, 2008).

d) The Panca Praja theory, which was developed and initiated by Lohemann, divides the functions of the state into 5 (five) powers, namely legislation, implementation, government, judiciary and police (Solly Lubis, 2008).

Indonesian State institutions based on the 1945 Constitution of the Republic of Indonesia related to the separation of powers of the trias politica are as follows:

a) Representative/Legislative Institutions include:

1) The Consultative Assembly is a representative institution, one of which has the authority to amend and stipulate the constitution.

2) The House of Representatives, is a representative institution that has legislative, supervisory and budgetary functions.

3) The Regional Representative Council, is a representative institution whose one of its powers is to propose a draft law and participate in discussing it with the president and the House of Representatives.

b) The Executive, the President and the Vice President, are the implementers of the Law and the holders of government power.

c) The judiciary (judicial institution) includes:

1) Supreme Court.

2) Constitutional Court.

3) Judicial Commission.

d) The Supreme Audit Agency, as a supervisory agency and state financial examiner in every branch of power, from the central to the regional levels and even to the Village Government. This institution is also known as an examination institution in the field of state financial management.

2. Position and Authority of the Regional Representative Council

The function of checks and balances in state institutions is the main purpose of the amendment to the 1945 Constitution. Power does not rest on one institution, but is dispersed and distributed among existing state institutions bound by the principle of mutual influence and mutual control so that there is control and balance between the state agency. Amendments to the 1945 Constitution have broad implications for all state institutions. On the one hand, there are state institutions that get a new proportion, namely a significant increase in authority, while on the other hand there are state institutions that have changed or decreased from before. Not only that, there are also state institutions that are eliminated because they are considered irrelevant for the needs of future state administration (Titik Triwulan Tutik, 2015).

The position of state institutions can be interpreted as position based on function and position based on position with other institutions. The position of the Regional Representatives Council based on its position with other state institutions means that it is at the same level as other state institutions, such as the People's Representative Council, People's Consultative Assembly, the State Audit Board and others. While the position of the Regional Representatives Council is based on its main function, this

means that the position of the Regional Representative Council related to regional interests has higher authority than others.

The authority of the Regional Representative Council, as stated in Article 22D paragraphs (1), (2) and (3) of the 1945 Constitution of the Republic of Indonesia, is as follows:

- a) The Regional Representative Council may submit to the House of Representatives a draft law relating to regional autonomy, central and regional relations, the formation and expansion as well as the amalgamation of flags, management of resources and other economic resources, as well as those relating to the balance of central finances.
- b) The Regional Representative Council shall participate in discussing draft laws relating to regional autonomy, central and regional relations, the formation, expansion and amalgamation of regions, management of natural resources and other economic resources, as well as the balance of central and regional finances, as well as providing considerations to the House of Representatives on draft laws relating to taxes, education and religion.
- c) The Regional Representative Council may supervise the implementation of the establishment, expansion and amalgamation of regions, central and regional relations, management of natural resources and other economic resources, implementation of the State Revenue and Expenditure Budget, taxes, education and religion and submit the results of the supervision to The House of Representatives as a material for consideration to be followed up.

The authority of the Regional Representatives Council in addition to the above as stipulated in the 1945 Constitution of the Republic of Indonesia, namely: to receive and follow up on the results of state financial audits conducted by the State Audit Board and to provide considerations to the House of Representatives in the election of members of the State Audit Board (Rosyid Al Atok, 2015).

3. The Authority of the Regional Representative Council in the Formation of Laws

The stages of the formation of the law as referred to in Law Number 12 of 2011 concerning the Establishment of Legislation and the provisions in the rules of procedure for the Regional Representative Council are as follows:

a) Planning Stages

The formation of laws and regulations is carried out in a planned and directed manner according to the priorities and needs of the community for this reason, the planning for the formation of laws is prepared in the National Legislation Program (Prolegnas). The National Legislation Program is an instrument for planning programs for the formation of laws that are prepared in a planned, integrated and systematic manner which is prepared by the House of Representatives (and or Regional Representatives Council) and the President. Each of these institutions makes a planning law for the next 5 (five) years which includes (Rosyid Al Atok, 2015):

- 1) The background and purpose of the preparation
- 2) The target to be realized, and
- 3) Directional range and setting

The medium-term Prolegnas and the annual priority-scale Prolegnas are determined by a decision of the House of Representatives through a plenary meeting of the House of Representatives as an agreement between the House of Representatives, the Regional Representatives Council and the government. The preparation and determination of the annual Prolegnas is carried out every year prior to the stipulation of the Draft Law on the State Budget (Rosyid Al Atok, 2015).

The authority of the Regional Representatives Council in this planning stage can submit proposals for the National Legislation Program related to the Draft Law on the establishment, expansion and merger of regions, regional autonomy, central and regional relations, management of natural resources and other economic resources as well as those relating to the balance of central and regional finances. Planning for the Draft Law from the Regional Representative Council is carried out by the Law Drafting Committee as a permanent tool for the Regional Representative Council, formed in a plenary meeting whose members consist of 1 (one) representative from each Province/Electoral District throughout Indonesia. One of the tasks of the Legislative Drafting Committee is to plan and compile programs and the order of priority for discussing proposed draft laws for 1 (one) term of office for members of the Regional Representatives Council and every fiscal year.

Article 92 of the Regulation of the Regional Representatives Council Number 2 of 2019 concerning Regulations states that: Planning and preparation of programs as well as the priority order of discussion of proposed draft laws are carried out by:

- 1) take an inventory of materials from members, committees, regions, and communities.
- 2) perform material classification and harmonization.
- 3) communicate and socialize with members, committees, regions, and the community; and
- 4) determine the program and order of priority for the discussion of the draft law.

Prolegnas submission.

- 1) The Prolegnas proposal from the Regional Representatives Council as referred to is submitted in writing to the leadership of the House of Representatives and the President no later than 20 (twenty) working days in the session period prior to the preparation of the Prolegnas.
- 2) The leadership of the Regional Representatives Council submits the Prolegnas proposal to the leadership of the House of Representatives and the President, accompanied by a list of the names of the work teams assigned to conduct

discussions, consisting of elements of the Law Drafting Committee and the Committee.

- 3) The working team of the Regional Representatives Council conducts discussions with the Legislative Body of the House of Representative and the Minister assigned by the President in the context of preparing the National Legislation Program.
- 4) In the discussion of the Prolegnas, the work team submits the proposal for the Prolegnas of the Regional Representatives Council.
- 5) The work team reports the progress of the discussion periodically to the Law Drafting Committee.
- 6) The Law Drafting Committee submits the Prolegnas that has been agreed and determined by the House of Representatives to the plenary session.

Prolegnas discussion.

- 1) Discussion on Prolegnas between the House of Representatives, Regional Representatives Council, and the Central Government is coordinated by the House of Representatives through the Legislation Body.
- 2) Discussion on Prolegnas in the Regional Representative Council is coordinated by the Legislative Drafting Committee.
- 3) Discussion on Prolegnas within the Government is coordinated by the Minister in charge of legal affairs.
- 4) Discussion on Prolegnas (proposal of the Regional Representatives Council) is carried out within a maximum period of 7 (seven) days after the Prolegnas proposal is submitted to the House of Representatives.

Dissemination of National Legislation Program.

- 1) Dissemination of the National Legislation Program within the Regional Representative Council and/or the community is carried out by the Law Drafting Committee, which has been carried out since the preparation of the National Legislation Program until the determination of the National Legislation Program.
- 2) Dissemination during the preparation of the National Legislation Program is carried out to provide information and/or obtain input from the community and stakeholders through outreach to the public and stakeholders or through mass media, both printed and electronic.

After receiving the Prolegnas decision from the House of Representatives, the Leader of the Regional Representatives Council asked the Law Drafting Committee to prepare a list of proposed division of tasks in accordance with the scope of the Committee which was discussed and agreed upon in the Deliberation Committee. The leadership of the Regional Representatives Council conveys the Prolegnas stipulations along with the proposed division of tasks at a plenary session for approval.

b) Preparation Stages

The preparation and submission of Draft Laws may come from the House of Representatives, Regional Representatives Council and the President with the following provisions (Rosyid Al Atok, 2015):

- 1) The Draft Law submitted by the Regional Representative Council is only specifically related to the authority of the Regional Representative Council.
- 2) Draft Laws originating from the House of Representatives, the President and the Regional Representatives Council must be accompanied by an Academic Paper except for the Draft Law concerning the State Revenue and Expenditure Budget. subject matter and organized mutant matter.
- 3) Draft laws from both the House of Representatives, Regional Representatives Council and the President are drawn up based on the Prolegnas. However, in certain circumstances the submission of a draft law outside the National Legislation Program to address extraordinary circumstances, conflict or natural disasters and certain circumstances of national urgency or a draft law that can be jointly approved by the Legislation Body, the House of Representatives and the Minister of Law. and human rights.

Articles 182 to 191 of the Regional Representative Council Regulation Number 2 of 2019 concerning Orders state the description of the stages of the preparation of the Draft Law by the Regional Representatives Council as follows: Design and preparation:

- 1) The Legislative Drafting Committee or Committee takes preparatory steps in the context of the preparation of each draft law in accordance with its scope of duties and authorities.
- 2) Members may submit draft laws and submit to the Committee or the Legislative Drafting Committee, carried out by one or more members and support from other members by affixing their signatures.
- 3) The draft law is submitted in writing to the leadership of the Committee or the head of the Law-Designing Committee to be determined as a draft law.
- 4) The Committee or the Legislative Drafting Committee in preparing the draft law first prepares an academic text regarding the material to be regulated in the draft law.
- 5) In drafting a draft law, the Committee or the Legislative Drafting Committee may request input from the public as material for the work team to perfect the draft law concept which is carried out by means of a public validity test and expert reviews.
- 6) The proposed draft law along with the academic text shall be submitted in writing to the leadership of the Legislative Drafting Committee.
- 7) The Legislative Drafting Committee carries out harmonization, unanimity, and consolidation of the conception of the proposed draft law originating from the Committee, and subsequently submitted in writing the Law Drafting Committee to the leadership of the Committee.
- 8) Harmonization, unanimity, and consolidation of conceptions are directed at realizing the harmony of the concept of the proposed draft law with Pancasila, the

1945 Constitution of the Republic of Indonesia, national goals, and containing compatibility of philosophical, juridical, sociological, and political elements.

- 9) Harmonization, unanimity, and consolidation of the conception of the draft law is carried out in a minimum of 3 (three) days and a maximum of 10 (ten) days after the joint session between the Law Drafting Committee and the Committee is held.
- 10) In the event that the draft law as referred to in paragraph (2) is submitted at the end of the trial period in less than 10 (ten) days, the remaining days will be continued in the next session.
- 11) In the interest of harmonization, consolidation and finalization of the conception of the proposed draft law, the Law Drafting Committee shall hold a joint session with the Committee concerned to obtain an explanation.
- 12) In the event that the Law Drafting Committee finds a problem related to substance, the Law Drafting Committee discusses the matter with the relevant Committee.
- 13) If in the harmonization, unanimity, and consolidation of the conception of a draft law, it requires reformulation, the formulation is carried out by a joint working team of the Legislative Drafting Committee and the committee concerned, whose completion time is consulted with the Deliberation Committee.
- 14) The working team submits the results of the formulation to the Legislative Drafting Committee.

Determination of the Regional Representative Council Initiative Draft Law:

- 1) The Committee or the Legislative Drafting Committee submits the document of the proposed draft law that has been harmonized to the Deliberation Committee to be scheduled in the plenary session.
- 2) The Committee or the Legislative Drafting Committee submits an explanation of the proposed draft law as referred to in paragraph (1) along with a list of the names of the members of the working team from the Committee and the Law Drafting Committee at a plenary session to be decided.
- 3) The decision as referred to in paragraph (2) may be in the form of: a) accepted without change; b) accepted with changes; or c) rejected.
- 4) The decision as intended is taken after the initiator has submitted an explanation.
- 5) In the event that the proposed draft law is accepted with amendments, the Regional Representative Council shall assign a Committee or Committee for Drafting Laws to discuss and refine the proposed draft law.
- 6) The decision of the plenary session without changes or changes as referred to after being corrected, is submitted to the leadership of the Regional Representatives Council.

Submission of Draft Law from the Regional Representative Council:

- 1) The draft law is submitted in writing by the leadership of the Regional Representatives Council to the leadership of the House of Representatives and the President.

- 2) Submission of draft laws to the leadership of the House of Representatives and the President accompanied by a working team representing the Regional Representatives Council.

Dissemination of the Draft Law:

- 1) Dissemination of draft laws is carried out by the Committee in accordance with the scope of its duties and/or the Law Drafting Committee.
- 2) The activity of disseminating the draft law is carried out in the capital city of the province which is divided into the western, central and eastern regions led by 1 (one) leader of each Committee.
- 3) The activity of disseminating the draft law as referred to in paragraph (3) invites:
 - (a) relevant ministries;
 - (b) governors, regents, and mayors in the province where the activities are held;
 - (c) policy makers related to draft laws that are disseminated;
 - (d) academics, practitioners, and/or observers related to the disseminated draft law; and
 - (e) national and local print and/or electronic media.
- 4) The results of the dissemination of the draft law are submitted by the Chair of the Committee concerned as the political responsibility of the Regional Representatives Council and reported in the plenary session.

c. Discussion Stages.

The discussion was carried out on the Draft Law that had been entered in the secretariat of the House of Representatives and was scheduled for discussion. The discussion of the Draft Law is carried out by the House of Representatives together with the President, while the Regional Representatives Council is involved in the discussion if the Draft Law is related to the authority of the Regional Representative Council. Discussion of the Draft Law is carried out through 2 (two) levels of discussion, namely (Rosyid Al Atok, 2015):

- 1) Level I discussions are held in commission meetings, Joint Commission meetings, Legislation Board meetings, Budget Agency meetings or special committee meetings. In this Level I discussion, the activities carried out are in the form of deliberations, discussion of the Problem Inventory List and Submission of Mini Opinions. In level I, the contents of the material in the Draft Law are discussed in detail and thoroughly.
- 2) Level II discussions are decision-making in plenary meetings with the activity of submitting reports containing the process, mini-faction opinions, mini-opinions of the Regional Representatives Council and the results of level I discussions; a statement of approval of the refusal of faction members through consensus or voting and submission of the government's final opinion.

In this discussion stage, the involvement of the Regional Representative Council can be grouped into 2 types of Draft Laws, as follows:

- 1) Draft Laws originating from the Regional Representatives Council Apparatuses of the Regional Representatives Council conduct a joint discussion of the components of the House of Representatives and the relevant Ministers.
- 2) Completeness tools for compiling an introduction to deliberation in the discussion of draft laws, compiling justifications and arguments for the Draft Law in dealing with the Inventory List of Problems and questions from the House of Representatives and the President, as well as participating in continuous discussions with at least 5 (five) members which can be interchanged.
- 3) formulate mini-opinions in level talks and participate in signing the approval of draft laws at the end of level I discussions, including if decisions are made by majority vote.
- 4) In carrying out the discussion, the working team can adjust its attitude to the dynamics of political developments, especially in the event of a discrepancy between the concept proposed by the Regional Representatives Council and the opinion of the Central Government and/or the People's Representative Council and report it to the Leadership of the Regional Representatives Council through the leadership of the Committee or Design Committee. Constitution e) Submission of mini-opinions at the end of level I talks by the Regional Representatives Council, the People's Representative Council, and the President.
- 5) The signing of the approval of the draft law is carried out at the end of the level I discussions by the Regional Representatives Council, the People's Representative Council, and the President.
- 6) The Draft Law that is approved by the House of Representatives will continue to be discussed until it is completed, followed by the Regional Representatives Council team, if the Draft Law is approved with amendments, the Regional Representatives Council team will coordinate for improvement with the House of Representatives. In the case of a Draft Law with amendments that are contrary to the proposal of the Regional Representatives Council, the Regional Representatives Council team will report to the Law Drafting Committee/Committee and the Committee will bring it to a plenary meeting accompanied by suggestions for improvements to be determined.

Draft Law originating from the House of Representatives and the President:

- 1) The Regional Representatives Council is authorized to participate in the discussion of Draft Laws originating from the House of Representatives and the President specifically for Draft Laws in accordance with the realm of authority of the Regional Representatives Council.
- 2) The Regional Representative Council will convey its general view after an explanation has been given by the House of Representatives/President.
- 3) In the Level 1 talks, the Regional Representatives Council compiles an Inventory List of Problems, on the Draft Law from the President, as well as submits a mini opinion at the end of the level 1 discussion. the final part of the decision-making stage for the approval of the Draft Law into law is carried out by the House of Representatives.

- 4) The Regional Representative Council may give consideration to the Draft Law from the House of Representatives/President related to Taxes, Education, Religion and APBN, which is prepared by the Committee and submitted to the House of Representatives before the Draft Law is decided in the Plenary Meeting of the House of Representatives.

d. Stages of Ratification/Determination and promulgation.

This stage is the final stage in the law-making process. The ratification of laws is carried out by the President no later than 7 (seven) days from the date of mutual agreement. If the President does not affix his signature within that period, then within 30 (thirty) days the Draft Law will become law. The techniques and procedures for ratification and promulgation of laws are carried out as follows (Rosyid Al Atok, 2015):

- 1) The Minister of State Secretary prepares a draft law which has been jointly approved by the House of Representatives and the President for ratification.
- 2) The draft of the law ratified by the President is affixed with the number and year by the Minister of State Secretary which is then submitted to the minister whose duties and responsibilities are in the field of statutory regulations for promulgation.
- 3) The Minister of Law and Human Rights enacts laws and places them in the State Gazette of the Republic of Indonesia by affixing the number and year. While the explanation of the law is placed in the Supplement to the State Gazette of the Republic of Indonesia by affixing the number.
- 4) The Minister of Law and Human Rights signs the legislation by affixing his signature to the text of the law and submitting it to the Minister of State Secretary to be kept in accordance with the prevailing laws and regulations. In this stage the Regional Representative Council has no authority, after this stage the Regional Representative Council disseminates laws related to the authority of the Regional Representative Council.

B. Bicameral System Representative Institution

1. Bicameral Representative Agency Theory.

The existence of representative institutions is a necessity in a state of law and democracy with people's sovereignty. Based on this theory, it is the people who are sovereign and the sovereign people have the general volonté. The decisions taken by this representative body are the legitimate voice of the people based on the volonté general/general will, both policies and regulations that apply to all levels of society (Sirajudin, Winardi, 2015). According to A.H. Birch divides the functions of representative institutions into 2 levels, namely general and specific as follows (Sirajudin, Winardi, 2015): a. General in nature, namely; popular control, leadership and system

maintenance. b. Specific characteristics are specifications of general properties functions, namely:

- a. Popular control consists of responsiveness, Accountability and Peaceful change.
- b. Leadership consists of leadership (participating in the determination and training of candidate political leaders and their mobilization) and responsibility (encouraging political leaders to take care of national interests, both long term and short term).
- c. Maintenance consists of legitimacy (giving legitimacy to the political system, government and its rules), consent (providing/finding a line of communication and improving and maintaining it so that the government can mobilize support for its policies) and Relief of Pressure (channeling and providing solutions for aspirations). who protest citizens and prevent unconstitutional actions) Based on the structure, people's representative institutions can be divided into bicameral representatives and unicameral representatives. Bicameral consists of 2 (two) rooms or 2 (two) Councils or 2 halls while unicameral consists of one room or one Council (Solly Lubis, 2008).

Another opinion states that based on its structure, representative institutions consist of unicameral, bicameral and tricameral as follows (Sirajudin, Winardi, 2015):

- 1) Unicameral Parliament In a unicameral (one-chamber) structure, the legislative assembly is centered on one legislative body within the state structure. Some of these adherent countries are Vietnam, Singapore, Laos, Lebanon, Syria, Kuwait and others. In this system, the institution/assembly is the only institution that has the highest power that has legislative and constitutional powers.
- 2) Bicameral Parliament Within this parliamentary structure there are two parliamentary chambers which have their own functions. In many countries these two chambers consist of the lower house which is usually authorized to take the initiative in submitting the State Budget Plan, and the upper house which plays a role in formulating foreign policy. The two chambers in this bicameral representation system have equal positions, do not supervise each other both politically and legislatively. The law cannot be applied without the mutual consent of the two chambers/assemblies. The authority of this two-chamber parliament system varies, some are called soft bicameral and strong bicameral. The difference is that the two chambers of the assembly or parliament are domiciled and have equal authority or one is more dominant than the other. For a strong bicameral, the position and authority of the two chambers are equal. This Bicameral system is commonly used for countries with a federation form, but in its development there is a shift, unitary states also apply the Bicameral system.
- 3) Tricameral Parliament This system distinguishes a parliament consisting of three chambers, each chamber has its own function, for example the 1946 Constitution of the People's Republic of China divides parliament into three namely the People's Assembly, the House of Representatives and the Supervisory Board.

2. The authority of the Regional Representative Council in the Bicameral system of Representative Institutions

The function of the Regional Representatives Council in the state institutional system as stated in the Regional Representative Council Regulation Number 2 of 2019 concerning Order, namely legislation, supervision and budgeting. It has been described previously that the authority of the Regional Representatives Council in the field of legislation is in Article 22 D paragraph (1) of the 1945 Constitution of the Republic of Indonesia (Adventus Toding, 2017). According to the Constitutional Court the word "can" in Article 22D paragraph (1) of the 1945 Constitution is the subjective choice of the Regional Representatives Council "to propose" or "not to propose" a Draft Law relating to regional autonomy, central and regional relations, formation and expansion as well as regional amalgamation, management of natural resources and other economic resources, as well as those related with the balance of central and regional finances in accordance with the choices and interests of the Regional Representative Council. The word "can" can also be interpreted as a right and/or authority, so that it is analogous to or equal to the constitutional rights and/or authorities of the President in Article 5 paragraph (1) of the 1945 Constitution which states, "The President has the right to submit a draft law. the law to the House of Representatives". Thus, the Regional Representatives Council has the same position and position as the House of Representatives and the President in terms of submitting Draft Laws relating to regional autonomy, central and regional relations, formation and expansion and merging of regions, management of natural resources and natural resources. other economic activities, as well as those related to the balance of central and regional finance.

So it can be concluded that the authority of the Regional Representatives Council regarding the process of forming the law based on Article 22D paragraph (1) and paragraph (2) of the 1945 Constitution and the interpretation of the Constitutional Court Decision through the Constitutional Court Decision No. 92/PUU-X/2012 and the Constitutional Court Decision Number 79/PUU-XII/2014 are (Adventus Toding, 2017):

- a. Submitting Draft Laws (not proposals for Draft Laws relating to:
 - 1) Regional autonomy
 - 2) Central and regional relations
 - 3) Formation and expansion and merging of regions
 - 4) Management of natural resources and other economic resources
 - 5) As well as those related to the balance of central and regional finances
- b. Participate in discussing the Draft Law relating to:
 - 1) Regional autonomy
 - 2) Central and regional relations
 - 3) Formation, expansion and merging of regions

- 4) Management of natural resources and other economic resources
- 5) Central and regional financial balance

c. Giving consideration to the House of Representatives on related Draft Laws.

- 1) tax and state budget
- 2) education
- 3) religion Representative institutions in Indonesia are the Regional Representatives Council and the People's Representative Council, the first and second chambers so that they can be said to be representative institutions of the bicameral system.

The authority of the Regional Representative Council in the 1945 Constitution of the Republic of Indonesia is very unbalanced or even weak in its legislative functions and powers, namely in the formation of laws compared to the House of Representatives. The existence of the Regional Representatives Council is not a determinant in determining the draft law into law, even for matters that are important in the state budget, the Regional Representatives Council only conveys its considerations to the House of Representatives while whether these considerations are used or not will depend greatly on the House of Representatives, People and President.

Representative bodies are also referred to as legislatures or law-making bodies. Arend Lijphar classifies the legislature into three variables (Novanto M. Hantoro, 2013):

- 1) bicameral / unicameral (bicameralism / unicameralism)
- 2) symmetrical/asymmetrical bicameralism (is one house dominant, or are they essentially equal), and
- 3) congruent/incongruent bicameralism (do the two houses represent essentially the same population or does the second chamber reflect a different basis of representation)

The bicameral system can then be classified based on the strength ratio between the lower chamber and the upper chamber, namely a weak bicameral system (asymmetric bicameralism or weak bicameralism/soft bicameralism), that is, if the strength of one chamber is much more dominant over the other chambers. A strong bicameral system (symmetric bicameralism or strong bicameralism), ie if the strength between the two rooms is almost as strong or equally strong. which in the end will distinguish whether a representative institution of a country adheres to "strong bicameralism" or "weak/soft bicameralism".

Deni Indrayana (Wahyu Widodo, 2014) stated that in order to realize the ideal strong bicameral, the idea of the fifth amendment requires that the Regional Representative Council be strengthened. that is:

- 1) In the field of legislation, the Regional Representatives Council must have the same authority as the House of Representatives in discussing the Draft Law. Not only giving considerations and proposals, but also voting on whether or not the discussed draft law was discussed.

- 2) To enforce checks and balances between the Regional Representatives Council and the People's Representative Council, Members of the Regional Representative Council are elected on the basis of regional and individual representation. So that these two institutions complement each other, balance and maintain.
- 3) In the field of supervision, the supervisory authority of the Regional Representative Council must have the same legal force as the House of Representatives. Then the results of the supervision are not only submitted to the House of Representatives but also to the government for follow-up.

Conclusion

The authority of the Regional Representatives Council in the formation of laws as referred to in the 1945 Constitution of the Republic of Indonesia, Decision of the Constitutional Court Number 92/PUU-X/2012 and other laws and regulations states that the House of Representatives has the authority in the field of Legislation/Establishment Constitution. The formation of the Law is carried out in 5 (five) stages, namely Planning, Drafting, Discussion, Ratification/Determination and Promulgation. The Regional Representative Council is authorized in planning, drafting and discussing the Draft Law relating to regional autonomy, central and regional relations, the formation and expansion and merging of regions, management of resources and other economic resources, as well as those relating to the balance of central finances. and area. The Regional Representative Council is not an authorized institution in making decisions/approval of Draft Laws into law. The Regional Representative Council participates in providing considerations in the Draft Law on Taxes, APBN, Education and religion to the House of Representatives.

The two-chamber representation system (Bicameral) provides an equal position between the two chambers, this applies to the Regional Representatives Council and the People's Representative Council. In implementing the Representative system in Indonesia, the Regional Representative Council has weak authority in various functions, both legislation, supervision and budgeting. The weakness of the legislative/law-making function can be seen from the inability of the Regional Representatives Council to participate in discussing the decision-making process for the Draft Law to become a law. This shows that the authority of the Regional Representatives Council does not reflect as a pure/strong representative body of the bicameral system but reflects the soft bicameral system of representation.

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