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## Restructuring the Legislative Institution to Promote Equitable National Development

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**Abstract:** This study examines the institutional design of Indonesia's representative bodies - the House of Representatives of the Republic of Indonesia (DPR RI) and the Regional Representative Council of the Republic of Indonesia (DPD RI) - with particular attention to their constitutional status, functions, and competences within Indonesia's democratic constitutional framework. Using a doctrinal (normative juridical) legal research method, the study analyzes relevant constitutional provisions, statutory regulations, judicial decisions, and constitutional doctrines governing Indonesia's bicameral legislature.

The findings reveal structural and functional deficiencies within Indonesia's representative system that potentially undermine legislative effectiveness and equitable national development. These deficiencies include the asymmetrical distribution of legislative authority between the two chambers, overlapping competences, and procedural constraints that significantly restrict the DPD RI's substantive participation in the lawmaking process. Such institutional imbalances weaken the system of checks and balances envisioned in a democratic constitutional state and limit the effectiveness of bicameralism as a mechanism for territorial representation.

In response, this study proposes a strategic restructuring of Indonesia's representative institutions aimed at strengthening democratic accountability and institutional equilibrium. The proposed reforms consist of two principal measures: (1) permitting independent (non-party-affiliated) candidacy for membership in the DPR RI in order to broaden political inclusion and enhance representational diversity; and (2) establishing functional and authority parity between the DPR RI and the DPD RI to reinforce genuine bicameralism and improve legislative coherence. The study concludes that such reforms are essential to enhancing democratic representation, consolidating checks and balances, and fostering inclusive and sustainable national development in Indonesia.



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**Keywords:** Bicameralism; Constitutional Reform; Legislative Institutional Design; Democratic Representation; Checks and Balances; Territorial Representation; National Development; Indonesia.

## 重构立法机构以促进国家公平发展

**摘要：**本研究考察印度尼西亚代议机构——印度尼西亚共和国众议院（DPR RI）与印度尼西亚共和国地方代表理事会（DPD RI）的制度设计，重点分析其在印度尼西亚民主宪政框架下的宪法地位、职能与权限。研究采用规范法学（教义法学）研究方法，对规范印度尼西亚两院制立法机构的相关宪法条款、成文法规定、司法判决以及宪法理论进行系统分析。

研究发现，印度尼西亚代议制度在结构与功能层面存在若干缺陷，可能削弱立法效能及国家公平发展。这些缺陷包括两院之间立法权限分配的不对称、职权交叉重叠，以及在程序设计上对DPD RI在立法过程中的实质性参与加以限制。上述制度失衡削弱了民主宪政国家所设想的制衡机制，并限制了两院制作为实现区域代表功能的制度效能。

为此，本文提出对印度尼西亚代议制度进行战略性重构，以强化民主问责与制度均衡。改革建议包括两项核心措施：（1）允许DPR RI议员实行独立（非政党）候选资格，以扩大政治包容性并提升代表多样性；（2）在DPR RI与DPD RI之间建立职能与权限上的实质性对等，以巩固真正意义上的两院制结构并提升立法协调性。本文认为，上述改革对于增强民主代表性、巩固制衡机制以及推动印度尼西亚包容性与可持续的国家发展具有重要意义。

**关键词：**两院制；宪法改革；立法制度设计；民主代表；制衡机制；区域代表；国家发展；印度尼西亚

### 1. Introduction

DPD RI is impressed as an accessory institution that substantially does not provide meaningful political influence in the institutional order in Indonesia because its unequal authority can even be done by the DPR RI itself. This can be seen by several factors, namely first, even though the DPD RI has a legislative function, but the functions it has are not perfect because it is only limited to the aspect of proposing and discussing bills in certain fields, but the DPD RI does not participate in the final decision-making which is the determinant of whether the bill can be promulgated or not. Second, the supervisory function is only limited to providing input to the House of Representatives of the Republic of Indonesia as a matter of consideration. Third, the DPD RI does not have the right to request information from state or government officials if the consideration given is not accepted, this is certainly different from the DPR RI which is equipped with the right of interpellation, the right of inquiry, the right to express opinions or the right to ask questions as stated in Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, The Regional Representative Council, and the Regional People's

Representative Council in Article 72. Fourth, there is no regulation regarding the pattern of relations and authority between the DPD RI and the Regional Government. The existence of the DPD RI with a very weak condition of authority like this, makes the DPD RI only supporting or auxiliary to the legislative function of the DPR RI, so that the DPD RI can only be called a co-legislator. In fact, from the aspect of legitimacy owned by the DPD RI, it should have more authority than the DPR RI.

Regarding strengthening the position of DPD RI, it is explained in the theory of path dependence. Path dependence is one of the analytical tools that explains why one country succeeds and another fails in its historical context.[1] This context shows that there is always a certain path that is always followed that can hardly be changed. The historical context that occurred in the past will affect what will happen in the future. More generally, path dependence explains that the current and future circumstances in a country, whether an action or a political decision are influenced by the actions and political decisions taken by the country in the past. According to Pierson, history or the past that affects the future is an important concept in explaining,

intuitional changes.[1]

Based on the path dependence theory, it can be concluded that the opportunity or possibility to strengthen the DPD RI can be seen from how the DPD RI used to exist and how decisions were taken, so that the existing structure provides limited authority for the DPD RI as one of the parliaments. Looking at the history or conditions of how decisions in the past were taken, it can be predicted how current or future decisions will be taken. This will make it easier to determine how decisions will be taken at this time and how alternative decisions should be made.

The DPD RI has been strengthened through the third and fourth amendments by making the parliamentary institution the second chamber through a direct election system. However, on the other hand, the amendment also makes the role of the DPD RI as the second chamber very limited, as well as reducing the authority of the MPR, so that the authority of the DPD RI as a member of the MPR is also reduced. Therefore, the constitution, which is the result of 4 (four) amendments, especially the third and fourth amendments, is the basis for strengthening and weakening the DPD RI itself as a second-chamber parliament and a form of balancing force in parliament

The obstacle that the DPD RI has is not only the mandate of authority from the restrictive constitution but the degradation of authority through laws and regulations.[2] Therefore, based on the path dependent theory, to strengthen the DPD RI is to use the strengthening of the DPD RI through the mandate of limited authority, and it is the constitution that strengthens the regional envoys to become the current DPD RI. Thus, the legal issue studied in this paper is about the restructuring of representative institutions in order to strengthen the authority and function of the House of Representatives and the House of Representatives of the Republic of Indonesia.

This research uses a normative juridical method or also known as doctrinal research. This approach focuses on the study of law in a normative sense, both as it is written in the law and law (law as it is written in the book) and law as it is decided by the judge through judicial process.[3]

In this study, the doctrinal method[4] is used in the initial stages in the form of collecting legal norms from various primary and secondary legal sources. Furthermore, an analysis of the relationship between legal norms is carried out, an explanation of the areas that cause complexity in their application, and the preparation of predictions regarding the possible direction of legal development in the future.

The object of study in this study includes legal norms contained in various laws and regulations, especially those related to state institutions and representative institutions, accompanied by an examination of court decisions that are relevant to the

principle of restorative justice

To answer the legal problems raised, this study uses several approaches, namely:

Statute approach, by examining the applicable positive legal provisions; Conceptual approach, by exploring legal concepts and doctrines from various literatures; Case approach, through analysis of court decisions that are relevant to the issue being studied. With the combination of these various approaches, this research is expected to be able to provide a systematic and in-depth analysis of applicable legal norms, as well as produce recommendations that are of theoretical and practical value.

## 2. Strengthening the Bicameral System for Democratic Governance and the Rule of Law

### 2.1 The Theory of the State of Law

In general, the term state of law is considered an accurate translation of two terms, namely *rechtsstaat* and the rule of law,[5] in the literature there are also various concepts of the state of law. Conceptually, there are five concepts of the state of law, namely: *Rechtsstaat*, Rule of Law, Socialist Legality, Islamic Nomocracy and the State of Law (Indonesia).[6]

According to A.V. Dicey as quoted by Jimly Asshiddiqie, put forward 3 (three) main elements of the Rule of Law, namely:[5]

- a. The rule of law that means there should be no arbitrariness.
- b. The same position before the law for both ordinary people and officials.
- c. Human rights are guaranteed by the applicable laws and regulations and Court Decisions.

According to Jimly Asshiddiqie, the Indonesian state is also called a State of Law (*Rechtsstaat*), not a State of Power (*Machtsstaat*). In this sense there are several meanings, namely:

"There is recognition of the principles of the rule of law and the constitution, the adherence to the principle of separation and limitation of powers according to the constitutional system regulated in the Constitution, the guarantee of human rights in the Constitution, the existence of the principle of a free and impartial judiciary that guarantees the equality of every citizen in the law, and guarantees justice for everyone, including against abuse of authority by the ruling party." [7]

An opinion from Wirjono Projodikoro was expressed which stated that law is a series of rules regarding the behavior of people as members of a society, while the only purpose of the law is to ensure the safety, happiness and order of the society.[8]

### 2.2 The Theory of a Democratic State

Robert A. Dahl in his book entitled *Polyarchy* states

that there are at least minimum indicators that are a marker of the implementation of democracy in a country, including:[9]

- a. the right to vote;
- b. the right to vote;
- c. the right of political leaders to compete for support and votes;
- d. free and fair elections;
- e. freedom of association;
- f. freedom of expression;
- g. alternative sources of information; and
- h. institutions to make public policy that rely on the support of public votes and other preferences.

Dahl's opinion was then strengthened and clarified by Burkens' views which also put forward the minimum conditions of democracy which are:[3]

- a. Basically everyone has the same right to free and secret elections;
- b. Basically everyone has the right to be chosen;
- c. Everyone has political rights in the form of freedom of opinion and assembly;
- d. The representative body influences decision-making through the means of the right to participate in decisions (*mede beslissing recht*) and/or through supervisory authority;
- e. The principle of openness in taking a decision that is open;
- f. Respect for the rights of minorities.

The views on the minimum indicators of democracy put forward by Dahl and Burkens are essentially on a similar benchmark, but Burkens' opinion emphasizes one important point that Dahl has not yet raised, namely respect for the rights of minorities. This is what then gave rise to the term '*there is fundamental linkages between democracy and diversity*'. [10] In other words, the theory of democracy is not only focused on the will of the majority, but also includes efforts to protect the rights of minorities.

In Indonesia, representative democracy is reflected through the existence of the People's Consultative Assembly which consists of the House of Representatives and the Regional Representative Council as representative institutions. For example, in the process of making political decisions on the formation of laws, the people hand over the authority to the House of Representatives as the holder of the authority to form laws in the country. Then there is also the role of the Regional Representative Council in representing regional interests in the legislation process at the national level. People's sovereignty carried out through representative institutions is a form of indirect democratic practice in Indonesia.

In essence, democracy is a political choice over a form of government that has more value than others. This consideration is based on several fundamental factors, first, democracy is a principle that respects the position of the people both in the context of democratic procedures and in terms of the practice of state power in general. Second, democracy contains a number of values that must be manifested in the level of democratic practice such as justice, honesty, transparency, participation, empowerment, and non-discrimination. If these two things are really a guideline in state administrators, then democratic life does not need to be colored by conflict, fraud, oppression, especially concerns about corrupt behavior in the circle of power.

### 2.3 Theory of Representative Institution

Indonesia's representative institutions can be said to only adhere to two chambers, namely the House of Representatives and the DPD, if we look at the relationship between the legislative functions they have. As for the bicameral character embraced by the system of Indonesian representative institutions, if using the theoretical foundation of Arend Lijphart, then in this case it can be said that Indonesia adheres to a medium-strength bicameral system with asymmetrical-incongruent character. The asymmetrical character arises from the imbalance of legislative authority between the DPR and DPD. Article 22D of the 1945 Constitution of the Republic of Indonesia shows how the legislative authority of the DPD which is regulated in a restrictive manner in the constitution results in an imbalance of functions between chambers. Meanwhile, in terms of the election model, both the DPR and DPD have strong democratic legitimacy, so they should fulfill the symmetrical character because they are directly elected. The election of members of the House of Representatives is stated in Article 19 "Members of the House of Representatives are elected through general elections, and the election of members of the DPD is stated in Article 22C paragraph (1) "Members of the Regional Representative Council are elected from each province through general elections."

Giovanni Sartori seems to have directly defined a political party in relation to its relationship in general elections. Meanwhile, Carl J. Friedrich stated that political parties as

"A political, party is a group of human beings, stably organized with the objective of securing or maintaining for its leaders the control of a government, with the further objective of giving to members of the party, through such control ideal and material benefits and advantages".

Political parties are a form of manifestation of freedom of association and assembly as one of the

prerequisites for the running of democracy. Freedom of association is born from the basic tendency of human beings to live in society and organize both formally and informally. Such a tendency is inevitable. The tendency of society, which is in principle to be an organized life, arises to meet the common needs and interests of individuals and to achieve common goals based on thought and conscience.

### 3. Restructuring the Legislative Institution

Restructuring comes from the word "re" and the word "structure", so organizational structure is related to a relatively fixed relationship between various tasks in the organization. According to **Handoko**, organizational restructuring or design can be defined as formal mechanisms by which the organization is managed where the organizational structure shows the framework and arrangement of manifesting a fixed pattern of relationships between functions, parts or positions as well as people who show different duties, authorities and responsibilities in an organization.[11]

The term institutional has been used by experts for a variety of purposes and often leads to misunderstandings and misleading interventions. The range of definitions and understandings of what constitutes an institution and the role it plays is so wide that making institutions a starting point in development approaches never leads to a coherent approach. According to **Anthony Giddens**, the structure is a two-lane one. As a two-way cross, according to the theory, structure has the nature of *constraining* as well as opening up possibilities or enabling for the action of agents.[12] In this structuring theory, it is believed that structure, apart from being a medium to produce or reproduce actions, is also an *output* resulting from an action carried out by actors continuously. As something that can be produced and reproduced, structures are created, maintained and altered by agents. This is because structure is an *output* resulting from the actor's actions.

In the regulation of the 1945 Constitution of the Republic of Indonesia after the amendment, various forms of shift in the government system to the authority structure in several State institutions have been made. The existence of this constitutional amendment directly brings quite fundamental changes in the realm of the position of the people's representative institution or parliament in Indonesia.[13]

Regarding the discourse on the institutional structure of the State in Indonesia, it can be said that representative institutions are always a problem that is considered crucial to be arranged in such a way, both

in terms of its institution and the arrangement of the authority possessed by the representative institution. This is mainly to achieve *checks and balances* between State institutions.[14] In addition, the position and role of the representative body is important for the maintenance of the Government in the State, the representative body is nothing but the embodiment of the sovereignty of the people in a State. Functionally, the representative system in Indonesia is 2 (two) chambers (*bicameral systems*), the people's representative institution consists of the House of Representatives of the Republic of Indonesia and the DPD RI which are members of the MPR membership after the amendment of the 1945 Constitution of the Republic of Indonesia.

Institutional restructuring is also closely related to bureaucratic reform which is a broad concept. It includes structural, procedural, cultural, and bureaucratic ethical improvements. Operationally, a number of regulations are stipulated as a juridical basis for bureaucratic improvement. Bureaucratic reform is a significant change in bureaucratic elements, including institutions, human resources of the administrative apparatus, accountability of the supervisory apparatus, and public services.[15]

There is an urgency that encourages the arrangement of the relationship between political positions and career positions in the bureaucracy. This is because in the bureaucracy, political officials and career officials are two parties that need each other. Career positions require the public policies that they set. Meanwhile, politicians need clarity on the regulation of the scope of political positions and career positions, authority and patterns of relationships between the two so that later interaction will be built that supports each other and is beneficial for the public interest.

Based on structuring theory, the structure that hinders DPD RI as the second chamber in the bicameral system can also be an opportunity to make DPD RI stronger. In other words, the DPD RI can carry out its role as the second parliament and run optimally and better. That the Constitution that limits the actions or roles of the DPD RI can be an *outcome* of the actions or roles of the DPD RI. Agents or actors in structuring are described as concrete people in a continuous flow between actions and events.[16] What is meant by agents or actors in the theory of the structure are political parties, the Government, DPD RI and *stakeholders* who are people who are continuously involved in the actions and events of amendment that are directly or indirectly involved.

**Sri Soemantri** argued that the mention of DPD RI as bicameral is inappropriate. According to him, the weak function of the DPD RI compared to the DPR RI makes the representative system that develops is a pseudo-2 (two) chamber representative system or known as the "*Soft Bicameral System*".[17] This shows that the bicameral system outlined in the 1945 Constitution of the Republic of Indonesia as amended is not in accordance with the bicameral principle that applies in general in constitutional theories, namely the function of parliament carried out by 2 (two) chambers in a *balanced* manner in the process of legislation and supervision.[18]

As a result, the demands of the fifth amendment are always echoed by the DPD RI as an effort to deceive him. However, keep in mind that amending the 1945 Constitution of the Republic of Indonesia is not easy, so it is said to be an important step but not strategic. Amending the 1945 Constitution of the Republic of Indonesia as a constitution whose requirements are relatively difficult, unless there is a political force that wants it, such as the 1945 Constitution of the Republic of Indonesia which is sacred by the new order, but after the political forces agree to amend it, amendments to the 1945 Constitution of the Republic of Indonesia can also be made.

The granting of authority by the DPD RI in the amendment of the 1945 Constitution arose a debate after the establishment of the DPD RI as a legislative body next to the DPR RI. From these conditions, there are those who propose the following:

- a. *Strong Bicameral* means that both chambers (DPR RI and DPD RI) have the same function, namely budget, legislation, and supervision functions and both have the right to submit bills, discuss bills, and give approval to all bills;
- b. *Limited strong bicameral* (strong but limited bicameral), meaning that the legislative function is prioritized in the House of Representatives of the Republic of Indonesia and the DPD RI is given the function of legislation for rights related to the regions;
- c. *Soft bicameral* where the state of the DPD RI is only a companion to the DPR RI and is not included in the discussion process, let alone decision-making.

The new legislative power structure in Indonesia, the DPD RI was born as a consequence of the reform process, as a new institution whose membership was elected from each province with the same number, directly elected by the people, and more *legitimate*. The people's expectations are high for DPD RI

members to fight for regional appreciation at the central level. It was also explained that the DPD RI as a new institution in the constitution in Indonesia if we look at Article 22C and Article 22D of the 1945 Constitution of the Republic of Indonesia, the role and function of DPD RI members is very weak. Realizing the limited position, functions, and authority of the DPD RI in the 1945 Constitution of the Republic of Indonesia after the amendment, it is not an exaggeration if experts say that the lack of role of the DPD RI, especially in legislation and supervision, thus makes the DPD ineffective. The role of the DPD only includes legislative authority (submitting bills, discussing bills with the House of Representatives of the Republic of Indonesia), the authority of consideration (giving consideration to a bill, consideration of the election of BPK members), and supervisory authority (supervising the implementation of the Constitution in question). But in its implementation, DPD RI is only used as a sub-ordinate of the functions, roles, and authorities of the DPR RI or it can be said that DPD RI is under the DPR RI.[19]

The background of the formation of the House of Representatives of the Republic of Indonesia consisting of people elected through independent channels (*non-political* parties) is listed in the Decree of the People's Consultative Assembly Number 4/MPR/2004 concerning the Report of the Working Body of the People's Consultative Assembly of the Republic of Indonesia regarding the results of the study of the Constitutional Commission on the Amendment of the 1945 Constitution. In it, it emphasizes that the existence of DPD RI in the governance structure is intended for the following purposes, among others:

- a. Strengthening regional ties within the framework of the Unitary State of the Republic of Indonesia and strengthening the national unity of all regions;
- b. Improving the aggregation and accommodation of the aspirations and interests of the regions in the formulation of national policies related to the state and regions;
- c. Encouraging the acceleration of democracy, development and progress of regions in a harmonious and balanced manner.

Based on this, the empowerment and strengthening of the existence of the DPD RI in the legislative institution is something that is inevitable to accommodate regional needs for the sake of a national interest, namely the integrity of the Unitary State of the Republic of Indonesia and the welfare of its people, to

increase the effectiveness and empowerment of the DPD RI in a democratic constitutional system.

The presence of DPD RI as a non-party regional representative is actually expected to be able to provide new hope in the midst of a crisis of public legitimacy over the performance of the DPR RI which has been less proud as a people's representative and seems to be only an extension of the interests of its political party rather than siding with the interests of its constituents.

In addition to the limited authority possessed by the DPD RI as the second chamber in parliament, the quantity limitation of no more than 1/3 (one-third) of the number of members of the House of Representatives of the Republic of Indonesia, it seems that the DPD RI will not be able to do much in decision-making. Although the level of legitimacy of the two councils is the same because it comes from the *electoral process* (Article 22C and Article 22E of the third amendment to the 1945 Constitution), the quantitative gap will certainly have an impact on the minimal level of influence of the DPD RI on the decision-making aggregation process. Actually, the arrangement of the position, functions and roles of the DPD RI as stipulated in the 1945 Constitution of the Republic of Indonesia is intended to strengthen the ties of the regions in the forum of the Unitary State of the Republic of Indonesia and strengthen the national unity of all regions.

Regarding the context of the position of DPD RI as a State institution, it has a relationship with what has been initiated by **Hans Kelsen** in explaining further about the State institution is not always in organic form. In addition to state institutions in organic form, more broadly, every position determined by law can also be called an organ[20], as long as its functions are in the nature of creating norms (*norm creating*) and/or carrying out norms (*norm applying*). **Hans Kelsen's** idea was further elaborated by **Jimly Asshidiqqie** by stating that the conception of State institutions can be interpreted in several senses: **First**, the organ of the State most broadly includes every individual who carries out *the function of law creating and applying law*; **Second**, State organs in a broad sense but narrower than the first sense, which includes individuals who carry out the function of *law creating or law applying* and also have positions as or in the structure of state positions or government positions; **Third**, State organs in a narrower sense, namely bodies or organizations that carry out *law-creating and/or law-applying functions* within the framework of the structure and system of the State or Government; **Fourth**, the organs or institutions of the State are only limited to the meaning of State institutions formed

based on the Constitution, Law or by lower regulations; and **Fifth**, to give specificity to State institutions that are located at the center whose formation is determined and regulated by the 1945 Constitution of the Republic of Indonesia or commonly referred to as high State institutions.[20]

Finally, **Jimly Asshidiqqie** of the DPD RI was referred to as a *co-legislator* in addition to the DPR RI. The nature of its duties in the field of legislation is only as an *auxiliary agency*, the constitutional task of the House of Representatives of the Republic of Indonesia. In the process of forming a law or legislation, the DPD RI does not have the power to decide or play a role in the decision-making process. In other aspects, the quality of legitimacy of DPD RI members is not balanced commensurate with the quality of their authority as representatives of the regional people. It is interesting to observe **Stephen Sherlock's opinion** that the DPD RI is an unusual example in the practice of people's representative institutions with a bicameral system. DPD RI is a combination of institutions with very limited authority and high legitimacy. (*represent the odd combination of limited powers and high legitimacy*).[20]

According to **Soepomo**, the issue of development policy, especially in the labor force, is a type of special implementation policy. Many social problems are related to regional potential, so policies to overcome these problems should be handled by spatial economics as well as regional economics and urban economics of a region, because the spatial dimension will not separate itself from public policy issues. Solutions to these policy issues are generally aimed at certain places because they are related to development in an area only, of course, regional policy stakeholders want to make a new decision regarding or want to improve their areas of authority to attract development in their areas of authority.[21]

The cause of the slowdown in the development process in Indonesia is because the development of the employment sector in Indonesia is still with the same case in a severe challenge, namely the problem of unemployment. The unemployment rate is generally relatively high, coupled with the increasing number of new job seekers of around one to two million people periodically from year to year, is a problem faced today. Another problem is the dominance of the informal sector in the labor market structure in Indonesia, especially with the issuance of *the Omnibus Law* which is a breakthrough and an urgent need to solve the unemployment problem in Indonesia which has a great impact on the national development process.[21]

The need to be strengthened regarding the authority and position of DPD RI in the context of national development has implications for the function of DPD RI itself. DPD RI can encourage legislation that supports the eradication of corruption by proposing policies to strengthen anti-corruption mechanisms in the regions. Furthermore, DPD RI can support transparency and accountability in the regions by encouraging the implementation of *the e-government* system and transparency in the regional budget to minimize the occurrence of Corruption, Collusion and Nepotism (KKN). Another role that DPD RI can carry out in relation to national development is to supervise the implementation of anti-corruption policies in the regions by supervising the implementation of *the e-government* mechanism in the regions and ensuring that the anti-corruption program at the regional level runs effectively and efficiently. DPD RI also through its members can advocate and socialize anti-corruption values in running the Government. DPD RI can also coordinate with the KPK and other law enforcement agencies in carrying out supervision, reporting violations and increasing the capacity of Regional Governments in implementing anti-corruption policies.

This is based on the legal status of the National Development Plan with the Law of the Republic of Indonesia Number 25 of 2004 concerning the National Development Planning System and the Law of the Republic of Indonesia Number 17 of 2007 concerning the National RPJP (Long-Term Development Plan) 2005-2025. In the RPJPN 2005-2025, it is stated that the realization of the national legal system is carried out in several ways:

- a. The development of legal substances, both written and unwritten laws, that have a mechanism to form better national laws in accordance with the development needs and aspirations of the community;
- b. Improvements to more effective legal structures are continuing; and
- c. The involvement of all components of society who have high legal awareness to support the formation of the aspired national legal system.

Efforts to create the effectiveness of National Laws and Regulations are carried out through the following:

- a. Improving the quality of the substance of Laws and Regulations is carried out, among other things, through the support of research/study of Academic Manuscripts. The results of the study/research will be material for the preparation of draft laws that will be harmonized and synchronized with existing Laws and Regulations;

- b. The improvement of the process of forming Laws and Regulations is carried out starting from the stages of planning, preparation, drafting techniques, formulation, discussion, ratification, promulgation and dissemination. To ensure that there is no gap in substance with the needs of the community, the role of the community in each stage of the formation of Laws and Regulations needs to be strengthened. This also needs to be supported by the implementation mechanism of the National and Regional Legislation Program that is binding on the executive and legislature, as well as a forum to harmonize the needs of the regulatory framework that supports national development priorities;

- c. The implementation of harmonization of Laws and Regulations is carried out by harmonization activities of Laws and Regulations.[22]

Another thing that should be a source of thought in the future related to legal politics, namely focusing on dealing with the changing times to plan national legal politics that focuses on national and international interests. This was done so that Indonesia could form a dynamic legal system that was on par with developed countries (*well established*). It should be considered that the higher the mobility of the world economy, the more Indonesia must dare to place its legal system as a means to achieve national development goals in political, economic, social, cultural and other aspects for the purpose of prospering the people.

The National Development Plan needs to be realized with various efforts. Steps taken based on the plans and strategies that have been set need to be taken by all elements of the Indonesian nation. Be it the Government, the Community, and the private sector. Towards the elements of the Government, especially the presence of people's representative institutions, namely the House of Representatives of the Republic of Indonesia and the DPD RI in one MPR, it gives a great hope that National Development *will* be achieved. Therefore, the quality in terms of the performance of each member, the system that runs on each function of the House of Representatives and the House of Representatives, as well as the relationship between the House of Representatives of the Republic of Indonesia and the House of Representatives of the Republic of Indonesia and the House of Representatives of the Republic of Indonesia need to have a value whose numbers are categorized in maximum conditions. In a sense, the system and procedures that run between the House of Representatives of the Republic of Indonesia and the DPD RI should have a good level of quality, in order

to carry out their duties and functions as much as possible. It will all also come down to serving the community as its constituents by providing the best.

Based on previous explanations, namely regarding the current conditions in the body of the House of Representatives of the Republic of Indonesia and the DPD RI. Whether it is about their functions, duties, and authorities; running system; and the procedures applicable to each of its functions and duties. Showing the existence of weaknesses that will hinder the National Development process. There are steps that need to be taken, namely restructuring representative institutions. The restructuring *is* based on 2 (two) things, namely the provision of space in the nomination of members of the House of Representatives of the Republic of Indonesia who come from *non-political* parties (independent) and equality of functions, duties, and authority between the House of Representatives of the Republic of Indonesia and the House of Representatives of the Republic of Indonesia.

Considering that the House of Representatives of the Republic of Indonesia and the House of Representatives of the Republic of Indonesia are the main State institutions as pillars of the State that reflect the Democratic Government. The State Institution *was* born from the Indonesian Constitution, namely the 1945 Constitution of the Republic of Indonesia which previously had several constitutional changes in the history of the Indonesian Government from 1945 to 2002 (As the last time the 1945 Constitution was amended). Considering this, the first and main step that must be taken as a ticket or gate to the next stages of restructuring efforts is to make amendments to the 1945 Constitution of the Republic of Indonesia.

The enactment of the provisions regarding the House of Representatives of the Republic of Indonesia and the House of Representatives of the Republic of Indonesia in the 1945 Constitution *of the Republic of Indonesia non-explicitly* reflects the gray bicameral system and there is a disparity of authority between the chambers of the DPD RI and the DPD RI. Again considering the purpose of restructuring representative institutions in Indonesia, so that changes can be made to the Provisions that prioritize equality of functions, duties, and authority between the two. Both in terms of legislation, budget, and supervision functions, more portions are not only given to the House of Representatives, but also to the DPD RI. This includes the nomination of members of the House of Representatives of the Republic of Indonesia and the House of Representatives of the Republic of Indonesia (DPD) which are equalized, namely the provision of space for *non-political* party individuals to be able to

be part of the members of the House of Representatives of the Republic of Indonesia.

After making amendments or changes to the main legal basis in the House of Representatives of the Republic of Indonesia and the DPD RI, *it* can be followed up by making changes to the Regulations under it such as the Law on the MPR RI, DPR RI, and DPD RI. Apart from that, automatically like the Regulation on the Formation of Laws, special regulations made by the House of Representatives of the Republic of Indonesia and for the DPD RI also need to be adjusted. This *is* related to the systems and procedures that will run in the future with the new bicameral system.

The determination of the amendment of the Article in the 1945 Constitution of the Republic of Indonesia, the work system, procedures, and other aspects that will have an impact must be taken into account carefully and proportionately, so that the results of the new provisions and bureaucracy that are made are the best policy choices to provide the best results.

That based on the things that have been stated above, which shows that there is an imbalance of authority between the House of Representatives of the Republic of Indonesia and the DPD of the Republic of Indonesia in the legislative institution. Furthermore, there are several options for resolving inequality that are carried out with enthusiasm or motivation so that the values of Pancasila as the pillars of the nation, one of which is that democracy is able to provide space for all elements of society and the nation without exceptions and conditions to participate in the following choices:

a. Strengthening the DPD RI Institution as an effort to balance and improve the bicameral system in the legislature. As is known, one of the disparities between the House of Representatives of the Republic of Indonesia and the DPD of the Republic of Indonesia is the number of members. Therefore, steps that can be taken to improve the institution of DPD RI are by increasing the number of members. The current membership of the DPD RI and the House of Representatives of the Republic of Indonesia in 2025 based on the Decree of the KPU RI regarding the results of the 2024 Legislative Election for the 2024–2029 period is 152 members of the DPD RI (one hundred and fifty-two), while the members of the House of Representatives of the Republic of Indonesia are 580 (five hundred and eighty) people. Based on the applicable provisions, the members of the DPD RI amount to no more than one-third of the number of members of the House of Representatives of the Republic of Indonesia (*Vide*: Article 22C paragraph

(2) of the 1945 Constitution of the Republic of Indonesia *jo*. Article 252 paragraph (2) of Law of the Republic of Indonesia Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the House of Regional Representatives, and the Regional House of Representatives). If referring to the *aquo provisions* and based on the current number of members of the House of Representatives of the Republic of Indonesia as many as 580 (five hundred and eighty) people, then actually the DPD RI also has the right to have members of no more than 193 (one hundred and ninety-three) people with a calculation of a scale of 1/3 (one third) for the number of members of the DPD RI compared to a scale of 2/3 (two-thirds) for the current number of members of the House of Representatives of the Republic of Indonesia. By balancing and optimizing the number of members of the DPD RI with the DPR RI in accordance with the applicable Provisions, it gives equal power between the two in terms of voting regarding their authority to meet the quorum requirements;

b. Balancing the authority between the DPD RI and the DPR RI. Where the authority owned by the House of Representatives of the Republic of Indonesia is the same as the authority of the DPD RI. The same authority means that the authority regarding the formation of laws, budgets, and supervision owned by the DPD RI is not limited to its relation to the interests of the Regions only. This can be considered because in the results of the recommendations of the MPR RI regarding the discourse of the 5th amendment to the 1945 Constitution of the Republic of Indonesia, one of the things proclaimed is a change in the authority of the DPD RI, which means that a study has been carried out regarding the ineffectiveness of the DPD RI so far in fighting for regional aspirations at the national level caused by the lack of clarity of authority in the Indonesian Constitution. The existence of this proposal can also be shown by the people's support for DPD RI members in the General Election which shows that the election of DPD RI members is more legitimate than the election of DPR RI members. This legitimacy can be seen from the number of votes that differ greatly between members of the DPD RI and the DPR RI. Apart from that, what is an added value in addition to the larger number of votes obtained by the elected members of the House of Representatives of the Republic of Indonesia at the time of the General Election is that the members of the DPD RI are not carried and/or come from a political party (which in the previous explanation this is also a weakness in the legislative institution). In addition, DPD RI members are not elected based on voting areas (*dapil*), but more than that, they are elected within the scope of all provincial areas. One of the important considerations

is the similarity of the authority of the DPD RI in making laws because the DPD RI has an important and strategic role, especially related to the dynamics and social development of society in the regions.

The two *options can* be made by amending the 1945 Constitution of the Republic of Indonesia or by returning to using the 1945 Constitution (the original Constitution). DPD RI also has a strong foundation and argument to take part in the context of strengthening its institutions, as well as part of the previous MPR recommendations.

The legislative authority of the DPD RI should be constitutionally important as the legislative authority of the DPR as previously explained above, that basically, the national legislation that has been carried out after the amendment is always related to the issues or interests of the people in the regions, including the government in the regions. Where the content of the content of the Law will always consider the interests of regions throughout the territory of the Unitary State of the Republic of Indonesia. Based on these descriptions, the provisions in the 1945 Constitution of the Republic of Indonesia that can be submitted for amendment are the provisions of Article 20 paragraph (1) and paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The amendment basically regulates the authority of the House of Representatives together with the DPD to jointly hold the power to form laws. Furthermore, every draft law is discussed by the House of Representatives and the Regional Representative Council for mutual approval.

## 5. Conclusion

Based on the description above, it can be concluded that there are various weaknesses that have the potential to hinder the National Development process, especially related to functions, duties, and authorities, as well as the systems and procedures for the implementation of each function of the DPR RI and DPD RI. Therefore, strategic steps are needed in the form of restructuring representative institutions. The restructuring includes two main aspects, namely providing opportunities for candidates for members of the House of Representatives of the Republic of Indonesia from non-political party (independent) channels and affirming equality of functions, duties, and authority between the House of Representatives of the Republic of Indonesia and the DPD RI.

As an effort to succeed in national development by restructuring representative institutions. Therefore, the step that can be taken is by amending the provisions of Article 20 paragraph (1) and paragraph (2) of the 1945 Constitution of the Republic of Indonesia and other laws related to the equalization of functions, duties, and authorities between the House of Representatives

of the Republic of Indonesia and the DPD RI. So that in each purpose of the formation of each representative institution room can run optimally.

## References

- [1] C. Banton, "What Is Path Dependency? Definition, Effects, and Example." Accessed: Dec. 14, 2025. [Online]. Available: <https://www.investopedia.com/terms/p/path-dependency.asp>
- [2] Y. Saputra, "Adapun aspek dasar pertimbangan teoritis dibentuknya DPD notabene untuk membangun mekanisme kontrol dan keseimbangan ( check and balances ) antar cabang kekuasaan negara dan antar lembaga legislatif sendiri.," vol. 26, no. November, pp. 1–10, 2016, [Online]. Available: <http://www.vivajusticia.law.ugm.ac.id/>
- [3] A. Ilmar, *Governance Law*. Jakarta: Prenada Media, 2014.
- [4] P. M. Marzuki, *Legal Research*. Jakarta: Kencana, 2009.
- [5] J. Asshiddiqie, *Principles of Indonesian Constitutional Law Post-Reformasi*. Jakarta: Bhuana Ilmu Populer, 2007.
- [6] M. T. Azhary, *The State of Law, A Study of Its Principles Seen in the Perspective of Islamic Law, Its Implementation in the Period of the State of Medina and the Present*. Jakarta: Bulan Bintang, 1992.
- [7] J. Asshiddiqie, "The Constitutional Structure of Indonesia After the Fourth Amendment of the 1945 Constitution," in *VIII National Legal Development Seminar*, Denpasar: National Legal Development Agency, 2003, p. 2.
- [8] A. G. Anshori, *Philosophy of History, Tradition and Legal Meaning*. Yogyakarta: Gadjah Mada University Pres, 2006.
- [9] A. Lijpharts, *Patterns of Democracies*. Yale, USA: Yale University Press, 2012.
- [10] M. Salter, *Democracy for All? Minority Rights and Minorities' Participation and Representation in Democratic Politics*. Swedia: International Institute for Democracy and Electoral Assistance, 2011.
- [11] T. H. Handoko, *Personnel Management and Human Resources*. Yogyakarta: SPFE, 2006.
- [12] A. Giddens, *The Constitution on Society: Structural Theory for Social Analysis*. Yogyakarta: Pustaka Siswa, 2011.
- [13] F. Jurdi, "The Existence of the Indonesian Parliament After the Constitutional Amendment," *Staatrechts Law J.*, vol. 2, no. 1, 2016.
- [14] S. Hadi, "The Principle of Checks and Balances in the Structure of People's Representative Institutions in Indonesia (Study of the Proposed Fifth Amendment to the 1945 Constitution of the Republic

of Indonesia)," *Mimb. Keadilan*, p. 240, 2015.

- [15] I. M. Yusuf, "Restructuring and Repositioning of Bureaucracy (As a Solution to Organize Political and Bureaucratic Relations)," *J. Soc. Polit. Sci.*, p. 22, 2021.
- [16] H. Nashir, "Understanding Structuralism in the Perspective of Giddens' Sociology," *J. Reflective Sociol.*, vol. 7, no. 1, 2012.
- [17] S. Soemantri, *Composition and Position of the Regional Representative Council*, Paper. Jakarta: Secretary General of the People's Consultative Assembly of the Republic of Indonesia, 2003.
- [18] D. Thalib, *Indonesian Constitution: Constitutional Perspective*. Yogyakarta: Total Media, 2009.
- [19] S. Zulkarnain, *Building Constituent Meetings*. Jakarta: YAPPIKA, 2006.
- [20] I. G. B. Suryawan, *Functions and Authorities of the Regional Representative Council of the Ius Constituendum Perspective*, January. Yogyakarta: Publika Global Media, 2020.
- [21] A. Mahadiansar, Khairul Ikhsan, I Gede Eko Putra Sri Sentanu, "The Paradigm of National Development Model Development in Indonesia," *J. Adm. Sci.*, vol. 17, no. 1, p. 80, 2020.
- [22] S. L. Rohi, "The Implications of the Amendment of the 1945 Constitution on the National Development Planning System," *Politika*, vol. 4, no. 1, p. 88, 2013.

## 参考文献:

- [1] C. Banton : 《什么是路径依赖？定义、影响与示例》。访问日期：2025年12月14日。[在线]。可获得：<https://www.investopedia.com/terms/p/path-dependency.asp>
- [2] Y. Saputra : 《设立地方代表理事会（DPD）的基本理论考量在于建立国家权力机关之间以及立法机构内部之间的制衡机制（checks and balances）》, 第26卷, 11月号, 第1–10页, 2016年。[在线]。可获得：<http://www.vivajusticia.law.ugm.ac.id/>
- [3] A. Ilmar : 《治理法》。雅加达：Prenada Media , 2014年。
- [4] P. M. Marzuki : 《法律研究》。雅加达：Kencana, 2009年。
- [5] J. Asshiddiqie : 《改革时期后印度尼西亚宪法法原理》。雅加达：Bhuana Ilmu Populer, 2007年。

- [6] M. T. Azhary : 《法治国家：从伊斯兰法视角对其原则的研究及其在麦地那国家时期与当代的实 施》。雅加达：Bulan Bintang, 1992年。
- [7] J. Asshiddiqie : 《1945年宪法第四次修正案后的印度尼西亚宪政结构》，载于第八届全国法律发展研讨会论文集。登巴萨：国家法律发展署，2003年，第2页。
- [8] A. G. Anshori : 《历史哲学、传统与法律意义》。日惹：Gadjah Mada University Press, 2006年。
- [9] A. Lijpharts : 《民主的模式》。美国耶鲁：Yale University Press, 2012年。
- [10] M. Salter : 《全民民主？少数群体权利及其在民主政治中的参与与代表》。瑞典：国际民主与选举援助研究所，2011年。
- [11] T. H. Handoko : 《人事管理与人力资源》。日惹：SPFE, 2006年。
- [12] A. Giddens : 《社会的构成：社会分析的结构理论》。日惹：Pustaka Siswa, 2011年。
- [13] F. Jurdi : 《宪法修正后印度尼西亚议会的存在》，《国家法学杂志》，第2卷，第1期，2016年。
- [14] S. Hadi : 《印度尼西亚人民代表机构结构中的制衡原则（关于印度尼西亚共和国1945年宪法第五次修正提案的研究）》，《正义论坛》，第240页，2015年。
- [15] I. M. Yusuf : 《官僚体制的重组与再定位（作为规范政治与官僚关系的解决方案）》，《社会与政治科学杂志》，第22页，2021年。
- [16] H. Nashir : 《从吉登斯社会学视角理解结构主义》，《反思社会学杂志》，第7卷，第1期，2012年。
- [17] S. Soemantri : 《地方代表理事会的构成与地位》，论文。雅加达：印度尼西亚共和国人民协 商会议秘书处，2003年。
- [18] D. Thalib : 《印度尼西亚宪法：宪政视角》。日惹：Total Media, 2009年。
- [19] S. Zulkarnain : 《构建制宪会议》。雅加达：YAPPIKA, 2006年。
- [20] I. G. B. Suryawan : 《从未来法 (Ius Constituendum) 视角论地方代表理事会的职能与 权限》，1月版。日惹：Publika Global Media, 2020年。
- [21] A. Mahadiansar, Khairul Ikhsan, I Gede Eko Putra Sri Sentanu : 《印度尼西亚国家发展模式构建范式》，《行政科学杂志》，第17卷，第1期，第80页，2020年。
- [22] S. L. Rohi : 《1945年宪法修正对国家发展规划体系的影响》，《Politika》，第4卷，第1期，第88页，2013年。

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