

Improving Legislative Performance by Strengthening Authority and Increasing Obligations

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ABSTRACT

The Regional Representative Council (In Indonesia: DPD/Dewan Perwakilan Daerah) is a government institution formed with noble intentions, to strengthen the representation of regional people so that their issues are fought for in the central government. However, in actual political practice, DPD is constrained by existing regulations in Indonesia, making DPD a legislative body without a clearly defined function and authority, and causing its inability to help increase the output of legislation. The legislature's performance, which increasingly often receives negative comments from the public, is a wake-up call for the Indonesian parliament to improve. This study aims to analyze the legal facts of the chaos of the Indonesian constitutional system that is not optimal in utilizing existing institutions such as DPD. This study also purposes to strengthen the urgency in correcting the mess through legal reform at the constitutional and legislative levels. The normative juridical legal method was used to investigate this matter, which refers to the positive regulations or laws that have been in force in Indonesia, which regulate the Indonesian constitution. As an institution with great potential for assisting the function of the House of Representatives (hereafter called DPR/Dewan Perwakilan Rakyat), DPD has always been neglected by Indonesian constitutional law politics according to this study. This research highlights the problems restricting the Indonesian government in connecting, understanding, and most importantly solving the problems that effect the lives of local communities, and how DPD has the potential to fix if given a better position in the legislation system.

Keywords: State Institutions, Legislature, Regional Representative Councils

1. INTRODUCTION

As a form of organization, the state of the law must have a constitution, which is a collection of values underlying the formation of a state, accompanied by fundamental arrangements, restrictions, and explanations of state power and its functions in the life of the nation and state (Tan, 2022). The content of a country's constitution must cover three major areas: 1) Determining the limitations on the power of state institutions that exercise state power; 2) Regulating the relationship between state institutions in carrying out its duties and authorities; and 3) Regulating the power relations between these state institutions and citizens in the context of national and state life (Herning Sitabuana, 2019).

Indonesia divides government power into three branches: legislative, judicial, and executive (Aryani & Hermanto, 2019). This form further fulfills Indonesia's law state form, in which the restriction and division of powers into these three branches is regulated in the UUD NRI 1945 (The Republic of Indonesia Constitution 1945). The legislative branch of government has the authority to make regulations that will subsequently apply in society under the leadership of the executive and is tried by judicial power (Mumpuni, 2019). Legislative power is important in a civil

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law country like Indonesia because the role of a representative of the people must be poured into legal products that can ultimately improve the welfare of the people (Tinambunan, & Prasetyo, 2019).

The Republic of Indonesia's Constitution, the UUD NRI 1945, fundamentally regulates the institutional order of the state, including legislative power. According to Jimly Asshiddiqie, three things must be regulated by the people's representatives who wield legislative power through parliament: 1) Arrangements that can reduce the rights and freedoms of citizens; 2) Arrangements that can burden the assets of citizens; and 3) Arrangements regarding expenditures by state administrators (Asshiddiqie, 2015).

Legislative authority can only be enforced and beneficial if the people, as legal subjects in Indonesia, agree to be bound by the various kinds of regulations and norms contained in the legal products made by the legislative power. Therefore, ratifying the legal product must go through a particular stage containing elements of checks and balances with other powers in the government to ensure no gaps in the state system (Muttaqin, 2019). This stage requires parliament to make and establish the order of regulations through mutual consent with another branch of power, the executive.

Legislative performance is important in regulating the legal development of a country (Artina, 2016). Suitable arrangements must always support the direction of development desired by a government. As a result, legislative performance can be considered the main reflection of a country's legal politics (Purnamasari, Pem & Iza Zubaidah, 2018). In the context of the constitution, legislation is vital to regulate and establish what the state authority and its officials can do in carrying out duties under its authority and power according to the constitution. To strengthen the regional representation and break the deadlock in conflicts of interest between local governments and the central government, through amendments to the third amendment of the 1945 Constitution (1945 Constitution), a new institution called the Regional Representative Council (DPD) was formed (Saputra, 2022). This amendment also follows the demands of decentralization which became one of the bases for the reforms in 1998. The basis formations of the third amendment to the UUD NRI 1945 are in Articles 22C, 22D, and 22E of the 1945 NRI Constitution (Roesli et al., 2017). Then the fourth amendment to the 1945 Constitution was carried out and resulted in an amendment to Article 2, which states that "The People's Consultative Assembly consists of members of the House of Representatives and members of The Regional Representative Council who are elected by-election and are further regulated by law" This article clarifies the position of the Regional Representative Council (DPD) in the People's Consultative Assembly



(hereafter called MPR/Majelis Permusyawaratan Rakyat), which previously did not receive clarity through the third amendment.

The House of Representatives (In Indonesia: DPR/Dewan Perwakilan Rakyat) is often used as a target for the Indonesian people to be dissatisfied with the government, especially after the corruption cases. It puts the DPR, and in this case, the DPD, in a significant position as one of the most supervised state institutions of the people. Legislative power in Indonesia has given birth to several legal products that are considered controversial by the people and by the press, such as Law No. 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission (Revision of the KPK Law) and Law No. 11 of 2020 concerning Job Creation. The uproar caused by the revision of the KPK Law in 2019 demonstrated widespread dissatisfaction and a decrease in popular confidence in the state legislature's performance (Santika, 2020). It increases the urgency for improvements in Indonesia's legislative power branch. The DPD proposal concerning MPR to immediately re-amend the 1945 NRI Constitution because of the fourth amendment, especially the arrangements in Articles 22C and 22D concerning DPD is developing. In the legislative mechanism (the establishment of Law), the authority of the Regional Representative Council is very narrow, even when it is included in comparison with the authority of the President. According to Article 20, paragraph (2) of the 1945 Constitution, "Every bill is discussed by the DPR and the President for mutual approval." If the involvement is counted, only these two branches of government power significantly impact the process of birthing a legal product such as Law. Meanwhile, the DPD, which is also part of the legislative branch of power, has an almost invisible impact compared to the President, which is the executive branch of government power. It is even more absurd When the Bill was mutually approved into Law contains regulatory contents related to the authority of DPD as stipulated in Article 22D paragraph (1) of the 1945 NRI Constitution. In addition to the constitutional issues raised above, the shift in legislative power from the President to the DPR due to the 1945 NRI Constitution amendment reveals constitutional issues in the context of the Law's ratification. The President passed a bill that had been mutually approved to become a Law under Article 20, paragraph (4) of the 1945 NRI Constitution. Furthermore, Article 20 paragraph (5), which arose after the Second Amendment to the 1945 NRI Constitution, stated that if the President did not pass a bill that had been mutually approved within thirty days of its approval, the bill was valid to become a law and must be promulgated.

The formulation of the problem of this study is: 1) What is the problem with the performance of the legislature in Indonesia? 2) How is the space for improving the quality of legislative performance in Indonesia?, and 3) How to strengthen the Regional Representative



Council (DPD) and improve the performance of the legislature?. Therefore, this research aims to analyze how the Regional Representative Council can improve the performance of the Indonesian legislature in general through the delegation of authority, which can be done by strengthening the position of DPD in the constitution of the Republic of Indonesia 1945.

2. RESEARCH METHODS

As previously stated, this study aims to examine how the Regional Representative Council (DPD) can improve the performance of the Indonesian legislature in general through delegation of authority, which can be accomplished by strengthening the DPD's position in the 1945 constitution. To achieve the study's objectives, this research uses a normative legal research method (Tan, 2021), with a constitutional approach, which uses the 1945 Constitution as the basis for discussion. Secondary data in the form of the Republic of Indonesia's constitution, existing and applicable laws and regulations in Indonesia, and previous studies, particularly those related to the performance of the legislature in Indonesia, are used. The secondary data used is the 1945 Constitution of the Republic of Indonesia, Law Number. 12 of 2011 concerning the Establishment of Legislation, Law Number. 2 of 2018 concerning the Second Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representatives Council, and the Regional People's Representative Council, and Law no. 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislation.

3. RESULTS AND DISCUSSION

Problems with Legislature Performance in Indonesia

Legislation is the primary expression of policy in the form of Law. Since the fall of the New Order Regime in Indonesia, the People's Consultative Assembly (MPR) has been the main governing agency that regulates legislation and is the leading pawn of the agenda and direction of the country's legal politics. This parliament consists of two divisions: the House of Representatives (DPR) and the Regional Representatives Council (DPD). As a country with civil law system, in practice, the laws and regulations based on legal codification have a significant position in the Indonesian legal system. They are the source of law regulating the nation and state life.

Each of Indonesian legal product has its own legal politics and problems, while having same initial goal, namely to bring order and correct the ambiguity of the previous regulations (Aditya & Winata, 2018). The higher the position of the law, the more powerful it is. The constitution is at the top of the hierarchy (Sagama, 2018). Constitutional legal construction can be



defined as a set of written rules outlining the basic principles for running the state. The constitution also includes fundamental articles that govern the protection of human rights. Many articles in the constitution require further regulation, governed by various laws and regulations enshrined in the Indonesian legal and regulatory hierarchy. Other laws and regulations exist at the local government level, including provincial and district/city regional regulations. The governor (provincial head) and the Provincial DPRD (Regional People's Representative Assembly) share the authority to issue provincial regulations in addition to their legislative powers. The same rules apply in a regency/region, where the regent/mayor and the Regional House of Representatives have the authority to enact special regional laws and regulations.

The living and applicable laws, particularly those encountered in rural areas, are also accommodated in Indonesian traditional legal sources, specifically in the form of "peraturan desa" (In English: Village Regulations). Although Law No. 12 of 2011 Concerning the Formation of Legislation (Drafting Legislation Law) does not explicitly mention the existence of village regulations, it does recognize such regulations as part of the legislation. These laws and regulations must be written to become village regulations. The village is the lowest unit of the Indonesian government. Specific regulations based on values and norms that emerge and develop within minor government units such as this one is required to ensure the smooth operation of rural communities that do not necessarily share the same norms and values as cities in Indonesia. It is increasingly important given the existence of indigenous peoples, who are still an essential part of various rural areas in Indonesia (Nasir, 2017).

The existence of regulations specifically regulating the life of the nation and state in regions of Indonesia is a type of solution offered by the Indonesian legal system in responding to the challenges of the Indonesian population's very high demographic diversity, given the many tribes and cultures that develop in Indonesia. However, this solution cannot always answer the problems that worsen the relationship between the local people and the central government. Problems may arise due to enacting laws and regulations for all Indonesians. Problems do not have to be about the norms and values that emerge in specific areas; they can also form fundamental issues, such as the manifestation of people's aspirations in specific legislation. An example can be seen in the Job Creation Act, which was rejected in various parts of the country.

Legislative performance in Indonesia is still not optimal. A study in Indonesia even discovered a link between regeneration and the output of legislation, which is still at a low level (Parwati & Istiningdiah, 2021). However, it is important to note that this study's findings cannot be used as the sole benchmark for evaluating the Indonesian legislature's performance. It is because an adequate governance structure must accompany regeneration for the workload to be evenly



distributed and the budget held by the legislature's powers to be utilized optimally. Another study found that, due to the passage of the Omnibus Law, there was massive social delegation, indicating public dissatisfaction with legislative performance and that legislative performance was below standard (Rishan, 2022).

The right to give or withhold approval to ratify a bill is manifested by the participation of the people's representative institutions in drafting a bill. It is known as the right to confirm in theory (Asshiddiqie, 2015). Thus, theoretically, this social delegitimization can be seen as a manifestation of people's dissatisfaction with the legislative power structure in Indonesia, which approved the legislation's ratification. In addition, the people also consider that Indonesia's People's Consultative Assembly (MPR) has failed to exercise its authority to supervise officials within the legislature itself. It is also true because, theoretically, through the right to confirm, the people's representative institutions should be able to obtain a supervisory function, which can be used to supervise state officials, particularly those directly involved in the controversial regulatory process. Because of the nature of the legislative body itself, which can be said to be the people's spokesperson, Jimly Asshiddiqie explains that the people's representatives in the legislature have a role that is more than just making laws and regulations (from the word *le parole* which means to speak) (Asshiddiqie, 2015).

In drafting and other processes related to ratifying a bill into law, the DPR does not provide clear information to the public regarding the standards followed in various National Legislation Program (In Indonesia: Prolegnas/Program Legislasi Nasional) evaluation processes. The determination of bills included in the revision of the National Legislation Program is also not always capable of responding to various community problems and regulatory needs. The data illustrates the problems in the Prolegnas, as only 13 bills were successfully passed out of 37 bills evaluated by the Prolegnas during the pandemic (Rizki, 2022). Additionally, the DPR does not make getting information about this issue accessible. When this research was conducted, there was no clarity on the soft copy of the Personal Data Protection Law, which, based on the DPR and the press in Indonesia, had been ratified.

As part of the MPR, the DPD has minimal duties and powers. The DPD's only role is to consider the DPR on specific draft laws (Article 22D paragraph (2)) or to submit bills related to regional autonomy (Article 22D paragraph (1)). Based on these factors, Indonesia's legislative power, particularly the DPR, appears complicated and incapable of fulfilling its responsibilities as the people's representatives.



Room for Improving the Quality of Legislative Performance in Indonesia

DPR has started submitting a Second Amendment Bill to Law Number 12 of 2011 concerning Formatting Law, which is included in the 2022 Priority Prolegnas. The changes in the bill must be able to increase the space for people's participation, which is greatly facilitated by the government, given the rapid development of technology and information systems for society in general. Through these changes, the legislative branch of power must be able to represent the voices of the people through the design and ratification of various forms of legislation that will have a direct impact on the life of the nation and state. The government welcomed the DPR initiative, an excellent step toward improving the quality of all processes related to the design and ratification of laws and regulations.

Conflicts of interest and regional issues, which were not entirely addressed by the reforms in 1998, must be bridged through the legislative process. The National Legislation Program must also include more extensive socialization of people living in remote areas who are unaware of various legal developments that occur, even though these legal developments directly impact their survival and welfare. There needs to be a precise legal construction to facilitate Article 21 paragraph (3) of the Law on the Drafting of Legislations, which can also be referred to as the promise of public participation in drafting laws and regulations. Article 21 paragraph (3) of the Law on the Drafting of Legislation “(3) The preparation of the National Legislation Program within the DPR as referred to in paragraph (2) is carried out by considering proposals from factions, commissions, members of the DPR, DPD, and/or the public.”

The legal construction, in this case, can take the form of specific activities or programs that are included in the work budget list of the state legislative power to ensure the fulfillment of community promises. With a legal construction that Law clearly and directly regulates, not carrying out a work program related to this is not only a form of laziness of the state legislature but also a violation of the Law and the spirit of legislation in the state administration.

Furthermore, that can be raised in the discussion of improving electronic-based services, which are considered progress in the Prolegnas mechanism (Rahman, 2021). By improving the repository system and communication system through the website, the state legislature can strengthen efforts to socialize and increase the availability of various services available on the website, such as providing soft files of newly passed laws and regulations, among other things. The government must also support digitalization mechanisms by strengthening information systems on a large scale. The more sophisticated technology is the more complex it is, and the more spaces or gaps that irresponsible people can exploit to infiltrate information systems. By making quality and transparent information available to the public, the performance of the state legislature in



representing the people's voice through various legislative drafting processes will be more visible in the eyes of the people. The state legislature will be able to reduce the spread of fake news or news that is essentially true, but the narrative is twisted by optimizing the official parliamentary website (dpr.go.id). In particular, the DPR, as an institution that performs the functions of legislation, oversight, and budgeting, every DPR activity related to the implementation of these functions will be a unique attraction, bringing traffic from the public to the official website. The public, as users, will also be able to obtain accurate, precise, timely, and comprehensive information from significant information sources via the web, rather than information from other media that may be unable to present factual, complete, and detailed information as the DPR's official website (Sanur, 2017).

Improving the services provided by this website is also very important in increasing the dignity of the government, especially the legislature, which has often been the victim of Hacktivism. Hacktivism is an act of activism by a person or group to convey their aspirations through digital hacking systems. Hacktivism, which has become a culture in Indonesian politics, demonstrates the importance of improving the quality of the legislature's information systems and technology, which has not been addressed optimally (Persadha, 2020). Even though democracy can be channeled through such activities, the government is forced to lose its dignity and authority, given the prevalence of various forms of Hacktivism in Indonesia.

Legislative powers are also inextricably linked to regional autonomy. Regional autonomy continues to be criticized in the context of central-regional relations, particularly in drafting legislation. The relationship between the central government and local governments, which still has many problems, is an important issue that will always be relevant for strengthening the role of the DPD. As a side effect, uneven development and increasing levels of inequality between regions, on many broad and specific matters, for example, regional issues, utilization of regional natural resources, maritime provinces, and border areas. Regional communities will be significantly assisted by strengthening the DPD because it will help reduce the gaps in Indonesia and form a more just, equitable, and equal social and economic order (Efriza, 2021).

Strengthening the Regional Representative Council (DPD) to Improve the Performance of the Legislature

DPD is part of the MPR, which plays a crucial role in representing the community and local government. Although they differ only in the last word, namely between "people" and "regional," the DPR and DPD have differences that cover more than just regional autonomy, decentralization, and the national legislative process. Both legislative agencies are in a bicameral system, with the authority to propose and enact laws and regulations. According to the



development of the theory, the bicameral system is better when used as a model for the federal-state system to prevent the possibility of excessive autonomy regulation under the central government (federal government) or the excessive legislature. However, the performance of the legislature in Indonesia and the role of the DPD in the national legislative process is still minimal.

The existence of the DPD is expected to raise people's expectations to participate in forming laws and regulations, especially those in the regions. It is expected to help the legislative branch of government develop public policies and other laws and regulations that benefit the interests of the local people and the life of the nation and state of all Indonesians. DPD is expected to ensure that regional interests, as an inseparable part of national interests, can be fought for to support improving the quality of life, law enforcement, and regional development. Regional interests and various kinds of problems faced by the regions are expected to be fought for and assisted in their resolution at the national level (Ariyanto, 2020).

Under the 1945 Constitution, Article 22D states that the DPD has the following powers: “(1) The Regional Representative Council may submit to the House of Representatives a draft law relating to regional autonomy, central and regional relations, formation and expansion as well as regional mergers, management natural resources and other economic resources, as well as central and regional financial balances, as well as those related to the central and regional financial balances; (2) The Regional Representative Council participates in discussing draft laws relating to regional autonomy; central and regional relations; formation, expansion, and merging of regions; management of natural resources and other economic resources, as well as central and regional financial balance; as well as considering the House of Representatives on draft laws relating to taxes, education, and religion; (3) The Regional Representative Council may supervise the implementation of laws concerning: regional autonomy, the formation, expansion, and merger 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 their supervision to the House of Representatives for consideration for follow-up; and (4) Members of the Regional Representative Council may be dismissed from their positions, the conditions and procedures for which are regulated by law”.

Because the DPD's function has not demonstrated the importance of its existence in the state order, the dissolution or any plans related to the DPD must begin with changes in the legal construction. Article 22D paragraph (2) states that the DPD is "participating in discussing" the draft law with the DPR. However, the DPD's opinion is not required as one of the ratification requirements when drafting and ratifying the bill (Sulaiman, 2015). The interpretation of Article 22D paragraph (2) defines "participating in the discussion" as an important role that requires the



DPD always to be involved from the initial stage until it is accompanied by the authority to refuse and give approval, had appeared. However, it was denied by the Constitutional Court concerning Article 20 paragraph (2) Putusan MK Nomor 92/PUU-X/2012: “(2) Each draft law is discussed by the House of Representatives and the President for mutual approval.”

The Constitutional Court considers that the interpretation of Article 22D paragraph (2) must be carried out using Article 20 paragraph (2) as the main reference, and the interpretation of Article 22D paragraph (2) cannot be made on the presumption that the article can stand alone (Putusan MK Nomor 92/PUU-X/2012). However, the implications of the Constitutional Court's decision regarding DPD as a part of the legislative institution are not all negative. It was explained that the explanation related to Article 22D paragraph (2) of the 1945 Constitution is not intended to prevent DPD from entering the bill discussion room but requires DPD involvement in any process related to the Prolegnas (Nurbaningsih, E. (2015). In contrast to the discourse to strengthen DPD, the discourse to dissolve DPD is also unsuitable. Given the significance of DPD formation in-state activities, particularly in maintaining harmony in lawmaking between local and central governments (Toding, 2017). This fact demonstrates that Indonesia's system is not an equivalent bicameral system, with the legislative functions and authorities of the DPD being much smaller than the functions and authorities of the DPR.

DPD's supervisory function is on various processes for implementing laws and regulations. In particular, regional laws and regulations must be strengthened by allowing the DPD to veto bills that are not directly related to regional autonomy, relations between central and regional governments, regional formation and expansion, or the management of natural resources and other economic resources (Pakpahan, 2016). In addition to realizing the actual bicameral system, this strengthening of the supervisory function will also clarify the relationship of equality in the concept of checks and balances, which is one of the bases for establishing DPD in the state legislature (Pakpahan, 2016).

It is also necessary to explain further how the manifestation of the duties and authorities of the DPD regulated in Article 249 of Law No. 2 of 2018 concerning the Second Amendment to 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 (MD3 Law). In the Law on drafting laws and regulations, “(1) DPD has the Authority and duties of: a. submitting draft laws related to regional autonomy, central and regional relations, formation and expansion and merger of regions, management of natural resources and other economic resources, as well as those related to the balance of central and regional finances to the DPR;”. This is contrary to Article 65 of the Law on drafting laws and regulations, which states “(1) The Dpr



carries out the discussion of the draft law with the President or ministers assigned; (2) Discussion of the Draft Law as referred to in paragraph (1) relating to: a. regional autonomy; b. central and regional relations; c. the formation, expansion, and merger of regions; d. management of natural resources and other economic resources; and e. balance of central and regional finances, carried out by including DPD; (3) DPD's participation in the discussion of the Draft Law as referred to in paragraph (2) shall be carried out only at the level I; (4) DPD's participation in the discussion of the Draft Law as referred to in paragraphs (2) and (3) is represented by the fittings in charge of the content of the Draft Law discussed; and (5) The DPD gives consideration to the House of Representatives on the Draft Law on the State Budget and the Draft Law relating to taxes, education, and religion.”

This article states that DPD gives consideration and discussion only up to level I regarding matters related to taxes, education, and religion. Furthermore, the regulation of Article 65 in this legislation is unconstitutional because it does not follow the arrangements of the state constitution, namely the 1945 Constitution, as explained in Article 22D paragraph (1): “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 and merger of regions, management of natural resources and other economic resources, as well as central and regional financial balance, as well as those related to central and regional financial balance.”

Article 249 of the MD3 Law also has conformity with Article 65 of the Law on the Drafting of Laws and Regulations, particularly in letters d-f, which states: “d. give consideration to the DPR on the draft law on the State Budget and draft laws related to Taxes, Education, and religion; e. can supervise the implementation of laws on regional autonomy, the formation, expansion, and merger of regions, central and regional relations, management of alarn power sunber, and other economic resources, implementation of the state budget, taxes, education, and religion; f. submit the results of supervision over the implementation of laws on regional autonomy, the formation, expansion, and merger of regions, central and regional relations, management of natural resources and other economic resources, implementation of state budget laws, taxes, education, and religion to the DPR as consideration for follow-up”. Furthermore, the supervisory and evaluation function as referred to in Article 249 letter j of the MD3 Law is also not explained how the manifestation of the monitoring and evaluation is “monitoring and evaluating the draft regional regulations and regional regulations”.

Until now, it is not clear how the DPD has been carrying out its supervisory function through the formulation of "monitoring and evaluation," which is not accompanied by concrete authorities such as veto power and the authority to approve “(2) In carrying out supervisory duties



as referred to in paragraph (1) letter e, DPD members can hold meetings with local governments, DPRD, and community elements in their constituencies.” Because it clashes with other related arrangements, the interpretation of DPD's supervisory function is limited to giving consideration only. Thus, it can be interpreted that the manifestation of Article 249 letter j in the context of supervising regional legal issues, such as Regional Regulations, by the DPD can only be stated in the form of recommendations (Muin, 2021).

The turmoil in the arrangements regarding the DPD's authority and function demonstrates the DPD's low dignity in the Indonesian state order. Until now, it has been incapable of being facilitated through any legal remedies, especially given the failure of the DPD's 2012 judicial review, hampered by the Indonesian constitution itself. It did not provide sufficient breathing room for the interpretation of the fundamental legal constructions governing and compiling the duties, functions, and authorities of DPD in the Indonesian constitutional system. The government's indifference to the vagueness of the role of the DPD in the national legislature is increasingly seen in Article 71A of Law No. 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, which states, “In the event that the discussion of the Draft Law as referred to in Article 65 paragraph (1) has entered the discussion of the Inventory list of Problems during the period of membership of the DPR at that time, the results of the discussion of the Draft Law are submitted to the DPR for the following period and based on the agreement of the DPR, the President, and/or the DPD, the Draft Law can be re-included in the list of medium-term Prolegnas and/or annual priority Prolegnas.” The use of the conjunction “and/or” here makes DPD's position in the regulation of Article 65 paragraph (1) of the Law on Drafting Legislation even more unclear. Furthermore, the legislation does not explain when a DPD Joint Agreement is needed (in reference to the use of the conjunction “and”) and when the DPD Joint Agreement is auxiliary (in reference to the use of the conjunction “or”).

The disharmony between these two laws and regulations has unfortunately lasted for quite a long time and will only be changed in the future after the revision of the Law on Drafting Legislation into the 2022 Priority Prolegnas. The chaos in the existing laws and regulations in Indonesia is something that has been explained by Jimly Asshidiqqie, where the state overhauls and updates laws and regulations without any direct control. The need for various legal reforms and updates, particularly concerning the state order, has shifted towards a more democratic and just direction. The direction of change like this has a very positive impact on the development of law in Indonesia because it spurs critical attitudes from many circles, especially among legal experts, both within and outside the government. However, this kind of habit, if not controlled, can lead to destabilization and disharmony in public discourse, leading to more chaos in the order of



Indonesian national law (Asshiddiqie, 2015). Strengthening the Regional Representative Council (DPD) could also mean fixing the existing problems with the legislative performance. Already mentioned problems such as uneven development and increasing levels of inequality between regions, can only be fixed when there's harmony and understanding between the central and local government. DPD needs to be given a chance to bridge the gaps between the central and local government by representing the local living values and cultures, and their connection to the struggles of many local communities throughout the country. DPD can also play an important role in improving the amount of output the Indonesian legislative body can realistically aim for and eventually realize to help accommodate the many changes needed in the legal system, relevant to the changes in the Indonesian society.

4. CONCLUSION

The formation of DPD is based on noble intentions: to harmonize the relationship between local governments and the central government and strengthen the representation of regional people's voices. Thus, they can be fought for in developing various legal products that will apply to and affect the life of the nation and state. However, this noble goal was not supported by the efforts of the state to realize it. The DPD appears to be a legislative institution without a name and theoretically only a manifestation of the central government's empty promises to the regional governments and people. This study also reveals that, despite the legal turmoil surrounding the revision of constitutional regulations in Indonesia, not a single effort was made to clarify the position of DPD, which has enormous potential to improve legislative performance in general. The often-contentious legislative output is also not used as a lesson to improve the government's constitutional system, particularly in the legislative branch of power. Various efforts made by the DPD to restore its dignity and maximize its function to represent the voice of the regional people also ended in a stalemate. This problem must be corrected starting from the highest legal hierarchy governing the DPD itself, the 1945 Constitution. As long as amendments to the 1945 Constitution do not occur, the DPD's struggle to flap its wings in Indonesia's legislative power branch will lead to a stalemate, as happened in 2012. The urgency of this amendment stems from the legal turmoil that has destabilized the harmony of constitutional arrangements and been overruled too far without producing significant changes.

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