

THE NATURE OF THE SUPERVISION OF THE COUNCIL OF REPRESENTATIVES ON THE FUNCTION OF LEGISLATION IN INDONESIA

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Abstract

The House of Representatives is the holder of legislative power, which is expected to be able to produce quality legislative products in accordance with the legal needs of the community. However, the reality was the opposite of what was expected, resulting in public rejection. so that a judicial review must be submitted to the Constitutional Court. The purpose of this article is to find out how the nature of supervision of the council of people's representatives on the functions of law in Indonesia. The research method used is a normative legal research method with a qualitative approach to provide a descriptive explanation. The results of research analysis related to the nature of the DPR's oversight of the legislative function in Indonesia indicate that the supervisory function consists of the legislative function, democratic values, the value of balance, the value of truth, the value of benefits, and the principles contained in the DPR's supervisory function.

I. Introduction

Law in Indonesia must guarantee and enforce the values contained in the preamble of the 1945 Constitution which is a reflection of Pancasila and the principles contained in the body of the 1945 Constitution and its explanations. As a state of law (*staats Recht*), not a state based on mere power (*Macht staat*) it is proper that in the implementation of state activities it must be based on and based on applicable law, including state institutions, which were born by law, namely the basic law of the Indonesian state (*staats Recht*). fundamental law) of the 1945 Constitution. As an institution that holds legislative power, the power of the DPR is a reflection of the value of people's sovereignty, so the authority to stipulate regulations must be given to the people's representative institution or parliament or legislative body. Three things must be regulated by the people's representatives through parliament, namely: i) arrangements that can reduce the

rights and freedoms of citizens; ii) arrangements that can burden the assets of citizens iii) arrangements regarding expenditures by state administrators. Arrangements regarding these three matters can only be made with the consent of the citizens themselves, namely through the intermediary of their representatives in the parliament as people's representative institutions. Constitutionally, the DPR as a people's representative institution in carrying out its authority has a legislative function, a budget function, and a supervisory function.

As a function to form laws, legislation is a process (legislation as a process), Calvin Mackenzie also stated that legislation as a process includes comprehensive information gathering, long discussions, complex negotiations, and political bargaining between opponents. -A very strong opponent. There are four forms of legislative function activities, namely 1) law-making initiatives (legislative initiatives), 2) discussion of draft laws (law-making process), 3) approval of the ratification of draft laws (law enactment approval), 4) granting international agreement and other binding legal documents (binding decision making on international law agreements and treaties or other legally binding documents). Thus, the meaning contained in the legislative function is a function owned by the DPR in the context of the formation of laws.

The transfer of legislative authority from the President to the DPR in the hope that the DPR will be able to absorb the aspirations of the people by producing quality legislation products, which can accommodate public interests and are beneficial for the welfare of the community. However, the reality is the opposite, the amount of authority possessed by the DPR in the legislative function is not accompanied by an increase in the quality of the DPR in producing legislative products that are oriented to the public interest. Based on the results of research conducted by the Indonesian Parliamentary Concerned Community Forum (Formappi), it shows that the performance of the DPR in each period in the legislative function has decreased. One of them in the period (2014-2019) was the DPR's worst performance. This is of course based on an analysis of existing data, according to researcher Formappi Lucius Karus, who explained that from the legislative function, there were no more bills produced by the DPR in the 2014-2019 period than the DPR in the previous period. Formappi noted that the total number of bills (open priority and cumulative bills) that were passed by the DPR in 2014 - 2019 were 84 bills (until 25 September 2019), less than the 2009-2014 DPR's achievement of 125 bills. In fact, according to Lucius, of the 35 priority bills that were passed, some laws were repeatedly revised, such as the MD3 Law, the Regional Election Law, the Regional Government Law, and the law that was passed suddenly without being included in the priority National Legislation Program and "speeding up" for its completion. The low implementation of the legislative function with benchmarks on the low quantity of laws passed by the DPR, then the legislative products produced by the DPR should be of very good quality, but on the contrary, laws are often requested for judicial review to the Constitutional Court (MK), even some norms are the newly revised substance

was canceled because it was considered unconstitutional with the 1945 Constitution, of course, this shows that in the process of forming the law it is still not following the expectations of the people so that the DPR can produce legislative products that reflect public aspirations and can accommodate the interests of the community. One of the important materials in supporting the development of national law is carried out in a planned, integrated, and systematic manner starting at the planning stage in the National Legislation Program (Prolegnas) which is a guide and control for the preparation of laws that bind all institutions authorized to form them. The Government of the Republic of Indonesia in the constitution has confirmed it as a legal state based on the values and spirit of Pancasila which is currently experiencing various kinds of problems and challenges both from within and outside. The existence of public rejection and ending in the cancellation of norms through the Constitutional Court shows that there are problems in the process of its formation, given that the process of forming a law requires a large amount of time, process and cost, but the fact is that after the legislative product was enacted there was a public rejection, of course, this has an impact on the ineffective and inefficient process of forming laws and not achieving the objectives of the DPR in implementing the legislative function. The various realities that have been described previously show the poor performance of the DPR in the field of legislation, providing a lesson for all of us. The strengthening of the legislative roles and functions of the DPR does not necessarily change the quality of the DPR's performance into a better legislative body.

The implementation of the legislative function as the main power of the DPR, to ensure the interests of the people through the formation of law, the supervisory function in the process of forming a law is an urgent matter to be carried out. development of laws that are based on Pancasila and the 1945 Constitution. Oversight of the DPR when referring to Gayus Lumbun's opinion, there are 4 (four) contexts of the DPR's supervisory function, namely the supervisory function of legislation, the supervisory function of government policies, and the supervisory function to accommodate and follow up on aspirations. public. The existence of a supervisory function on legislation shows that the DPR as the people's representative supervises the substance of the law which must prioritize the aspirations and interests of the people it represents into various provisions in the law.

By quoting the opinion of John Salmond, legislation is that source of law that consists in the declaration of legal rules by a competent authority. This can be interpreted that the law (legislation) essentially reflects the method to give shape to the law carried out by the state. This is very relevant to what was stated by Montesquieu that in the formation of law it should be considered carefully, have practical benefits, and should not shake the foundations of basic considerations, justice, the nature of the problem, because weak laws are unnecessary and unfair. will only bring the entire system of laws and regulations to a bad image and shake the authority of the state. The DPR's supervisory function has not been

maximized in the process of forming the law, which is an interesting issue to study, considering that the supervisory function and the legislative function are the functions of the DPR which are institutionally attached. The urgency of supervision in the legislative process is a reflection of the embodiment of the values of Pancasila as a way of life and state philosophy which is philosophically understood that the value of people's sovereignty is the limiting wall of the authority of state institutions. The limitation of power in formulating laws must be based on the ideals of the Pancasila democratic law. To achieve this, the supervision of the process of forming the law should be carried out optimally. The implementation is that the presence of supervision can minimize various errors and possible deviations in the process of forming the law, and finally, the legislation product can be of higher quality, able to accommodate the public interest, and it is hoped that the submission of formal tests and material tests on legislation products can be significantly reduced. Based on this background description, the authors are interested in analyzing the nature of the DPR's supervisory function on the Legislation Function in Indonesia.

2. Research Method

The method used in this research is the method of normative law (legal research) or doctrinal legal research, namely document studies by researching and reviewing various sources of legal material that have been conceptualized in the form of written regulations such as: court decisions or decisions, legal theories, Perpu, legal principles and principles, and expert opinion. The technique in collecting research data is literature study, and will be analyzed using a qualitative approach, namely an analysis with descriptive data results from various sources.

3. Results and Discussion

1. Approach to People's Sovereignty Theory, Theory of Law Formation, and Theory of Control and Balance.

Sovereignty theory is essentially related to the power of state administration, so two things are the focus of attention, namely (1) who holds the highest power in the administration of the state (2) what is controlled by the highest power holder in the case that the subject is the people, sovereignty is called sovereignty. people. The theory of popular sovereignty teaches that the real sovereign in the state is the people. The will of the people is the sole source of power for any government. That sovereignty is in the hands of the people and government power is based on the will of the people, so the basic principle is known as the concept of democracy. Representative democracy is a form of democracy that is designed to run for a long period and covers a wide wide area. In a representative democracy, government functions are transferred from

citizens to state organs. According to John Locke, even though power has been handed over to state organs, society as a political unit can still convey aspirations and demands to form political society. In terms of the institutional principle of popular sovereignty is linked to the principle of the rule of law which emphasizes the need to limit power so that arbitrariness does not occur. This means that people's sovereignty is not only realized in the form of regulations. The legislation that will be produced is also reflected in the structure and mechanisms of state and government institutions that guarantee the establishment of the legal system and the functioning of the democratic system.

Furthermore, to carry out the supervisory function, based on modern supervisory theory which focuses on the concept of legitimacy which is the theoretical basis for supervisory institutions, this theory is used as the main instrument to provide legitimacy to supervisory institutions in various forms, both parliamentary oversight, as well as administrative and supervisory oversight. public. With this modern supervisory theory, it is possible to analyze the authority of the DPR in supervising the process of forming laws, where the DPR has constitutional legitimacy to submit bills and discuss together laws to obtain mutual approval with the government. So that in the implementation of the formation of the law, the two institutions carry out joint supervision based on the stages and mechanisms of the formation of the law. To achieve the objectives of supervision, supervision should be carried out properly, meaning that supervision is an effort to prevent errors, inaccuracies, inaccuracies and avoid deviations in the legislative process. As for the object of supervision is the process of forming the law, then of course the theory of the formation of the law must also be described. The theory of law formation that the author uses is the theory of law formation proposed by Jan Michel Otto regarding the theory of law-making, including the agenda building theory, with the idea that: *"The agenda building theory clarifies that the lawmaker is not one single center legal actor, but that lawmaking is a long, complex transformation process upon which many different actors and factors can have an impact"*.

2. Basic Concepts of Supervision

In the development of human thought about the meaning of supervision, there are different formulations between one human thought or understanding and another human understanding. the definition of supervision. Henry Fayol provides the following definition of supervision *"Control consists in verifying whether everything occurs in conformity with the plan adopted, the instruction issued and principles established. It has for object to point out weakness and errors to rectify them and prevent recurrence"*.

Supervision according to a predetermined plan, with instructions that have been given and with the principles that have been outlined.

Supervision aims to show (find) weaknesses and errors to correct and prevent their recurrence. Furthermore, Gorge R Terry said that: *"Control is determined what is accomplished evaluate it, and apply corrective measures, if needed to insure result in keeping with the plan"* From this understanding it appears that supervision is more focused on evaluating and correcting the results that have been achieved, with the intention that these things can be following the plan. According to Thomas P. DiNapoli, supervision is "activities or procedures designed to provide reasonable that operations are "Going According to Plan". Furthermore, according to Thomas P. DiNapoli in his other writings that supervision is *"The Integration of The Activities, Plans, Attitudes, Policies, and Efforts of The People of an Organization Working Together to Provide Reasonable Assurances That The Organization Will Achieve Its Objectives and Mission"*. Supervision is the integration of the activities, plans, attitudes, policies, and efforts of a person in an organization working together to provide reasonable assurance that a goal and mission will be achieved. According to Bagir Manan, he views control as both a function and a right, so it is commonly called a control function, or control right. The control contains the dimensions of supervision and control. Control is related to restrictions, and control is related to directives. Some of the important elements in the supervision itself, among others, can be described as follows:

There is a plan that has been prepared and determined in advance which is expected to be a guide in the implementation of activities :

- a. There is an agency or institution in charge of carrying out the plans that have been prepared and determined
- b. The existence of a body or institution in charge of supervising the implementation of the duties of the implementing agency or institution
- c. There is a process or supervisory activity carried out by the supervisory agency or institutions so that what is carried out as planned.

According to Arifin Abdul Rachman, the purpose of supervision is:

- a. To find out if everything is going according to the plan that has been set.
- b. To find out if everything goes according to the instructions and principles that have been set.
- c. To find out what the weaknesses and difficulties and failures are so that changes can be made to improve and prevent the repetition of wrong activities.
- d. To find out whether everything is running efficiently and whether further improvements can not be made, to get a more correct efficiency.

3. Oversight function

The supervisory function consists of two words, namely function and supervision, if it refers to the origin of the word, then the function comes from the word function. According to the English dictionary, the word function refers to "the kind of action or activity proper to any person or thing or the purpose for which something is designed or exists". what something is made of). Furthermore, in the history of Indonesian constitutional law, the term function when viewed from the Dutch language, the term function, which according to the legal term dictionary means to function, position, authority, authority. function means the position or work performed or use of a thing, and use is identified with a function. So is the dictionary The law defines function as a position, role, work, utility, a group of jobs, which are closely related to one another in carrying out their main tasks. Thus, the meaning of function and function is the same. Supervision is an effort, method, stage, carried out by an institution to supervise a certain object to realize organizational goals. Thus the supervisory function can be interpreted as the authority to carry out supervision with certain objects to achieve the goals of the institution itself.

Furthermore, the classification of supervision from the aspect of being supervised is divided into supervision from the legal aspect and supervision from the aspect of benefit. Supervision of the legal aspect (legality) is supervision that is intended to assess only the legal aspects (rechtmatigheid). Judicial control is generally seen as a legal aspect of supervision, although there are new developments that question this limitation. Supervision in terms of benefits (opportunity), namely supervision intended to assess the benefits aspect (doelmatigheid). According to Jimmy Jimly Asshidiqie's opinion, theoretically, the functions of control or supervision by the parliament as a people's representative institution can also be distinguished; supervision of policy determination (control of policymaking), supervision of policy implementation (control of policy executing), supervision of state budgeting (control of budget implementation), supervision of government performance (control of government performance), and supervision of the appointment of public officials (control of political appointments of public officials) in the form of approval or rejection, or in the form of considering by the DPR. DPR oversight has more of a political function than a legal function. The political function of the DPR's oversight is because the DPR consists of people who come from political parties. The function of political oversight is no less important than legal oversight. The significance of political oversight is more on the DPR's check and balances function towards the Government. According to Andrianus Pito, the supervisory function (security, oversight) is a function carried out by the parliament to supervise the executive, in this case, the DPR performs a supervisory function over the implementation

of laws, the implementation of the APBN, government policies.

Based on the previous description related to the concept of supervision, to reinforce the supervisory domain of the DPR, by quoting again the opinion of Gayus Lumbung, that the supervisory function of the DPR is the supervisory function of legislation, the supervisory function of government policies and the supervisory function to accommodate and follow up on people's aspirations.

- a. The function of supervising legislation shows that he is a representative of the people by including the aspirations and interests of the people he represents in the articles of the law. That the DPR has the power to formulate laws and the discussion is carried out by the DPR together with the President until a mutual agreement between the two institutions is obtained, until the ratification of the Act. In addition, the DPR supervises the legislative function on the implementation of the Act. Thus, two things become the object of supervision of the DPR in terms of supervision of the legislative function, namely the process of forming laws and implementing laws. Supervision of the implementation of the Act is carried out through the Commission for supervision, namely by supervising the implementation of the Act, including the State Budget, as well as its implementing regulations. In addition, it is carried out through the Legislative Body with how to follow developments and evaluate the material of the law through coordination with commissions. The supervision of the DPR is also related to the supervision of the DPR RI in the budget function. In terms of, In this case, there is the authority of the DPR to determine the State Revenue and Expenditure Budget (APBN) together with the president based on the considerations of the DPD. In addition, the DPR also carries out its functions in terms of receiving and following up on the results of state financial accountability submitted by the BPK.
- b. The supervision of the DPR is also related to government policies. Supervision of government policies is carried out through submissions or proposals, granting approvals, considerations, consultations, and opinions. The supervisory domain of the DPR is also included in the judiciary, including considerations for the president in granting amnesty and abolition, even the DPR also provides considerations and approvals regarding the appointment of certain public officials.
- c. The supervisory function of the DPR in the context of accommodating and following up or channeling the aspirations of the community.

Departing from Gayus Lumbun's opinion, of course, it can be seen and understood that the DPR's supervision of the legislative function is a supervisory domain owned by the DPR in the process of forming the law. The essence of supervision of the legislative function is certainly

inseparable from the existence of a constitutive arrangement that the DPR is the institution that holds legislative power, besides that the DPR also has legislative functions, budget functions, and supervisory functions. Furthermore, it is reaffirmed in the provision which states that members of the DPR have the right to submit draft laws. With this provision, it can be interpreted that the DPR has a supervisory function over the process of a draft law, thereby minimizing deviant actions. In other words, the supervision by the DPR in the function of this legislation allows the guarantee of the interests of the people from the process of making, implementing, to accountability.

4. Legislative Function

According to Woodrow Wilson, he expressed his opinion that legislation is an aggregate, not a simple production. In this regard, legislation is also said to be a process (legislation as a process). According to Price, the notion of legislation as a form of legal rule can be interpreted as: "legislation is a product of legally constituted bodied authorized to make rules governing future conduct. these rules are binding with the competencies and jurisdiction of the body creating them. Furthermore, Duhaime's opinion defines legislation as "written and approved laws. Also known as " statutes" or "ac"t. In constitutional law, one would talk of the "power to legislate or the legislative arm of government" referring to the power of the political bodies (ex: house of assembly, congress, parliament) to write the laws of the land. From some of the definitions above, legislation can be interpreted as a function in the context of the formation of laws made by authorized institutions (parliament or congress) to make rules that regulate people's behavior which have general binding legal force. As in the theory of law formation put forward by Jahn Michel Otto regarding the theory of law-making, including the agenda building theory, with the idea that: *"The agen Project, the building theory clarifies that the lawmaker is not one single center legal actor, but that lawmaking is a long, complex transformation process upon which many different actors and factors can have an impact"*.

If freely translated, the law is not the only one as the main actor who plays a role in the process of forming a law, but the formation of a law is a long, complex transformation process in which many actors and factors can provide impact on the law-making process. This theory discusses that in the process of forming the law there is a long and complex transformation and there are many things that affect the process of forming the law. supervision, so that the process of forming laws can be carried out following existing mechanisms and provisions. Legislation is the most important and modern type of law formation because it is created which later is expected to be used to solve concrete social problems. In general, the formation or creation of law is related to three

things, namely: 1) the formulation of general rules, where there can be additions or changes to existing rules 2) emerging from concrete decisions (precedence law or jurisprudence and 3) a real action as actions that occur only once (einmalig) carried out by state organs based on the constitution without being accompanied by changes to the Law or the Constitution.

The formation of legislation is a political act, legislation is the goal and result of political processes. However, legislation is not just a deposit of empirical political constellations but also has a normative aspect. The ideal element of legislation implies that it realizes what according to legal principles, legal ideas, legal ideals, should be realized. The second moment of making legislation has a technical nature, legislation presupposes the ability to formulate general understandings into concrete normative texts. The so-called statutory technique has become a specialty of its own. Thus, legislation is the most perfect form in which not only political ideas but there is a legal philosophy that is directly relevant at the practical level.

5. The essence of the DPR's supervisory function on the function of legislation in Indonesia

The essence is the essence or basis, if interpreted literally, the essence comes from the word *haqiqah* which means the essence of something, the peak or source (origin) of something. In other words, the essence is the deepest core of everything which consists of a certain number of elements and which embodies something, so that it is separate from other things and is absolute. Nature can also be defined as the existence or existence of everything in which there is substance and accident. If it is related to the nature of law, in Aristotle's view, a law exists because of causality, namely from causes in the form of material (*causa materials*), from causes in the form of the form (*causa formalis*) from causes that are makers (*causa efficient*) and from causes that are in the form of a goal (*causa finals*).

Philosophically, the understanding of the nature of supervision can be referred to from the meaning of the nature of law, where the law exists because of the existence of life that occurs and the interaction between individuals in society so that it is necessary to regulate order and balance in that life to realize justice and equality. Based on the concept of understanding the nature of law, the exploration of the nature of supervision can be carried out by analyzing the existence or existence of supervision which must begin with fundamental questions about the meaning, basis, and elements of supervision. The nature of supervision must also be analyzed based on the values contained in supervision. To find values in supervision, a method of deep thinking is also needed by using reason and ratios to explain the main issues related to supervisory

values. To get the answer, use the way of thinking Science is concerned with certain criteria to arrive at scientific truth and ultimately reach rational truths that can be scientifically justified.

Value means quality, the quality of something useful, something people are looking for, something valuable. The existence of value is often seen, sometimes implied, sometimes invisible or hidden, sometimes difficult in its existence, sometimes it must be explored, sometimes difficult to find. In Plato's view of value, putting forward the idea of good thinking contains the concept of value but has not been confirmed as a theory. According to him, the idea of goodness is the pinnacle of all ideas, namely the highest idea. Regarding the source of rooted values on moral issues, morals are based on the element of the human psyche, namely the will. The human psyche in nature includes reason, will, and also taste, imagination, fantasy, and so on. Some of these elements are the basis for humans to take actions good. Value is something to be chased achieved, upheld, and jointly maintained by a group of people or society. Values are contained in moral, spiritual, religious, aesthetic relationships between people in groups, organizations, and society. In other words, values can be said to be an important foundation that governs all human behavior.

6. The Values and Principles Contained in The DPR's Supervisory Function

a. Value of Democracy

Every nation and state that is cultured and civilized in building and enforcing its state system is always based on a philosophical system or ideological system that is outlined and enforced in the state constitution. his country. Furthermore, the perspective, identity, integrity, and excellence of the philosophical and ideological system is the ideology of the state which is scattered from the principles that form the basis of the state concerned.

Democracy is an option in the perspective of legal philosophy as a constitutional basis, for the Indonesian people from that perspective, there are very basic things, where the enforcement of the rule of law in this regard is the Unitary State of the Republic of Indonesia as a state system of Pancasila, namely Pancasila as the state ideology, which is spelled out in the 1945 Constitution. This is a concrete form of democracy in the Indonesian state order. The idea of a democratic state is not new to Indonesia because since the country was founded, the main ideas proposed in the administration of government and the pattern of government-people relations have been based on the concept of democracy. The difference is that the model of democracy in question is a model of democracy that is not liberal but is related to the values of the nation.

If it is associated with the authority of the DPR, the source of power, and the presence of the DPR as a people's representative body comes from the people, therefore it is necessary to link the supervisory function of the DPR with democratic values. The value of democracy contains freedom and equality of rights even though it is interpreted as freedom, but in essence freedom in a democracy is not freedom in a literal sense but the freedom that is limited by a regulation as said by JJ Rousseau 'Man is born free and everywhere he is in chains' statement it has a very basic meaning of freedom, not as free as it is free but freedom but is limited by a bond that chains it. As stated by Lincoln that individual rights and equality are not sufficient to characterize democracy, but in modern democracies between freedom and equality of rights find fulfillment in that citizens have the right to participate in the government of the people, in a modern state this means that representation consists of elected delegates. Thus democracy has laid a solid foundation for the formation of the concept of state and government power and the concept of popular sovereignty. The essence of the concept of representative government is that the people together form the state and fill state positions and develop a system of government through a certain election mechanism. Thus, people's representatives will be netted who truly represent all interest groups in society. The practice of democratic governance will institute a system of representative government that provides equal opportunities for all people to lead the country, fill state positions and carry out the government process. To be said to be a democratic country and adhere to democratic values, the most important thing is the holding of direct, free, and secret elections to elect members of the people's representative institutions who will sit in parliament or legislative bodies. The members are elected by the people in charge of the parliament to fight for the aspirations of the people, both in the case of the formation of laws, monitoring of policies, as well as the preparation of the state budget together with the president.

Democracy brings freedom but is still subject to limitations, this is following the meaning contained in Article 28J paragraph (2) of the 1945 Constitution that in exercising their rights and freedoms, everyone is obliged to comply with the restrictions stipulated by law with the sole purpose of guaranteeing recognition. and respect for the rights and freedoms of others and to fulfill just demands following considerations of morality, religious values, security, and public order in a democratic society. In addition, the cultivation of moral education and a rational attitude should also be given more attention. With the support of people who have a rational attitude and good morals, a free and responsible democracy can be realized. Democracy is defined

as the government of the people, which means that all policies made by the state will involve the participation of the people. People's participation is of course carried out through several stages, namely, first, the people must know. Second, people have to think about it. Third, the people must participate in a deliberation. Fourth, the people must participate in the decision. In addition to the things mentioned above, it is also important is the participation of the people that the people must actively participate in implementing. fundamental exploration in the context of democratic values. the value of democracy as an ideal by sticking to the philosophy of Pancasila. Departing from the values of Pancasila democracy, it can be understood that the state is based on the people, not based on a group, and not based on individuals. This shows that the state is truly supported by all the people, based on the power that is in the hands of the people (people's sovereignty). Based on deliberation and cooperation, the interests and happiness of all the people are guaranteed. Thus, the essence of the fourth precept which contains the necessity or demand to conform to the nature of the people is a principle for democracy, both political democracy, and economic democracy, through deliberation or representatives who are wise and full of wisdom, trying to ensure the interests and happiness of all the people.

b. Balance Value

After power is legitimized in a constitution based on the will of the people, so that there is no arbitrariness between state organs, namely through power restrictions, what can be done is through power-sharing or separation of powers. Power according to Lord Acton who said that "Power tends to corrupt, absolute power tends to corrupt absolutely" which can be interpreted that the greater the power, the greater the abuse of it. It can be interpreted that power tends to be arbitrary and in absolute power, arbitrariness tends to be absolute, so on a practical level, the thought of limiting power is through supervision. Limitation of power as the author has described previously is regulated by the Constitution, or some of them can also be carried out with a system of constitutionalism (constitutionalism) which has three meanings, namely:

- a) A State or any system of government must be based on law, while the powers exercised in the state conform to definite legal rules and procedures (the idea of the constitution)
- b) The government structure should ensure that power lies with, or between, different branches of power that monitor each other's use of their power and which are obliged to cooperate (ideas on power reform, separation of powers, and checks and balances).

- c) The relationship between the government and its people must be regulated in such a way as to give up basic rights without compromising individual freedom.

Power is usually mapped into several functions that are related to each other. John Locke in his book "Two Treatises of Government", divides state power into three functions, but differs in content. According to Locke, the functions of state power consist of legislative functions, executive functions, and federative functions. Following John Locke's way of thinking, Montesquieu in his book "L'Esprit des Lois" written in 1784 or its English version known as "The Spirit of The Laws", classifies state power into three branches, namely:

- a. Legislative power as legislators.
- b. Executive power to implement laws.
- c. Judgmental or judicial power.

The concept of limiting the power and controlling rulers utilizing separation of powers implies that each branch of executive, legislative, and judicial power must be held by a different official and may not be concurrent with other positions with the considerations put forward by Montesquieu:

When the legislative and executive powers are united in the same person, or the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again, there is no liberty, if the judicial powers are not separated from the legislative and executive. Where it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppressor.

Based on this, the legislative power and executive power are in the same hands, there is no freedom, but there is no freedom if the power to decide is separate from the legislative and executive powers, everything is lost if the same person or the same institution or people exercise these three powers, of legislation, enforcement of public resolutions and individual wishes or disputes. From various views related to the limitation of power through the separation of powers and the distribution of powers, it shows that power must be limited, if not limited it will lead to arbitrariness and allow deviations in the exercise of that power. The existence of restrictions on state power over individuals shows that the state is not omnipotent, does not act arbitrarily. This means that the actions of the state against its citizens are limited by law.

In simple terms, this branch of power requires state institutions as the executor of the executive, legislative and judicial branches of

power. From here then born state institutions that work under the system of each branch of power. This means that these institutions which are the implementing organs of state power organizations as interpreted by George Jellinek are contradictions in the object, meaning that the state does not have state organs or equipment, so it becomes incompatible with its nature. This means that the existence of state institutions is necessary to fill and run the state.

Based on his position, Geroge Jellinek divides state institutions into direct state institutions (unmittenbare organs), namely state institutions that determine that there is or is the absence of a state. By referring to the trials political theory, the direct state institutions are state institutions referred to in the constitution, namely state institutions that carry out the legislative, executive, and judicial branches of power. Indirect state institutions (mittenbare organs), namely state institutions depend on direct state institutions. Other classifications based on their position, according to Gorge Jellinek are first, the main state institutions or primary state institutions (main state organs or primary constitutional organs), namely state institutions formed to carry out one of the branches of state power (legislative, executive, or judicial) and secondly supporting state or supporting state institutions (auxiliary organs), namely state institutions formed to strengthen the main state institutions in exercising their power.

Based on this, it can be understood that the position of the DPR and the President as the main state institutions, namely state institutions that carry out the branches of state power, namely the legislative and executive branches of power. Furthermore, in the exercise of this power, institutions have institutionally inherent functions, the presence of a legislative function, a supervisory function, and a budget function as a function inherent in the authority of the DPR as an institution holding legislative power. Meanwhile, about the President's authority in forming laws constitutionally, the President has control in the process of forming laws, namely through joint discussions and the right to submit bills. Presidential control in the formation of laws is a control that is external or outside the DPR institutional and has an equal position with the DPR. Presidential control in the legislative process if studied using modern supervisory theory, as stated by M.T. Oosterhagen, is a theory of legitimacy with the following expression:

"An alternative theoretical foundation of the institution of control might be developed if it would be linked, in a functional relationship, to the notion of legitimation".

On the organs of supervision, it can be analyzed using modern

supervisory theory which focuses on the concept of legitimacy which is the theoretical basis for supervisory institutions, this theory is used as the main instrument to provide legitimacy to supervisory institutions in various forms, both parliamentary supervision, and administrative and community supervision. Thus it can be argued that in every democratic society that is based on the rule of law and every action or decision taken by a public authority must meet the requirements that the action or decision taken must be logical and legal (lawful). to take action that fulfills the requirements and is following certain values is useful, effective, or is materially right or justified. With this modern supervision theory, it can be understood that the powers of the organs of power carry out supervision based on the provisions stipulated in the Constitution

As Friedman argues that between freedom and control, there is no contradiction because freedom rests on appropriate control measures. The real contradiction is between control which curbs personal and spiritual life and control aimed at securing the external and material conditions for development. In this regard, it can be understood that the state as an organization of power is not omnipotent, and may not act arbitrarily, the actions of the state against its citizens are limited by law. The existence of a separation of powers between the branches of power such as the executive, legislative, and judicial, needs to be regulated according to the principle of checks and balances so that the relationship between one institution and another can balance each other inequality and equality. By understanding this concept, one form of supervision over the exercise of power is in every implementation of its institutional functions, the institutions that hold power, need to be monitored based on the limits set out in the constitution. Supervision as an effort to limit power so that power holders carry out their duties and authorities correctly can create order and peace in society. After the division of power, if studied through the theory of supervision and control, a balance that emphasizes the principle of mutual control between one branch with other branches of power, each branch of power can be prevented or act arbitrarily, the theory of balance control puts the control in the mechanism of checks and balances. The value of balance is not only built in the institutional context related to the existence of a balance between state institutions that carry out the function of authority to form laws, but the value of balance in supervision emphasizes that there is mutual supervision to create a balance. Although supervision is a control mechanism that provides space for participation in the process of forming laws, balance in supervision is also interpreted as the role of the community in the participation space to oversee the process of forming laws, both

substantively and procedurally.

c. Value of Truth

In an institution or organization of course there will be a division of work that must be carried out or done by humans based on this division. In carrying out the duties that are the obligations of a person, it must be based on benchmarks as previously determined, these standards are usually in the form of moral values and the provisions of laws and regulations regarding the work being or to be done. But in fact, what happens in the life of supervisory institutions is that the moral values and the provisions of the laws and regulations that bind them do not seem to give a burden as a necessity because they are very dependent on the individual who is given the task or work carried out on him. Therefore, the supervisory function is related to a truth value.

Humans in their lives are always trying to find and find the truth. Truth is something existential. This means that truth is something that exists and cannot be separated from human life. True and truths are words that are familiar in life and everyday life. The words right and truth are often used by humans in everyday life. Etymologically, the word truth can be interpreted as 1) Circumstances or things that match the real situation or thing; 2) Something that really or exists; 3) Honesty, honesty. Meanwhile, Lorens Bagus said that the term truth is the opposite of error, error, falsehood, and sometimes opinion.

Plato once said: "What is truth? then at the same time, even much later, Bradley answered that the truth is a reality, but it is not a reality (das sollen) it is not always what should be (das Sein) what happens. The reality that occurs can be in the form of untruth (badness). So there are two (2) understandings of truth, namely truth which means that it is happening on the one hand, and truth in the sense of being the opposite of evil (untruth). About the supervisory function, the truth is limited in the sense of legal truth. This cannot be separated from the existence of a transcendent human being, in other words, the anxiety of seeking legal truth is closely related to the desire that exists in humans who always want to find the real truth. From here there are clues about transcendent truth, meaning that it does not stop at the truth of the law, but there is truth beyond human reach. Mainly to seek the philosophical truth of the law. About the value of truth in supervision to achieve the purpose of supervision, supervision should be carried out properly, meaning that supervision is an effort to prevent errors, inaccuracies, inaccuracies and avoid deviations in the legislative process.

The existence of supervision that is carried out properly

following existing procedures and mechanisms, of course, will achieve benefits following the objectives to be achieved from the existence of supervision. If it is associated with Pancasila values, then the supervisory function as an institutionally inherent function is carried out correctly because the supervisory function contains responsibility for the people it represents, this is following the intention that supervision is carried out as people's representatives to oversee all policies and implementation of the Act. , so that in the implementation of its supervisory function it must be appropriate, correct, honest, and responsible so that the purpose of supervision to prevent errors, omissions, deviations can be realized. To emphasize the importance of the truth value contained in the supervisory function based on pragmatic theory, the truth of a statement is measured by the criterion of whether the statement is functional in human practical life. In a sense, a statement is true, if the statement or the consequences of that statement have a test of the truth is the benefit (utility), the possibility of doing (workability), or a satisfactory result. So that it can be said that pragmatism is a school that teaches that what is true is what proves itself to be true using its practical useful consequences.

d. Benefit Value

The value that must exist in the supervisory function is that the value of benefits is a value related to the goal, in this case, the goal is a value. The statement that something is a goal in the sense that the goal is the right thing means that the goal must be an objective thing. The goal does not just imply what is being pursued by a particular individual, but the goal is valid, something that is the end of a value judgment. According to legal experts, the law has three main objectives, namely (1) justice (justice), certainty (certainty) and utility (utility) justice commensurate with balance (balances, Mizan) and propriety (equity), and fairness (proportionality). . Meanwhile, legal certainty is related to order and peace. While usefulness is expected to ensure that all values are realized in peace.

Departing from the purpose of the law if it is associated with the purpose of supervision to prevent irregularities and the achievement of organizational goals as set out in the planning. Thus it can be said that supervision provides value for benefits. By using Jeremy Bentham's theory of legal utilitarianism, the law can only be recognized as law if it can provide the greatest benefit to many people. Next is John Stuart Mill whose core teaching is concerned with action for the attainment of happiness, and it would be wrong if it produces something that is the opposite of happiness. The value of benefits if it is associated with the purpose of the law of protection, it can be argued that the purpose of law based on the ideals of Pancasila

law is to protect humans, namely protecting humans passively by preventing arbitrary actions and actively by creating humane social conditions that allow the social process to take place. in a fair manner so that fairly every human being gets the same and broad opportunity to develop all his potential and humanity as a whole.

The highest legal objectives are related to the objectives to be achieved by the constitution which contains the goals of state life, namely:

- 1) Protect the entire Indonesian nation and the entire homeland of Indonesia.
- 2) Promote public health.
- 3) To educate the nation's life and participate in carrying out world order (based on independence, eternal peace, and social justice.

The purpose of supervision is in the context of the value of benefits, wherewith supervision there is responsibility for officials who are entrusted with tasks and authority in carrying out work. This means that there is supervision as a form of prevention against deviations from what was planned. In addition, supervision is related to five main functions of law, namely: a. Directive, as a guide in building to form a society to be achieved following the goals of state life; b. Integrative, as a builder of national unity; c. Stable, as the custodian (including the results of development) and the custodian of harmony, harmony, balance in the life of the state and society; d. Perfection, as a complement to the actions of state administration, as well as the attitudes of citizens in the life of the state and society; e. Corrective, both to citizens and state administration in obtaining justice.

7. The principles contained in the Supervisory function of the DPR

The legal order that operates in society is the embodiment of the legal ideals adopted in the community concerned into the set of various positive legal rules, legal institutions, and processes (behavior of government and community bureaucracy). The ideal of law containing Recht's idea means that in essence the law as a rule of community behavior is rooted in the ideas, feelings, intentions, creativity, and thoughts of the community itself. In the dynamics of society, the legal ideal will influence and function as a general guiding principle (guide principle), critical norms (evaluation rules), and motivating factors in law enforcement (formation, discovery, and application of law). Formulation and understanding of legal ideals will facilitate their elaboration. in various sets of rules of authority and rules of behavior and facilitate the maintenance of consistency in the administration of the law. The legal ideals of the Indonesian nation are rooted in Pancasila which is set as the philosophical foundation in arranging the basic framework and structure

of the state organization as formulated in the 1945 Constitution.

When viewed from the way of formation, the legal principles and legal norms influence each other. The formation of legal norms (also called legal rules) that are not based on constitutive legal principles produce legal norms that are materially not legal norms. If the principles of regulative law are not taken into account, the result will be unfair legal norms. Meanwhile, according to A. Hamid S. Tamimi between the legal principles (*rechtsbeginsel*) and legal norms (*rechtsnorm*), there are differences, due to differences in the nature and function of the two which have different effects on the legislation. Furthermore, Bellefroid defines legal principles as basic norms that are translated from positive law which legal science does not ascribe to more general rules. The principle of law is the deposition of positive law in society. Paul Scholten argues that legal principles are tendencies that are implied by our moral view on law, which are general characteristics with all their limitations as a general trait, but which cannot or should not exist.

In the formation of appropriate laws and regulations in Indonesia, the principles of law that must be reflected in it are as follows: a. The ideals of Indonesian law, which is none other than Pancasila which acts as a "guiding star"; b. The principle of the state based on a law that places the law as a special regulatory tool is in the primacy of law, and the principle of government is based on the constitutional system which places the law as the basis and limit for the implementation of government activities. c. Other principles, namely the principles of the state based on a law that places the law as a special regulatory tool are in the primacy of law and the principles of government based on the constitutional system which places the law as the basis and limit for the implementation of government activities. Concerning the description of legal principles, as explained in the formation of the law, legal principles must be embedded in positive law, in addition to legal principles, there are also other principles, namely state principles based on a law which places the law as a tool a typical arrangement is in the primacy of law. There is a difference between principles and norms by observing Soerjono Soekanto's opinion that the principle is the ideal element of the law. Legal principles consist of two types: (1) constitutive legal principles, namely ideal elements that must exist for the life of the law. (2) the principle of regulative law is the ideal element needed for the legal system to proceed. Furthermore, Paul Scholten's opinion is that a legal principle (*rechtsbeginsel*) is not a rule of law (*rechtsregule*). To be said to be a rule of law, a legal principle is too general so that it is or is nothing or speaks too much (of niets of veel to re1 zeide). Direct application of legal principles through arrangement or grouping, as a rule, is not possible, because for that it is necessary to first form a more concrete content. In other words, the principle of law is not law, but the law

cannot be understood without these principles. Departing from the understanding that to find legal principles, of course, it is necessary to guide the legal principles contained in the constitution as basic norms in which some principles reflect the ideals of Pancasila law.

By using the theory of levels of state legal norms (*die Theorie vom Stufenaufbau der Rechtsordnung*), in addition to being arranged in stages and layers in a hierarchical arrangement as proposed by Hans Kelsen, legal norms in a country can be grouped into four layers of norm groups. the law of the highest norm will become the basis for other norms. Staatsfundamental norm is defined as the highest group of legal norms in the arrangement of state legal norms. As the highest norm, the state's fundamental norms are pre-supposed hypothetically by the people of a country. This norm is the basic philosophical foundation of a country that contains the basic rules for further regulation of state administration.

Observing the theory of the level of norms, the principles contained in the basic norms must be a reference for the preparation of the norms of the legislation under it. The constitution is the law that is considered the highest level, the purpose of the constitution as the highest law is also to achieve and realize the highest goal. The goals that are considered the highest are justice, order, and the realization of ideal values such as independence or freedom and welfare or common prosperity, as formulated as state goals by the founders of the state. The principles that must be contained in the supervisory function can be described as follows:

a. People's Sovereignty Principle

In the Elucidation of the 1945 Constitution I1 point 3 concerning the principle that Indonesia is a sovereign state of the people, based on democracy and deliberation of representatives. Therefore, the state system established in the Constitution must be based on the sovereignty of the people and based on the deliberation of representatives. Because this flow is following the nature of Indonesian society. Based on the main ideas above, it shows that the principle contained in the Constitution is the principle of people's sovereignty.

The principle of people's sovereignty is defined as the highest power in the state, so sovereignty is a power that is not under any other power. Quoting the opinion of Dahlan Thai, the principle of popular sovereignty or understanding of democracy is related to the government system or how the people are included in the administration of government. Based on the description Previously, the principle of people's sovereignty can be interpreted that the power that is exercised must be oriented to the interests of the people, fulfills dignity, and can be accountable to the people and morally to God Almighty. This means that the norms of supervision must contain the

principle of popular sovereignty based on the people led by wisdom in representative deliberation.

b. The Principle of Legal Certainty

In the value of truth, it contains the principle of legal certainty. The principle of legal certainty aims to ensure that legal certainty is realized in society, including those relating to the guarantee of the political rights of the community which are constitutionally guaranteed to elect representatives of the people and guaranteed the rights given by the people to exercise power. through representative bodies properly and provide benefits to the interests of the community. If the norms of supervision contain the value of truth, it will reflect the principle of the legal party. Supervision that is carried out properly following the objectives to be achieved, namely expediency, will achieve legal certainty.

The definition of certainty means that there is clarity and firmness in the application of law in society. This is not to cause a lot of misinterpretation. Legal certainty is the clarity of behavioral scenarios that are general in nature and binding on all members of the community, including the legal consequences. Legal certainty can also mean things that can be determined by law in concrete matters. Legal certainty can be interpreted that someone will be able to get something that is expected in certain circumstances. Certainty is defined as the clarity of norms so that it can be used as a guide for the executor of power who will carry out the supervisory function. If the norms contained are not clear in the implementation of duties and authorities, it will lead to legal uncertainty. Therefore, the norms contained in supervision must contain the value of truth, truth means that the norms are clear and firm so that they can be implemented and provide legal certainty. The principle of legal certainty must be contained in the norms of supervision which guarantees to the public that supervision is carried out following existing provisions. Legal certainty is a guarantee that the law is carried out, that those entitled by law can obtain their rights and that decisions can be implemented. Legal certainty is a protection against arbitrary actions which means that someone will be able to get something that is expected in certain circumstances. Law is tasked with creating legal certainty because it aims to create order in society.

c. Principles of Justice

Justice is a relative concept, everyone is not equal, fair according to one is not necessarily fair to the other so it is difficult to give the meaning of justice that can fulfill the wishes of all parties. It can be said that when someone asserts that he has done justice, of

course, it must be relevant to the condition of society where a standard of justice is recognized. . The law is supposed to contain the value of justice, but the law itself is not identical with justice because there are legal norms that do not contain the value of justice. If you look at the concept of justice, it shows that it is difficult to define justice in the same perspective or perspective regarding justice. There is no one provision related to the scale of justice, this is following the concept of justice which states that there is no provision due to the varying scale of justice from one place to another, where each scale is defined and fully determined by the community according to the public order of the community.

d. Benefit Principle

Law is everything useful to the people. As part of legal ideals (*idee des Recht*), justice and legal certainty require a complement, namely expediency. Benefit can be interpreted as happiness (happiness). The goodness or badness of a law depends on whether it brings happiness or not to humans. Good law is a law that can benefit every legal subject. The law can be categorized as good if it can provide happiness to the largest part of society. The community expects benefits in the implementation and enforcement of the law. Law is for humans, so the implementation of law or law enforcement must provide benefits or benefits for the community. The success of the value of benefits if the purpose of supervision can be carried out properly to prevent errors and deviations from occurring.

Departing from the description of the general principles in the supervision, of course, if it is related to the supervision of the legislative function, the principles contained in the supervision are derived from the value of democracy, the value of balance, and the value of benefits. If it is related to the general principles of supervision, in principle there is a similarity that the purpose of supervision is to prevent deviations from the planned objectives. there is supervision

Furthermore, the object of supervision of the DPR is the function of legislation or the formation of laws, so the supervision of the formation of laws is of course still oriented to the stages of forming laws. If observing the purpose of supervision is to prevent deviations in the legislative function, then the presence of supervision as prevention is relevant to the principle of achieving the objectives (Principle of Assurance of Objective), meaning that supervision must be aimed at achieving the objectives, namely the purpose of supervision, namely to avoid deviations from plan. Furthermore, the principle of efficiency of supervision (Principle of Efficiency of Control), means that supervision is efficient if it can avoid deviations

from the plan so that it does not cause other unexpected things. contained in the supervisory function of the legislative function are the principle of democracy, the principle of limiting power, the principle of balance, the principle of achieving goals, and the principle of supervisory efficiency. In addition to the principles that must be contained in the supervisory function, there are several general supervisory principles, which can be described as follows:

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In the value of truth, it contains the principle of legal certainty. The principle of legal certainty aims to ensure that legal certainty is realized in society, including those relating to the guarantee of the political rights of the community which are constitutionally guaranteed to elect representatives of the people and guaranteed the rights given by the people to exercise power. through representative bodies properly and provide benefits to the interests of the community. If the norms of supervision contain the value of truth, it will reflect the principle of the legal party. Supervision that is carried out properly following the objectives to be achieved, namely expediency, will achieve legal certainty.

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3) Principles of Justice

Justice is a relative concept, everyone is not equal, fair according to one is not necessarily fair to the other so it is difficult to give the meaning of justice that can fulfill the wishes of all parties. It can be said that when someone asserts that he has done justice, of course, it must be relevant to the condition of society where a standard of justice is recognized. . The law is supposed to contain the value of justice, but the law itself is not identical with justice because there are legal norms that do not contain the value of justice. If you look at the concept of justice, it shows that it is difficult to define justice in the same perspective or perspective regarding justice. There is no one provision related to the scale of justice, this is following the concept of justice which states that there is no provision due to the varying scale of justice from one place to another, where each scale is defined and fully determined by the community according to the public order of the community.

4) Benefit Principle

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happiness (happiness). The goodness or badness of a law depends on whether it brings happiness or not to humans. Good law is a law that can benefit every legal subject. The law can be categorized as good if it can provide happiness to the largest part of society. The community expects benefits in the implementation and enforcement of the law. Law is for humans, so the implementation of law or law enforcement must provide benefits or benefits for the community. The success of the value of benefits if the purpose of supervision can be carried out properly to prevent errors and deviations from occurring.

Departing from the description of the general principles in the supervision, of course, if it is related to the supervision of the legislative function, the principles contained in the supervision are derived from the value of democracy, the value of balance, and the value of benefits. If it is related to the general principles of supervision, in principle there is a similarity that the purpose of supervision is to prevent deviations from the planned objectives. there is supervision

Furthermore, the object of supervision of the DPR is the function of legislation or the formation of laws, so the supervision of the formation of laws is of course still oriented to the stages of forming laws. If observing the purpose of supervision is to prevent deviations in the legislative function, then the presence of supervision as prevention is relevant to the principle of achieving the objectives (Principle of Assurance of Objective), meaning that supervision must be aimed at achieving the objectives, namely the purpose of supervision, namely to avoid deviations from plan. Furthermore, the principle of efficiency of supervision (Principle of Efficiency of Control), means that supervision is efficient if it can avoid deviations from the plan so that it does not cause other unexpected things. contained in the supervisory function of the legislative function are the principle of democracy, the principle of limiting power, the principle of balance, the principle of achieving goals, and the principle of supervisory efficiency. In addition to the principles that must be contained in the supervisory function, there are several general supervisory principles, which can be described as follows:

- a. Supervision must take place continuously in conjunction with the implementation of activities and work.
- b. Supervision should find, assess and analyze data about the execution of work objectively.
- c. Supervision is not only to find faults but also to find or find weaknesses in the implementation of work.
- d. Supervision must provide guidance and direction to facilitate

- the implementation of work in achieving goals.
- e. Supervision does not hinder the implementation of work but must create efficiency (use results).
 - f. Supervision must be flexible.
 - g. Supervision must be oriented to the plans and objectives that have been set.
 - h. Supervision is carried out, especially at strategic places or very decisive activities.
 - i. Supervision should bring and make it easier to take corrective action.

4. Conclusion

The essence of the DPR's oversight of the legislative function is a way or an effort to see whether the legislative function is carried out following the plan. The presence of supervision over the function of legislation as an effort to prevent deviations, errors, mistakes in the process of its formation. Supervision of the legislative function must contain the value of democracy, the value of balance, the value of truth, and the value of expediency as well as relevant legal principles. Furthermore, the supervisory norms should contain democratic values, balance values, truth values, and usefulness values, which are reflected in the principle of people's sovereignty, the principle of legal certainty, and the principle of justice. There is compatibility and harmony between values and principles, so in the end, it is hoped that the objectives of the formation of the Law will be achieved following the previously determined planning. Based on this, the supervision of the process of forming the law minimizes deviant actions. In other words, the supervision by the DPR in the function of this legislation makes it possible to guarantee the interests of the people from the process of making, implementing, to accountability. Following the plans that have been jointly determined to achieve the goal of forming the law, as a reflection of people's sovereignty.

References

- Asshiddiqie, Jimly, 'Pengantar Ilmu Hukum Tata Negara/Prof. Dr. Jimly Asshiddiqie, SH', 2011
- Bagus, Lorens, 'Kamus Filsafat (Jakarta: Gramedia Pustaka Utama', 2005
- Deegan, Craig, 'Introduction: The Legitimising Effect of Social and Environmental Disclosures—a Theoretical Foundation', *Accounting, Auditing & Accountability Journal*, 2002
- Husen, La Ode, 'Hubungan Fungsi Pengawasan Dewan Perwakilan Rakyat Dengan Badan Pemeriksa Keuangan Dalam Sistem Ketatanegaraan Indonesia', 2005
- Jellinek, Georg, *The Declaration of the Rights of Man and of Citizens* (Good Press, 2019)

- Malian, Sobirin, 'Mengkritisi Program Legislasi Nasional 2004-2009: Agenda DPR, DPD Dan Pemerintah Yang Gagal', Unisia, 31.68 (2008)
- Mochtar, Zainal Arifin, 'Lembaga Negara Independen Di Indonesia, Jakarta: PT', Rajagrafindo Persada, 2016
- De Montesquieu, Charles, Montesquieu: The Spirit of the Laws (Cambridge University Press, 1989)
- Otto, Jan Michiel, W S R Stoter, and J Arnscheidt, '2 Using Legislative Theory to Improve Law and Development Projects', FOR DEVELOPMENT, 2008, 53
- Rousseau, Jean-Jacques, Rousseau: The Social Contract and Other Later Political Writings (Cambridge University Press, 2018)
- Silalahi, Ulbert, 'Studi Tentang Ilmu Administrasi: Konsep, Teori & Dimensi' (Sinar Baru Algensindo: Jakarta, 2009)
- Sofian, Sofian, and Joko Riskiyono, 'PEMBENTUKAN PROGRAM LEGISLASI NASIONAL BERLANDASKAN PANCASILA', TANJUNGPURA LAW JOURNAL, 3.1, 17-41