

Reconstructing The Relationship Regional Representative Council of The Republic of Indonesia with Regional Government for The Optimization of Regional Autonomy

Hanugra Ryantoni^{1*}, John Pieris², Maruarar Siahaan³, Agustin Teras Narang⁴
hryantoni@gmail.com^{1*}, john.pieris@uki.ac.id², marupalaka@yahoo.com³, teras.n@gmail.com⁴

^{1,2,3,4}Faculty of Law, Universitas Kristen Indonesia, Indonesia

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Abstract

As a regional representative institution, the Regional Representative Council of The Republic of Indonesia (DPD) was born from the idea of changing the representative system into a two-chamber representative system and increasing regional participation in the course of politics and state management. The ideal concept of DPD, was initially to accommodate the principle of regional representation and regional empowerment. DPD as a regional representative in carrying out its duties and functions requires effective coordination with the Regional Government as the executor of executive power in the region. Empirically, the construction of the relationship between the DPD and the regional government is currently not optimal. One of the obligations of the DPD is to follow up on regional aspirations and interests is still carried out normatively and ineffectively. This is certainly not ideal as the construction of Article 18, Article 18A, Article 18B, Article 22D, and Article 23 of the UUD 1945 are interrelated. Where the presence of the DPD (in Article 22D) as a regional representative institution is necessary to maintain the existence of the region (Article 18, Article 18A, and Article 18B). Based on the research findings, it is important to recommend that central government along with the DPR and DPD need to consider special arrangements in the form of affirmation of decentralized authority and effective central-regional relations, especially to resolve regional problems. Meanwhile, there needs to be a reconstruction of the DPD's supervisory and budget functions that have a direct impact on the community and regions; optimization of existing functions, such as the monitoring and evaluation function of draft regional regulations and regional regulations, as well as the monitoring and review function of laws for the harmonization of central-regional laws; and there needs to be a pattern of support for the DPD to optimize its performance.

I. Introduction

The purpose of establishing the Indonesia's government is to establish a Government that protects all the Indonesian people and all of Indonesia's territory and to advance public welfare, improve the life of the nation, and participate in implementing world order based on independence, eternal peace and social justice. Independence of the Indonesian Nation is formulated in a Constitution of the State of Indonesia which is formed in a structure of the Republic of Indonesia with people's sovereignty based on the Almighty God, Just and Civilized Humanity, the Unity of Indonesia, and democracy guided by the wisdom of Deliberation/Representation, and Social Justice for all Indonesian people.¹

To achieve this goal, the Republic of Indonesia is divided into provincial regions and the provincial regions are divided into districts and cities, each of which has a regional government, which is regulated by law.²

Furthermore, regional governments, whether provincial, district or city, have specializations in:

- a. Regulate and manage government affairs themselves according to the principles of autonomy and assigned tasks³;
- b. Has a Regional People's Representative Council whose members are elected through general elections⁴;
- c. Has Governors, Regents and Mayors respectively as Heads of Provincial, Regency and City Regional Governments elected democratically⁵;
- d. Implement autonomy as broadly as possible, except for government affairs that are determined by law to be the business of the Central Government⁶; and
- e. Establish regional regulations and other regulations to implement autonomy and assistance tasks⁷.

Based on Article 18 of the 1945 Constitution of the Republic of Indonesia, the application of the principle of decentralization in the process of organizing regional government in Indonesia has been accommodated, among others by regulating the authority of

¹ Pembukaan UUD NRI Tahun 1945.

² Pasal 18 ayat (1) UUD NRI Tahun 1945.

³ Pasal 18 ayat (2) UUD NRI Tahun 1945.

⁴ Pasal 18 ayat (3) UUD NRI Tahun 1945.

⁵ Pasal 18 ayat (4) UUD NRI Tahun 1945.

⁶ Pasal 18 ayat (5) UUD NRI Tahun 1945.

⁷ Pasal 18 ayat (1) UUD NRI Tahun 1945.

autonomous regions in managing and administering their household affairs. However, how can the demands and implementation of the regional government system that prioritizes the principles of autonomy and assistance tasks be maintained properly? Thus, an organization that can integrate regional interests must exist, have a role, and be able to sustain and monitor regional interests in central policy making. Based on the experience in the journey of the Indonesian constitutional system, regional delegates as regional representatives in the People's Consultative Assembly of the Republic of Indonesia (MPR) cannot carry out this function, and through demands for institutional restructuring of the MPR, a representative institution is needed that is related to regional interests which is formulated as the Regional Representative Council of the Republic of Indonesia (DPD).

DPD was formed from the confluence of two (two) concepts, democratization and efforts to accommodate regional interests in order to maintain national integration. Demands for the implementation of regional autonomy represent regional interests here, and if they are not properly controlled, they will give rise to separatist demands. The DPD was formed as a representation of the interests of the people in the regions.⁸ This is since the tendency of centralization of power during the New Order era has given rise to large regional-central imbalances, giving rise to disappointment and injustice in the regions.

Through the authority of the DPD regarding regional interests, the pattern of the relationship between the DPD and the Regional Government, both the Regional Government and the Regional People's Representative Council (DPRD) have a construction to synergize with each other even though there is the potential for overlapping authority. As one example, in Article 249 paragraph (1) letter j of Law Number 2 of 2018 concerning the Second Amendment to the Law on the MPR, DPR, DPD, and DPRD, the DPD is given the authority to monitor and evaluate draft regional regulations and regional regulations. This has the potential to overlap with the authority of the DPRD through Bapemperda in supervising regional regulations and regional head regulations as stipulated in Article 21 of Government Regulation Number 12 of 2018 concerning the Preparation of Rules of Procedure for the Regional People's Representative Council of Provinces, Districts, and Cities.⁹

Based on the explanation above, we try to examine the current regional autonomy problems and the presence of the DPD in order to overcome these regional problems. So that through this article, it is expected to provide a view on the reconstruction of the relationship between the DPD and the regional government in order to optimize regional autonomy.

⁸ Janedri M Gaffar and others, *Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Republik Indonesia*, Jakarta: Sekretariat Jenderal MPR RI Dan UNDP, 2003, hlm. 32.

⁹ PP Nomor 12 Tahun 2018 merupakan aturan untuk melaksanakan ketentuan Pasal 132 ayat (1), Pasal 145, Pasal 186 ayat (1), dan Pasal 199 Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.

Based on the background described above, there are several problems that will be discussed and described in this article, including what are the current problems with regional autonomy? Why does the DPD need to liaise with regional governments? And how is the reconstruction of the relationship between the DPD and regional governments to optimize regional autonomy?

2. Research Method

This paper uses a normative juridical legal research method. Where according to Soerjono Soekanto and Sri Mamudji¹⁰, normative evaluative legal research or also called library research is legal research conducted by examining library materials or secondary data alone. Normative legal research includes: a) research on legal systematics; and b) research on the level of legal synchronization.¹¹

In this type of normative legal research, the author tries to examine legal regulations, especially Law Number 23 of 2014 concerning Regional Government as last amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law and other related regulations, legal principles or legal doctrines regarding the DPD, regional government, and the synergy or relationship between the two. The approaches used are the legislative approach and the conceptual approach.

3. Results and Discussion

a. Regional Autonomy Problems

Law Number 23 of 2014 as a replacement for Law Number 32 of 2004 has a paradigm of maintaining regional autonomy as a division of government affairs, by considering the principle of balance (in search of equilibrium) of government affairs. Several affairs that failed to be implemented or were too heavy to be borne by the district/city were withdrawn to the province and even to the center, such as mining, forestry, maritime affairs, and secondary education. In addition, the division of concurrent government affairs (central-provincial-district/city) was made "clear cut", so that the certainty of each authority was guaranteed. Unfortunately, in the implementation, the classic problem was repeated, that the sectoral laws themselves were not adjusted to the Regional Government Law and there was resistance from the district/city government, thus causing uncertainty, even stagnation in handling government affairs. Currently, under the administration of President Joko Widodo who has his own perspective in implementing Law Number 23 of 2014, mainly re-centralizing a number of authorities. As a result, public services and increasing "local welfare" approaching the tenth

¹⁰ Soerjono Soekanto; Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: PT Raja Grafindo Persada, 2003), hlm. 15.

¹¹ Salim HS and Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis Dan Disertasi* (Jakarta: Raja Grafindo Persada, 2021), hlm. 14.

anniversary of the last Regional Government Law are still far from expectations.¹² This situation was then exacerbated by the enactment of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation Law (Omnibus Law). The Omnibus Law can essentially degrade the authority of the Regional Government in managing strategic sectors at the regional level. The law regulates various matters, ranging from employment, ease of doing business, investment, to the environment. The omnibus Law also amends several previous laws, such as Law Number 30 of 2009 concerning Employment, Law Number 25 of 2007 concerning Investment, and Law Number 32 of 2009 concerning Environmental Protection and Management.

Although the presence of the Job Creation Law is positive in simplifying the complex regulatory landscape to encourage investment and employment, the existence of the law has implications for changes in regional authority and the business process of business licensing services in the regions. As previously stated, several materials contained in the Job Creation Law have the potential to reduce the broadest possible autonomy rights granted to regional governments, both provincial and district, based on Article 18 Paragraph (5) of the 1945 NRI Constitution. Such as cutting several authorities held by regional governments (provinces, districts, and/or cities).

If we look further, the decentralization and regional autonomy policies in Indonesia under the Regional Government Law Number 23 of 2014 contain many problems that are described as at least 10 (ten) basic elements of regional autonomy that are related to each other. **First**, regional planning is more dominated by the formation of new autonomous regions (DOB) or regional expansion, forming a region into two or more with various reasons or factors that influence it. The formation of DOB is due to political, ethnic, regional historical considerations, span of control, local elites, and feeling less cared for.

Furthermore, many regions that are expanding only pay attention to or emphasize the opportunities for their formation based on considerations of ethnicity, religion, and culture, but do not see the potential of the region's own capabilities, such as the potential for local revenue (PAD) and low quality of human resources both in quality and quantity. As a result, there are many figures on regional dependency on the central government, the central budget is burdened on the regional general allocation fund.¹³

When examining the period prior to and following the decentralization and regional autonomy era in 1999, within 54 years (1945-1999) there were 319 autonomous regions consisting of 26 provinces, 234 districts, and 59 cities. Now, within 23 years (1999-2022) the number of autonomous regions has increased rapidly, 227 autonomous regions consisting of 38 provinces, 415 districts, and 93 cities. The total number of autonomous regions in Indonesia is 546 autonomous regions.

¹² HS and Nurbani.

¹³ I Nengah Punia, paparan disampaikan pada penelitian empiric RUU Prubahan Keempat UU Pemda Nomor 23 Tahun 2014, diselenggarakan oleh DPD RI bertempat di Fisipol Universitas Udayana-Bali, pada 12 Februari 2024.

Regional planning has not been prepared well, such as making adjustments, merging, releasing, and expanding autonomous regions such the expansion of the 4 autonomous regions in Papua which was carried out without going through a preparatory area which ignored the rules of the game contained in Law Number 23 of 2014. Papua's provinces were quickly expanded, and it didn't even include the Papuan People's Assembly (MRP).¹⁴ Regional expansion has not had an impact on public welfare but has instead had an impact on a number of regional elites who want to occupy the positions of governor, regent, mayor and other regional apparatus.¹⁵

On the other hand, there are still autonomous regions that need to be readjusted, including districts and cities with small populations and areas, districts and cities that only have 2 or 3 sub-districts, districts and cities that are unable to finance their own household affairs, and still depend heavily on the central government, especially fiscally.¹⁶ There are also autonomous cities (neighbors) which are part of the agglomeration area of the DKI Jakarta province, and finally areas on the borders and outermost islands which are still underdeveloped and have not received serious attention from the government.

Second, there is a tug-of-war over authority or government affairs. The relationship between the center and the regions is not good, the central government is withdrawing a number of authorities (re-centralization) that have been carried out by the regions such as authority in the fields of mining, job creation, housing, maritime affairs, forestry, and others. In fact, authority or government affairs are the "spirit" of regional autonomy. Without the authority held by the regions, the regions consider regional autonomy dead. Although authority or government affairs have been divided into absolute affairs and concurrent affairs as stipulated in the law, in practice the central government can intervene everywhere.¹⁷

The Job Creation Law, for example, among others, there are 13 permits that were withdrawn by the central government, thus distorting the authority of regional governments, including the obligation of regional heads in providing business licensing services. Furthermore, the withdrawal of a number of authorities such as C mining, forestry and marine affairs by the center through the concept of re-centralization is considered inappropriate. The central government should give full authority to the regions in regulating and managing existing resources, so that the regions become more advanced, independent and empowered, not the other way around.¹⁸

¹⁴ Zainal Arifin Mochtar, paparan disampaikan pada penelitian empiric RUU Perubahan Keempat UU Pemda Nomor 23 Tahun 2014, diselenggarakan oleh DPD RI bertempat di Fisipol Universitas Gadjah Mada-DIY, pada 12 Februari 2024.

¹⁵ Mudradjad Kuncoro, paparan disampaikan pada penelitian empiric RUU Perubahan Keempat UU Pemda Nomor 23 Tahun 2014, diselenggarakan oleh DPD RI bertempat di Fisipol Universitas Gadjah Mada-DIY, pada 12 Februari 2024.

¹⁶ DPD RI Dapil Provinsi Sumatera Utara, *Matriks Daftar Inventarisasi Masalah (DIM) RUU Tentang Perubahan Keempat UU Pemda Nomor 23 Tahun 2014*, 2024, hlm. 2.

¹⁷ *Opcit*, Paparan Mudradjad Kuncoro.

¹⁸ DPD RI Dapil Provinsi Gorontalo, *Matriks Daftar Inventarisasi Masalah (DIM) RUU Tentang Perubahan Keempat*

In addition, not a single ministry/institution has adjusted its sectoral laws to Law Number 23 of 2014. On the other hand, the burden on provinces, districts and cities (one policy fits all), even though autonomous regions in Indonesia are diverse.

Third, regional institutions or regional government organizations. Currently, regional apparatus organizations (OPD) still look big. Large and small regions should have different numbers of OPDs, not standardized, many small regions are forced to hold uniform OPDs.¹⁹ On the other hand, there is a proliferation of regional institutions such as extra-structural institutions of special staff, and the Governor's Team for Development Acceleration (TGUPP) at the provincial level. The OPD Kesbangpol (Polpum) of the Province, Regency, and City have practically become central apparatuses and are given APBN funds to carry out general government tasks, but are still funded from the APBD.

Fourth, local bureaucracy. When the election or regional election period arrives, the bureaucracy (ASN) is often intruded by authorized officials. As a result, ASN becomes unprofessional, not neutral, partisan groups emerge, official mutations occur almost every time, performance and budget absorption are low, which then has an impact on ASN being dragged into legal cases, and public services are not good. The relationship between regional heads and ASN is also bad, since the regional heads are free to carry out mutations or rotations at will in positions, aka buying and selling positions. And if there is a practice of buying and selling regional government positions, there are also no strict sanctions for the regional heads. On the other hand, the burden of administrative accountability of ASN is so heavy, for example they are required to obey and execute good policies that have been mandated by regional regulations, and regional head regulations, even other rules of the game in the form of laws, government regulations, to related sectoral ministerial regulations that are so many, complicated and overlapping.

Fifth, regional finance. As a consequence of granting regional autonomy, it is also accompanied by funding to run various government affairs, through transfer funds to regions in the form of General Allocation Funds (DAU), Special Allocation Funds (DAK), and Revenue Sharing Funds (DBH). However, transfer funds are greater than regional original income (PAD). Many autonomous regions have not been able to be fiscally independent by increasing their PAD more, so they still need support from central financial sources (APBN).

Sixth, local regulations. In terms of the authority of the DPRD to draft and determine regional regulations (perda), there are many technical instructions (juknis) and implementation instructions (juklak) by technical ministries that must be implemented and tend to limit the authority of the regional government. In fact, regions are given the freedom to create and determine perda as long as they do not conflict with higher regulations.²⁰

UU Pemda Nomor 23 Tahun 2014, 2024, hlm. 15.

¹⁹ *Opcit*, Paparan Mudradjad Kuncoro.

²⁰ DPD RI Dapil Provinsi Sulawesi Selatan, *Matriks Daftar Inventaris Masalah (DIM) RUU Tentang Perubahan*

On the other hand, there is a Constitutional Court (MK) ruling on the prohibition of canceling regional regulations. As a result, the governor lost the authority to cancel district and city regulations, and the Minister of Home Affairs lost the authority to cancel provincial regulations.

Regional regulations may only be revoked by the Supreme Court (MA), while supervision of regional regulations by civil society in the regions is weak, especially the reluctance of related parties to conduct a judicial review at the MA if the regional regulation conflicts with or is detrimental to their interests.

Seventh, the regional government organizers are the regional head and the DPRD. The regional head and DPRD are equal partners who support each other to advance their regions, but their relationship is less harmonious. Usually, a "deadlock" often occurs if there is a regional government policy product that is not executed by the regional head alongwith his regional apparatus. In addition, it can be caused by complicated matters such as in the case of regional regulation revisions, determination of problematic regional regulation drafts, grants and social assistance, regional strategic programs, main ideas (pok-kir) to the giving of the APBD and/or revised APBD.

Eighth, guidance and supervision (binwas). The regional government supervision system at the national level consists of the President who acts as the final person responsible for decentralized government authority or affairs, the Ministry of Home Affairs which is tasked with carrying out guidance, general supervision, and the imposition of administrative sanctions, and Ministries/Institutions such as Bappenas and BPKP which carry out technical supervision to all 546 autonomous regions of provinces, districts/cities can be said to be still weak since they do not provide significant effects. There are still provincial, district/city governments that "fight" central government policies by means of demonstrations, disobedience, and even filing lawsuits in court, since the interests of the region differ from those of the center.

The position of the governor as a representative of the central government (GWPP) who is tasked with supervising the district and city governments in his/her area seems ineffective. There is a lot of disobedience from the regent/mayor to the governor and even the governor to the president since their political interests are different. The regent/mayor considers that they are both directly elected by the people in their area so they prioritize the interests of the community in the district/city rather than simply fulfilling an invitation to a coordination meeting at the governor's office. In other cases, there are governors who actually prioritize the activities and interests of their party compared to what the governor should do as a representative of the central government.²¹

Keempat UU Pemda Nomor 23 Tahun 2014, 2024, hlm. 17-18.

²¹ Gusti Putu Bagus Suka Arjawa, paparan disampaikan pada penelitian empiric RUU Perubahan Keempat UU Pemda Nomor 23 Tahun 2014, diselenggarakan oleh DPD RI bertempat di Fisipol Universitas Udayana-Bali, pada 12 Februari 2024.

b. The Presence of the DPD and its Relationship with The Current Regional Government

The Regional Representative Council of the Republic of Indonesia was established through the third amendment to the 1945 Constitution of the Republic of Indonesia in 2001.²² However, discussions about the need for a representative institution at the national level that represents regional interests have begun since 1999. Although when viewed from the idea, the existence of an institution such as the DPD RI, which represents regional interests in the national parliament, has been thought of for a long time, since before independence. This idea was born, among others, in the GAPI (Indonesian Political Association) conference on January 31, 1941.

The Founding Fathers thought about "regional representatives", which meant representatives from the regions, outside Java and Madura. In addition, when talking about "regions", then in addition to the autonomous and administrative regions inherited from the Dutch East Indies colonial government, there were *zelfbesturende landschappen* (self-governing regions, or formerly called "swapraja regions") and *volksgemeenschappen* (people's associations), villages, *huta*, *nagari*, tribes, clans, *gampungs* and so on.²³

These people's associations received the main attention of the Founders of the State since the majority of the Indonesian people lived and sought life in these associations. The Founders of the State even promised that the original government structure of this people's association, including its "original rights" would not be disturbed and even its existence would be respected and protected by State law. This right of origin is an adaptation of the technical legal term in Dutch *besschikkingsrecht*, which literally means "the right to self-rule".

The Founding Fathers were quite aware of the implications of the cultural diversity of the Indonesian nation and gave an honorable place to traditional community units (customs/monarchy) and provided protection for their respective cultural identities, as stated in Article 18 of the 1945 Constitution which states "The division of Indonesian regions into large and small regions, with the form of government structure, is determined by law, by considering and remembering the basis of deliberation in the state government system, and the rights of origin in special regions."²⁴ Article 32 of the 1945 Constitution states "The government advances Indonesian national culture;²⁵ and

²² Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Latar Belakang, Proses, Dan Hasil Pembahasan 1999-2002. Buku III (Jilid 2) Lembaga Permusyawaratan Dan Perwakilan*, 2008.

²³ Sekretariat Jenderal DPD RI, *Kajian Akademik Penyempurnaan Dan Penguatan Sistem Bernegara Sesuai Dengan Rumusan Pendiri Bangsa, Edisi Penyempurnaan* (Jakarta, 2023), hlm. 50-51.

²⁴ One part of the Elucidation to Article 18 of the 1945 Constitution emphasizes the position and cultural identity of traditional communities, as follows: "These areas have an original structure, and therefore can be considered as special areas. The Republic of Indonesia respects the position of these special regions and all state regulations regarding these regions will remember the rights of origin of these regions."

²⁵ ²⁵In the Explanation to Article 32 of the 1945 Constitution, it is explained in detail what is meant by national

Article 36 of the 1945 Constitution which states "The national language is Indonesian."²⁶

Basically, the DPD RI was formed to end the existence of Regional Representatives in the MPR RI who did not go through general elections. The simple principle is that there should no longer be any members of the MPR RI who are not directly elected by the people, as has been the case before. On the other hand, the limitation of the authority of the DPD RI institution is partly due to concerns about the strengthening of regional sentiments which could lead to the separation of certain regions from the Republic of Indonesia.²⁷

The institutional construction of the DPD RI is indeed a separate problem in the amendment process, there is a debate that always clashes regarding the institutional design of the Indonesian parliament, First, whether to create a bicameral representative system by strengthening the DPD RI but changing the construction of the MPR RI as a joint session forum rather than an institution. Second, related to the authority of the DPD RI, how to give authority to the DPD RI whether it is equal to the DPR RI or not.

The authority restrictions of the DPD RI is the result of a compromise of various opinions that developed in the process of amending the 1945 Constitution, from those who wanted strong bicameralism to those who did not agree with the existence of the DPD RI. The process of formulating the DPD RI was indeed filled with various ideas. The choices between bicameral or unicameral related to the discourse between a unitary state and a federal state, and between parliamentary or presidential were indeed the dynamics of the discussion. In the end, the political compromise and choice of the DPD RI design showed that the legislative system that was built was not a bicameral system which was feared would strengthen the centrifugal force that pushed the regions further away from the center.²⁸

Furthermore, based on the MD3 Law, The Regional Government Law and DPD RI Regulation Number 1 of 2022 concerning Rules of Procedure which have provided a normative construction of the relationship between the DPD RI and regional governments, the relationship between the DPD RI and regional governments is more in the function of supervision, monitoring and evaluation of draft regional regulations and regional regulations and a little budget function owned by the DPD RI. Furthermore, empirically, the construction of the DPD RI with regional governments is as follows:

culture. "National culture is a culture that emerged as a result of the cultural efforts of the entire Indonesian people. The old and original culture that exists as the peaks of culture in regions throughout Indonesia is counted as national culture. "Cultural efforts must be directed towards the advancement of civility, culture and unity, without rejecting new materials from foreign cultures which can develop or enrich the nation's own culture, as well as increasing the level of humanity of the Indonesian people."

²⁶ In the Explanation of Article 36 of the 1945 Constitution, it is emphasized as follows "In regions that have their own languages, which are well maintained by their people (for example Javanese, Sundanese, Madurese, and so on) these languages will be respected and maintained by the state. These languages are also part of the living culture of Indonesia."

²⁷ Ahmad Farhan Hamid, "DPD RI Dan Masa Depan Demokrasi Indonesia," *Jurnal Ketatanegaraan* 3 (2017): 1–15.

²⁸ Rully Chairul Azwar, "DPD Dan Federalisme," *Harian Suara Karya*, 2002.

- a. The implementation of the supervisory function is sometimes often sidelined compared to the implementation of the legislative function and budget function since it is considered not to have a major influence on the position of the representative institution. This can be seen based on the results of the recapitulation of the implementation of the duties of the DPD RI in the 2004-2009, 2009-2014, and 2014-2019 periods, the number of DPD RI Decisions on the results of supervision of the implementation of laws was 199 laws and 118 laws were submitted to the DPR RI. The results of the DPD RI supervision were submitted to the President. However, the follow-up to the results of supervision to date has not been optimal, both follow-up to the central government and regional governments. This has resulted in the results of DPD RI supervision not being able to have a significant impact on the community and regions. DPD RI in its position as a regional representative institution positions itself as a carrier of regional aspirations to the Government and DPR RI. Therefore, DPD RI needs to be a partner of the regional government to understand the laws and policies of the central government that will be implemented in the regions.
- b. The involvement of the DPD RI in the RKPD drafting stage is currently limited to attending the Provincial Development Planning Meeting (Musrenbangprov). The presence of the DPD RI at the Musrenbangprov is only as an invited guest who does not have an active role. The DPD RI should play an active role in sharpening, harmonizing, clarifying and reaching agreements that must be included in the draft RKPD, especially those related to planning for transfer funds to regions and village funds. In this context, the DPD RI as a regional representative institution at the central level conducts a series of working meetings with the Governor and related Regional Apparatus Organizations (OPD) according to their respective electoral districts.
- c. Supervision of regional regulations in the sense of repressive supervision to cancel them can only be carried out by the Supreme Court through judicial review. Another way that can be taken to revise a regional regulation is the legislative review mechanism, being revised or canceled by the Regional Government (Regional Head and DPRD) itself. In addition, supervision in its broad sense, not only repressive supervision, can also be carried out by the DPD RI through the legal regime of representative institutions in accordance with the provisions of Article 249 Paragraph (1) of the MD3 Law. Through such new authorities and duties, the DPD RI can carry out preventive supervision through monitoring and evaluation of draft Regional Regulations and Regional Regulations or through general supervision such as evaluating to improve them through legislative review in the regions or for suggestions in their implementation. The monitoring and evaluation function of draft regional regulations and regional regulations has been running as the DPD RI's supervisory function, but strategic steps still need to be taken by the DPD RI, primarily to provide binding power to the provisions of Article 249 paragraph (1) letter j (legal efficacy) to the government and

regions.

Based on this, it can be concluded that the construction of the relationship between the DPD RI and the regional government is currently not optimal. The obligation of the DPD RI to absorb, collect, accommodate, and follow up on regional aspirations and interests; and to provide moral and political accountability to voters and their electoral districts is still carried out normatively and ineffectively. For the effectiveness of the implementation of these activities and other tasks of the DPD RI in fighting for the aspirations and interests of the community and regions in policy making at the central level, it is necessary to formulate a synergistic relationship pattern between the DPD RI and the Regional Government, DPRD, and the community so that the representative democracy model can run effectively.

c. Reconstruction of DPD RI with Regional Governments for Optimal Regional Autonomy

- 1) Reconstruction of the supervisory function over the implementation of laws that have a direct impact on society and regions.

Empirically, the supervisory function carried out by the DPD RI has not been able to be felt by the local community. The supervisory function that has been carried out by the DPD RI is ineffective and has not produced a major impact among the local communities it represents. This is further exacerbated since the supervision carried out by the DPD RI must be processed through the existing mechanism in the DPR RI. As a result, of course, the effectiveness and follow-up of the supervisory function by the DPD RI is very dependent on the political will of the DPR RI.

Therefore, in the reconstruction of the supervisory function over the implementation of laws, the ideal supervision carried out by the DPD RI is supervision that can have a direct impact on the interests of the local community. This means that the supervision must be able to be followed up in the Indonesian political and governmental system, so it should not stop at the political process in the DPR RI. The ideal supervisory function of the DPD RI should allow the DPD RI to be involved in the direct political process as carried out by the DPR RI. This is done to maintain the authority of the people's representatives, both the DPD RI and the DPR RI, so the DPD RI should have the authority to follow up on the results of the supervision carried out. Due to legalistic considerations, the DPD RI and the DPR RI should be able to sit along to formulate a joint mechanism that allows the DPD RI to have certain authorities in following up on the results of supervision that have been recommended by the DPD RI. This is certainly in accordance with the practice that occurs in other countries, such as in the

Netherlands, where supervision of laws is the core of the senate's work.²⁹

2) Supervision of the implementation of regional transfer funds and village funds.

The involvement of the DPD RI in the RKPD drafting stage is currently limited to attending the Musrenbangprov. The presence of the DPD RI at the Musrenbangprov is only as an invited guest who does not have an active role. In carrying out the reconstruction of the implementation of regional transfer funds and village funds, the DPD RI should play an active role in sharpening, aligning, clarifying and agreeing that must be included in the draft RKPD, especially those related to the planning of transfer funds to regions and village funds. In this context, the DPD RI as a regional representative institution at the central level needs to hold a series of working meetings with the Governor and related Regional Apparatus Organizations (OPD) according to their respective electoral districts.

Furthermore, the DPD RI needs to be involved in the discussion of the Draft State Budget, especially regional transfer funds, so it is necessary to make adjustments to the stages of discussion of the Draft State Budget as regulated in related laws and regulations.

In addition, the DPD RI must provide assistance through working meetings with regional governments to ensure budget allocation, implementation and absorption in accordance with the development of demands in each region. Specifically concerning supervision originating from the Audit Results of the BPK RI Annual Report, the DPD RI is required to carry out comprehensive supervision through a series of working meetings with the Governor/Regional Apparatus Organization (OPD) and working meetings with the K/L or its related apparatus to carry out coordination and clarification. The results of the DPD RI supervision are ratified in the DPD RI Plenary Meeting and then submitted to the DPR RI as a consideration for follow-up.

3) Optimization of the monitoring and evaluation function of draft regional regulations and regional regulations as well as the monitoring and review function of laws for the harmonization of central and regional laws.

The DPD RI still needs to be present in the dynamics of regional problems in the context of central-regional legal harmonization. Monitoring and evaluation of the DPD RI is needed to ensure that there are no deviations from local regulations with national regulations and to guarantee the implementation of the basic principles of the rule of law.

The DPD RI can also optimize its role as "the guardian of regional autonomy", by overseeing the legislative process in the regions with its duties as a monitor and

²⁹ Association of European Senates, "Focus on the Senate Modern Concepts in the Functioning of Senates in Bicameral Parliamentary Systems. Paper. Memorandum in Preparation for the 16th Meeting of the Association of European Senates in The Hague, the Netherlands on 21-22 May 2015," 2015, hlm. 5.

evaluator of draft regional regulations and regional regulations. This task can be a means of bridging various aspirations in the regions in realizing good governance, improving people's welfare and equitable development. The DPD RI can distribute questionnaires or surveys to regional government apparatus to obtain input from the regional regulation development program of each region to be strengthened through the formation of laws. Now with technology, information and communication, the DPD RI can distribute google forms through regional offices to regional governments. The results can be mapped as input for the DPD RI to prepare draft laws that will be submitted through the national legislation program (Prolegnas).

The regional offices of the DPD RI have not functioned well to support the performance of DPD RI members. In fact, with their domicile in the regions, they can greatly support the performance of DPD RI members which will have institutional implications for the DPD RI. Imagine, if these regional offices can be an anchor for the implementation of meaningful participation and are able to map out legal issues based on geographical conditions, then the DPD RI will be increasingly able to establish itself as an institution that carries regional aspirations. This also means that in terms of human resources who occupy the regional offices, they must have the ability to support the performance of DPD RI members.

The existence of the DPD RI in the constitutional system of the Republic of Indonesia can no longer be viewed as a lower chamber (weak bicameralism). It is time for various instruments in the existing legal system to escalate the role and position of the DPD RI in implementing the legislative function. The DPD RI must find this formulation itself with the aim of changing the paradigm regarding the position of the DPD RI. As long as this is not changed, it will be detrimental to the DPD RI in terms of its relationship with the DPR RI which is always placed as the next room. Amendments to the 1945 Constitution of the Republic of Indonesia can be expected to change the political constellation, functions and authorities of the MPR RI, which will later be positioned as the Indonesian parliamentary institution. In addition, the DPD RI must be confident that its institution is present to bring voices that are not heard from the regions to influence the improvement and balance of the system of forming laws and regulations in Indonesia. This problem model must come from the regions, since the territory of Indonesia consists of regions, so that the laws that are formed are indeed based on the needs and problems in the regions. Thus, its implementation does not encounter many obstacles. Even the DPD RI must be able to offer geographically based solutions, since the implementation constraints between one region and another are different. If the DPD RI dares to offer this, then the DPD RI will find a formulation to change the paradigm of the lower chamber that has so far overshadowed the performance of legislation, both from the DPD RI and the DPR RI.

- 4) Optimizing cooperation between DPD RI and Regional Governments
 - a) Coordination Forum: Establishing a regular coordination forum between the DPD RI and regional governments to discuss various strategic issues related to regional development.
 - b) Working Visits: Conducting regular working visits to the regions to see firsthand the conditions and problems faced by the community.
 - c) Policy Socialization: Jointly socialize central and regional policies to the public, so that these policies can be understood and implemented properly.
 - d) Joint Evaluation: Conducting periodic evaluations of the implementation of policies and programs that have been implemented, so that continuous improvements can be made.

Benefits of improving relations between the DPD RI and the Regional Government:

- a) Improving the Quality of Public Policy: The resulting public policies will be more relevant and responsive to the needs of local communities.
- b) Increasing Efficiency of Budget Use: The budget allocated for regional development can be used more effectively and efficiently.
- c) Improving Community Welfare: With the synergy between the DPD RI and regional governments, it is hoped that it can improve community welfare in the regions.

4. Conclusion

The amendment to the 1945 Constitution of the Republic of Indonesia has brought a new constitutional design for regional autonomy and the birth of a regional representative institution called the DPD RI. If we look at the construction of articles in the 1945 Constitution of the Republic of Indonesia, Article 18, Article 18A, Article 18B, Article 22D, and Article 23, they are interrelated. Where the presence of the DPD RI (through the authority of the DPD RI in Article 22D) as a regional representative institution is necessary to maintain the existence of the region (Article 18, Article 18A, and Article 18B) so that the DPD RI is given limited authority related to the planning and budgeting of the APBN (Article 23). This is in accordance with the principle of democracy which is the core of the belief in people's sovereignty, where the intended democratic construction must be in accordance with the Amendment to the 1945 Constitution of the Republic of Indonesia.

Meanwhile, the construction of regional autonomy is dynamic and always changing following the development of legal politics from the ruling regime. Where currently through Law Number 23 of 2014 concerning Regional Government as last amended through Law Number 6 of 2023 concerning the Stipulation of Government Regulation in

Lieu of Law Number 2 of 2022 concerning Job Creation into Law, its main aim is to recentralize a number of authorities. This raises problems of central-regional relations, central-regional financial balance, overlapping central-regional regulations, and other matters. To address this, the DPD RI should be present to carry out its constitutional obligations, especially in order to realize justice and harmony in the implementation of responsible regional autonomy.

Based on this, the construction of the relationship between the DPD RI and the regional government is currently not optimal. The obligation of the DPD RI to absorb, collect, accommodate, and follow up on regional aspirations and interests; and to provide moral and political accountability to voters and their electoral districts is still carried out normatively and ineffectively. For the effectiveness of the implementation of these activities and other tasks of the DPD RI in fighting for the aspirations and interests of the community and regions in policy making at the central level, it is necessary to formulate a synergistic relationship pattern between the DPD RI and the Regional Government, DPRD, and the community so that the representative democracy model can run effectively.

Through the journey of history, several ways that can be done to reconstruct the relationship between the DPD RI and the regional government are: first, Reconstruction of the supervisory function over and budget of the DPD RI for those that have a direct impact on the community and the region. Second, optimization of the monitoring and evaluation function of draft regional regulations and regional regulations as well as the monitoring and review function of laws for the harmonization of central-regional law. Third, optimization of cooperation between the DPD RI and the regional government.

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