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Functions and roles of representative bodies in the state administration system (critical analysis of the journey of democracy in Indonesia)

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ABSTRACT

The purpose of this study is to determine the function and role of representative bodies in the Indonesian constitutional system by looking at the journey of democracy in Indonesia. This research uses a descriptive qualitative research method based on a literature study and a normative law approach. The data in this study is secondary data obtained by observing literature. The results of this study indicate that basically, the DPD, DPR, and DPRD have the same functions and roles, namely the function of legislation, the function of budgeting, and the function of supervision. The difference between the three lies in the representation that is shaded and the details of the duties and authorities that emerge from these functions. The DPD only appeared after the third amendment to the 1945 Constitution. The DPR has existed since the Dutch colonial era, although it was abolished during the Japanese colonial period. This study concludes that the fact that there is a representative council in Indonesian democracy is something that has a vital role.



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Introduction

Indonesia is a country that still upholds eastern customs. Some forms of ethics, norms and values of eastern society are living in groups, working together, helping each other, and reaching a consensus. Pancasila, as the basic foundation of the state and nation, has precepts that describe the necessities of life for Indonesia (Sari, 2021). The principles contained in Pancasila are a mirror that reflects the soul of Indonesia. The fourth precept of Pancasila reads, "populist led by wisdom in representative deliberations", illustrates that Indonesia is a country that uses a Pancasila democratic system.

Indonesia has experienced a long history of democracy since declaring itself as an independent country until today. There have been at least four changes to the democratic system used in Indonesia (Saidi & Fatimah, 2023). In the early days of independence, the democratic system decided to be used in Indonesia was the Liberal-Parliamentary democratic system. Furthermore, the democratic system was felt to be incompatible with the conditions and circumstances of Indonesia, so the democratic system was changed to a guided democracy system. In its journey, the guided democracy system is considered unable to represent the life of the Indonesian people towards democracy. The Indonesian democratic system is again facing a transformation with the enactment of the Pancasila democratic system in the Old Order era. Pancasila democracy during the old order was considered problematic, so in 1998 the Pancasila democratic system changed several orders. Indonesia uses

the new Pancasila democratic system to this day. There is a new trend in the constitutional design in Indonesia (Muntoha & Darmoko, 2017).

The development of the democratic system in government administration in Indonesia is manifested by the presence of a representative council (Ndolu, 2021). This representative council consists of the Regional Representative Council (DPD) and the People's Representative Council (DPR). The democratic process is also manifested through the general election procedures for the DPR and DPD (Suroto, 2017). The existence of the Regional Representative Council, is considered as the embodiment of a representative system with a two-chamber or bicameral structure in the Presidential system of government (Sipangkar & Utara, 2018). According to (Kartini, 2017), the election is an opportunity for the people to elect political officials, so supervision is needed to ensure the election is fair and fair. Elections are a crucial moment for Indonesian democracy (Widianingsih, 2017), considering that elections determine government actors in Indonesia. The difference between the DPR and DPD lies like the interests carried out by each (Nasarudin, 2016). The existence of state institutions including representative councils, have repeatedly experienced changes throughout the history of Indonesian democracy. The DPR and DPD are legal and constitutionally recognized institutions and are considered capable of channelling aspirations by their respective roles and functions. The DPR is mainly filled by people who are part of political parties, while the DPD tends to be filled by independent people (Annisa Eriyanti, 2019). In general, the Representative Council and Representative Body have roles and functions to convey the aspirations of the regions or communities they represent.

Research conducted by (Maranatha & Sitabuana, 2021) states that the role of people's representative institutions in running the constitutional system in Indonesia is very meaningful considering that they are representative institutions to represent the voice and opinion of the people in the government to realize a democratic government. The second is the duty, role and authority of the people's representative institution which is still very poorly divided, especially for the regional representative council (DPD). The function, role and authority of the people's representatives is still very limited plus the People's Consultative Assembly (MPR) which originally acted as the highest representative institution, now no longer shows its fangs due to its function, role and authority is only limited to appointing someone to become President and Vice President. On the other hand, the people's representative council (DPR) currently has so many functions, roles and authorities in government. As is known, Indonesia wants a representative institution system that is bicameral (2 rooms), but in reality it cannot realize the system, both weak bicameral, especially strong bicameral.

So based on the description above, the researcher wants to conduct research with the aim of knowing the functions and roles carried out by the DPR and DPD throughout the history of the three institutions in Indonesian democracy. This research is expected to be useful for the development of constitutional law and society to better understand the functions and roles of the House of Representatives and Representative Bodies in the government system applied in Indonesia.

Method

The method used in this research is the descriptive qualitative research method, according to (Sugiyono, 2019) qualitative research methods are often called naturalistic research methods because the research is carried out in natural conditions. The approach used is a literature study approach and a normative legal approach. It can be interpreted that this research uses the applicable normative legal basis to conduct a review of the research topic raised. The assessment was also carried out based on a literature study, namely through the use of various scientific literature and publications that relate to the discussion in this research. The type of data used is secondary data because all data used in this study comes from publications from other parties. Data collection techniques were carried out using library observation techniques according to the approach used in this study. The location of this research is in Indonesia. The use of data in this study through several processes. The first stage is the data collection stage. At this stage, all the things that are suspected of having a connection with the research theme are put together and collected. The next stage is the data classification stage, dividing the data obtained according to the flow of discussion in this study. The next stage is the data reduction stage. At this stage, data that has low relevance to the research discussion or is deemed to lack suitability with the topic of discussion will be removed and will not be used as study material. The next stage is the verification stage. Verification is carried out to obtain genuinely relevant data so that the discussion is not biased. After all these stages, the final stage is the data presentation stage, namely displaying verified data for forum in research.

Results and Discussions

Functions and Roles of the Regional Representative Council (DPD)

DPD is not an institution that has existed since Indonesia declared independence. The new DPD was born, and its existence was declared after the third amendment to the 1945 Constitution. A malfunction of the MPR caused the birth of the DPD. The MPR, initially a regional representative institution, was deemed unable to fulfil the assigned roles and functions. Because of this, there is a demand for structural reforms to be carried out in the MPR institution and for the DPD to be formed as a new institution whose task and function is to convey regional aspirations. The DPD is included in the group of legislative institutions that function as a balancer in drafting laws in constitutional law.

The existence of the DPD has been regulated in the 1945 Constitution of the Unitary State of the Republic of Indonesia in Article 22C and Article 22D. Likewise, related to the role and function of the DPD have also been included in the two articles (Golap, 2017). In that article, it is stated that the DPD has roles and functions equivalent to those of the DPR. The difference between the functions and roles of the DPD and the DPR lies like representation carried out by the two institutions. The DPD has the role of representing the region and not representing individuals or groups of people. This limitation regarding the realm of representation is important to note so that there is no double representation which is feared to confuse. The existence of the DPD is fundamentally the adoption of a bicameral system in which there are two camps or two sections, each of which is equipped with equally strong authorities and mutually balances each other. The decisions taken by this body are the authentic voice of the general will. Therefore its decisions, both policy and statutory, are binding on the whole society (Dharmapala et al., 2022). Like the DPR, the DPD also has a veto right, often referred to as the absolute right of the DPR.

The duties and authorities of the Regional Representative Council are regulated in the Basic Law. As the people's choice, the task of the Regional Representative Council is literally to listen and realize the common interests of a region (Sihite, 2022). Based on the articles that cover it, the functions and roles of the DPD can be classified into several things. DPD has roles and functions that can be classified into 3, namely: 1) Legislative Function; 2) Oversight function, 3) Representation Function.

The function of the DPD has been defined and explained in Article 22D of the 1945 Constitution and Article 223 Paragraph 1 of Law Number 27 of 2009. The function of the existence of the DPD is explained as follows: 1) The DPD, in its capacity as a regional representative, can submit bills related to regional interests to the DPR. Matters pertaining to regional interests include fulfilment of regional financial balances, regional development or expansion of regions, management of regional potential, implementation of the regional government, and others; 2) The DPD Supervision function is fulfilled by supervising the implementation of regional laws such as the implementation of laws related to regional autonomy, potential regional management, regional formation, regional division, regional mergers, a realization of the State Revenue and Expenditure Budget, as well as matters related to the implementation of education, a realization of taxation, and religious affairs; 3) The DPD has the right to attend and participate in conducting studies and discussions on laws that have an interest or impact the region. The DPD also has the right to provide opinions to the DPR as material for consideration drafting laws related to areas and laws that discuss tax assessments, education regulations and religion.

The formation of the DPD was based on the idea that regions also need representatives who can accommodate regional aspirations and needs. The DPD consists of provincial representatives who are determined based on the results of the general elections for the DPD. Long before the birth of the DPD, regional representation at the centre was represented by a group of people who were part of the People's Consultative Assembly (MPR) but still needed a name used explicitly for this group of representatives. After the third amendment to the 1945 Constitution, the term Regional Representative Council (DPD) was used for this group of people who the people directly elected during general elections. Provisions regarding the existence of the DPD in elections by Article 22E paragraph 4 of the 1945 Constitution of the Republic of Indonesia state that the DPD is required to be an independent candidate. The DPD also has a limited role in the implementation of government; namely it only has limited authority to give suggestions, and opinions in drafting laws related to the regions. The DPD is domiciled in the area of origin of the election and is present at the meeting location when a session pertaining to regional regulations is held. The DPD serves for 5 years and can be re-elected during the general election.

The State of the Republic of Indonesia as a Unitary State adheres to the principle of decentralization in organizing government by providing opportunities and flexibility to regions to carry out regional autonomy (Wiguna et al., 2017). In the era of regional autonomy, where the government is decentralized, the role of the DPD can be seen in the legislative process, where the DPD has the authority to represent matters needed by the regions. Where regional autonomy is a political instrument and an administrative or management instrument

used to optimize local resources so that they can be utilized as much as possible for the progress of regional communities (Aisah, 2019). The part of the DPD can also be seen from the supervisory function in which the DPD is given responsibility for overseeing the implementation of the State Revenue and Expenditure Budget as well as the implementation of laws that are regional in nature and rules or regulations governing matters of taxation, education, and affairs in the religious sector. The presence of the DPD is an essential part of democracy in Indonesia because it is considered to represent regional interests.

Functions and Roles of the House of Representatives (DPR)

The People's Representative Council consists of 2 institutions, the People's Representative Council (DPR) and the Regional People's Representative Council (DPD). The DPR has a position in the central government, while the DPD has a job in the regions. This difference is only limited to differences in the authority overshadowing the representative area. However, in terms of function and role, there is not much difference. Not much different from the DPD, the DPR's functions can be broken down into a legislative, a budgetary, and a supervisory function (Lombo, 2016). Apart from that, while carrying out this function, the DPR is also given several complementary instruments, one of which is the Council Honorary Court (MKD) (Putra & SH, 2016). The participation of the people in all the life of the nation and state in the study of political science is referred to as political participation (Murary, 2015).

The DPR is one of the oldest institutions in Indonesia because its presence has appeared since the Dutch colonial era under the name *Volksraad*. However, the existence of the *Volksraad* was abolished during the Japanese colonial period. In the end, Indonesia reformed the DPR institution after declaring itself independent. The institution was initially called the Central Indonesian National Committee (KNIP). The name DPR began to be used during the time of the United States of Indonesia, where the legislature at that time was divided into two, namely the senate and the DPR. Currently, the DPR is elected directly by the people through general elections. The DPR consists of individuals who are members of political parties. The term of office for the DPR is five years, and they can be re-elected through general elections.

DPR is the representative of the people. Community or people's participation in the governance that is held is realized through the existence of a representative council (Abislom, 2013). In contrast to the DPD, which represents the regions, the DPR occupies its position to be the direct representative of the people. Therefore, the DPR is given special rights which are expected to support the DPR's duties in carrying out its functions and roles as people's representatives. The DPR's rights consist of the right to interpellation, the right to inquire, the right to immunity, and the right to express opinions. The right of interpellation gives the DPR the authority to ask for an explanation of any government policies that are considered strategic and will impact society at large. The right of an inquiry gives access to the DPR to explain every government policy related to culture. The right of immunity is a privilege obtained by the DPR where the DPR cannot be prosecuted because of statements or questions stated by the DPR, whether in the form of oral or written comments and or questions. The DPR cannot be charged outside or before the court for these statements or questions as long as they do not conflict with the statutory provisions in force in Indonesia.

Based on the roles and functions of the DPR, several duties and powers are possessed by the DPR. The obligations and capabilities of the DPR relating to the legislative process include: 1) Carrying out the preparation of the National Legislation Program or better known as Prolegnas; 2) Carrying out the preparation and discussion of the Draft Legislation (RUU); 3) Receive and discuss bills submitted by the DPD or the President; 4) Carry out the stipulation of laws together with the President; 5) Approve Government Regulations instead of Laws submitted by the President. While the duties and authorities of the DPR relating to the budgeting function consist of: 1) Conduct consensus on the submission of the State Revenue and Expenditure Budget Bill proposed by the President and his staff; 2) Paying attention to the proposed considerations and opinions expressed by the DPD regarding the Bill on the State Revenue and Expenditure Budget and various bills that discuss tax, education, and religious affairs; 3) Provide follow-up on the results of BPK audits related to the executive government's responsibility for implementing and managing finances; 4) Make agreements on the activity of transferring assets or related to the implementation of conventions or deals that are likely to have an impact on the community at large and an effect on the state's financial condition.

Furthermore, the duties and authorities of the DPR relating to the DPR's supervisory function include: 1) Supervise every government policy and implementation of laws, as well as the allocation of the state budget; 2) Evaluate and follow up on the results of DPD supervision on regional affairs; 3) In addition to the duties and authorities related to the functions of the DPR, the DPR also has several other duties and powers. The duties and authorities are as follows; 4) Paying attention to people's aspirations is carried out by absorbing then, collecting and, accommodating and following up on every aspiration conveyed by the community in the area it shelters; 5) Make decisions regarding approval of the President's decisions on several vital matters, such as the President's decision to declare war or make peace with other countries and the President's decision on appointing

or dismissing members of the Judicial Commission; 6) Provide advice and input that the President can consider regarding granting amnesty and abolition and embassy affairs such as appointing ambassadors or accepting the presence of other ambassadors in Indonesia; 7) Conduct the election of BPK members with the considerations given by the DPD; 8) Approve the appointment of Supreme Court judges proposed by the Judicial Commission and will be determined by the President; 9) Conduct the election of constitutional judges consisting of 3 people who will then be proposed to the President.

The existence of the DPRD is based on Law No. 23 of 2014, which discusses Regional Government which states that regional government is carried out by the regional head together with the DPRD (Gaffar & Aminah, 2022). The roles and functions of the DPRD in general, are the same as those of the DPR, which are related to the legislative function, budgeting function (Kirihio, 2019), and oversight function (Konyenye, 2018). The difference between the two lies in the scope of the work area. Referring to the work area and the role of DPRD functions, it can be seen that some of the duties and powers of the DPRD may include: 1) Establishing regional regulations, are then discussed with regional heads for joint approval; 2) Conducting discussions regarding the draft regional regulation (Perda) related to the Regional Revenue and Expenditure Budget (APBD); 3) Supervise every policy set by the regional government and exercise control over implementing laws and managing the APBD; 4) Provide recommendations for the appointment or dismissal of regional heads given to the President through the Ministry of Home Affairs; 5) Appoint a deputy regional head if there is a vacancy; 6) Provide advice and input to local governments if there are plans to implement international conventions or agreements in the region; 7) Approve plans to carry out international cooperation by local governments; 8) Asking local governments to provide accountability reports on the administration of governance in the regions; 9) Establishing the general election committee in regional head elections; 10) Supervise and request the KPUD to provide a report on the implementation regional head general elections; 11) Approve or disapprove the regional cooperation agenda with other regions or third parties considered to have an impact on the benefit of the community.

In general, the roles and functions of each representative body are similar. The difference between the duties and authorities carried out by each lies in the scope of representation. The DPR represents the aspirations of the people at the central government level, the DPRD represents the aspirations of the people in the regions. In contrast the DPD represents the aspirations of each area itself. It can be said that the essence of the birth of the concept of representation is how the aspirations of the people or areas can be accommodated and followed up in various policies formulated by the government (Tuasamu, 2017). This research is in line with research conducted by (Maranatha & Sitabuana, 2021) which states that the research conducted by vina states that the role of people's representative institutions in running the constitutional system in Indonesia is very meaningful considering they are representative institutions to represent the voice and opinion of the people in government to realize a democratic government. The second is the duty, role and authority of the people's representative institution which is still very poorly divided, especially for the regional representative council (DPD). So with the discussion of the functions and roles of representative bodies in the State Administration System in this article, it is hoped that the wider community will know and understand the development of representative body issues in Indonesia, as well as the Central and Regional Governments in carrying out their duties and authorities.

Conclusions

Based on the discussion in this study, it can be concluded that in the long history of Indonesian democracy, the existence of representative councils and representative bodies experienced various fluctuations. The presence of the representative board as a channel for aspirations has been considered necessary since the beginning of the independence of the Republic of Indonesia. A representative board or representative body has several functions, which are known to be classified into three, namely the legislative process, the budgeting function, and the supervisory function. Each of these functions then determines the duties and authorities of the existing representative council or representative body. Indonesia recognizes that two representative councils adopt the *bicameral system*. Representative boards in Indonesia consist of the People's Representative Council (DPR) and the Regional Representative Council (DPD). The DPR consists of the Central DPR located in the central government and the Regional DPR based in the regions. All matters relating to the existence of the DPR and DPD have been regulated in Law of the Republic of Indonesia Number 42 of 2014 concerning amendments to law number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council.

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