

## AUTHORITY OF THE PEOPLE'S REPRESENTATIVE COUNCIL REGIONAL AND REPRESENTATIVE COUNCIL IN REPUBLIC OF INDONESIA

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*Amandemen of the 1945 Constitution of the Republic of Indonesia, Among of them of a new representative body known as the Regional Representative Council of the Republic of Indonesia (as DPD RI) adjacent to the People's Legislative Assembly of the Republic of Indonesia (hereinafter referred to as DPR RI), which members of the representatives of these institutions become members of the Assembly. The People's Consultative Assembly of the Republic of Indonesia (hereinafter referred to as MPR RI), but its functions and authorities are not the same as the United States Congress (abbreviated to Congresses AS) or Parliamen in the UK. Both the Congress of the U.S. and the British Parliament and other countries comprise a representative body in which there are two representative bodies. The formulation of the problem is formulated as follows: (1) What are the characteristics of parliament from the perspective of a bicameral parliamentary system? (2) What is the authority of the DPR RI and DPD RI in the perspective of the bicameral parliamentary system? The research method used in solving the above problems, is using the type of normative research. Normative research is a character of legal research or known as legal research law. Parliamentary characteristics from the perspective of a bicameral parliamentary system configured in one parliament consisting of two representative bodies commonly referred to as the Upper House and the Lower House. The authority of DPR RI and DPD RI in the perspective of the bicameral parliamentary system is very different. The members of both the House of Representatives and the DPD RI are elected democratically, but from the aspect of their authority, only the DPR RI runs all the functions of parliament while the DPD does not have the authority to perform parliamentary functions. The parliamentary system in Indonesia is not a real bicameral parliamentary system, but psedo bicameralism.*

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## INTRODUCTION

The reformation occurred in Indonesia then happened the amendment of the 1945 Constitution of Article 2 Paragraph (1) of the 1945 Constitution which stipulates: “The People’s Consultative Assembly shall consist of members of the People’s Legislative Assembly of Republic Indonesia (DPR RI identik *House of Representative Republic of Indonesia*) and members of the Regional Representative Council Republic of Indonesia (DPD RI identik *Senate*) elected by general election and further stipulated by law.” This provision guarantees the existence of democracy and the sovereignty of the people to every citizen.

This institution as a regional representative (DPD RI) is expected to have a major role in determining the politics of legislation with the House of Representatives in the framework of the formation of law, which previously only involved in People’s Consultative Assembly (Majelis Permusyarata Rakyat Republic of Indonesia or call MPR RI) only five years and did not participate in the activities of organizing state with the President of RI and DPR RI.

The juridical membership of the DPR RI and the DPD RI reflects democratic values because they are all elected by the people through general elections, as determined in Article 2 paragraph (1) the amendment of the 1945 Constitution of the MPR RI consisting of members of the DPR RI and DPD RI elected through elections reaffirmed in Article 19 Paragraph (1) of the amendment of the 1945 Constitution which stipulates that “Members of the People’s Legislative Assembly shall be elected by general election”. This provision is further reaffirmed in Article 22 C Paragraph (1) of the 1945 Constitution determining Members of the Regional Representative Council elected of each province through elections.

The DPR RI (House of Representatives) and the DPD RI (Senate) according to the Lex of the Republic of Indonesia Number 17 of 2014 is a representative of the people and the region, each of which is a high state institution. This representative model is different from the bicameral representation in general like the bicameral parliament, e.g. Congres in U.S. or Parliament in United Kingdom.

The bicameral parliament generally consists of 2 (two) agency bodies

within the parliament concerned. Bicameral parliamentary system, is divided into two groups, namely strong bicameralism and weak bicameralism. Strong or weak measure depends on the powers granted by the constitution in both rooms<sup>1</sup>. A strong or weak bicameralism in the opinion of Andrew S. Ellis of the legislative aspect of the process of the formation of a law, can be initiated from any assembly, either from the upper or lower chamber, then considered by the two assemblies before being passed into law<sup>2</sup>.

Parliament bicameralism system in Indonesia based on the amendment of the 1945 Constitution, both are not in one container of parliament but each of which stands alone and has its own institution as a state high institution. DPR RI has the authority and function in accordance with the provisions set forth in Article 20 A Paragraph (1) of the amendment of the 1945 Constitution determines: "the People's Legislative Assembly (DPR RI) holds the power to form a law", and in Article 20 A paragraph (1) the amendment of the 1945 Constitution is affirmed again that "the People's Legislative Assembly (DPD RI) has the function of only giving consideration, proposal and not decision maker has". In addition, the DPR RI pursuant to Article 20 A Paragraph (2) of the amendment of the 1945 Constitution has the right of interpretation, the right of inquiry and the right to express opinion, while the power of its members as regulated in Article 20 A Paragraph (3) has the right to ask questions, suggestions and rights as well as the right to immunity and the right to propose a draft law as stipulated in Article 21 Paragraph (1) amendment to the 1945 Constitution of RI.

The functions and duties of DPD RI based on Article 22 D of the 1945 Constitution of 1945 changes:

- a) May submit a Draft law to the Parliament;
- b) To discuss the bill together with the DPR;
- c) Providing consideration to the DPR.

These three tasks and functions are just related to:

- regional autonomy,
- central and local relations,
- establishment, expansion and merging of regions,
- management of other resources and other economic resources,
- central and regional financial balance.

- d) The DPD's Controlling Power over the implementation of the law

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<sup>1</sup> Muchammad Ali Safa'at, *Parlemen Bikameral* (UB Press, Print 1, in June 2010, Malang).

<sup>2</sup> Andrew S. Ellis, *Lembaga Legislatif Bikameral?, Sebuah agenda dan Beberapa Pertanyaan*, UPSDM, 2001 Jakarta: NDI for International Affair and Forum Rektor Indonesia.

and submitting a report to the Parliament for follow-up on:

- Regional autonomy;
- Formation, division and regional merging;
- Central and local relations;
- Management of other natural and economic resources;
- Implementation of State Budget;
- Taxes, Education and Religion.

The authority of DPD RI which is limited can only propose draft law, give consideration and others, according to Bagir Manan DPD RI is not a full legislative but only *as complementary body of DPR RI*<sup>3</sup>, whereas according to Jimly Asshiddiqie DPD status only as auxiliary or auxiliary against the function of the House of Representatives and the most distant can be referred to as *co-legislator*<sup>4</sup>.

A representative body called parliament according to Solly Lubismenimal must meet the four elements of the main requirements, namely<sup>5</sup>:

- a) Preparing all initiatives in the field of state,
- b) Efforts to formulate laws, amend or amend the various laws and regulations,
- c) Conduct a debate on all general policies and,
- d) Conduct supervision on the implementation of laws that have been established.

According to Abu Daud Busro a representative body called parliament must have at least: the functions of legislation, supervisory functions and functions of political education<sup>6</sup>. Based on the above viewers, only the DPR RI can be called as a representative institution that has the function of parliament, while the DPD does not meet these requirements because it does not have the authority of legislation and supervision independently.

The problems are what are the characteristics of parliament from the perspective of a bicameral parliamentary system? And is the authority of the House of Representative (DPR RI) and Regional Representative Council (DPD RI) in the perspective of abicameral parliamentary system?

## I. CHARACTERITICS OF THE BECAMERAL PARLIAMENTARY SYSTEM

There are 5 kinds of parliamentary systems in the literature, that is,

<sup>3</sup> Bagir Manan, *DPR, DPD dan MPR Dalam UUD 1945 Baru* (UII Press Print 1, 2003 Yogyakarta).

<sup>4</sup> Jimly Asshiddiqie, *Perkembangan & Konsolidasi Lembaga Negara Pasca Reformasi* (Sinar Grafika Print 2, 2012, Jakarta).

<sup>5</sup> Solly Lubid, *Ilmu Negara* (Mandar Maju, Print 3, 1989, Bandung).

<sup>6</sup> Abu Daud Busro, *Ilmu Negara* (Bumiakara, Print 3, 2001, Jakarta).

unicameral, bicameral, trikameral, tetrakameral, pentakameral, while others also call the multicameral system, or with multiple deliberative assemblies or multiple cambers. During this time what is widely used by the state is a system of unicameral parliamentary or bicameral parliamentary system<sup>7</sup>.

For a small country with relatively few inhabitants and a homogenous population, the ideal parliamentary system is a unicameral parliamentary system. In large countries they generally use a bicameral system because, as stated by Solly Lubis based on the opinion of previous scholars that the representative body of the people should consist of two representatives:

1) The presence of two representative bodies then each negotiation is done by two representative bodies so as to guarantee the results of legislation will be better;

2) Each law is examined by two representative bodies of two members of parliamentarians elected from different groups according to the group represented in the society, it will be able to describe the general situation and may reflect the will of the community<sup>8</sup>.

Bicameral dimensions as formulated by several experts are as follows: "Bicameral system: A term applied by Jeremy Bentham to the division of legislative body into two chambers; as in the United States Government (Senate and House)"<sup>9</sup>. Furthermore, in Brewer's *Politics A Phrase and Fable Bicameral Dictionary* is formulated "Bicameral system: A legislature which has two chamber rather than one (a unicameral system), providing checks and balances and lessening, the risk of elective dictatorship". At the birth of the United, Benjamin Franklin wrote that "aplural legislature is as necessary to good government as a single executive".

The presence of two representative assemblies can reduce the risk of dictatorship from a single power as well as the existence of checks and balances can create good government. Parliament with two representative bodies by Patrice A Lewis is said: "bicameral, the division of legislative or judicial body in the two components or chambers". The principle of a bicameral consists of two representative bodies or chambers, may be present in a representative body of the people and may also be in the judiciary<sup>10</sup>.

In the parliament commonly referred to as the upper house in the political science exarchist Vernon explains: "Second Chambers: Historically second chambers are rooted in the medieval idea of representation of orders

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<sup>7</sup> Efriza, *Studi Parlemen Sejarah, Konsep dan Lanskap Politik Indonesia* (Setara Press Print 1, 2014, Malang).

<sup>8</sup> Published, Mandar Maju Print 3, 1989.

<sup>9</sup> Henry Campbell Black, *Black's Law Dictionary; Definition of the Terms and Phrases and English Jurisprudence, Ancient and Modern* (West Group Ed. V1, Minnesota, 1991).

<sup>10</sup> Patricia A. Lewis, *The Guide to American Law* (West Publishing Co, Ed.1 Minnesota, 1984).

or ESTATES. The various social orders were considered to require representation different methods of selection”<sup>11</sup>.

In the United Kingdom (Royal of Britain), where the House of Lords parliament with the House of Commor, each room is given a role, House of Lord is given the role of keeping the kingdom’s integrity from division while the House of Common holds a role in the field of organizing state programs, such as a few months ago that Britain came out of the European Market, then Scodland threatened to get out of Britain, the threat is unlikely to be realized because there is a House of Lords that will keep the country intact with its symbols will refuse if parliament approves the proposal, because if Scodland came out of England it meant that the country was a split. The products of the law and its supervision remain on behalf of the parliament, not on behalf of the respective bodies concerned<sup>12</sup>.

In the United States between the two chambers both have identical powers in the deliberations of the bill, only in certain respects between the House of Representatives and the Senate are given the authority of each of the advantages, the House of Representative has the advantage of having a Committee on tax issues and the so-called Ways and Means Committee, while the Senate has an excess of power that lies in foreign relations and justice called “the Senate Foreign Relations and Judiciary Committee”. This constellation shows the two representative rooms having equal powers in the process of legal formation and added to the excess power of each room but the declaration remains in the name of Conggres, not in the name of one of the representative bodies<sup>13</sup>.

In countries that implement bicameral parliamentary systems, where in parliament consists of two representative bodies, the products of the deliberations by the two representative bodies remain on behalf of the parliament that oversees them. In Soetanto Soephiadhy’s view it is said that the bicameral system should consist of two representative bodies, not members of representative bodies such as in MPR RI consisting of members of DPR and DPD RI. The structure of the MPR RI does not indicate a bicameral parliamentary system. In a bicameral parliamentary system it should be in parliament composed of two representative rooms not members of the representative room<sup>14</sup>.

In a representative room with the two representative bodies, the

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<sup>11</sup> Vernon Bogdanor, *Duke* (Univestitu Press, Norh Caolina, 1979).

<sup>12</sup> Published, UB Press, Print 1, in June 2010, Malang.

<sup>13</sup> Published, UB Press Print 1, in June 2010, Malang.

<sup>14</sup> Sutanto Soepiadhy, *Meredesain Konstitusi Pembakang Seoranganak Bangsauntuk Demokrasi*, Burungmerak Press, Print 1, 2008, Jakarta Timur).

representative body of politics, always done by election, while in certain representatives there are selected, some are appointed or hereditary. Regarding this formulation in each country is different, there are 3 (three) models:

a) hereditary (as the upper chamber in England),

b) designated (senate kanada),

c) selected, there are direct and some are not direct. Generally, the modern state of its representative body is elected by general election and based on the party system. Such representatives are political, but there are also members elected without a bond to a party but as an independent.<sup>15</sup>

Representatives through elections are usually political, and their members are bound by political parties that bind them otherwise to the elected members who are independent without the ties to a party in general they work more objectively, the House of Lords representative body in the UK members on the basis of hereditary and bound by political parties, in contrast to the House of Common, are heavily tied to political parties while in the Netherlands parliament consisting of eentekamer and tweedekamer, all elected, some are elected through political parties, some are elected through the province. This model is accommodated by Indonesia through the DPD RI selected through the province of Bedanya in the Netherlands, the provincial representatives are selected by the provincial government, while in Indonesia elected directly by the people of the province. Similarly, in countries that adopt bicameral systems, they conduct the selection of members with various models in accordance with the conditions and politics of the country concerned.

In contrast to the bicameral parliamentary system in the unicameral parliamentary system, everything is centralized in one representative institution alone as the highest body directly elected by the people and puts its parliament or representative body in one of the highest institutions<sup>16</sup>. This unicameral parliamentary system is simpler, relatively cheaper, more efficient, and more effective in decision making. Many countries that change bicameral systems change to unicameral systems, such as in Scandinavia and Norway countries.

The Unicameral Parliamentary system dominates a number of newly independent countries and in its political development is very different from the already independent countries with more complicated problems. According to Dahlan Thaib the advantage that can be gained if using a

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<sup>15</sup> Published, Mandar Maju Ed.3, 1989, Bandung.

<sup>16</sup> Abdy Yuhana, *Sistem Ketatanegaraan Indonesia Pasca Perubahan UUD 1945 Sistem Perwakilan Di Indonesia Dan Masa Depan MPR* (Fokus Media, Print 1, 2013, Bandung).

unicameral parliamentary system is very efficient because to pass the bill into law, it is relatively easier because there is only one representative body so that no compromise or agreement with other representative bodies, done by society more modestly, cost and cost more economical compared with bicameral parliament system, while weakness with existence of one representative body hence the work risk is harder and less representative, especially if big country and society very heterogen, many primodials not accommodated in representative institutions<sup>17</sup>.

According to Saldi Isro the unicameral parliament system is acknowledged to be able to carry out its own parliamentary functions without a second chamber but this single room has no control, the only control is another branch of power, without control, the quality of its oversight, legislative, budget and filling function not the maximum, the advantages of this unicameral parliamentary system, there will be no interlocking room deadlock like in bicameral system, all the decisions of the law in all aspects are quite simply decided by a single room only. Similarly, in carrying out other parliamentary functions, it is only done by one representative only, the problems can be solved relatively easily because it is only through one representative body that it is more efficient than having to go through discussions from one representative to another.<sup>18</sup>

Regarding the number of representatives as much as possible, but if the number of representatives is too much, then there are practical objections, namely:

a) It is difficult to make decisions, while the formation of legislation should not be late in making decisions, so the issue issued or exhaled is not too obsolete, and is expected to be more close to the development of the era.

b) The cost of bringing in people's representatives of so many people from remote parts of the country, is not so little that it is not balanced between the needs and benefits<sup>19</sup>.

The number of groups of society to be accommodated in parliament and the costs need to be considered by each country, between benefits and efficiency especially in relation to finance. In dealing with it then the number of members of Parliament should be limited, for example, for every hundred thousand people the population held one representative. If the number of parliamentarians is still large, the limit of a hundred thousand can

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<sup>17</sup> King Faisal, *Sistem Bikameral Dalam Spektrum Lembaga Perwakilan Indonesia* (UII Press, Print, 1 December, 2013 Yogyakarta).

<sup>18</sup> Saldi Isro, *Pergeseran Fungsi Legislasi: Menguatnya Model Legislasi Parlemen Dalam Sistem Presidensial Indonesia* (Raja Grafindo Persada, Print 3, Ed.1., 2013, Jakarta).

<sup>19</sup> Published, Raja Grafindo Persada, Print 3, 2013, Jakarta.



be increased to five hundred thousand, or if the number of members is considered too little, then the vote limit can be lowered to fifty thousand, and so on.

Regarding the requirements of the number of members and the number of voters per district, it depends on the citizenship of a country. In Wiryono's view it is not about the number of important MPs but the number of voters. Basing on the question it arises the question, who of the citizens of a country may vote for its representatives in parliament, or in other words, what condition the authority of the DPR RI and DPD RI in the perspective of the bicameral parliamentary systems should the citizens satisfy to be voters<sup>20</sup>?

## II. THE AUTHORITY OF THE HOUSE OF REPRESENTATIVE (DPR RI) AND REGIONAL REPRESENTATIVE COUNCIL (DPD RI)

The function of legislation under article 20 (2) of the 1945 Constitution of 1945 changes that "every draft law is discussed by the People's Legislative Assembly and the President for mutual consent". DPR RI under Article 20 A has the functions of legislation, supervision and budget. This shows that the function of parliament becomes the authority of the House of Representatives.

In the aspect of legislation in Indonesia there has actually been a check and balance between the House of Representatives and the President of the Republic of Indonesia. This is in accordance with the provisions of Article 20 Paragraph (2) to determine: "Every draft law is discussed by the House of Representatives and the President to obtain mutual consent". Through this formulation the authority of the House of Representative to the function of legislation is not independent but must be carried out jointly with the President of the Republic of Indonesia and not the obligation should be implemented with DPD RI as a regional representative institution.

Through the amendment of the 1945 Constitution according to Jimly Asshiddiqie there has been a shift in the power of the formation of the law, which was originally in the hands of the president, changed in the hands of the House of Representatives, and it is expected to be in front of the state gazette instead of being in the hands of the state secretariat but by moving to the House of Representatives, is really legislative in the hands of DPR RI.<sup>21</sup>

The authority of the House of Representatives as a decision maker is not merely a decision but the House of Representatives should be able to

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<sup>20</sup> Wiryono, *Asas Ilmu Negara dan Politik* (Eresco, Print 2, Bandung, 1981).

<sup>21</sup> Jimly Ashiddiqie, *Pengantar Ilmu Hukum Tata Negara*, Rajawali Pers, Print 2, Ed.1-2, 2010, Jakarta.

have predictions about the policy can be managed and set certain problems to achieve certain goals. It is indeed necessary to cooperate between the President and the House of Representatives in accommodating the government's policy with the law that has been decided to be realized by the government.

Cooperation in the formation of law between House of Representatives with the President according to Saldi Isra if discussion of draft law done jointly between president and parliament, this process leads to parliamentary system, not lead to system of presidential. Regardless of the above two opinions of legislative power, it indicates that the legislative power of the original 1945 Constitution is in the hands of the President and the People's Legislative Assembly, as well as in the amendment of the 1945 Constitution the legislative power remains in the DPR and the President in formulating the law<sup>22</sup>.

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According to from socio-political science then the state policy (draft proposal) comes from the government while decision-making is in the hands of Parliament.

State policy according to Solichin Abdul Wahab, have 4 implications:

a) Policies are actions that lead to goals rather than merely behavioral or acting on a casual and accidental basis;

b) Policy is the essence consisting of various interrelated and patterned actions that leads to a particular goal undertaken by government officials and not just an independent decision;

c) Policy is what can be done by the government in a certain field in terms of regulating and managing the people and not just what is desirable and what should be realized;

d) Policies can be positive and can be negative. In a positive form it concerns some government actions to influence a particular problem, whereas in a negative form the government takes whatever action the government interference should be necessary<sup>24</sup>.

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<sup>22</sup> Published, Raja Grafindo Persada, Print 3, Ed.1, 2013, Jakarta.

<sup>23</sup> Rajawali Pers, Print 2, Ed.2, 2010, Jakarta.

<sup>24</sup> Solichin Abdul Wahab, *Analisis Kebijaksanaan dari Formulasike Implementasi Kebijakan Negara* (Bumi Aksara, Print 1, 1991, Jakarta).

The authority of the House of Representatives as a decision maker is not merely a decision but it can be managed and set certain problems to achieve certain goals. It is indeed necessary to cooperate between the President and the House of Representatives in accommodating the government's policy with the law that has been decided to be realized by the government.

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- a) Can submit a Draft law to the Parliament;
- b) To discuss the bill together with DPR;
- c) Providing consideration to DPR.

The parliamentary system in Indonesia indicates that the regional council has no legislative authority at all, because in my view the legislature is the legislator rather than the legal designer.

When compared to bicameral parliaments in general, the character in parliament consists of two representative bodies irrespective of each having the same or one weak strength but the legal product on behalf of the parliament, not on behalf of one of the representative bodies present therein.

Representative agencies in Indonesia are not in one representative vessel but different so the decision is only taken by one body that has the parliamentary function of the House of Representatives, while the DPD does not have the function of parliament. Parliamentary function are at least 3 (three), namely the function of legislation, supervision and budget. DPD RI can not be called weak or strong because they are not in one container of parliament, when associated with the results of research from Arent Lijphart most likely the parliamentary system in Indonesia is not categorized as a bicameral parliament.

In a modern state the principle of democracy and the sovereignty of the people can not be separated as two (2) drawings in one currency as proposed

by Jimly Asshiddiqie<sup>25</sup>. Representative according to Sri Soematri has 4 (four) meanings in the sense that a representative is authorized to replace another party, has the meaning of being elected as the ambassador of the state, the representative may also be interpreted as an agent or a trader as well as a broker or broker, or it may also have the meaning of a position as the chairman replaced by the deputy chairman. Next he takes the meaning of “per-an” which has five meanings including: things or circumstances, results, deeds, related matters, and place, this last term serves as the foundation of representative institutions as a place of representatives of the people in fighting for the interests of the people it represents<sup>26</sup>.

In the decision-making in parliament, it is different from that in court based on the case broken by the judge, while in parliament the decision-making through 2 (two) ways, namely musyawarah and voting. Deliberation is a process to get an agreement while the majority vote (Voting) is a process by gathering opinions through an option (optie) between two or more to do the calculation. Decisions are made on a choice based on the count based on the largest number of votes earned.<sup>27</sup>

The discussion of the draft law between the House of Representatives with DPD RI seems that the DPD RI lacks legitimacy. The problem is there is no provision both in the 1945 Constitution and in the law that regulates the obligation to the House of Representatives that the bill submitted to the President is the result of discussion of the Bill between DPR and DPD. If the bill submitted to the President is not the result of discussion with the DPD then the bill remains valid to be discussed with Preside RI.

The absence of the authority of DPD RI to be a requirement of the Bill will be discussed with the President of the Republic of Indonesia, the DPD cannot do much to declare the discussion is invalid or incomplete. In the Decision of the Constitution of the Republic of Indonesia Number 92/PUU-X/2012 instructed the House of Representatives to in every deliberation of the Bill until the decision making for DPD RI to always be present, especially in the discussion of the draft law on regional autonomy and so on as specified in Article 22 D paragraph (2) 1945 changes, but still DPD RI can not do anything if the result of the discussion of the bill between the House of Representatives with the Government is not the result of the bill discussed by the House of Representatives with DPD RI, one-way that can

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<sup>25</sup> Jimly Asshiddiqie, *Hukum Tata Negara & Pilar-Pilar Demokrasi* (Sinar Grafika, Print 2, 2012, Jakarta).

<sup>26</sup> HRT Sri Soemantri M., *Hukum Tata Negara Indonesia, Pemikiran Dan Pandangan* (Remaja Rosdakarya, Print 1, 2014, Bandung).

<sup>27</sup> Published, Remaja Rosdakarya, Print 1, 2014, Bandung.

be taken by DPD RI to DPR RI and the President of the Republic of Indonesia is through the influence of political power over the two islands so that the bill discussed is the result of the discussion between DPD RI and DPR RI.<sup>28</sup>

In the supervision aspect between DPR RI and DPD RI, the authority of DPR RI related to supervisory function covers<sup>29</sup>:

- Monitoring the implementation of laws, state budget and government policies.

- Discuss and follow up on the results of oversight submitted by the DPD (related to the implementation of the Law on Regional Autonomy, the formation, division and merger of regions, the management of natural resources and other SDE, the implementation of the state budget, taxes, education and religion).

In the framework of the authority of the House of Representatives this should be the preferred control function so that the program and the purpose of the state, in order to achieve maximum. House of Representatives as a function of oversight of the government in carrying out its duties to implement the law, then the function is to determine whether the government has been properly implementing the provisions of the law that has been established together or there are irregularities. The function of supervision is very strategic for the implementation of the state, because without supervision it will be able to fall into abuses committed by the government. Representative agencies have supervisory duties that cover three things, namely<sup>30</sup>:

- a) Control of the government;
- b) Control of expenditure;
- c) Control of tax collection.

Furthermore, control/supervision can be distinguished, among others

- a) Control of policy making;
- b) Control over policy execution;
- c) Control of budgeting;
- d) Control over implementation and state expenditure (control of budget implementation);
- e) Control of government performance (control of government);
- f) Control over the appointment of the public officials in the form of giving consideration and approval or rejection, through the consideration

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<sup>28</sup> Published, Remaja Rosdakarya, Print 1, 2014, Bandung.

<sup>29</sup> Dewan Perwakilan Rakyat Republik Indonesia, *Tugasdan Wewenang*, No date <http://www.dpr.go.id/tentang/tugas-wewenang>.

<sup>30</sup> Published, Sinar Grafika, Print 2, 2012, Jakarta.

made by representative organs<sup>31</sup>.

The supervisory authority shall only be in the hands of the DPR RI as stipulated in Article 20 A of the 1945 Constitution of 1945 amendment, while DPD has the authority of supervision because in accordance with the provisions of Article 22 D paragraph (3) that the DPD shall supervise the implementation of regional autonomy, the establishment, regional, central and local relations, management of natural resources and economic resources and so on, the results of such supervision shall be submitted to the DPR RI for consideration to be followed up. This provision indicates that DPD RI in the framework of supervision does not have the authority to act, consequently DPD RI although its members are elected democratically through general pemelihan but relatively cannot do much in running the function of supervision as representative of region.

In addition to the duties of oversight of the People's Legislative Assembly (DPD RI) has other duties and authority of House of Representative (DPR RI), among others:

- Absorb, collect, accommodate and follow up people's aspirations.
- Approve the President to: (1) declare war or make peace with other States; (2) to appoint and dismiss members of the Judicial Commission.
- Give consideration to the President in the event: (1) granting amnesty and abolition; (2) appoint ambassadors and accept the placement of other ambassadors.
- Selecting CPC Members with due consideration of the DPD.
- Approval to the Judicial Commission regarding candidates for Supreme Court Justices to be appointed Supreme Court Justices by the President.
- Elect 3 (three) Constitutional Court judges to be subsequently submitted to the President<sup>32</sup>.

House of Representatives related in the framework of duty and authority in budget area, covering:

- Approving the Bill on the State Budget (submitted by the President),
- Taking into account the consideration of DPD on the Bill on State Budget and Draft Law on Tax, Education and Religion,
- Following up on the results of audit on the management and responsibility of state finances submitted by BPK,
- Giving approval to the alienation of state assets and to agreements that have a wide impact on people's lives related to the financial burden of the state,

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<sup>31</sup> Published, Sinar Grafika, Print 2, 2012, Jakarta.

<sup>32</sup> Published, Sinar Grafika, Print 2, 2012, Jakarta.

- The execution of this duty and authority is carried out by the Budget Board established by the House of Representatives as regulated in Articles 107 to 110 of Law No. 17 of 2014.<sup>33</sup>

So in terms of legislation, supervision and budget, DPR RI has the authority to act (legal power) in carrying out its duties, especially in terms of supervision of the budget and the implementation of the law that has been agreed by the House of Representatives with the President.

The oversight function undertaken by the representatives of the people is very important. Lack of control over the running of the state will result in the decline of credibility and public confidence in the people's representatives and tends to proliferate misuse and corruption among the authorities.

Seeing the configuration between the House of Representatives and the DPD RI is a bicameral parliamentary system pseudo (pseudo bicameralism) because viewed from the standpoint of democracy are both representatives of the people who are elected directly through the general election while viewed from the perspective of the sovereignty of the people only DPR RI which has the function of parliament as a manifestation of people's sovereignty while DPD RI did not have that power. Unlike the case if the DPD RI and the House of Representatives entered into a representative forum even though this DPD is not given great authority but DPD RI entered in one container of parliament then the DPD RI and the House of Representatives is a pure bicameral system because the House of Representatives and DPD RI belong to parliament, regardless of bikamerala which is weak or strong.

#### CONCLUSION: PSEUDO BICAMERALISM SYSTEM

Parliamentary characteristics from the perspective of a bicameral parliamentary system configured in one parliament consisting of two representative bodies generally referred to as the Upper House and the Lower House or the First Chamber of Representatives and the Second Chamber of Commons. Each state gives different powers between the upper and lower chamber, some give higher authority to the lower house and some that otherwise authorize the upper house and there is also a state which gives equal authority between the upper and lower chamber, thus also the name masiang representative room varies depending on the constitution of each country.

The authority of DPR RI and DPD RI in the perspective of the

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<sup>33</sup> Published, Rajawali Pers, Print 2, 2010, Jakarta.

bicameral parliamentary system is very different. The difference lies in the representative body (DPR RI and DPD RI) not in one container representative, and each stands alone as the State High Institute. The members of both the House of Representatives and the DPD RI are elected democratically, but only from the aspect of their authority is the House of Representatives which runs all the functions of parliament while the DPD does not have the authority to carry out parliamentary functions. Viewing from this Configuration, the Bikameral Parliamentary Character in Indonesia is not a parliamentary character of the actual bicameral system but rather the character of a modified unicameral parliamentary system or a pseudo-bicameralism parliamentary system.