

# Regional Development in the Context as the Role of the House of Regional Representatives of the Republic of Indonesia (DPD RI)

H. Abustan\*  
 Jakarta Islamic University  
 cakbus.community@gmail.com

Otom Mustomi  
 Jakarta Islamic University  
 otommustomi@gmail.com

**Abstract.** The 1998 reformation marks a new milestone in the journey of Indonesian state administration as The 1945 Constitution of the Republic of Indonesia has undergone fundamental changes by four times. The third amendment to the 1945 Constitution has mandated a new state institution or upper house namely the House of Regional Representative or the senators (*Dewan Perwakilan Daerah Republik Indonesia/ DPD RI*). The existence of DPD in the Indonesian constitutional structure is regulated in Articles 22C and 22D. Eventhough this council is further mentioned in Article 22D, Article 22E, and Article 22F, it is not comprehensively regulated in the 1945 Constitution. In the Law No. 22 of 2003 relating to the DPD, the structure of DPD and the mechanism of the relationship between the DPD and the DPR and/or the government is not regulated in the 1945 Constitution, even though the material should be regulated in the Constitution. The initial idea of the establishment of DPD was to require Parliament to consist of two political representative institutions namely the House of Representative and territorial representative institutions that is the Regional Representative Council. Over time, this bicameral parliament idea disappears. For this reason, the function and authority of DPD in the era of regional autonomy must be recovered and improved. Moreover, considering the Indonesian archipelago topography existence, local aspirations and local government can be channeled through DPD RI in the framework of accelerating regional human development.

**Keywords:** *optimizing the role of DPD, regional development*

## INTRODUCTION

The history of Indonesian state administration has entered a new phase. We can take a look at the facts that is from 1999 to 2002, the state administration system underwent a fundamental change. The 1945 Constitution of the Republic of Indonesia was amended 4 (four) times. Based on the amendment, a bicameral parliament system was

introduced, namely the House of Representatives (*Dewan Perwakilan Rakyat/ DPR*) and the House of Regional Representatives (*Dewan Perwakilan Daerah/ DPD*) [1].

This provision is regulated in Article 2 paragraph (1) (Third Amendment) of the 1945 Constitution which stipulates that "People's Consultative Assembly (*Majelis Permusyawaratan Rakyat/ MPR*) to consist of the House of Representatives (*DPR*) and the House of Regional Representatives (*DPD*) who are elected through general elections and further regulated by law".

Actually, reference and basic framework for the formation of DPD is the desire to better accommodate regional aspirations and at the same time to provide a greater role to the regional government in the process of political decision making related to regional development.

Under this bicameral structure, parliament authority is expected to be held based on a "double-check" system that allows representation of the interests of all the people to be relatively distributed on a bigger social basis.

The House of Representatives (*DPR*) reflects state political representation, while the House of Regional Representatives (*DPD*) signifies the principle of regional representation.

The People's Consultative Assembly (*MPR*) has deconstructed itself into a bicameral parliamentary model. This marks a new milestone in the journey of state administration. Indonesia has also adopted the modern principle of power separation besides check and balance mechanisms among government and upper houses. The people's sovereignty holder that was once in the hands of the People's Consultative Assembly (*MPR*), through amendments, has been distributed to various high state institutions [2].

In DPD's Strategic Plan for 2015-2019, it is mentioned that the main purpose of the DPD RI is to play a more active role to maintain a balance in the implementation of central and regional development in the legislative field through optimization of parliamentary functions. As a member of MPR in the chamber of DPD, the DPD parliamentarian has realized that increasing its role will generate greater output in accelerating regional development, which in turn will accelerate the realization of people's welfare.

Certainly, it requires all members to maintain the dignity of DPD[3]. However, in the course of the DPD's design the idea of a good bicameral parliament, apparently later disappeared (lost). Although its position is one of the State institutions which are equal to the DPR, MPR, President, MA, MK, and BPK. The existence of the DPD whose members are directly elected through the election turned out to be given only a very simple and almost meaningless function in the constitution. It is surely very different from the DPR which is regulated in seven articles (Article 19 to Article 22B), while the DPD is only regulated in two articles (Article 22C and Article 22D). Explicitly, in the constitution resulted from the amendment, it is indeed not called a parliamentary term in the constitution, so it is not easy to make the DPR and DPD as chambers of a two-chamber parliament. Moreover, if the Constitution clearly states that the DPR has legislative, budgetary, and supervisory functions (Article 20A paragraph 1), the DPD does not have these functions in full. In the field of legislation, the DPD cannot participate in establishing the Law as the House of Representatives, because Article 20 paragraph (1) has determined the power holder to form law is the DPR [4]. DPD has the function of filing a draft law relating to regional autonomy, central and regional relations, and others [5].

### **Legal Basis**

1. The 1945 Constitution of the Republic of Indonesia as stipulated in Article 2 paragraph (1), Article 22C, and Article 22D.
2. Law Number 17 of 2014 on the People's Consultative Assembly (MPR), the House of Representatives (DPR), the House of Regional Representatives (DPD), and the Provincial Representatives (DPRD) as modified in Law Number 2 of 2018 concerning the Second Modification to Law Number 17 of 2014.
3. Regulation of the House of Regional Representatives of the Republic of Indonesia (DPD RI) Number 4 of 2017 on Code of Conduct.

Based on the above background, the writer formulates problems as follows: First is how to optimize the role of the House of Regional Representatives of the Republic of Indonesia (DPD RI) in terms of efforts to develop and strengthen the political representation of the regions. The second is to discover ways to optimize the authority of the House of Regional Representatives of the Republic of Indonesia (DPD RI) to reduce the development gap.

### **METHOD**

This study applies the normative legal method on primary legal materials. Legislation materials

studied are the 1945 Constitution of the Republic of Indonesia, Law Number 17 of 2014 on the People's Consultative Assembly (MPR), the House of Representatives (DPR), the House of Regional Representatives (DPD), and the Provincial Representatives (DPRD) as modified into Law Number 2 of 2018 on the Second Amendment to Law Number 17 of 2014, and Regulation of the House of Regional Representatives of the Republic of Indonesia Number 4 of 2017 on Code of Conduct.

## **RESULT & DISCUSSION**

### **The Existence of DPD and Role Optimization**

The House of Regional Representatives (DPD) is one of new upper house emerged after the third amendment to the 1945 Constitution. It is expected to contribute to voicing regional aspirations at the national level. This urgency is the main consideration of why DPD was formed.

Necessary for us to understand that inequality and uneven distribution of resources that exclude Java island as a central region to other regions have triggered people's dissatisfaction. Disparity which in turn create discrimination between Java island and other excluded Java Island was increasingly visible.

Indeed, it cannot be denied that development disparity has sparked separatism "pockets" and regional unrest. Such centralized policy during the Old and New Order has caused regional disillusionment toward the central government.

It was above discourse that surfaced in this republic, one which underlies an urgent necessity of forming house of the regional council. It strengthens the position of the DPD establishment was inevitable. Therefore, the role and function of the House of Regional Representatives (DPD) as a local board to accommodate people's aspirations must be optimized.

The legitimacy of DPD in the structure of the Indonesian constitution is regulated in Articles 22C and 22D. Article 22C states as follows [6]:

- (1) The members of the House of Regional Representatives shall be elected from each province through general elections.
- (2) The total number of the House of Regional Representatives from each province shall be the same, and the total number of members of the House of Regional Representatives shall not be more than one-third of the total members in the House of Representatives.
- (3) The House of Regional Representatives shall convene at least once a year.
- (4) The organization and authority of the House of Regional Representatives are to be regulated by law.

Furthermore, Article 22D regulates the authorities of DPD as follows.

- (1) The House of Regional Representatives may submit to the House of Representatives bills relating to regional autonomy, relations between the center and regional, the establishment and growth as well as merger of regions, the management of natural and other economic resources, as well as those related to the financial balance between the center and the regions.
- (2) The House of Regional Representatives is to participate in debates on bills dealing with regional autonomy, relations between the center and the regions, the establishment, growth, and merger of regions; the management of natural and other economic resources, as well as matters related to the financial balance between the center and the regions; and moreover give its recommendations to the House of Representatives on bills dealing with state budget as well as on bills dealing with tax, education, and religion.
- (3) The House of Regional Representatives may supervise the implementation of laws concerning: regional autonomy, the establishment, growth, and merger of regions, the management of natural and other economic resources, the implementation of the state budget, tax, education, and religion as well as may, in addition, submit results of this supervision to the House of Representatives as input for follow-up consideration.
- (4) Members of the House of Regional Representatives can be removed from his office, under conditions and procedures regulated by law.

As a follow-up to the above provisions, Law Number 12 of 2003 on General Elections of Members of DPR, DPD, and DPRD has been issued. Article 11 emphasizes that:

- (1) To become a candidate for DPD member, the prospective individual participant shall fulfill support terms as follows:
  - a. Provinces with a population of up to 1,000,000 (one million) people must be supported by at least 1,000 (one thousand) voters;
  - b. Provinces with a population of more than 1,000,000 (one million) up to 5,000,000 (five million) people must be supported by at least 2,000 (two thousand) voters;
  - c. Provinces with a population of more than 5,000,000 (five million) to 10,000,000 (ten million) people must be supported by at least 3,000 (three thousand) voters;
  - d. Provinces with a population of more than 10,000,000 (ten million) up to 15,000,000 (fifteen million) people must be supported by at least 4,000 (five thousand) voters.

- e. Provinces with a population of more than 15,000,000 (fifteen million) people must be supported by at least 5,000 (five thousand) voters.
- (2) Support terms as referred to in paragraph (1) shall cover at least 25% (twenty-five percent) of the total number of regencies/cities in the province concerned.
- (3) Affirmation of the composition and membership of the DPD is also affirmed in Law Number 22 of 2003 on the Composition and Position of the MPR, DPR, DPD, and DPRD. Article 32 states that "DPD consists of provincial representatives elected through general election". Article 33 mentions as follows:
  1. There are four DPD members from each province.
  2. The total number of DPD members shall not exceed 1/3 of the number of DPR members.
  3. DPD membership is formalized by Presidential Decree.
  4. DPD members reside in their constituency province and stay in the capital of the Republic of Indonesia during the meeting.

In addition to being eligible candidates, according to the provisions of Article 63 of Law Number 12 of 2003, DPD prospective members must also meet the following requirements:

- a. domiciled in the relevant province for at least three years in a row which is calculated until the date of candidacy submission or had been domiciled for 10 (ten) years from the age of 17 in the relevant province;
- b. does not become an official of any political party for at least four years, which is calculated up to the date of candidacy submission; and DPD members from civil service, national army, or national police, in addition to having to meet the requirements as other candidates, must resign as a civil servant, national army or national police.

Elected candidates for DPD members are determined by the names who obtained the first, second, third, and fourth most votes in the relevant province. In case candidates acquire the same number of votes, then the candidate who receives the support of a more even distribution of voters in all districts/ cities in the relevant province shall be elected.

Referring to the provisions in the 1945 Constitution; in the Election Law for Members of the DPR, DPD, and DPRD; as well as in the Law of Composition and Position of the MPR, DPR, DPD, and DPRD; the DPD election mechanism seems to be more complicated than the DPR election mechanism. Participants in DPD elections are individuals, while participants in the DPR election are political parties. Without political party support, individual figures who run for DPD candidacy face difficulties in garnering support for themselves.

Meanwhile, candidates for members of the People's Consultative Assembly (MPR) receive sufficient support from their political parties to gain votes in the general election. Even so, DPD members have more social legitimacy because the more familiar figures are directly supported by the local community. Yet, according to Law Number 12 of 2003, political party leaders have bigger authority in determining DPR/ DPRD prospective candidates.

According to the writers, there are five main elements of the local community as the root of the support system for DPD candidates. First, it is a community base sourced from certain ethnic or electoral districts. Second is the community base of a particular organization with strong mass support at the local level, for example from Nahdlatul Ulama (NU), Muhammadiyah, and other religious communities. The popularity factor is the third decisive factor. Fourth is economic (logistical) power which includes solid and frequent campaigns, as well as props and other equipment for public socialization to the villages. This economic power is what makes the movement more massive and in turn widely known by the public. Fifth, the family dynasty also plays an important role. It could be that relatively young or less well-known figure has a bigger chance to win the election because of parents (family) influence as popularity "booster". One whose parents are governor or regent, for example. Prominent figures and big names still worth "selling" in the community, which is profitable to their offspring.

It is clear and certain that the bargaining position, capacity, and image (credibility) of DPD as an upper house is influenced by the background of its officials. For this reason, it is expected that those who are chosen as DPD members are critical figures who take root in the election area and have the individual capacity to work as channeling the aspirations of people.

Generally, the public has a concern that the wrong person will sit in the seat. When worked as an Expert Staff in the DPD Honorary Board office, the writer had personally met officials who think it is completely safe to "hide behind the chair" due to the "legal immunity" mindset they have despite unresolved past legal issue. As a result, they show a bad performance and rarely work at the office, leaving his seat empty. In fact, during five years of tenure, many DPD members are absent. They show no interest in attending meetings, both at board fitting agenda and plenary forum. Even though, DPD members have an inquiry right to ask questions that must be done according to the agenda of the meeting or session [7]. Then, there is no difference between DPD and the past DPA, which was associated as the Supreme Pensioner Council, even worse DPD will be associated as the House of Pensioner Representatives.

Another opinion was stated as the DPR's Advisory Council. Ni'matul Huda stated [8], "The 1945 Constitution does not regulate comprehensively about the DPD. The regulation of the DPD is very short. The DPD does not have any authority. The DPD only provides input into consideration, proposals, or suggestions, while the right to decide is on the DPR hands."

## CONCLUSION

1. The amendment to the 1945 Constitution has changed the representation system in Indonesian state administration which previously failed to show the true meaning of representatives. The presence of DPD channels diverse regional aspirations through the upper house. The existence of DPD also means an effort to accommodate the principles of regional representation. Therefore, DPD owns high legitimacy and formal authority in the context of strengthening and accelerating development in the regions.
2. DPD's authority structuring must be carried out through to the fifth amendment of the 1945 Constitution. It is necessary for the House of Regional Representatives (DPD) to obtain constitutional certainty that will guarantee the continuity of its current and future performance. Structuring must consider two matters. First, DPD as a representative institution is expected to ensure policies that provide "partiality" to the region, thereby it will open wider access to regional progress. Second, it is necessary to strengthen and reaffirm the existence of DPD as a consistent institution to advance regional development and minimize the developmental gap between cities and regions.

## REFERENCES

- [1] Abustan, *Hukum konstitusi negara dan demokrasi*, 1st Ed, Jakarta: Raja Grafindo, 2020.
- [2] Morrissan, *Hukum tata negara RI era reformasi*, Jakarta: Ramdina Prakarsa, 2005.
- [3] N. Hafni, *Pemetaan aktor pengambilan keputusan pimpinan dan fungsi kewenangan DPD RI pasca revisi Undang-Undang Nomor 2 Tahun 2018 tentang MPR, DPR, DPD dan DPRD*, Thesis, Universitas Islam Jakarta Program Magister Ilmu Hukum.
- [4] M.D. Mahfud, *Perdebatan hukum tata negara pasca amandemen konstitusi*, 3<sup>rd</sup> publication, Jakarta: PT. Raja Grafindo Persada, 2013.

- [5] Law Number 2 of 2018 concerning the Second Amendment to Law Number 17 of 2014.
- [6] The 1945 Constitution of the Republic of Indonesia. 3<sup>rd</sup> Amendment.
- [7] Article 14 paragraph (3) Regulation of the Regional Representative Council of the Republic of Indonesia Number 4 of 2017 concerning Code of Conduct.
- [8] N. Huda, *Hukum tata negara Indonesia*, Revised Edition, Jakarta: PT. Raja Grafindo Persada, 2013.