



Dynamics Of The Parliamentary System In The Indonesian State System

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Abstract. The parliamentary system of a country is regulated in the constitution of each country. Indonesia is one of them, along with the development of the era, the parliamentary system in Indonesia has also changed. This resulted in several changes in the constitution. One of them is the change in the constitution. So the issue raised in this study is how is the concept of the parliamentary system in Indonesia? in answering these problems using a type of normative research with primary data, namely the text of laws, judge decisions, etc. Secondary data, namely written works, books. The discussion of this research, namely the parliamentary system after the amendments to the 1945 Constitution departed from criticism of the Indonesian constitutional system, especially the relationship between high state institutions. Regarding the concept of a parliamentary system in Indonesia, it must adapt to the characteristics of the nation and cannot be equated with other countries. The conclusion from this study is that the representation system implemented in Indonesia is not clear so that the check and balance mechanism cannot be implemented optimally. The legislative function is only carried out by the DPR. The MPR, group delegates, regional delegates only have limited work every five years.

Keywords: Parliamentary System, Normative Research, High State Institutions.

1 Introduction

Indonesia is a country that firmly declares itself as a democratic country, the consequence of this statement is that indonesia is a country that is organized based on the will and will of the people. The concept of democracy has actually been practiced since ancient greece, namely around the 600s bc to 400s bc. The implementation of this concept of democracy is often referred to as direct democracy, meaning that all decisions or the will of the people are conveyed directly. This practice was considered very effective because it was carried out in an ancient greek city-state which only had an area of one city and a population of only 300,000 people in one country [1].

The implementation of democracy is divided into 2, namely direct democracy and indirect democracy. Direct democracy, namely the people directly express their aspirations, whereas indirect democracy has representatives. Representative democracy

or "indirect democracy" or "representative democracy" where the people no longer play a direct role in government affairs but through representatives as a representation of the will or interests of the people. In a country, the people's representative institution which has the power to form laws (legislative) is also commonly called the parliament. Parliament in a modern democratic system is the people's representative, who is generally tasked with making laws and overseeing the running of government, and other functions that vary in each country. Therefore, political representation and the type of parliament are two things that are interrelated [5]

The building of a country's parliamentary system is regulated in its constitution [4]. There are those who apply a one-chamber parliamentary system (unicameral), there are those who implement a two-chamber parliamentary system (bicameral). The parliamentary system applied in indonesia has changed along with changes in the enactment of the constitution. Indonesia has implemented a bicameral parliamentary system as well as a unicameral parliamentary system. Indonesia uses a presidential system, so representative institutions in indonesia are given to legislative power. To exercise legislative power in indonesia, this power is given to two state institutions, namely the people's representative council (DPR) and the regional representative council (DPD). The dpd is a representative institution that was born after the third amendment to the indonesian constitution, previously in the indonesian parliamentary system only the people's consultative assembly (mpr) and the dpr were known. The mpr and dpr are then referred to as legislative institutions, but the problem lies in the position of these two institutions in the indonesian parliamentary system. Harun al-rasyid stated that the state bodies that were born through the constitution were actually a form of transformation of the state apparatus that existed during the dutch east indies era [6]

DPR is a representative institution that represents the community through political parties and is directly elected by the general election mechanism. However, political parties cannot represent the whole society in indonesia, because not all people belong to political parties. Then a representative body was formed.

The bigger one is the mpr with the highest position in indonesia's constitutional structure, where the mpr consists of all members of the dpr and representatives of non-political parties such as regional representatives and class representatives. After the amendment to the 1945 constitution, the position of the mpr was no longer the highest state institution and then placed the mpr as a high institution that had an equal position with other high institutions. What is the concept of the parliamentary system in Indonesia?

2 Result and Discussion

In a representative democracy system, the people elect representatives who have political similarities as representatives of their interests to make political policies, formulate laws and regulations as well as formulate and implement work programs in the public interest. On this basis, Montesquieu divided the concept of government power into three functions, namely the legislative function, the executive function, and the judicial function. In a country that uses democratic principles, the three functions

of power must submit to the will of the people which is channeled through the institutions that represent them [8].

A unicameral parliamentary system is a parliamentary system consisting of only one chamber or body. The unicameral parliamentary system is usually adopted by countries with a small population and homogeneous society and the country's territory is not too large. Following are some of the advantages of a unicameral parliamentary system [7].

1. Possibility to quickly pass the law (since only one body is needed to adopt a draft law, there is no need to adjust to different proposals).
2. Greater responsibility (because parliamentarians cannot blame other assemblies if a law is not passed, or if citizens' interests are neglected).
3. Fewer elected members making it easier for the community to monitor them.
4. Low cost to government and taxpayers.

Furthermore, the bicameral parliamentary system. The bicameral parliamentary system is a parliamentary system consisting of two chambers. The application of a bicameral parliamentary system in practice is heavily influenced by the traditions, customs, history and constitutional developments of the country concerned. For example in the United States, the Legislative Body is called Congress which then consists of two chambers (bicameral system), namely the Senate (Senate) and the House of Representatives (House of Representatives). As explained in the United States constitution which has been amended 26 times, regarding parliament is regulated in Article I, Section 1 states, "All legislative Powers herein granted shall be vested in Congress of the United State, which shall consist of a Senate and House Representatives ."

The bicameral parliamentary system requires that there be two chambers in the parliamentary body. The first chamber (first chamber) is an institution whose members are elected on the basis of population as representatives of the people and is referred to as the lower house or house representative/house of common, or what we often refer to as the DPR institution. The second chamber (second chamber) chosen to represent on the basis of not considering the number of population (representation of region, gender, class, etc.) is referred to as the Upper House or the house of lords, which we often refer to as the DPD [1]. In principle, parliament is an institution that is elected by the people to represent it in government power, the two chambers above are representative institutions that come from different representatives. after the third amendment to the constitution, the paragraph was replaced with a new one, reading "sovereignty is in the hands of the people and carried out according to the constitution" [2]

In the past, the MPR's position as the highest institution was not only institutionally, but functionally, the MPR's duties and authorities were also considered to have the greatest power compared to other state institutions. In fact, because of its position, the MPR can elect and dismiss the President and/or vice president. This shows that before the third amendment to the 1945 Constitution, the executive power did not have strong power when faced with legislative power [2]. The MPR is the result of the "marriage" of two representative institutions which include elements of the Indonesian parliamentary system, this is as emphasized in article 2 of the 1945 Constitution "The People's Consultative Assembly consists of members of the People's Representative

Council and members of the Regional Representatives Council who are elected through general elections and are regulated more proceed with the law" [3]

This amendment to Article 2 then abolished group delegates and regional delegates from the membership of the MPR. This change in the composition of the MPR actually led to the formation of the construction of an Indonesian parliament with the principle of a two-chamber parliament. However, when members of the DPR and DPD are said to be members of the MPR, this does not describe a bicameral parliamentary system. The MPR still has the authority to dismiss the president and vice president, as emphasized in article 7A of the 1945 Constitution as follows "The president and vice president can be dismissed during their term of office by the People's Consultative Assembly on the recommendation of the People's Representative Council, whether they have been proven to have violated the law in the form of betrayal of state, corruption, bribery, other serious crimes, or disgraceful acts or if it is proven that they no longer meet the requirements as president and/or vice president [2]. The process of impeachment of the president and vice president as referred to in Article 7A of the 1945 Constitution was carried out by the MPR on the recommendation of the DPR. These recommendations must be based on examinations, courts and decisions of the Constitutional Court that the president and vice president have committed acts of violation of the law as stipulated in Article 7A of the 1945 Constitution above. Even though the constitution has undergone changes, the MPR still has strategic authority and can be said to be an institution that has supra power. Not only that, the MPR also still has authority.

which is very vital for the country, this is as stated in article 3 paragraph (1) of the 1945 Constitution, as follows "The People's Consultative Assembly has the authority to amend and stipulate the Constitution"[2]. The MPR as an institution authorized to amend and stipulate it, automatically places this institution as an institution that has a major role in establishing the Indonesian constitution.

3 Conclusion

1. In Indonesia, changes to the parliamentary system following the amendments to the 1945 Constitution depart from criticism of the Indonesian constitutional system, especially the relationship between high state institutions.
2. The representative system implemented in Indonesia is not clear so that the check and balance mechanism cannot be implemented optimally. The legislative function is only carried out by the DPR. The MPR, group delegates, regional delegates only have limited work every five years.
3. Structural membership of the MPR consists of members of the DPR (political representation) and DPD (regional representation).

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