



Strengthening the Legislative Role of the Regional Representative Council Through the Reconstruction of the Institutional Function of the People's Consultative Assembly

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ABSTRACT

Constitutional reform following the amendments to the 1945 Constitution of the Republic of Indonesia has significantly reshaped the national state system, particularly in the configuration of legislative power. Despite the formal adoption of the checks and balances principle, legislative practice in Indonesia continues to reflect an imbalance between the People's Representative Council (DPR) and the Regional Representative Council (DPD). The DPR retains dominant authority in law-making, while the DPD's role remains limited and largely consultative. This condition reveals a gap between the constitutional ideal of bicameralism and its institutional realization, resulting in suboptimal representation of regional interests.

This research examines the ideal institutionalization of the legislative function within Indonesia's constitutional framework by addressing the weakness of the DPD in the legislative process. The study employs normative legal research methods using statutory, conceptual, and comparative institutional approaches, drawing lessons from bicameral systems in other constitutional democracies. The findings demonstrate that Indonesia's current legislative structure does not fully embody balanced representation or an effective distribution of legislative authority. The marginal position of the DPD reduces its capacity to function as a meaningful representative body for regional aspirations, thereby weakening democratic participation. To address this imbalance, the study proposes a reconstruction of the legislative chamber system by strengthening the DPD's role proportionally and repositioning the legislative function within the MPR as an institutional forum where the DPR and DPD jointly exercise legislative authority. This reconstruction contributes to the development of a more democratic, participatory, and just legislative system grounded in comprehensive representation within a constitutional state.

Keywords: Asymmetric Bicameralism, Strengthening the DPD, Legislative Function Reconstruction, Indonesian Constitutional Law

1. Pendahuluan

Constitutional reform represents a milestone in structuring the organization and conduct of Indonesia's state system. This phase is considered a period of constitutional renewal following the restoration of the 1945 Constitution (original text) through the Presidential Decree dated July 5, 1959. Changes to the 1945 Constitution were considered a means to prevent authoritarianism as occurred during the Old Order, which was understood not to be caused solely by human factors, but also represented an implication of weak rule of law (Hendarmin Ranadireksa dalam Syahuri, 2014). Therefore, during the amendment period, strengthening the form of separation of powers was made the main platform, alongside affirming the principle of human rights.

The concept of trias politica indeed forbids the concentration of power exclusively in one direction. In Montesquieu's classical doctrine, power is placed separately in the legislative branch—to form laws that reflect the interests and representation of the people's sovereignty, executive power as the actor implementing government in the narrow sense (executing laws), and judicial power as the manifestation of the rule adjudication function while maintaining laws through the scheme of justice (Witardi & Sianturi, 2022). In the context of Indonesia's constitutional

system, this principle is not applied rigidly, but with a character of checks and balances (Asshiddiqie, 2015). This is based on the potential tendency for abuse of power because its format requires strict separation of functions. The model of division of power is considered most suitable to anticipate the concentration of power and its impacts (Pitoy, 2014). For if the strict separation principle is applied, this amounts to transferring the potential for absolute concentration of power into a segmented concentration of power to these three branches of government.

The 1945 Constitution amendments restored the ideal proposition regarding the legislative function with great responsiveness, as idealized by the concept of separation of power that is mutually balanced and mutually controlling. Given the importance of this agenda in organizing power, the change in placing the legislative function was realized in the first amendment. The formulation of Article 5 paragraph (1) of the 1945 Constitution, which previously explicitly attributed the power to form laws to the president and made the People's Representative Council merely a giver of approval, was completely changed. After this amendment, Article 5 paragraph (1) of the 1945 Constitution became the constitutional basis for the president's right to propose bills to the DPR. This construction also impacted Article 20 of the 1945 Constitution, which previously only affirmed the DPR's competence to approve laws and became the main holder of the power to form laws. Such regulation is considered most ideal in a constitution where state power arising from the people's sovereignty is imbued with the spirit of representation. Particularly for the function of forming laws, as a form of consistency toward democracy, the legislative function should not be separated from the existence of a representative institution. Although the president's role is not entirely removed from the entire law-making process, placing the legislative function in a representative institution is a form of convergence of thought between democracy and the concept of constitutional state.

Indeed, it is understood that the legislative process still involves the president in the discussion and joint approval phase. The composition of roles contained in Article 20 paragraph (2) of the 1945 Constitution is nothing other than the realization of checks and balances within the framework of division of power. The president's involvement in the law-making process is due to his role as chief of government leading the execution of government (including) through the formation of laws (Ruusen, 2019). Conceptually and constitutionally, the complementary role between the President and the DPR in the legislative function is based on an applicative consideration where the president who will execute the law should rightly be involved in the entire legislative function to imbue the spiritual nuance underlying law formation. Thus, future law execution aligns with the considerations and development of thought during the formation stage. Additionally, including the president in law-making provides a strengthening effect from the perspective of his role as the executor of government. The president's consideration in projecting all possible implementations can simultaneously support the validity and execution of a law.

The dimension that also underwent adjustment in the amendment process of the 1945 Constitution is the format of the institutional function of representation related to the configuration of implementing the people's sovereignty. In the framework of the modern state, the people's sovereignty finds its operational form in the existence of representative institutions. Through this institution, the will of the people is translated into constitutional action and public policy. The filling of its membership is conducted democratically through general elections, as a rational means to articulate the aspirations of the people in the exercise of state power (Ricakardo, 2020). It cannot be denied that the legislative function is the power that is very close and closely related and most first manifests the people's sovereignty (Santika dalam Sujana, 2024). This is based on the effort to bring the people as holders of sovereignty closer to the axis of state power. Against this background, it is quite natural from a systematic perspective if the institution executing legislative power is packaged together to hold the representative function. The consideration is to facilitate the conversion of sovereignty and people's aspirations into one common output product, namely law.

Interpreting the connection between legislative function, representation, and the axis of state power, the 1945 Constitution combines them into a system familiarly known as the principle of constitutional democracy. The confirmation of this consensus is identified in Article 1 paragraph (2) of the 1945 Constitution which states: "Sovereignty rests with the people and is exercised according to the Constitution." The principal characteristic of this system is based on the dimension of limitation of power and civil rights. State power is polarized by the supreme law, namely the constitution. This system requires all exercises of power through state organs including individuals to be consistent with the highest law (Mardhatillah, Fajriyah, Purba, & Fitri, 2024). This concept also inspires the projection of structuring state institutions that reflects the principle of public representation in Indonesia's

constitutional structure. Indeed, in the composition of the 1945 Constitution, there are 3 (three) institutions formed in an effort to implement the legislative and/or representative functions. Article 2 paragraph (1) of the 1945 Constitution indirectly introduces certain organs as elements constituting the People's Consultative Assembly. The formulation explains that "*The People's Consultative Assembly consists of members of the People's Representative Council and members of the Regional Representative Council who are elected through general elections and regulated further by law.*"

Although the phrase used to describe the composition of the MPR's institutions is "members" of the DPR and DPD, this provision can still explain the state organs that exercise the representative function. If referred to the formulation of Article 1 paragraph (2) of the 1945 Constitution before amendment, the MPR is considered as the manifestation of the people's sovereignty. Although after amendment the people's sovereignty is not entirely placed with the MPR, when the DPR and DPD are implicitly placed in the MPR chamber, then based on the principle of original function of the MPR's institutional structure, it can be interpreted that the DPR and DPD represent the representative function within the framework of Indonesia's constitutional democracy. Thus, if the representative function is related to the legislative function, then both the DPR and DPD should be placed in a unified system that cannot be separated. Ideally, these two institutions should blend in the rhythm of executing the legislative function. Not mutually subordinate institutionally, and also functionally based on the spirit of division of power, the relationship of state organs especially from the perspective of constitutional democracy as the promoter of the agenda to amend the 1945 Constitution.

However, in reality, the structuring of the institutionalization of the legislative function following the amendment of the 1945 Constitution does not appear to be fundamentally dominant (Hardenta & Pangestu, 2021). The legislative function is optimally distributed among the president and the DPR through a joint discussion and approval scheme. According to *lex scripta*, the constitution affirms the involvement of the DPD in the law-making process in a limited manner, namely in the proposal process and in discussing bills concerning regions, but not in the joint approval phase. On the other hand, the weakness of the DPD's role in the legislative function is not linear with the spirit of checks and balances in the legislative institution structure (Affandi, 2014). The weak bargaining position of the DPD in implementation causes the DPD's main role to be nothing other than an absorber of aspirations without real execution in the legislative process (Felicia, Septarianto, Taufik, Khoirala, & Jayaningrat, 2020). This creates a paradox as it is not in line with the basic idea of forming the DPD as a representation of regional interests and the format of a bicameral legislative institution. Furthermore, if projected against the spirit of constitutional reform that focuses on efforts to organize roles of institutions based on mutually balanced functions.

2. Research Methodology

This research uses normative legal research methodology, which is research focused on legal norms written in legislation and legal principles that live in society. This approach is used to examine and analyze concepts, principles, and systems of legislative institutions from the perspective of Indonesian constitutional law. Normative legal research is doctrinal in nature, where law is viewed as a norm or rule that serves as a guide for human behavior, so the analysis emphasizes written legal materials more than empirical data in the field.

The data used in this research consist of quantitative primary and secondary data relevant to the study of legislative institutions in Indonesia. Primary data are obtained from structured surveys and questionnaires administered to respondents comprising members of legislative bodies, constitutional law scholars, and policy practitioners, focusing on measurable indicators such as the level of legislative participation, authority distribution, and effectiveness of the DPR and DPD in the law-making process. Secondary quantitative data are sourced from official legislative documents, statistical records of legislative output, frequency of DPD involvement in bill initiation and deliberation, and institutional performance reports issued by authorized state institutions. In addition, supporting data are drawn from academic literature, scientific journals, and prior empirical studies to strengthen the operationalization of variables and the interpretation of statistical findings. Conceptual clarifications of key terms and indicators are guided by authoritative legal and institutional references to ensure measurement validity. The data analysis method employs quantitative statistical techniques, including descriptive statistical analysis and comparative analysis, to identify patterns, levels, and disparities in legislative authority and representation between the DPR and the DPD. The results of this analysis are expected to provide empirically grounded conclusions regarding the effectiveness of the existing chamber system and to offer measurable evidence supporting the

reconstruction of Indonesia's legislative institutional design in order to strengthen the legislative function within the national constitutional system.

3. Results and Discussion

3.1 Variants in Structuring Models of Legislative Institutions

Examining the concept of institutionalizing legislative bodies should begin with studying the legislative function. This approach guides understanding of the substance of this function in the division of state power. In historical and theoretical retrospect, the legislative function is always found as a format of state power that is separated from other branches of power. For example, John Locke placed this function separately from other branches of power (Patrialis akbar, 2013). Similarly, Montesquieu in his monumental work *De L'Esprit des Lois* put forward the idea of dividing state power into three main realms. First, the legislative power (*la puissance législative*), second, executive power (*la puissance exécutive*); and third, judicial power (*la puissance de juger*) (Gadjong, 2007). Montesquieu's analysis explains that these three branches of power must be strictly separated, both in terms of function and in the organs executing them (Gafar, 2009). Setting such strict demarcation of state power institutionalization is certainly based on efforts to organize the exercise of functions consistently through a clear institutionalization scheme. The aim is to affirm each function that is implemented as the scope of affairs of each institution while clarifying the route of functional consolidation through the checks and balances approach.

The substance of the legislative function is not limited merely to forming laws. More deeply than that, legislation is understood as forming legal products arising from the state's authority to form written legal norms with distinctive characteristics: limitation to a certain time period and reflecting the will of identified individuals or groups (Martin Krygier dkk, 2025). Even in understandings that are more critical, particularly from the perspective of deliberative democracy, it emphasizes that public narration is a fundamental element in the law-making process that has validity and legitimacy from a normative perspective (Fadillah dan Cahyono, 2025). Laws made by the legislative institution are part of the overall law of the state. Laws are even considered as the legitimating basis of positive law that guides certain arrangements in the dialectic of statehood. The process of law formation is an activity that cannot be separated from the configuration of social structure and patterns of social behavior. In a society with a democratic character, the laws produced tend to reflect democratic values, both in substance and mechanism. Conversely, in a totalitarian social system, the legal products that emerge generally also reflect the character of suppressive power (Hidayat dan Arifin, 2019). In other words, although the legislative function is an official format of state power to form law, the quality of absorption of public will is a basic element that cannot be separated from the existence of this function. This rationalization is quite appropriate to serve as the reasoning for including the representative function in the legislative institution within the doctrine of democracy.

A clear characteristic of the democratic nature of the legislative institution is consistent with its claim as a representative institution (Waldron, 1995). In Raz's exposition on the rule of law, it is explained that the concept of political representation which emphasizes the role of the people's representative in seeking the interests of their constituents (Bello Hutt, 2022). Although described in a limited context, the substance of representation is clearly depicted where the representative function not only serves as a conveyor of the people's will, but also as a guardian of rationality and general interest within the framework of the rule of law (constitutional state). Therefore, in the constellation of democracy, the existence of a legislative institution with its dual role as a representative organ becomes the connecting conduit between channeling the people's representation collectively and the formulation of legal norms including laws. Thus, separating these two functions in one legislative body is actually counterproductive. The purpose of the existence of a legislative body is to help manifest the representative function in every legislative product. The fruit of this process is rooted in the representative function as a reflection of the exercise of state power relevant to the spirit of democratization.

The pattern of representation function in the formalization of legislative institutions is described in several variants. By characteristic, Jimly Asshiddiqie classifies 3 (three) types of representation systems that are considered to project the people's sovereignty, namely: (Asshiddiqie, 2006)

- a. political representation;
- b. regional/territorial representative); and
- c. functional representative.

The political representation model makes political parties the vehicle for recruitment procedures. However, this mechanism is considered to require a "double control" mechanism to support the implementation of its function. Based on this consideration, a territorial representation variant was then arranged as an effort to build a control system identified through optimizing the channeling of aspirations and the will of the people. The regional/territorial representative variant is considered contextual for application in large and complex countries. Therefore, this model is often found in countries adopting federal form (Dewi, 2021). Similarly with the type of functional representation. In this concept, representation is not only based on dependence on the configuration of political and territorial systems. The basis of representation is also placed on social elements that touch more on the level of representation of certain social communities.

The perspective on the composition of representation function and legislative function then becomes the basis for dividing the structure of legislative institutions in the "chamber" scheme. The Inter-Parliamentary Union (IPU) index notes that of 190 countries with national legislative institutions, 111 (one hundred eleven) of them adopt the unicameral model and 79 (seventy-nine) use the bicameral model. Indeed, generally, there are two models of institutionalization of representative bodies that develop in government practice in various countries, namely "single chamber system" and "two chamber system" (*unicameral and bicameral*) (Imran, I., Bakhtiar, H. S., & Achmad, D, 2020). Unicameral is identified through the form of a people's representative institution consisting of only one organ, where this model is commonly used in unitary states (although not all unitary states apply this model) (Kuncoro, I., & Wijiningsih, N, 2024). This system model began to become popular in the late 18th century and early 19th century (Baha, Kedang, Yohanes, & Udju, 2024). The unicameral model is considered to streamline the legislative process by involving only one legislative body, the law-making process does not require consolidation between organs. Thus, the potential for deadlock is eliminated so that law formation becomes efficient, including in budgetary aspects. On the other hand, the unicameral system promotes transparency in the formation process given that all stages are focused on one body and provides for open monitoring of formation activities (D'Alemberte, T., & Fishburne, C. C., Jr, 1964). However, because there is only one chamber, the unicameral model is not considered to reflect good checks and balances. The dialectic of intellectual struggle in discussing certain issues concerning the interests of the nation in the entire legislative process tends to be simple and not profound because it is handled exclusively by one party alone, namely the legislative chamber (Baha, Kedang, Yohanes, & Udju, 2024). On the other hand, the aspect of comprehensive representation to all social segments is not well covered:

	Weaknesses	Strengths
Unicameral System	<ol style="list-style-type: none"> 1. Minimal checks and balances in the exercise of law formation; 2. The deepening of issues and the maturity of substantive law formulation tends to be minimal because only one party discusses it exclusively; 3. Compromise between the executive and legislative, or even within the legislative body itself, can distort the purity of the exercise of the legislative function; 4. Implementation of the representative function becomes limited and does not reach all components of representation. 	<ol style="list-style-type: none"> 1. The process of law formation is more effective and efficient, both in terms of stages and budgeting; 2. Streamlines functional consolidation in the law-making process; 3. Avoids potential conflicts of sectoral legislative institutions; 4. Monitoring in the law-making process becomes centralized on one organ alone.

On the other hand, the *bicameral* type is identical with the presence of two chambers in the representative institution. The doctrinal root of this model was actually introduced by Aristotle and Polybius who idealized a

combination of democracy and oligarchy as good government (Yokotani, 2017). Within the legislative framework, the two-chamber system is associated simultaneously in the process of formulating and endorsing national laws. Although both work in the same realm, each chamber has a distinctive role and is formed through different procedures. Supporters of this system emphasize that the existence of two chambers of a representative institution strengthens the principle of separation of power by minimizing the potential for abuse of power that might arise from the concentration of power in a single body alone, and on the other hand also increases the quality of democracy through broader, more inclusive, and diverse representation (Kopchak, 2022). This system opens opportunities for the application of alternative representation principles that reflect the diversity of society and the state's territory. Bicameralism can organize representation based on the division of administrative regions (such as states, provinces, or districts), represent certain communities qualified according to religion, ethnicity, language, or culture, or be designed to expand the representation of underrepresented groups. Based on these considerations, the logic of positive considerations toward the bicameral model emerges (Bulmer, 2013). Beyond accommodating the principle of mutual balance in the exercise of the legislative function, the two-chamber system also confirms the fulfillment of the element of comprehensive representation in public sectors. This model enables the fulfillment of the representation principle not covered by the single-chamber model. Certainly the bicameral variant is considered very much in line with the principle of democracy in the construction of the modern constitutional state because it can open meaningful participatory opportunities in the implementation of the legislative function through the proportionality of representation function execution.

Examining further, particularly on the efficiency dimension, the bicameral system receives a number of criticisms, including: The bicameral legislative system implies incurring considerable costs. The presence of two legislative institutions increases the government's financial burden, covering operational and personnel costs, as well as institutional position structures, including various allowances and facilities. Additionally, the bicameral structure tends to trigger unhealthy competition between the two chambers. This competition can lead to the pursuit of supremacy, conflicts regarding constitutional mandate, or disagreements over sectoral or personal interests concerning bills, policy issues, or allocation of state resources. The legislative process in a two-chamber system also often experiences long waiting periods. Bills must pass the independent approval of both chambers and if there are differences, they are referred to a reconciliation committee for resolution (Uwaoma, 2025). Although intended to reach consensus, the excessive burden of legislative bureaucracy becomes one of the fundamental weaknesses of the bicameral legislative system:

	Weaknesses	Strengths
Unicameral System	<ol style="list-style-type: none"> 1. The presence of two legislative chambers creates an increased financial burden to finance the legislative process or institutional organization; 2. Prone to institutional conflicts caused by the dominance of legislative or representative functions. The tendency for sectoral ego caused by the implementation of this function makes legislative focus distorted; 3. The possibility of dominance of the legislative function and its impact on the weakness of the position of one particular chamber in the exercise of this function; 	<ol style="list-style-type: none"> 1. Considered to promote checks and balances more proportionally; 2. Segments aspirations through optimization of the representative function; 3. If without massive dominance of one party, the legislative process is richer in ideas, inclusive and involves diverse perspectives thus maturing the quality of laws or formulation of public policy; 4. More open and potentially implement meaningful participation.

The bicameral model, as implemented, has several variant classifications. The perspective underlying this division is annotated by considering the location of dominance of each chamber structure. Giovanni Satori's opinion divides representative institutions into three types: (Saldi Isra dalam Nasarudin, T. M, 2017)

- a. Weak bicameral system (*asymmetric bicameralism* or *weak bicameralism* or *soft bicameralism*), a form of two-chamber system where one chamber has authority and influence that is significantly greater;
- b. Strong bicameral system (*symmetric bicameralism* or *strong bicameralism*), describing institutional configuration when both legislative chambers have relatively equal degree of power; and
- c. Perfect bicameral, indicating a condition where the balance of power between the two chambers is truly proportional, so there is no functional dominance from one side over the other.

C. F. Strong qualified the differentiation between weak and strong bicameral through three indicator formulations: composition of constitutional authority distributed in each chamber, differences in legitimacy of each institution determined by electoral procedures, and the mechanism of selecting the second chamber designed to represent certain minority groups (Efriza dalam Safaraz, A. M, 2021). Parliaments having relatively balanced power levels between both chambers are often seen as the ideal form, because this balance is considered able to strengthen the oversight and legitimacy function of parliament as a whole. Conversely, a weak bicameral system is deemed to lose the effectiveness of inter-chamber control mechanisms, so it is not much different from a unicameral system. However, perfect bicameralism is also not entirely an ideal form, because the equality of power between upper and lower houses, although it can strengthen the mutual oversight function, is very likely to cause gridlock in the legislative process and parliament's decision-making (Chidqi, 2020). Apart from the division of bicameral based on the level of its power, Giovanni Sartori also divides the character of bicameral based on the composition or structure of membership between the two chambers: (Giovanni sartori, 2020)

- a. Similar bicameral, a parliament with similar or equal composition between the two chambers will also change its form into unicameral.
- b. Likely bicameral
- c. Differentiated bicameral, a parliament with very different composition will also cause gridlock in parliament's work process, because of the excessive heterogeneity of society's aspirations.

The perspective of classifying the law-making body is also explained by Arend Lipjhart into 3 (three) segments, namely:

1. Unicameral/bicameralism;
2. Symmetrical/asymmetrical bicameralism;
3. Congruent/incongruent bicameralism.

The bicameral system is divided based on the comparison of power between the lower and upper chamber. When the power of one chamber is more dominant than the other, then this concept is known by the term *asymmetric bicameralism* or *weak bicameralism* (Arend Lijphart, 2013). Conversely, if both chambers of the law-making body have equal power, it is called *symmetric bicameralism*. Furthermore, Lijphart argues that the difference between strong and weak bicameralism found in a country can be viewed through the constitutional authority possessed by the legislative institution. The common pattern occurring in various countries is that the second chamber tends to be more subordinate compared to the first chamber. Additionally, the difference in power of each chamber can be seen through the member selection process. Normally, members of the first chamber are selected or elected directly by voters. Meanwhile, members of the second chamber are elected by regional legislative bodies or appointed by certain officials. Finally, the difference in power between the lower and upper chamber can be seen from the design of the second chamber's representative institution. In this context, if the second chamber is designed to represent certain groups, then its composition is an *incongruent bicameralism*. (Arend Lijphart, 2013).

Modern bicameralism cannot be explained only through two classical dimensions put forward by Arend Lijphart, namely symmetry and incongruence, but must include a third dimension, namely perceived legitimacy. Legitimacy has a fundamental position in understanding the character and dynamics of bicameralism, both because

of the composition structure of the second chamber in various constitutional systems and because of the inherent function of the second chamber which constitutionally plays a role in correcting or balancing the authority of the first chamber selected through a democratic mechanism. Perceived legitimacy can be measured through three main sources:

1. Source or input legitimacy, relating to how the institution is formed, including aspects of representation, expertise, and diversity.
2. Procedural legitimacy, covering fairness, objectivity, and a non-partisan decision-making process.
3. Output legitimacy, depending on the quality and public acceptance of the policies produced.

These three forms of legitimacy are interrelated and form the framework of the third dimension in explaining the actual strength of the second chamber. Thus, perceived legitimacy functions as an independent third variable that determines how much the formal power of a chamber can actually be exercised in constitutional practice. (Russell, 2013).

Based on the various categories of opinions above, the perspective for explaining the position of the chamber system in the legislative body is very influenced by several factors. First, in terms of format and existence of the legislative body. If only one body implementing the function of forming laws together with the representative function is found, then the character of the legislative body's institutionalization is classified as unicameral. But if there are two institutions articulating the mentioned functions, then it is characteristically classified as bicameral. Borrowing from Giovanni Satori's opinion, the bicameral model can be distinguished in two main segments, when concerning the dominance of authority in general, then the bicameral variant is found in 3 (three) forms: asymmetric bicameralism or weak bicameralism or soft bicameralism, symmetric bicameralism or strong bicameralism, and perfect bicameral. In the author's view, the dimension of "authority" which serves as the basis for dividing the models above is more appropriate if interpreted as the power of state organs in forming laws. This is based on the main consideration of the function underlying the formation of the legislative body, which is none other than to exercise the legislative power. Similarly if Arend Lijphart's opinion is analyzed systematically. The same tendency with Giovanni Satori's annotation blends together in an analytical framework that mutually fits, where the dominance of the legislative institution, namely based on the strength of the institution's role in the legislative function. Meanwhile, in the context of similar bicameralism, likely bicameralism, and differentiated bicameralism, they are more inclined based on other considerations which if adjusted with C. F. Strong's opinion, then the counterpart that has ideal relevance context in that classification is concerning the exercise of the representation function. The object of deep study regarding the elements forming the legislative institution certainly is based on its membership composition which also affirms analysis on the procedures of their selection. This mechanism is very closely related to the principle of representation given that the electoral procedure as a medium for gathering membership elements is indeed based on the effort to fulfill the principle of democracy in a sovereign nation. Thus Meg Russel's exposition on the principle of "legitimacy" is very important for determining the course of the bicameral model. Without considering the legitimacy dimension, assessment of the dominance of authority and representation model of the legislative body only raises the logical acceptance of weak bicameral. Meg Russell highlights institutional legitimacy as a key factor in assessing the strength and sustainability of the bicameral system. Without legitimacy, the formal power of the second chamber can be deemed politically weak, even if legally it has substantial authority. Thus, analysis of legislative dominance cannot be separated from how society and the political system view the legitimacy and representative role of each chamber of the legislative body. The ideal bicameral model proposition can be realized if there is a balance between the components of the legislative function, consideration of the representative function, and the foundation of institutional legitimacy with a democratic character. If one of these elements is not placed maximally (especially the legitimacy aspect), then the opportunity for weak bicameral is very wide open and will cause one chamber of the legislative institution to only play a complementary role in institutions without significant role in the field of the legislative function.

3.2 Ideality of Institutionalizing the Legislative Function in Indonesia's Constitutional Structure

Identity as a legislative institution can be seen in two main frameworks, including implementing "legislate" (producing laws) and its membership representing the people (Miriam Budiardjo dalam Solihah, R., & Witianti, S, 2016). The indication of representative function lies in the optimality of aspirational representation in the formulation of general policy through the exercise of the legislative function. While the scope of state activity in the sequence of legislative procedures can be limited to several processes; including: (Yusril Ihza Mahendra, 1996)

- a. Initiative for the formation of legislation;
- b. Dimension of considerations underlying formation;
- c. Contribution of factors providing influence;
- d. The existence of debate as a medium for transforming argumentation and decision-making in the format of voting.

The initiative or impetus for law formation can actually be understood as the stage of the opening procedure through which the formation process begins, which is referred to in the constitution (1945 Constitution). Subsequently, the consideration or thought of formation is projected based on the basis of interests influenced by various cross-sectoral dimensions, including the influence of the political system in the package of political will of its proponents (Faried,2016). Then, the meaning of influence in the process of forming regulations refers to the existence of reciprocal dynamics between stakeholders in the legislative institution. It is recognized that during the formulation stage there often occurs an exchange of views and argumentative debate that mutually influences the direction and substance of the norm intended to be established as law. This condition is attributed as the opportunity for exchange of opinion in the legislative process (Faried,2016). The fulfillment of the representative function can be functionalized as a stabilizer of the dynamic of the legislative process. Therefore, the consideration of fulfilling the representative function can be used as the basis to mediate the dominance of political influence in the substance of legislative body debate. The tendency of political representation needs to be balanced with other dimensions of representation such as functional and regional representation. This is intended so that the paradigm of legislation does not rest on one interest exclusively, thus causing the impetus for the consideration of law formation to become imbalanced or only lean toward fulfilling fragmented desires. Especially when realized that the product of legislation not only contains regulations but goes deeper than that, should carry the will of the public in the swirl of national legal policy. Therefore, the principle of law formation should accommodate holistic interests, not only at the plane of ideality of ideas but also at the indicator of "healthiness" of the exercise of this legislative process.

The consideration of optimizing the absorption of aspirations in the law-making process was well recognized during the amendment process of the 1945 Constitution, although from a systematic perspective it was not fully and directed. As it is understood that following the amendment of the 1945 Constitution, the legislative function was returned to the DPR which was constructed as a legislative institution. This, apart from aiming to organize the composition of the institutional executor of state functions and power, also represents a systematic effort to neutralize the distortion caused by and tends to affirm executive dominance during the Old Order. When the authority in law formation is more concentrated in the President, the substance of proposed bills tends to be drawn up to accommodate the interests of the executive itself. In such a configuration, the function of the People's Representative Council becomes relatively limited, namely only in giving approval or rejection of proposals submitted by the president (Susanto, 2014). Returning the legislative function to the legislative body (DPR) is a constitutional step to organize the dominance of executive dominance in the axis of state power. However, aside from this objective, substantively and constitutionally, the DPR is not the only state institution associated with the flow of the legislative function.

Following the amendment of the 1945 Constitution, there are 3 (three) state institutions structured in the segment of legislative power, namely the MPR, DPR, and DPD (Iswandi, K., & Prasetyoningsih, N, 2020). The authority of the MPR which before the amendment of the 1945 Constitution was very large is now simplified to only cover changing and establishing the Constitution as well as inaugurating and removing the President and/or Vice

President during the period of their office. The authority to change and establish the Constitution is the principal right of the MPR as a corrective institution regarding basic rules including the supreme law of the state. Its purpose is to maintain the wheels of government stable above Pancasila and the state philosophy (Hapsoro, F. L., Ismail, I., & Rofiqi, 2024). On another aspect, the authority to inaugurate and remove the President and/or Vice President is nothing but a symbolic authority maintained as a legacy of the majesty of the MPR in the past when the MPR was still attributed as the manifestation of the people's sovereignty. If the legislative function (*regelende functie*) is understood as the authority to establish legal norms that are binding while also regulating limitations on the behavior of certain legal subjects, then the MPR should still be considered to have a role in the legislative function through its institutional competence to change and establish the Constitution, although not in a continuous manner or seemingly incidental (Anggraini dan Wasti, 2022). This becomes the basis for arguing academically that the MPR's authority is not permanent. The MPR institution is only constructed factually when its function and authority are being exercised and members of the DPR and members of the DPD meet in one agenda of session. However, the constitutional requirement for the formation of the MPR institutional structure through the meeting of DPR and DPD members cannot directly be used as a reference for placing these two institutions subordinate under the auspices of the MPR. All three stand separately as equal high state institutions and have their own legislative roles, including their representative functions (Warjiati, 2012).

The contextuality of the role of each of these institutions can be constructed through constitutional annotation. For example, the DPR, which after constitutional reform was constructed as the holder of the function to form laws. This strengthening is considered a way to purify the exercise of the legislative function placed with the bearer of the legislative function through the amendment of Article 20 paragraph (1) of the 1945 Constitution. The change in the formulation of that article briefly and definitively places the DPR as the primary constitutional organ in the swirl of the law-making process (Maulia, T., & Siti, W. R, 2024). Meanwhile, the DPR's representative function leans toward the model of political representation (Wardhani, 2019). Simply put, the categorization of the model of the DPR's representation is based on the process of filling its members, which uses the vehicle of political parties and directly represents the interests of voters (constituents).

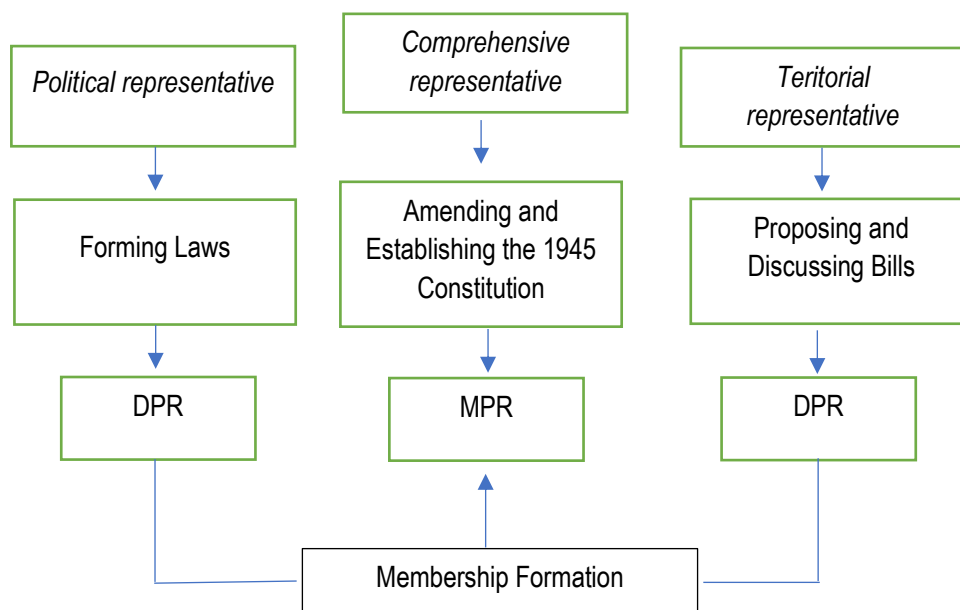
Different from the DPD, which historically was formed to substitute the functional representatives and regional representatives found in the composition forming the MPR. The DPD's interaction in the legislative process is quite minimal. Although in Article 4 of the Regulation of the Regional Representative Council of the Republic of Indonesia Number 1 Year 2014 concerning Rules of Procedure it is affirmed that the DPD's functions include the legislative function, on the other hand, as a constitutional institution, Article 22D of the 1945 Constitution affirms that the DPD is authorized to propose and participate in discussing bills and conduct oversight related to the implementation of laws concerning regions. However, systematically, the main pole exercising this function remains the DPR together with the president. Although it has been reinforced through the Verdict of the Constitutional Court Decision Number 92/PUU-X/2012 and case Number 79/PUU-X/2014, the practice of legislation has not yet truly changed the DPD's involvement in the legislative process. The Constitutional Court Decisions Number 92/PUU-X/2012 and Number 79/PUU-X/2014 substantively affirmed that the DPD possesses constitutional legitimacy to participate in the legislative process, particularly in proposing and discussing bills related to regional interests. The ratio decidendi of these rulings emphasizes that the DPD is not merely an advisory body, but an integral component of Indonesia's legislative structure whose involvement is mandated by Article 22D of the 1945 Constitution. However, the Court did not extend this interpretation to grant the DPD equal decision-making authority with the DPR at the final approval stage of legislation. Consequently, while these decisions strengthened the DPD's procedural role, they did not fundamentally alter the asymmetrical character of Indonesia's bicameral system or eliminate the structural dominance of the DPR in law-making. With this, it can be affirmed that factually the DPD is formulated to complement the series of legislative body institutions with a minor role. The limitation of this function creates a structural barrier that constrains the DPD in fulfilling its representation mandate. Despite having constitutional authority to channel and voice regional aspirations, the reach of the DPD often stops at the exclusive communication space between the government and the DPR where these two institutions ultimately hold full control

over the direction and end result of the aspiration delivery process, particularly in the exercise of the legislative function. Due to the limitation of its role, the DPD is often attributed merely as a provider of advice to the DPR in the law-making process. This paradox is contradictory in tone while also describing the shift in implementation of the DPD function from the agenda of the institutional format that acts as a form of fulfillment of representation of regional interests. If structured, the composition of the function and institutional format of Indonesia's legislative body can be described as follows:

In contrast to the DPD, which was historically established to substitute the group representatives (*utusan golongan*) and regional representatives (*utusan daerah*) within the composition of the MPR (Hadi & Gandryani, 2024), the interaction of the DPD in the legislative process remains highly limited. Although Article 4 of the Regulation of the Regional Representative Council of the Republic of Indonesia Number 1 of 2014 on Rules of Procedure explicitly affirms that one of the DPD's functions is the legislative function, its role as a constitutional institution is normatively defined in Article 22D of the 1945 Constitution of the Republic of Indonesia, which authorizes the DPD to propose and participate in the discussion of bills and to exercise oversight over the implementation of laws related to regional matters. Nevertheless, in a systematic sense, the primary axis of legislative authority continues to be exercised by the DPR in conjunction with the President.

Despite the reinforcement of the DPD's constitutional standing through the operative rulings of the Constitutional Court, particularly Decision Number 92/PUU-X/2012 and Case Number 79/PUU-X/2014, legislative practice has not substantially altered the degree of the DPD's involvement in the law-making process. Accordingly, it can be emphasized that, in factual terms, the DPD has been institutionally formulated to complement the legislative framework with only a minor role (Nurlia et al., 2024).

These functional limitations have produced structural barriers that constrain the DPD's ability to fulfill its representative mandate. Although constitutionally mandated to articulate and channel regional aspirations, the DPD's effective reach is often confined by an exclusive decision-making sphere dominated by the Government and the DPR, as these two institutions ultimately retain decisive control over both the direction and final outcomes of the legislative process (Zainuddin et al., 2020), particularly in the exercise of legislative functions. As a consequence of these role constraints, the DPD is frequently characterized as merely an advisory body to the DPR in the process of law-making (Nurlia et al., 2024). This paradox reflects a contradictory dynamic that illustrates a shift in the implementation of the DPD's functions away from its original institutional design as a mechanism for ensuring substantive regional representation. Structurally, the configuration of legislative functions and the institutional design of Indonesia's legislative bodies can be outlined as follows:



This illustration can be interpreted in two fundamental aspects. First, the DPR and MPR can be qualified as institutions that have a role in legislation. In forming laws, this is fully held by the DPR (together with the president), and to change and establish the Constitution is exercised by the MPR. The DPD is only involved in proposing bills and discussions. If examined using the entire process of forming legal norms through the legislative body, then the DPD is classified as an *auxiliary organ*, and the DPR and MPR act as *primary constitutional organs*. Second, based on the implementation of the representative function, all three institutions also have their respective roles. Although weak in the legislative axis of power, the DPD carries out a representation function that is quite important, especially in the agenda of representing sectarian interests not placed on the DPR and MPR.

This arrangement underlies the view that qualifies the model of Indonesia's legislative body institutionalization with the character of tricameralism (Hadi, F., & Gandryani, 2024). There are a number of fundamental arguments that underpin this opinion, including: (Jimly dalam Ghafur, 2007)

- a. The DPD has no legislative authority, even in the simplest form. The role of the DPD is merely to give advice and institutional views without greater competence in the legislative process;
- b. The construction of Article 2 paragraph (1) of the 1945 Constitution shows a distinctive character that is not entirely similar to the variant applied in the United States that distinguishes between the DPR and the Senate, nor the Dutch system through the *Staten-Generaal* divided into *Eerste Kamer* and *Tweede Kamer*;
- c. The MPR having authority composition and leadership structure separately from other legislative bodies.

However, if the variant of Indonesia's legislative body institutionalization were to be matched to the variant of bicameralism, then the tendency would lean toward the model of *weak-likely bicameralism*. This view is based on the element of similarity in the aspect of representative function where the DPR applies political representation while the DPR exercises territorial representation. Meanwhile, the difference in its aspect lies in its legislative role. The DPR acts as the primary institution while the DPD as the supporting institution. It has been discussed previously that this type of model is not effective for converting the optimization of the representative function in legislative policy. Yet simultaneously, the purpose of placing the representative function in the legislative body is to strengthen the principle of democracy with maximum absorption in the exercise of state power and functions, including in forming laws.

This disparity in roles is well recognized by various parties, thus prompting the emergence of several strengthening options that are considered able to provide a formula for the ideal and proportional exercise of legislative function. Among them, by giving equal legislative function portions between the DPR and DPD absolutely. This variant is known as the "perfect bicameralism" model which places equal legislative function on two chambers simultaneously in parallel (Felicia dkk, 2020). At first glance it appears balanced, but the choice to apply this model is very disproportionate, especially in the scheme of legislative function institutionalization in Indonesia's constitutional system. Friction between the two legislative institutions is very likely to occur and this will have an impact on functional stagnation. Even if institutional ego is far more dominant, then the potential for rivalry realized through the formation of mutually contradictory laws can occur. The DPD with its regional representation and the DPR with political representation do not rule out the possibility of clashing in the legislative paradigm. If compromise over these two representation functions cannot be sewn harmoniously, then the opportunity for legislative conflict cannot be avoided. Thus, compositing the legislative function perfectly is certainly not in line with the functional agenda of the bicameral model formulation, namely stabilizing balance and efficiency scheme of government through "double check" communication (Yasin, 2020).

Another variant that also adds to the treasure of bicameralism of Indonesia's legislative institution is effective bicameral. This model emphasizes the dominance between the DPR and DPD in proposing and discussing each bill and minimizing the role of the executive effectively. The DPR and DPD have the right to propose bills and can change, give approval or rejection. The final decision is entrusted to a committee whose members come from both institutions. The president is kept away from the legislative process with only the veto right implanted which can

also be annulled with the support of 2/3 of the votes of DPD and DPR members. However, the president is still given the right to pocket veto in the form of competence to not provide a signature, which actually also does not strengthen the president's role because even so, in the name of representative sovereignty, the proposed law remains legitimate and is mandatorily executed by the government (Ruliah, 2018).

This model bridges the consistency of implementation of the representative and legislative functions in one simultaneous mechanistic series substantively and functionally. Not only by being in the strengthening aspect of representation-legislation by involving both the DPR and DPD as full controllers of the legislative function, but also articulating the implementation of the concept of representative sovereignty in the swirl of the legislative function paradigm. The president's role is organized only in the capacity of law executor minimally and does not provide excessive turbulence on the stability of state power forming laws by the chamber of the legislative institution. This composition is more inclined toward the separation of powers in a material sense where the exercise of power is distinctly separated so that the demarcation between legislative and executive is clearly visible (Aryanto, 2025). However, this mechanism does not completely resolve the problem of legislative body institutions in the configuration of Indonesia's constitutional system. The MPR is not touched by the agenda of adjusting the institutionalization of the legislative function so it still makes the MPR a weak legislative institution and does not play continuously in this process. The MPR's legislative function is still stuck in a casuistic condition, regardless of the very strong representative function model. On the other hand, minimizing the president's involvement in the legislative process is very contradictory to the spirit of checks and balances in the principle of division of powers and is also out of tune with the spirit of Indonesia's presidential system of government. Based on these considerations, it appears that the principle of perceived legitimacy (quoting Meg Russel's exposition) can be converted into a systematic approach to annotate the dynamics of Indonesia's legislative body institutionalization.

The quality of the DPR, DPD, and MPR institutions, from the perspective of source or input legitimacy, should indeed be projected as equal. All three are intertwined in the aspect of representation that is segmental yet mutually supports the realization of a democratic framework in the system and articulation of state power. Even constitutionally, the existence of the MPR cannot be separated from the meeting between the DPR and DPD in terms of membership. Certainly it would not fit if in the aspect of procedural/throughput legitimacy up to the dimension of output legitimacy these three institutions were instead at different counterparts. Ideally, both in aspects of function execution and legal products created, the DPR, DPD, and MPR should not each be separate, thus producing a reflection of weak-likely bicameralism or even tricameralism.

The function of forming laws should ideally be placed with the MPR institution as the manifestation of the meeting of the DPR and DPD, with of course improving the terms of its formation not based on "membership" but on "institutional" basis. This is intended to affirm the existence of two chambers (DPD and DPR) in one legislative body (MPR). On the other hand, placing the function of forming laws with the MPR can erode the dominance of the DPR and improve the role of the DPD in the exercise of this function. The systematic analogy is simple, the DPD and DPR are the requirements for the formation of the MPR and the legislative function can only be exercised by the MPR. If the DPR and DPD do not meet, then the legislative function cannot be exercised. Such structural reconstruction will save the DPD from the weakness of its legislative function while replacing the *asymmetric bicameralism/weak bicameralism/soft bicameralism* model with *symmetric bicameralism/strong bicameralism*.

The representative function will also be increasingly optimized by the confirmation of political representation (DPR) and territorial representation (DPD) becoming comprehensive representation (MPR). The accumulation of maximized representative functions will optimize the absorption of interests and aspirations in the systematic execution of legislative functions centered through the merging of these two institutions into one principal organ. The DPD is no longer trapped in the predicate of state auxiliary organ but has equal bargaining position with the DPR in the series of the legislative body's chambers. The function of the MPR is no longer considered incidental given that forming laws is a function that rotates continuously, while still placing the function of forming, changing, and sanctioning the 1945 Constitution. This approach theoretically stands on the characteristic of *strong-(likely bicameralism)*. Different in the aspect of representation yet mutually reinforcing in the legislative function. This also

means as a form of proportional checks and balances while overcoming the incidental nature of the MPR's role, strengthening the DPD's function through the centralization of legislative function in the MPR, and improvement to weak bicameralism described through the dominance of the DPR in law formation.

4. Conclusion

Indonesia's legislative institutional design reflects a form of weak (asymmetric) bicameralism, characterized by the dominance of the DPR in exercising legislative authority and the marginal involvement of the DPD. Although bicameralism is theoretically intended to balance representation and legislative power, the Indonesian model fails to achieve functional parity between chambers. The legislative process remains centralized within the DPR, while the DPD's role is largely consultative. As a result, representation and law-making functions operate in a subordinative rather than synergistic relationship, undermining the normative ideals of bicameralism.

The structural weakness of the DPD stems from its limited legislative authority and its exclusion from decisive stages of the law-making process. Despite possessing constitutional legitimacy as a regional representative body, the DPD is institutionally constrained by a legislative framework that prioritizes the DPR–Government axis. This imbalance restricts the DPD's capacity to effectively channel regional aspirations and reduces its role to that of an auxiliary or advisory institution. Consequently, the DPD's representative mandate is not fully translated into substantive legislative influence.

To address these structural deficiencies, this study proposes a reconstruction of the legislative system by repositioning the MPR as the principal institution for exercising legislative authority. In this model, the MPR functions as a permanent legislative body formed through the institutional convergence of the DPR's political representation and the DPD's territorial representation. This reconstruction shifts Indonesia toward a strong-likely bicameralism, where both chambers participate equally and proportionally in the legislative process. Such a model strengthens checks and balances, restores comprehensive representation, and aligns legislative functions with democratic constitutional principles.

5. Recommendation

a. Policy Recommendations

In order to address structural imbalances within Indonesia's legislative system, clear policy direction is required from the principal constitutional actors. The House of Representatives (DPR), as the dominant holder of legislative authority, must undertake institutional corrections by opening equal and meaningful opportunities for the Regional Representative Council (DPD) to participate in all stages of the law-making process, particularly in legislation directly related to regional interests. This shift in orientation is essential to end monopolistic legislative practices and to advance the development of substantive bicameralism. The Government, as a legislative partner of the DPR, must recalibrate executive–legislative relations by moving beyond reliance on the DPR–Government axis alone. Executive involvement in the legislative process should be directed toward strengthening institutional balance and democratic accountability by recognizing the People's Consultative Assembly (MPR) as the principal legislative forum that simultaneously represents national political will and territorial interests. At the same time, the MPR must be institutionally revitalized as a permanent legislative body exercising law-making authority on a continuous basis. The MPR should be positioned as an integrative forum where the DPR's political representation and the DPD's regional representation converge, thereby enabling the MPR to function as the central institution for articulating popular sovereignty in a comprehensive manner.

b. Constitutional Amendment Roadmap

Reconstructing the legislative system requires a clear, measurable, and phased constitutional amendment roadmap. *The first* step involves amending Articles 20 and 22D of the 1945 Constitution of the Republic of Indonesia

to redistribute legislative authority more proportionally between the DPR and the DPD. This amendment aims to affirm functional equality between chambers within a bicameral system. *The second* step is the constitutional redefinition of the status and functions of the MPR by explicitly positioning it as the principal and permanent legislative institution, rather than an incidental constitutional body. This redefinition must be accompanied by the formulation of constitutional norms that confer full legislative legitimacy upon the MPR. The third step entails harmonizing statutory and procedural regulations below the constitutional level, including laws on legislative drafting and the rules of procedure of legislative bodies, to ensure consistency with the revised constitutional design and to eliminate overlapping authorities and normative ambiguities.

c. Implementation Strategy

The implementation of legislative institutional reconstruction must be carried out incrementally and sustainably to preserve constitutional stability. The initial phase should focus on strengthening the legislative capacity of the DPD through improvements in human resource quality, enhanced technical expertise, and equal access to legislative deliberations. The subsequent phase should prioritize the establishment of joint working mechanisms between the DPR and the DPD within the MPR framework as a permanent legislative forum, including the formulation of coordinated, transparent, and accountable decision-making procedures. In the advanced stage, a system of continuous monitoring and evaluation based on measurable indicators of legislative performance and representational quality is required to ensure that the reconstructed institutional framework genuinely reinforces checks and balances, expands democratic participation, and optimally channels regional aspirations within Indonesia's constitutional democratic system.

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