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Juridical Overview of the Position of the Regional Representative Council (DPD) of the Republic of Indonesia in the Legislation System in Indonesia

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Abstract. The establishment of the Regional Representative Council (DPD) is also intended to reform the structure of representation in Indonesia into two chambers (bicameral), so that the People's Consultative Assembly (MPR) consists of the DPR and DPD. With this bicameral structure, it is hoped that the legislative process can be carried out based on a double-check system that allows the representation of the interests of all the people to be relatively distributed on a broad social basis. This research is a normative juridical research, trying to explore and analyze problems using a conceptual approach and legislation. It is strongly felt that the functions and powers as stated in Article 22 D of the 1945 Constitution after the amendments are difficult to realize the aims and objectives of the establishment of the DPD RI, especially with the provisions in the MD3 Law and the PPP Law. However, now after the issuance of the Constitutional Court of Indonesia's decision stating that the provisions in the MD3 Law and the PPP Law related to the DPD's authority were declared contrary to the Constitution, now the DPD has an equal position and has equal rights and obligations with the DPR and the President in terms of formulating legislation. With this equal position, the DPD can submit a Draft Law (RUU) related to the region, which includes autonomy, financial balance between the center and the regions, the relationship between the central and regional governments, the formation and expansion and amalgamation of regions, as well as natural resource management. It is hoped that after the decision of the Constitutional Court, the performance of the DPD, especially in the service of forming regulations related to autonomy and development. After the decision of the Constitutional Court, the performance of the DPD, especially in the service of forming regulations related to autonomy and development, is expected.

Keyword: DPD RI, DPR RI, Indonesian Legislation System

Introduction

Through constitutional reform, the People's Consultative Assembly of the Republic of Indonesia (MPR RI) established a new representative institution, namely Regional Representative Council of the Republic of Indonesia (DPD RI). The formation of the DPD RI was carried out through the third amendment to the 1945 Constitution of the Republic of Indonesia (UUD 1945) in November 2001. The process of forming this new institution cannot be separated from the continued development of views on the need for an institution that can represent regional interests, and to maintain a balance between regions and between the center and the regions, in a fair and harmonious manner. Prior to 2004, they were referred to as regional delegates, where the members of this regional delegation consisted of representatives from each province and each member of the DPR RI (Jimly Asshiddiqie, 2006).

The basic idea of forming the DPD RI is the desire to better accommodate regional aspirations and at the same time to give a greater role to the regions in the political decision-making process for matters, especially those directly related to regional interests. This desire departs from clear indications that centralized decision-making in the past has resulted in inequality and a sense of injustice and among other things also indicates a threat to the territorial integrity of the country and national unity. The existence of elements of Regional Representatives in the MPR RI membership so far (before the amendment to the 1945 Constitution) was considered inadequate to answer these challenges (www.dpd.go.id, 2022).

The establishment of the Regional Representatives Council (DPD) is also intended to reform the structure of representation in Indonesia into two chambers (bicameral), so that the People's Consultative Assembly (MPR) consists of the DPR and DPD. With this bicameral structure, it is hoped that the legislative process can be carried out based on a double-check system that allows the representation of the interests of all the people to be relatively distributed on a broad social basis. The existence of the DPD institution is a reflection of the principle of territorial or regional representation (Jimly Asshiddiqie, 2010).

Based on the provisions of Article 22D of the 1945 Constitution, the DPD has the following authorities:

1. The Regional Representative Council may submit to the House of Representatives a draft law relating to regional autonomy, central and

regional relations, the formation and expansion and merger of regions, management of natural resources and other economic resources, as well as those related to the balance of central and regional finance.

2. The Regional Representative Council participates in discussing draft laws relating to regional autonomy; central and regional relations; formation, expansion, and merging of regions; management of natural resources and other economic resources, as well as the balance of central and regional finances; as well as giving consideration to the House of Representatives on the draft law on the state revenue and expenditure budget and the draft law relating to taxes, education, and religion.
3. The Regional Representative Council may supervise the implementation of laws concerning: regional autonomy, the establishment, expansion and merger of regions, central and regional relations, management of natural resources and other economic resources, implementation of the state revenue and expenditure budget, taxes, education, and religion and submit the results of their supervision to the House of Representatives for consideration for follow-up.

Based on the provisions of the 1945 Constitution above, in the field of supervision, the existence of the DPD is of the main nature (main constitutional organ) which is equal and equally important to the DPR. Likewise, in the field of legislation, the DPD can submit and discuss draft laws relating to its region. However, this was later reduced to several provisions in Law Number 13 of 2019 concerning the MPR, DPR, DPD, DPR (UU MD3) and Law Number 12 of 2011 concerning the Establishment of Legislations (UU PPP).

The provisions in the two laws are considered to have reduced the authority of the DPD RI as determined by the 1945 Constitution. Among them are testing the constitutionality of legal norms: Article 71 letter a, letter d, letter e, letter f, and letter g, Article 102 paragraph (1) letter d and letter e, Article 107 paragraph (1) letter c, Article 143 paragraph (5), Article 144, Article 146 paragraph (1), and 147 paragraph (1), paragraph (3), paragraph (4), and paragraph (7), Article 150 paragraph (3), paragraph (4) letter a, and paragraph (5), Article 151 paragraph (1) and paragraph (3), Article 154 paragraph (5), and General Elucidation as long as the sentence "The position of the DPD in the process of discussing the draft law reaches the first level of discussion and does not participate in the decision-making process" Law Number 27 of 2009; and Article 18 letter g, Article 20 paragraph (1), Article 21 paragraph (1) and paragraph (3), Article 22 paragraph (1), Article 23 paragraph (2),

Article 43 paragraph (1) and paragraph (2) , 46 paragraph (1), Article 48 paragraph (2) and (4), Article 65 paragraph (3) and paragraph (4), Article 68 paragraph (2) letter c and letter d, Article 68 paragraph (3), paragraph (4) letter a, and paragraph (5), Article 69 paragraph (1) letter a and letter b, and paragraph (3), Article 70 paragraph (1) and paragraph (2) of Law Number 12 of 2011; against Article 20 paragraph (2), Article 22D paragraph (1) and paragraph (2) of the 1945 Constitution.

One of these can be seen in Article 102 paragraph (1) letter d, which states, "The legislative body is in charge of harmonizing, unanimizing, and strengthening the conception of draft laws submitted by members, commissions, joint commissions, or DPD before the draft law. The law is submitted to the leadership of the DPR. So then the provision is interpreted that the provisions in the article seem to reduce the authority of the DPD as a state institution to be equivalent to the legislative authority of members, commissions, and joint commissions of the DPR. Not much different, in the PPP Law itself, it can be seen in Article 65 paragraph (3) states that "DPD participation in the discussion of the Draft Law as referred to in paragraph (2) is carried out only at level I discussions."

The provisions in Article 65 paragraph (3) of the UU-PPP are interpreted by the DPD not to include the DPD in the entire process of the Draft Law which is a constitutionally regulated authority.

The implication of the enactment of several provisions in the two laws is that so far the DPD has only been a shadow under the domination of the DPR. The position of the DPD is as a subordinate institution under the DPR because it has eliminated the constitutional authority of the DPD to be able to submit bills. This can be seen from the fact that of the 247 bills in the 2010-2014 Prolegnas Bill List, not a single bill has been declared as a bill that came from the DPD. In fact, since 2010, the DPD has periodically submitted proposals for the Prolegnas Program to the DPR. The excessive dominance of the DPR in terms of submitting this bill has of course harmed the bicameral system which is said to have been established for a noble purpose, namely the creation of a good system of checks and balances (Constitutional Court Decision Number 92/PUU-X/2012, 2012).

Moreover, judging by the requirements for support to become a member of the DPD which is much heavier than the requirement for support to become a member of the DPR, in fact, it is interpreted that the quality of the legitimacy of the members of the DPD is not at all balanced by the quality of their authority as regional representatives (Constitutional Court Decision) Number 92/PUU-X/2012, 2012).

This later became the background for the DPD, as a state institution, in submitting a request for judicial review of Law No. 27 of 2009 and Law No. 12 of 2012. Among the main points of the petition in the review are: (Constitutional Court Decision No. 92/PUU-X/2012 , 2012).

1. The authority of the DPD in proposing a bill as regulated in Article 22D paragraph (1) of the 1945 Constitution, which according to the Petitioner, is that the bill from the DPD must be treated equally with the bill from the President and the DPR;
2. The authority of the DPD is to participate in discussing the Bills mentioned in Article 22D of the 1945 Constitution with the DPR and the President;
3. The authority of the DPD is to give approval to the Bills mentioned in Article 22D of the 1945 Constitution;
4. The involvement of the DPD in the preparation of the National Legislation Program which, according to the Petitioner, is the same as the involvement of the President and the DPR;
5. The authority of the DPD is to give consideration to the Bills mentioned in Article 22D of the 1945 Constitution;

After conducting a material review of the matters requested by the DPD, then the Constitutional Court (MK) issued its decision granting authority to the DPD in the field of legislation. With the Constitutional Court's decision to partially grant a judicial review of Law Number 27 of 2009 concerning MD3 and Law Number 12 of 2011 concerning PPP, the DPD is now able to participate in drafting and discussing the law, although it is limited to those related to the region.

Based on the description of the background of the problem above, the problems that will be discussed in this paper are formulated, namely how is the history of the formation of the DPD RI and its development to date?, and how is the position of the DPD in the field of legislation after the issuance of the Constitutional Court Decision?

History of the Establishment of DPD RI

The Regional Representative Council (DPD) was born on October 1, 2004, when the first 128 elected members of the DPD were appointed and sworn in. At the beginning of its formation, the DPD still faced many challenges. These challenges range from its authority which was considered far from sufficient to become an effective second chamber in a bicameral parliament,

to its institutional problems which were also far from adequate. These challenges arose mainly because there was not much political support given to this new institution. The Indonesian constitutional system is a unique constitutional system according to the personality of the Indonesian nation where power is divided into three, namely executive, legislative and judicial (Zainal Asikin, 2014).

When compared in terms of the birth of the institution, the DPD is indeed much younger than the DPR, because the DPR was born in 1918 (formerly the Volksraad). However, when viewed from the perspective of the idea, the existence of an institution such as the DPD, which represents the regions in the national parliament, has actually been thought of and can be traced since before the independence period. Indra J. Piliang noted in a book published by the DPD, that this thought was first born at the GAPI conference on January 31, 1941. (MPR RI 2006, 2006).

The idea continued to roll on, even during the founding of the Republic, the idea of forming a regional representative body in the national parliament was also discussed. The idea was put forward by Moh. Yamin at a meeting on the formulation of the 1945 Constitution by the Investigating Agency for Preparatory Efforts for Indonesian Independence (BPUPKI). He said: (State Secretariat of the Republic of Indonesia, 1995).

"The power held by deliberation by all Indonesian people is occupied, not only by representatives of the regions of Indonesia, but solely by representatives of groups or the whole Indonesian people, who are freely and independently elected by the people with a majority vote. The Consultative Assembly also includes all members of the House of Representatives. To the Assembly the President is responsible. So there are two conditions, namely regional representatives and direct group representatives from the Indonesian people."

The ideas of the importance of having regional representatives in parliament were initially accommodated in Indonesia's first constitution, the 1945 Constitution, with the concept of "regional delegates" in the People's Consultative Assembly (MPR), alongside "class delegates" and members of the People's Representative Council (DPR). This is regulated in Article 2 of the 1945 Constitution, which states that "The MPR consists of members of the DPR plus delegates from regions and groups, according to the rules stipulated by law." The loose arrangements in the 1945 Constitution were then further regulated in various laws and regulations.

In the next constitutional period, the Constitution of the United States of Indonesia (RIS), this idea was realized in the form of the Senate of the United

States of Indonesia which represented the states and worked side by side with the DPR-RIS. Furthermore, the Provisional Constitution (UUDS) 1950 (Law No. 7 of 1950) still accommodates the existing Senate, during the transition period. This transitional period existed because the 1950 Constitution, which was made to stop federalism, specifically mandated general elections (Pemilu) and the election of Constituent members to make a definitive constitution that would form the basis for a new form and pattern of Indonesian government. For this reason, it is important to note that the existence of a Senate in the 1950 Constitution was only enforced while the planned elections had not been held (later held in 1955). In the constitutional system of representation itself, the Senate is abolished because the state form is no longer federal.

After the 1949 RIS Constitution and 1950 Constitution, Indonesia returned to the 1945 Constitution through a Presidential Decree of 5 July 1959. Consequently, "regional representatives" returned. This decree was then followed by the issuance of Presidential Decree No. 2 of 1959 concerning the Establishment of the Provisional MPR (MPRS) and Presidential Decree No. 12 of 1959 concerning the composition of the MPRS. Presidential Decree No. 12/1959 stipulates that the MPRS consists of members of the DPRS (results of the 1955 General Election) plus regional representatives and working groups. MPRS members were not elected through general elections, but through appointment by Soekarno (Jaweng, 2005). Then Soekarno cut the function, position, and authority of the MPRS through MPRS Decree No. 1 of 1960 so that the MPRS could only stipulate the GBHN, without being able to amend the Constitution.

During the Soeharto era, this scheme did not change. Regional delegates as members of the MPR only worked once in five years, to elect the President and Vice President, and to stipulate the GBHN. There was nothing else that could be done by regional delegates during their five-year term. As a result, their effectiveness as regional representatives in national-level decision-making could be questioned. When compared with the concept of a bicameral parliament, which is the reference for regional representatives, the existence of regional delegates was out of context.

Significant thought developments then emerged in the discussion of the amendments to the 1945 Constitution in 1999-2002. The first amendment to the 1945 Constitution was ratified at the 1999 MPR General Session which took place on 14-21 October 1999 and the second amendment was made at the MPR Annual Session which took place on 7-18 August 2000. After the

second amendment, the MPR still deemed it necessary to proceed to the third amendment to the 1945 Constitution. It was in this third amendment that the idea emerged to form a parliament that adheres to a bicameral system, which later gave birth to the legal formality of the current DPD.

The emergence of the bicameral idea began with an official statement from the Group Delegation Fraction (F-UG) at a meeting of the MPR Working Body (BP MPR) which was assigned to prepare materials for the MPR Session. The UG faction stated that its presence was no longer needed in the MPR because it was the result of an appointment and not an election. This is contrary to the spirit of democracy which requires the operation of the principle of representation based on elections. UG members presented two options available. First, the initial concept of the 1945 Constitution, namely the MPR which unites groups in society. Second, implementing a two-chamber representation system by taking into account the principle that all people's representatives must be elected through general elections. Then the idea emerged to further enhance the role of the UD, whose role was limited to the preparation of the GBHN which was only carried out once every five years. In this atmosphere, the idea was born to institutionalize a UD that better reflected regional representation and works effectively. Not just once in five years.

The MPR then assigned the MPR Working Body (BP) to continue the change process through MPR Decree No. IX/MPR/2000. The preparation of the draft amendments to the 1945 Constitution was carried out using the materials in the appendix to the provisions which were the results of the BP MPR for the 1999-2000 period. This stipulation also provided a time limit for discussing and ratifying the amendments to the 1945 Constitution by the MPR no later than the 2002 MPR Annual Session.

The idea of a bicameral representation system in Indonesia, which emerged in the amendments to the 1945 Constitution, 1999-2002, stemed from a critique of the constitutional structure adopted in Indonesia, especially the relationship between the MPR, DPR, and the President. Thoughts on this had been put in place long before the amendment to the article on the MPR was carried out in 2001, one of which was put forward by PSHK (Center for Indonesian Law & Policy Studies) in 2000.

PSHK conducted research on the constitutional system, which was outlined in his book entitled "Everyone Must Be Represented: A Study on the Repositioning of the MPR, DPR and Presidential Institutions in Indonesia" (Jakarta: PSHK, 2000). This study shows that there were some fundamental problems in the structure of the MPR. The problems were, First, the problem

of representation. The total membership of the MPR before the amendment to the 1945 Constitution was set at 1000 people (previously 900 people). Of this number, there were 425 (previously 400) members of the DPR who were also members of the MPR (members of the MPR/DPR) and the rest are MPR members who were not members of the DPR, namely Regional Representatives (UD) and Group Delegates (UG). Thus, there were two types of MPR membership, namely: MPR/DPR members and MPR members who were not members of the DPR. There had not been an adequate explanation of the structure of the MPR and the reasons why there were separate MPR and DPR institutions. The predictable reason, according to Bagir Manan, was that the MPR membership was expanded by the presence of regional and group delegates, in addition to the DPR members themselves (Bagir Manan, Republika, 2000).

Furthermore, the group delegates and regional delegates did not represent the community groups they represented in real terms. Group delegates were intended to represent community groups who are not partisans of political parties. However, the mechanism for determining the "class" was not clear. In reality, the members of the Class Group ranged from intellectuals to movie stars. A rhetorical question arises: are the "groups" in question deemed not sufficiently represented in political parties?

The problem of representation also concerned the intervention and political dominance of the President in determining the members of the MPR who are elected through appointment. This was reflected in Law no. 2 of 1985 concerning the Composition and Position of the MPR, DPR, and DPRD. The appointment process was carried out through a Presidential Decree. Members of regional delegates were practically the result of the exclusive election of members of the Provincial DPRD.

Second, there was a lack of clarity on the system of representation adopted which caused the checks and balances mechanism to fail. The role of the legislative body was practically only carried out by the DPR, while MPR members from regional representatives and group representatives could not be categorized as legislatures because their work was limited to every five years. Thus, departing from the desire to make regi

The accommodation of regional interests and needs in decision-making at the central level through the DPD was a logical consequence, even if examined more deeply, there were two arguments regarding the need for an effective bicameral system in Indonesia (see also the DPD group in the MPR RI, 2006). First, and foremost, was to bring local needs and interests into policy-making

at the national level. The DPR alone was still not sufficient to be able to perform this role. It was said that it was not enough because there were strong indications in that direction, for example, there were still many laws that have not been able to optimally accommodate regional interests. The proof was that many laws have been submitted to the Constitutional Court (MK) for judicial review on the grounds that they do not accommodate regional needs. Law No. 32 of 2004 concerning Regional Government itself had several times been submitted to the Constitutional Court by various parties because the content did not pay attention to the political realities that exist in the region. Also, there were many problems in the regions lately that the Government could not respond quickly and adequately, thus requiring effective people's representatives to encourage a more responsive government. The second need was to encourage a balancing political power in parliament so that legislative power was not concentrated in one institution. Another problem, actually not with the DPR itself, but indeed the existence of another room in the legislature would be an important balancing force. With the DPD having an equal position, although it might be formed with a different focus of authority, there would be DPR partners to discuss all the decisions it makes. That way, all decisions taken by the legislature had gone through better consideration. Moreover, the different institutional nature caused by the origin of its members would lead to different views, which in turn would make decisions more carefully considered. In other words, the existence of an equal DPD was also a model of limiting power.

In addition, the existence of the DPD as an equal partner to the DPR would also trigger an important institutional reform within the legislature. A strong second chamber would be a good partner of the DPR, not only in decision-making, but also in encouraging healthy competition between institutions in terms of political ethics and reform of the work system. This competition was expected to make the DPR and DPD better.

The Position of DPD after the Constitutional Court's Decision in the Field of Legislation

After the amendment of the 1945 Constitution, the legislative function in a narrow sense (forming a law) is owned by the DPR and DPD. The bicameral system in the formation of this Law regulates a balanced authority between the DPR and DPD. The criticism that is often directed at the three amendments to the Constitution is the weakness of the DPD's authority. Thus, the concept of bicameral is often discussed as "weak bicameral" or "soft bicameral". This term appears in the parliamentary system in Indonesia, because the DPD has very limited authority and is only related to regional

matters. The constitution stipulates that the DPD can only "can" submit a bill, "participate in discussing" the bill and "can" supervise the implementation of the law, provided that its authority is only limited to laws relating to regional autonomy. This authority is then further detailed in Law No. 27 of 2009 concerning the MPR, DPR, and DPD.

Based on the provisions of Article 22D Paragraph (1) and Paragraph (2) of the 1945 Constitution, it has regulated and granted limited authority to the DPD, especially in the fields of legislation, budgeting and supervision. In the field of legislation, the DPD is only authorized to propose and participate in discussing Draft Laws (RUUs) relating to regional autonomy, central and regional relations, formation and expansion and amalgamation of regions, management of natural resources and other economic resources, as well as those relating to financial balance between the center and the regions. In addition, the DPD is also authorized to give consideration to the DPR on the APBN Bill and Bills related to taxes, education and religion. The involvement of the DPD to provide consideration in the discussion of the bill is intended to provide an opportunity for the DPD to provide views and opinions on these bills because they are definitely related to the interests of the regions. The authority in the field of supervision granted to the DPD is only limited to the supervision of laws related to the types of laws that are also discussed and/or given consideration by the DPD in their discussions. This is intended as a continuation of the DPD's authority to oversee the implementation of various bills related to regional interests.

Furthermore, Law Number 27 of 2009 concerning the MPR, DPR, DPD, and DPRD (UU MD3) has formulated the position of the MPR, DPR, DPD, and DPRD in accordance with the aspirations and institutional developments. However, constructively and by constitutional design as mandated by the 1945 Constitution, this Law still has problems, especially with regard to the position of the DPD and the legislative working mechanism of the DPR, DPD, and DPRD. The MD3 Law has not been able to concretely regulate the legislative function of the DPD. Likewise with the provisions regulated in Law No. 12 of 2011 Article 20 paragraph (1): "The preparation of the National Legislation Program (Prolegnas) is carried out by the DPR and the Government", the meaning of Article 20 paragraph (1) is certainly not in line with the intent of Article 20 paragraph (1). 22D of the 1945 Constitution of the Republic of Indonesia which gives the authority "The Regional Representative Council may submit to the House of Representatives a draft law relating to regional autonomy……..". Paragraph (3) in this article then states that the preparation of the National

Legislation Program within the DPR as referred to in paragraph (2) is carried out by considering proposals from factions, commissions, members of the DPR, DPD, and/or the public.

This arrangement seems to show that the DPD's authority to submit bills is distorted as if the same as the authority of factions and commissions as a complement to the DPR. DPD only has the authority to propose draft laws to be submitted to the DPR, then the proposal for the DPD Bill will depend on the DPR's follow-up in parliament. In other words, the DPD is subordinate to the DPR or only as a complementary organ to the DPR in a two-chamber parliament system. In addition to the authority to submit bills, the authority in terms of discussing bills in parliament is also made unequal between the DPR and DPD, in Article 65 paragraph (3) of Law No. 12 of 2011 the participation of DPD in the discussion of Draft Laws is carried out only at level I discussions. Article 150 paragraph (3) of Law No. 27 of 2009 also excludes DPD from being involved in discussing the Problem Inventory List as the DPR and the Government, even though the submission and discussion of the DIM is actually the "core" of the discussion of a bill and determines the legal politics of a bill.

For this reason, in establishing a working relationship with the DPR, the DPD is trying to conduct a judicial review of the MD3 Law and the PPP Law to the Constitutional Court. From several points of the lawsuit filed by the DPD, among them are the main points of the existence and identity of the DPD as a state institution that needs to be re-enforced as mandated by the 1945 Constitution, namely:

1. The authority of the DPD in proposing bills is equal to that of the DPR and the President;
2. The authority of the DPD to participate in discussing the Bill;
3. The involvement of the DPD in preparing the National Legislation Program.

This judicial review is related to efforts to restore the position of the DPD as stated in the constitution. The Constitutional Court (MK) then decided that the provisions of the MD3 Law and the PPP Law had reduced or lessened the authority of the DPD RI as determined by the 1945 Constitution. Regarding the constitutional authority of the DPD regarding the submission of a bill, the word "can" in Article 22D paragraph (1) of the 1945 Constitution is a DPD subjective choice “to propose” or “not to submit” bills relating to regional autonomy, central and regional relations, formation and expansion and amalgamation of regions, management of natural resources and other

economic resources, as well as those relating to the balance of central and regional finances in accordance with the choices and interests of the DPD.

The word "can", can also be interpreted as a right and/or authority so that it is analogous to or equal to the constitutional rights and/or authorities of the President in Article 5 paragraph (1) of the 1945 Constitution. Thus, it can be interpreted:

1. DPD has the right or authority to submit a bill relating to the region;
2. The DPD has the same position and standing as the DPR and the President in terms of submitting a Bill.

Meanwhile, the DPD's authority to discuss the bill has been regulated firmly in Article 22D paragraph (2) of the 1945 Constitution. The use of the phrase "participate in discussing" in Article 22D paragraph (2) of the 1945 Constitution is because Article 20 paragraph (2) of the 1945 Constitution has clearly determined that each bill is discussed by the DPR and the President for mutual approval. This means that, "taking part in the discussion" must mean that the DPD will participate in discussing the bill relating to regional autonomy; central and regional relations; formation, expansion, and merging of regions; management of natural resources and other economic resources, as well as the balance of central and regional finances, together with the DPR and the President.

Thus, the discussion of the bill must involve the DPD since the start of the discussion at Level I by the commission or special committee of the DPR, namely since delivering the introduction to the deliberation, submitting, and discussing the Problem Inventory List (DIM) and submitting mini opinions as the final stage in the discussion at Level I. Then the DPD conveys its opinion on the Level II discussion in the DPR plenary meeting until before the approval stage. The Constitutional Court's decision has clearly stated that Article 102 paragraph (1) letters a, d, e, h and Article 147 of the MD3 Law are contrary to the 1945 Constitution and have no binding legal force, meaning that every bill proposed by the DPD will no longer go through a process in the Constitutional Court. The Legislative Body is instead treated as equal to a bill proposed by the President, and will still be considered a bill submitted by the DPD. This decision clearly restores the identity of the DPD as a state institution whose position is equal to the DPR and the President.

In line with this decision, Article 18 letter (g), Article 20 paragraph (1), Article 21 paragraph (1), Article 22 paragraph (1), Article 23 paragraph (2), and

Article 43 paragraph (1) of the PPP Law are stated to be considered valid and has binding legal force as long as the phrase "DPD" is added, which means recognizing the existence of the DPD as a state institution that has the same rights and positions as other state institutions, namely the DPR and the President to submit a bill. Article 143 paragraph (5) of the MD3 Law is also considered valid and has binding legal force as long as the phrase is added, "... to the leadership of the DPD for bills relating to regional autonomy, central and regional relations, formation and expansion as well as regional mergers, resource management natural resources and other economic resources, as well as central and regional financial balance."

The same applies to Article 144 of the MD3 Law where this article is considered valid and has binding legal force as long as the phrase is added, "... and to the DPD leadership for bills relating to regional autonomy, central and regional relations, formation and expansion and mergers." regions, management of natural resources and other economic resources, as well as central and regional financial balance."

Also in its verdict, the Constitutional Court stated that Article 150 paragraph (3) of the MD3 Law is valid and has binding legal force as long as it is interpreted as "DPD submits a List of Problems (DIM) on Bills originating from the President or DPR related to regional autonomy, central relations and regions, the formation and expansion and merging of regions, the management of natural resources and other economic resources, as well as the balance of central and regional finances." With this verdict, it can be analyzed that the DPD has the authority to get involved and discuss the bill starting from the introductory stage of deliberation, the stage of submission and discussion of the DIM, and the stage of mini opinion.

The Constitutional Court's decision also applies to the articles in the PPP Law, the regulation of which is one breath with the articles in the MD3 Law which have been annulled by the Court. One thing to keep in mind is that the DPR's Code of Conduct issued by the MD3 Law needs to be changed immediately in order to adjust to the Constitutional Court's decision so that the DPD's authority which is actually mandated by the Constitution can function properly again.

With the issuance of the Constitutional Court Decision, the position of the DPD has the same rights and obligations as the DPR and the president in formulating legislation. With the equivalent position, the DPD can submit a Draft Law (RUU). The DPD can submit a bill and cannot be distinguished from the authority of the president and the DPR. However, the DPD only has the authority to submit regional-related bills, which include autonomy,

financial balance between the center and the regions, the relationship between the central and regional governments, the formation and expansion and incorporation of regions, as well as natural resource management. In addition, the consequence of the Constitutional Court's decision is the tripartite model of legislation, namely the DPR, DPD, and the president. In the tripartite model legislative process: DPD has the same position as the DPR and the president in proposing and discussing certain bills (regional autonomy, central and regional relations, formation and expansion, as well as regional mergers, management of natural resources and other economic resources, and balance central and regional finance); and the DPR, DPD, and the government have the same position in preparing the National Legislation Program.

However, another thing that needs to be emphasized based on this decision of the Constitutional Court is that the DPD still does not have the right to give approval for a bill to become a law. Apart from all that, the position of the DPD RI after the Constitutional Court's decision is expected to be able to return to function as a representative institution for real regional aspirations and become the glue of diversity within the framework of the Unitary State of the Republic of Indonesia.

Conclusion

It can be concluded that the establishment of the DPD RI is intended to strengthen regional ties within the Unitary State of the Republic of Indonesia (NKRI) and strengthen the national unity of all regions. Also, to increase the aggregation and accommodation of aspirations and interests of the regions in the formulation of national policies relating to the state and regions. In addition, to encourage the acceleration of democracy, development and progress of the regions in a harmonious and balanced manner to realize the welfare of the people. While the theoretical basis for the formation of the DPD, among others, is to build a control and balance mechanism (checks and balances) between branches of state power and between legislative institutions themselves.

However, along the way, it was felt that the functions and powers as stated in Article 22 D of the 1945 Constitution after the amendments were difficult to realize the aims and objectives of the establishment of the DPD RI, especially with the provisions in the MD3 Law and the PPP Law. However, now after the issuance of the Constitutional Court's decision stating that the provisions in the MD3 Law and the PPP Law related to the DPD's authority were declared contrary to the Constitution, now the DPD has an equal position

and has equal rights and obligations with the DPR and the President in terms of formulating legislation. With this equal position, the DPD can submit a Draft Law (RUU) related to the region, which includes autonomy, financial balance between the center and the regions, the relationship between the central and regional governments, the formation and expansion and amalgamation of regions, as well as natural resource management. It is hoped that after the decision of the Constitutional Court, the performance of the DPD, especially in the service of forming regulations related to autonomy and regional development of each member, can be carried out optimally and as well as possible.

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