

Reconstruction of the Legislative Authority of the Regional Representative Council in the State System of the Republic of Indonesia Based on Dignified Justice

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Abstract

The Indonesian Regional Representative Council (DPD) institution was formed to become a regional representative institution that aims to articulate regional interests in the context of decision-making at the national level. Expansion and merger of regions, management of natural resources and other economic resources, as well as those related to the balance between central and regional finances. The focus of this research study is what are the Implications of the Constitutional Court Decision on Strengthening the Legislative Function of the Regional Representative Council in the State Administration System of the Republic of Indonesia and How the Reconstruction of the Legislative Authority of the Regional Representative Council of the Republic of Indonesia is based on dignified justice. The paradigm used in the research is the post-positivism paradigm, where the type of research uses juridical-normative type of research, namely research that doctrinally examines the basis of rules and regulations regarding the Legislative Authority of the Regional Representative Council in the State Administration System of the Republic of Indonesia based on Dignified Justice, by conducting institutional analysis. people's representatives in legislative authority. The results of the research show that the DPD's authority in the field of legislation is indeed very weak, and efforts have also been made to strengthen it through the Constitutional Court, but the facts are still as before, therefore it needs to be rearranged through amendments to the 1945 Constitution, especially articles relating to authority. Regional Representative Council institutions, as well as regulations on the implementation of Constitutional Court Decisions, which in the end will manifest the authority of representative institutions based on Dignified Justice.

Keywords: Reconstruction, DPD, Authority, Dignified Justice.

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INTRODUCTION

The Regional Representative Council (DPD) is a section that was erected after the 1945 Constitution was amended. Previously, the Regional Representatives who were the forerunners of the formation of the DPD were deemed to be not-representative as they are not directly elected by the people as the representatives of each regional. This is not in accordance with the essence of a democratic state and does not reflect the representation of the regional community, because this provision is no longer present in the constitutional section after the amendment of the 1945 Constitution.

Although the presence of the DPD has been guaranteed in the 1945 Constitution, the composition and authority of the DPD as stipulated in the 1945 Constitution has generated various criticisms. The

criticism relates to the number of DPD members who cannot be more than one-third of the members of the DPR, while the MPR decisions are taken by the majority of votes, so that the DPD cannot be a counterweight to the DPR's roles.

The biggest criticism in the DPD's legislative function is that the DPD's involvement is limited to the Level I discussion. In fact, the 1945 Constitution allows the DPD to participate in the process taking place at Level II. Constitutionally, it is impossible for the DPD to participate in giving approval to a draft law because the 1945 Constitution provides strict limits that approval is only the authority of the DPR and the President.

With the limited authority possessed by the DPD, it is difficult to argue that the existence of this

state institution is more of a sub-ordinance of the DPR. This limitation gives meaning, the idea of creating two chambers with balanced power to accommodate regional interests in creating justice in the distribution of power failed because the amendments to the 1945 Constitution were biased towards the interests of the DPR. This failure will result in the weakening of regional political articulation in any decision-making process at the national level. Thus it is difficult to argue with the indication that the existence of the DPD is only a complement to the representative system. In fact, in a bicameral system, each chamber should be given a relatively balanced authority in the framework of creating a checks and balances mechanism. In fact, according to Adnan Buyung Nasution [1], with the strengthening of the DPD, it is not a parliamentary centric character to make laws. Therefore, the existence of the DPD will be the very power of check and balance.

The Constitutional Court (MK) through decisions No.92 / PUU-X / 2012 and No.79 / PUU-XII / 2014, has returned the DPD's authority as mandated in the 1945 Constitution. As for the implications of the Constitutional Court decision on strengthening the legislative power of the Regional Representative Council, namely the DPD has been constitutionally strengthened in three aspects, namely first, the DPD's authority to propose a Draft Law (RUU) relating to regions; Second, the DPD's authority to participate in discussing regional-related bills; Third, the DPD's involvement in the preparation of the National Legislation Program (Prolegnas).

This was welcomed by the DPD, which so far has only been a shadow under the domination of the DPR; excessive domination that injures the bicameral system which is said to have been formed for the noble purpose of creating a good check and balance system [2]. In several points of the lawsuit submitted by the DPD, 4 (four) points of which 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 DPD's authority to submit a bill is equivalent to that of the DPR and the President; (2) The DPD's authority to participate in discussing the Bill; (3) The DPD's authority to approve the Bill; and (4) DPD involvement in preparing the national legislation program.

The decision of the Constitutional Court clearly states that in Article 102 paragraph (1) letters a, d, e, h and Article 147 of the MD3 said that The Law is contrary to the 1945 Constitution and have no binding legal force, meaning that every bill submitted by the DPD is no longer subject to the process in Legislation bodies, however, are treated equally with the bill submitted by the President, and will still be considered as the bill submitted by the DPD. This decision clearly

restores the DPD's identity as a state institution that has an equal position with the DPR and the President.

One thing that is very much in line with the decision of the Constitutional Court, that 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) The Law of the Republic of Indonesia No.12 of 2011 concerning the Formation of Legislation (hereinafter referred to as the P3 Law) is declared 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 rights and the same position as other state institutions, namely the DPR and the President to propose a bill.

Seeing the provisions as described above for strengthening the role of the DPD after the Constitutional Court decision, it is not directly applied by state institutions that are a joint session for the formation of legislative regulations, namely the DPR and the President, especially in institutional relations of people's representatives in Indonesia. Therefore, the Constitutional Court's decision on DPD's existence has been returned to its legislative function, however, in Law No.17 of 2014 as amended in the Second Amendment of Law No.2 of 2018 concerning the MPR, DPR, DPD, and DPRD still has no legal power over The authority of the Legislative Council of the Regional Representatives Council in the Indonesian constitutional system that is based on dignified justice.

This problem is what urges the author to study it further in a research with the following issues:

- a) What are the implications of the Constitutional Court Decision on the Strengthening of the Legislative Function of the Regional Representatives Council in the State Administration System of the Republic of Indonesia?
- b) How is the Reconstruction of the Legislative Authority of the Regional Representative Council of the Republic of Indonesia based on dignified justice?

METHOD OF RESEARCH

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge [3]. Paradigm also looked at the science of social as an analysis of systematic against Socially Meaningful Action through observation directly and in detail to the problem analyzed.

The research type used in writing this paper is a qualitative research. Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach method used in this research is Empirical-Juridical [4], which is based on the norms of law and the theory of the existing legal enforceability of a law viewpoint as interpretation.

As for the source of research used in this study are:

- a) Primary Data, is data obtained from information and information from respondents directly obtained through interviews and literature studies.
- b) Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

In this study, the author use data collection techniques, namely literature study, interviews and documentation where the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data.[5] Qualitative data analysis is the process of searching for, and systematically compiling data obtained from interviews, field notes and documentation by organizing data into categories, describing it into units, synthesizing, compiling into patterns, selecting important names and what will be studied and make conclusions.

RESEARCH RESULT AND DISCUSSION

Implications Of The Constitutional Court Decision On The Strengthening Of The Legislative Function Of The Regional Representatives Council In The State Administration System Of The Republic Of Indonesia

The DPD was born as the second chamber in the parliament, which carries the mandate of regional representatives with a weak authority given by the constitution. This weak function is one of the structural obstacles for the DPD to carry out its representative mandate. One of the duties of the DPD which is the main activity of the DPD is to absorb the results of aspirations from the regions, but the results of absorption are only able until there is a process of communication with the government and the DPR, where the final result of the absorption is up to the two institutions. Whereas in the legislative function the DPD does not have the right to participate in the discussion until the end and the right to participate in decision making. This had an impact even though in terms of productivity the DPD was able to produce quite a number of bills, but these bills could not be brought up. Even the other DPD proposal bills have been neglected, some have been made into the DPR Law, or it can be said that the DPD initiative bill has changed the name with the same contents. The DPD bill is claimed (to change its name) as the DPR Bill after harmonization is carried out in the Legislation Body (Baleg). In fact, the bill from the DPD initiative did not only change clothes but also took place in it even though the title was still the same [6].

The Weak function mandate was because it does not have voting rights, namely the right to decide, the DPD only has the right to speak, namely the right to convey aspirations. The formation of the policy is determined by voting rights. This has been exacerbated by the reduction of authority from the constitution to law, for example, from Law no. 27/2009, UU14/2014, UU 17/2014. Until 2014 the reduction of the DPD's authority from the constitution to the Law was found in Law No.22 of 2003 concerning the Composition and Position of the MPR, DPR, DPD, and DPRD; Law No. 10 of 2004, Law No. 12 of 2011 on the Formulation of Legislations; Law No. 27 of 2009, Law no. 14 of 2014 and Law No. 17 of 2014 concerning the MPR, DPR, DPD, and DPRD. The reduction in power possessed by the already weak DPD RI has made the DPD try to restore its authority in accordance with the constitutional mandate through filing a lawsuit to the Constitutional Court by filing a judicial review of Law Number 27 of 2009 concerning the MPR, DPR, DPD, and DPRD (MD3 Law) and Law Number 12 of the Year 2011 concerning the Formation of Legislative Regulations (UU P3) on September 14, 2012.

With the submission of the request for a judicial review, it is hoped that there will be a more precise and definite interpretation regarding the legislative function between the DPR, DPD, and the President (Article 5 and 22D of the 1945 Constitution). The request for a judicial review then issued a decision from the Constitutional Court Number 92 / PUU-X / 2012 giving the DPD the right and authority to: 1) be involved in the preparation of the prolegnas, 2) be able to submit bills, including the bill to revoke certain Perpu and, 3) participate in discussing the bill from the beginning until the end of the stage, however, the DPD did not give the approval or ratification of the Bill to become The Law.

However, it is very unfortunate that the Constitutional Court decision Number 92 / PUU-X / 2012 was not accommodated in the revision of the MD3 Law in 2014. Because of this, the DPD submitted a request for a judicial review against Law No.17 of 2014 (UU MD3). This request for judicial review resulted in the Constitutional Court decision Number 79 / PUU-XII / 2014. However, the same as the Constitutional Court decision Number 92 / PUU-X / 2012, the MK decision Number 79 / PUU-XII / 2014 cannot be implemented in practice. The two decisions of the Constitutional Court cannot be implemented (MK decisions Number 92 / PUU-X / 2012 and number 79 / PUU-XII / 2014) in the implementation of the legislative function and is due to several factors, namely:

- a) The historical factor of its formation. Since the beginning, the DPD was not wanted to have a strong position of authority.
- b) The position of the Constitutional Court. The Constitutional Court only has the authority to interpret and give decisions on issues that are

within the corridor of its authority. However, the Constitutional Court was limited to interpreting or deciding. The Constitutional Court does not reach the realm of imposing or implementing its decisions, even though the decisions of the Constitutional Court are binding. On the other hand, according to S, the DPD in theory the Constitutional Court decision is a negative legislator, while the DPR is a positive legislator. As a negative legislator, even though the Constitutional Court's decision is said to be final and binding, it is not binding on the DPR. Because the position of the DPR as a positive legislator, which means that the legislative body that makes laws, as positive law says that those who make legal norms are not the Constitutional Court. The Constitutional Court only has the function of eliminating norms that are contradictory to the Constitution, it is abolished, canceled, deleted, or stopped.

- c) Political Interplay. There is a tug of war between the DPD and the DPR. The DPR does not want its power to change and be shared with the DPD because it is considered to be competing with the DPR so that negotiations that are usually carried out with the DPR can be carried out with the DPD.
- d) The attitude of "older brothers" in the DPR. According to the opinion of Dr. (HC) A.M. The DPR fatwa does not want to be matched by the DPD, which has so far been "comfortable" as a member of parliament which is full of authority. Indeed, it is the psycho-social theory that individuals or groups who already feel established in their positions will inevitably be difficult to be invited to make changes. In addition, the DPD does not recognize the DPD as a member of parliament (as the second chamber). The DPR has not considered the DPD as a parliament in Indonesia as what can be called as Parliamentary in Indonesia it is the DPR as the legislative body is the DPR not the DPD.

There was still resistance from the DPR and the President regarding the Constitutional Court decisions No.92/PUU-X/2012 and number 79/PUU-XII/2014, making the DPD through their leadership take various approaches and formally send letters to the DPR leadership. From the results of these approaches, finally, there was a positive response from the DPR, namely that the DPR wanted to sit together to discuss the DIY Law, then the Regional Election Law, the Regional Government Law, the Village Law. Even so, in discussing the law, the DPD seems to be equated with the faction, which is referred to as the DPD fraction. But with this, it has become a shift or increase in DPD customers to carry out the functions of their regional representatives when compared to before the Constitutional Court decision. Even though the Constitutional Court's decision has not been fully implemented, the Court's decision was born a law that is

legally recognized as a product of the DPD through the mention of the DPD in its preamble, namely the Special Region of Yogyakarta Law, the General Election Law, and the Village Law which are discussed in Tripartit (three sides).

Reconstruction of the Legislative Authority of the Regional Representative Council of The Republic Of Indonesia Based On Dignified Justice

Judging from the political history of modern Indonesia, state institutions that specifically represent regional interests are not a new idea because Indonesia had a Senate during the period where Indonesia was once a Federal Nation called the United States of Indonesia (RIS) in 1949-1950. The Senate was formed because Indonesia used the federal form of state. After the Unitary State of the Republic of Indonesia (NKRI) was re-formed on August 17, 1950, the Senate was automatically abolished. However, it should be noted that the Senate practically does not have sufficient opportunities to work because of the emergence of various political conflicts demanding the annihilation of the RIS and the re-establishment of the Republic of Indonesia.

The demand for the formation of the DPD is one of the efforts to produce a more democratic government given the various interests and conditions of the regions in Indonesia. Indonesia is one of the countries in the world that has a high level of heterogeneity (pluralism). Although it is not a requirement for the establishment of democracy, the DPD is considered an institution that can represent a very important meaning because the central government within the Republic of Indonesia plays a very important role in the world of Indonesian politics.

The concept of people's representative institutions in Indonesia is unique, because there is an MPR which has a "super" function but does not work daily not to mention there is also a DPR which holds a routine legislative function. Since the fourth amendment to the 1945 Constitution, the concept of the Indonesian people's representative institution has changed to become similar to the bicameral parliament (two chambers), where, apart from the DPR, the DPD is also known as a legislative body. However, there is still something unique, namely by the fact that the MPR is still recognized as a separate institution, so that it seems as if there are three representative institutions.

Unlike the DPR, which represents the total population, the DPD is a representation of the province. The number of DPD members from each province is determined by four people. Thus, each province, regardless of the size and density of its population, will receive four DPD seats. To accelerate regional development, it is necessary to have an institution that can represent regional, inter-regional and between the central and regional interests in a fair and balanced

manner. The basic idea for the formation of the DPD is the desire to better accommodate regional aspirations and at the same time give a greater role to the regions in the process of making political decisions on matters which are mainly directly related to regional interests. This desire departs from the idea that centralistic decision-making in the past has resulted in inequality and a sense of injustice that can endanger the territorial integrity of the state and national unity. The existence of a regional delegation element in the MPR's membership (prior to the amendment to the 1945 Constitution) is deemed inadequate to respond to these challenges.

With the presence of the DPD in the Indonesian representative system, the DPR's work can then be supported and strengthened further by the DPD. The DPR is a representative institution based on the aspirations and political understanding of the people as the holder of sovereignty, while the DPD is an agency that channel the diversity of aspirations of the regions/districts. The representative system adopted by Indonesia is a system that is uniquely Indonesian because it was formed as a manifestation of the needs, interests, and challenges of the Indonesian nation and state.

In connection with the application of the bicameral system which in fact has generated disputes over authority, it is necessary to carry out reconstruction in the context of improving the bicameral system which is theoretically compatible with bicameral principles with the following steps:

- a) Amendments to the 1945 Constitution, particularly in relation to the authority of the DPD, by confirming the scope of the DPD's authority and the right to submit a draft law under its authority.
- b) Amendments to the 1945 Constitution, particularly in relation to the authority of the DPD, by confirming the scope of the DPD's authority in discussing draft laws under its authority and in carrying out supervision.
- c) Amendments to the provisions of law Number 17 of 2014 jo. Law Number 2 of 2018 concerning the People's Consultative Assembly, People's Representative Council, Regional Representative Council, and Regional Representative Council which regulates the mechanism for implementing the duties and authorities of the DPD in the implementation of legislative, budgeting, and supervisory functions.

In the context of legislation, the asymmetrical authority of the DPD when compared to the authority of the DPR does not result in the DPD not being recognized as a chamber/assembly in the Indonesian parliament because the DPD has the authority to form laws. Even in certain countries which have no statutory or supervisory function at all, the Second Chamber is

still recognized as a Chamber in the parliament (among others, are Ethiopia and Egypt).

The provisions of Article 22D paragraph (2) of the 1945 Constitution give the DPD the right to participate in discussing bills relating to regional autonomy; central and regional relations; formation, expansion, and merger of regions; management of natural resources and other economic resources, as well as the balance between central and regional finance; and provide consideration to the People's Representative Council on the draft law on state revenue and expenditure and draft laws relating to taxes, education, and religion. With this provision, the legislative process (formation of laws) is designed to involve the DPD, however, the extent to which the DPD is involved in the deliberation process and how the DPD's consideration is not formulated in the amendments to the 1945 Constitution.

Various arguments were developed and various methods were used by the DPD in order to strengthen them. First, through a legislative review. Since 2007, issues related to the strengthening of the DPD through amendments to the Susduk Law (Law Number 22 of 2003) have been ruling out, especially regarding the DPD's authority in the field of legislation [7]. The provisions contained in Article 22D of the 1945 Constitution, the phrase "participate in the discussion" still allow the DPD to play a more maximal role in its legislative function. However, the formulation in Law Number 22 of 2003 concerning the Composition and Position of the MPR, DPR, DPD, and DPRD actually limits the role of the DPD in its legislative function.

According to Saldi Isra [8], this limitation is inseparable from the growing concern during the amendment process of the 1945 Constitution that strengthening the DPD will bring Indonesia closer to the federal state model. Moreover, at the time of discussion of Law Number 22 of 2003, the DPD had not yet been formed so that in terms of political articulation, the interests of the DPD could not be voiced.

The second way is through a Judicial Review, DPD in the period of October 2004 to October 2014 has submitted 57 (fifty-seven) Bills, 237 (two hundred thirty-seven) Views and Opinions, 74 (seventy-four) Considerations, and 138 (one hundred and thirty-eight) results of supervision. All of these products have been submitted to the DPR although only the Bill on Maritime Affairs was finally discussed and became law. The limited role of the DPD made the DPD on September 14, 2012 submitted a request for Judicial Review on Law Number 27 of 2009 concerning MD3 and Law Number 12 of 2011 concerning P3 to the Constitutional Court registered in case number 92 / PUU-X / 2012. The Constitutional Court on March 27,

2013, confirmed the DPD's authority in terms of DPD involvement in the legislative process, namely:

- a) In submitting bills relating to regions, the DPD is equivalent to the DPR and the President;
- b) The rights/authorities of the DPD are the same as the DPR and the President in discussing the Bill;
- c) The DPD also participated in discussing the Bill but did not give approval for the Bill to become Law;
- d) DPD is involved in compiling Prolegnas; and
- e) DPD provides considerations without participating in the deliberation of the Bill. In this case, the DPR and the President are obliged to ask the DPD's consideration of the APBN Bill.

The Constitutional Court's decision also led to a new legislative discussion pattern, namely the tripartite pattern, in which the Constitutional Court decided that the Periodic Inventory List (DIM) to be discussed was institutional DIM and not just a faction DIM. The pattern with the DIM of the Faction is the pattern of deliberating the draft bill before the amendments to the 1945 Constitution. Most of the results of the Constitutional Court's decision are accommodated in Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD. However, some of the materials for the Constitutional Court Decisions have not been regulated in the MD3 Law. The DPD then had the initiative again to submit a request for review of the MD3 Law to the Constitutional Court, through case Number 79 / PUU-XII / 2014. The Constitutional Court reiterated the authority of the DPD as in the previous MK decision.

The third way is through amendments to the 1945 Constitution. During the two periods, the DPD has gathered support for the fifth amendments to the 1945 Constitution, starting from prominent national figures (for example, former President of the Republic of Indonesia), kings of kingdoms in regions in Indonesia, associates of the regional heads, DPRD's associates, leaders of national mass organizations, and so on. As for the functional aspects which are strengthened by the DPD through the way of exercising this authority, which aspects can not be measured because the DPD has taken the path of strengthening power through these main powers based on how several major powers have pushed for a formal amendment.

The desire to make the fifth amendment was approved by all members of the DPD. The proposed amendments to the 1945 Constitution submitted by the DPD are as follows:

- a) Paragraph (1) is proposed to be amended into: The Regional Representative Council has the power to form laws together with the House of Representatives related to its regional autonomy, central and regional relations, the formation and expansion and amalgamation of regions, management of natural resources and resources.

other economies, as well as those related to the balance between central and regional finances.

- b) Paragraph (2) is proposed to be amended into: The Regional Representative Council will participate in discussing and giving consideration to the DPR or the draft law on state revenue and expenditure budget and draft laws relating to taxes, education, and religion.
- c) Paragraph (3) is proposed to be amended into: The Regional Representative Council shall supervise the implementation of laws concerning: regional autonomy, formation, expansion, and merger of regions, central and regional relations, management of natural resources and other economic resources, implementation of state, male, educational, and religious income and expenditure budgets and conveying the results of these controls to the House of Representatives and the Government for follow-up.

Based on the three proposals, the DPD wants this additional authority to approve or reject the draft law related to regional autonomy; central-regional relations; formation, expansion, and merger of regions; management of natural and other economic resources; as well as the financial balance between the center and the regions that have been approved by the DPR. Apart from that, the DPD also proposed that they have the authority to reject the draft law that has been approved by the DPR, the rejected bill cannot be brought forward during the next DPR trial period.

This conception is also in line with the original intent (initial will) of the principles in the fourth principle of Pancasila, namely "democracy led by wisdom in deliberation/representation". In the third point of thought of the Preamble to the 1945 Constitution, it is stated that sovereignty is based on "populist" and "deliberation" (kinship). Furthermore, Moh. Hatta [9] emphasized that Indonesian democracy contains the characteristics of "wisdom". Yudi Latif [10] argues that in an ethical orientation the meaning of the value of wisdom is brought to life through the power of rationality, consensual wisdom, and commitment to justice which can present a positive tolerance and synthesis as well as prevent power from being controlled by "majority" and "minority".

The meaning of "wisdom" also contains the concept of checks and balances between state institutions because, in deliberative democracy, a political decision is said to be correct if it meets at least four conditions. First, it must be based on the principles of rationality and justice, not only based on ideological subjectivity and interests; Second, dedicated to the interests of many people, not for the benefit of individuals or groups; Third, far-forward oriented, not for short-term interests through destructive transactional accommodation (negative tolerance); Fourth, it is impartial, by involving and considering the opinions of

all parties (even minorities) in an inclusive manner, which can counteract the minority dictates of the ruling elite and businessmen and the claims of the majority.

The ethical orientation of "wisdom" also requires the existence of a deep knowledge that transcends time and space about the material being deliberated. Through this wisdom, those who represent the people can feel, explore, and know what the people are thinking and then make wise decisions that will bring the republic to a better condition. The view of a number of experts is that the People's Consultative Assembly (MPR) in the constitutional practice is only in the form of a joint session or 'National Assembly'. This is in accordance with the practice of the bicameral parliamentary structure in a number of democratic countries, such as the parliaments of Britain and the United States. The idea of reconstruction has a theoretical and philosophical basis which is absorbed from the formulation of the fourth principle of Pancasila and the fourth paragraph of the 1945 Constitution of the Republic of Indonesia, namely "... and society led by the wisdom of wisdom in the form of deliberation/representation ...".

The value of these principles places the essence of deliberative democracy based on collective deliberation and open and effective decision-making procedures as well as the essence of the value of wisdom. Observing from a historical perspective, the founding fathers when debating the state-building had realized that the system of political representation as applied to members of the DPR had weaknesses, namely that it was only based on political parties.

For this reason, the idea that was made to be in line with the principles of the fourth precept is a balance between political representation (political parties) and functional representation consisting of regional representatives and groups not represented in political parties. This was confirmed in the 1945 Constitution prior to the amendment that the MPR consisted of the DPR and group representatives. This can then become the foundation for building the concept of transformation to strengthen the position and authority of the DPD as an alternative channel of representation that must be positioned in a balanced and equal position to other state institutions, especially in the Indonesian parliament.

CONCLUSION

1. Implications of the Decision of the Constitutional Court as an effort to Strengthen the Legislative Function of the Regional Representative Council is that after tracing the decisions referred to, it turns out that it has been confirmed that the authority of the Regional Representative Council in terms of the legislative process, namely: a. In submitting a Draft Law relating to regions, the Regional Representative Council is equivalent to

the People's Representative Council and the President; b. The rights or powers of the Regional Representative Council are the same as that of the House of Representatives and the President in discussing the Bill; c. The Regional Representative Council participated in discussing the Bill but did not participate in approving the Bill to become Law; d. The Regional Representative Council participated in drafting the National Legislation Program; and e. The Regional Representative Council provides considerations without participating in the deliberation of the Bill. In this case, the DPR and the President are obliged to request the DPD's consideration of the RUU APBN.

2. Reconstruction of the legislative authority of the Regional Representative Council based on Dignified Justice, that the DPD cannot be under the DPR and the President, on the contrary, must be the same, especially in terms of legislative tasks because as a democratic country, it is unhealthy to have a representative institution that does not have the authority to fight for what interests it represents. The future of Indonesian democracy, one of which is determined by the realization of people's sovereignty through the DPD institution which has independent authority, so that the various differences and diversity of the nation and state of Indonesia including territory, population, culture, religion, historical values, can be fought for and formulated in national policies. The authority of the DPD must be based on Dignified Justice because DPD is one of the manifestations of the people's sovereignty as stated in the Fourth Principle of Pancasila, namely "Democracy led by wisdom in deliberation/representation". Moreover, in Dignified Justice, the position of the DPD must be in accordance with the wishes of the people, especially as part of representation in the regions.

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