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The Urgency of Strengthening DPD RI In Regional Lawmaking Amid Central-Regional Polarization In Asymmetric Decentralization

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Abstract: The Regional Representative Council of the Republic of Indonesia (DPD RI) was constitutionally established as a representative body for the regions within the national political system. However, its role in the legislative process remains weak and limited. This limitation becomes increasingly problematic amidst the growing polarization between central and regional governments, as well as regulatory conflicts caused by imbalances in legislative authority over laws that directly impact the regions. Furthermore, the challenges of regional development in an era of asymmetric decentralization demand a stronger and more active role from the DPD RI to ensure that national policies align with local needs. This study aims to evaluate the legislative role of the DPD RI and to propose a model for strengthening its authority in a more effective and structural manner. The research employs a normative juridical method with a comparative approach, supported by theoretical frameworks and global practices in bicameral legislative systems. The key finding of this research is a conceptual proposal and normative design of a "regional legislative correction right" (hak koreksi legislasi daerah) for the DPD RI. This proposed mechanism would allow the DPD to actively assess and revise draft legislation that directly affects regional interests, offering a strategic alternative for reforming a more inclusive and equitable national legislative system.

Keywords: DPD RI Legislation ; Regional Lawmaking ; Central-Regional Polarization; Asymmetric Decentralization

1. Introduction

The role of the Regional Representative Council (DPD) in Indonesia's bicameral system is an important element that is still in the process of optimization. The DPD was formed in response to the need to increase regional representation at the legislative level. However, currently, its authority and function are still limited compared to the House of Representatives (DPR).[1] This weakness is related to the existing legislative structure, where the DPD does not yet have the same legislative power, so that the role of supervision and balance between state institutions becomes less effective.[2]

[1] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd". Jurnal Pemerintahan (2017). ; Farhan And Mustakim "Pengaturan Kewenangan Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Di Indonesia" National Journal Of Law (2021). Doi:10.47313/Njl.V4i1.1115.

[2] Akmal "Penambahan Kewenangan Dewan Perwakilan Daerah Sebagai Upaya Memperkuat Eksistensinya" (2023). Doi:10.59635/Jihk.V10i1.169.

A clearer and stricter regulation of the functions of the DPD in the constitution and the law has not yet been found.[3] In this context, the DPD is expected to be able to be a bridge between regional aspirations and national policies, especially in the discussion of laws that have a direct impact on the regions. However, in practice, the DPD is often trapped under the dominance of the DPR in the legislation process, which makes it less effective in carrying out its duties as a regional representative.[4]

During its more than two decades of existence, the DPD faced significant challenges in consolidating its position and relevance in the Indonesian political system. Although the DPD is constitutionally given space to participate in legislation, the reality is that this institution is often less heard in the decision-making process; This can be caused by the lack of authority possessed by the DPD.[5]

The phenomenon of overlapping regulations between central and regional governments in Indonesia, as seen in the development of the Job Creation Law and regional regulations (Perda), reflects the complexity and challenges in legal governance in countries with decentralized systems. This overlap results in legal uncertainty and often to the detriment of local interests. For example, land overlap between the plantation and mining sectors has given rise to conflicts over land use, where permits issued for one sector may conflict with regulations in another, creating complex problems in natural resource management. [6] A study states that consistent policy inclusion to address this overlap is essential to prevent conflicts that harm society.[7]

Regarding the issue of fiscal centralization, policies set by the central government often do not take into account local conditions and needs. This makes it difficult for local governments to carry out their functions effectively, given that resources are often more concentrated at the center. Furthermore, the lack of clarity regarding the powers and responsibilities between central and regional governments, especially in terms of budgets and financial management, can lead to a high dependence on central policies, potentially threatening local autonomy and widening the gap between the central and regional governments[8] (Fahlevi & Hikmah, 2023; , Amiludin, 2018). Protection for local interests is often weak, so the voice of local communities in decision-making is neglected, while the

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[3] Tinambunan & Prasetio. "Rekonstruksi Konstitusi Dalam Regional Representative Dewan Perwakilan Daerah Terhadap Fungsi Legislatif". Masalah-Masalah Hukum (2019).

[4] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) ; Farhan And Mustakim "Pengaturan Kewenangan Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Di Indonesia".

[5] Akmal "Penambahan Kewenangan Dewan Perwakilan Daerah Sebagai Upaya Memperkuat Eksistensinya" ; Tinambunan & Prasetio. "Rekonstruksi Konstitusi Dalam Regional Representative Dewan Perwakilan Daerah Terhadap Fungsi Legislatif".

[6] Amri Et Al. "Pengaruh Hukum Tumpang Tindih Di Areal Perkebunan Terhadap Izin Usaha Pertambangan Dari Perspektif Penerbitan Izin" Sultra Research Of Law (2024). Doi:10.54297/Surel.V6i2.77

[7] Lobubun Et Al. "Inkonsistensi Peraturan Perundang-Undangan Dalam Penyelenggaraan Pemerintahan Daerah Di Indonesia" Jurnal Pembangunan Hukum Indonesia (2022). Doi:10.14710/Jphi.V4i2.294-322

[8] Fahlevi And Hikmah "Pengaruh Partai Politik Lokal Terhadap Keberlanjutan Dana Otonomi Khusus Aceh" Comserva Jurnal Penelitian Dan Pengabdian Masyarakat (2023). Doi:10.59141/Comserva.V3i5.986 ; Amiludin "Politik Hukum Pertanahan Dan Otonomi Daerah (Kebijakan Dan Kewenangan Pemerintah Pusat Dengan Daerah Terkait Pertanahan)" Journal Of Government And Civil Society (2018). Doi:10.31000/Jgcs.V2i1.712

policies implemented are not always in accordance with the specific needs of the region. [9](Lobubun et al., 2022).

Weaknesses in the protection of local interests are also reflected in policies made without the active participation of the community. For example, in the implementation of infrastructure development, such as land acquisition, there is often rejection from local communities who feel oppressed without getting fair compensation or adequate dialogue.[10] Research shows that many government policies do not provide space for input from local communities, even though their involvement is very important to achieve policies that are more inclusive and responsive to community needs.[11]

On the other hand, the misalignment between existing policies and local needs leads to challenges in implementation, including in terms of incentives for specific sectors. For example, in some regions, although there is an incentive policy for health workers related to handling Covid-19, the realization in the field shows inequality between regions that are successful and not in implementing the policy[12] This has a negative impact on people's access to services that should be improved in times of crisis.

Therefore, to deal with this problem, there is a need for harmonization and synergy between existing regulations at the central and regional levels as well as strengthening public participation in every policy-making process. Research shows an urgent need to improve the regulatory framework so as to create better integration between national and local interests, as well as provide adequate protection for regional interests[13] Based on this background, this research is limited to two formulations of the problem, namely What are the limits of the authority of the DPD RI in the formation of laws related to the current regions? And how can the alternative model of DPD RI's authority strengthen regional representation?

2. Method

The approach used in this study is normative juridical This approach emphasizes the importance of analyzing the legal norms contained in laws and regulations and other legal documents. In this context, the analysis is focused on the constitution and constitutional law, considering that these two elements are the basis for understanding the legal and political order in a country. The juridical normative approach also emphasizes the legal

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[9] Lobubun Et Al. "Inkonsistensi Peraturan Perundang-Undangan Dalam Penyelenggaraan Pemerintahan Daerah Di Indonesia"

[10] Pratama "Hukum Persaingan Usaha Perusahaan Luar Di Daerah Lampung" Journal Of Law Administration And Social Science (2024). Doi:10.54957/Jolas.V4i2.618

[11] Herdiana "Sumedang Puseur Budaya Sunda: Pelaksanaan Penyelenggaraan Pemerintahan Daerah Berbasis Budaya Lokal" Jurnal Agregasi Aksi Reformasi Government Dalam Demokrasi (2023). Doi:10.34010/Agregasi.V11i1.5779

[12] Rahman "Harmonisasi Regulasi Dalam Implementasi Kebijakan Pemberian Insentif Bagi Tenaga Kesehatan Daerah Yang Menangani Covid-19 Di Kota Tangerang Selatan" Jurnal Sosial Teknologi (2023). Doi:10.59188/Jurnalsostech.V3i5.724

[13] Nugroho "Perlindungan Hak Masyarakat Adat Dalam Pemindahan Ibukota Negara" Jisip Unja (Jurnal Ilmu Sosial Ilmu Politik Universitas Jambi) (2022). Doi:10.22437/Jisipunja.V6i1.17417 ; Primadhany "Hukum Perlindungan Konsumen Dan Implikasinya Terhadap Hak Asasi Manusia Di Kabupaten Sukabumi: Studi Kasus Tentang Perlindungan Konsumen Pada Produk Pangan" Jurnal Hukum Dan Ham Wara Sains (2023). Doi:10.58812/Jhhws.V2i6.444

principles that exist in society as a reference to determine the validity and legitimacy of the norms being studied.[14]

Analysis of the available data will be carried out by identifying and comparing relevant legal provisions in the constitution and constitutional law both in Indonesia and other countries that are the object of comparison. It aims to find existing patterns, as well as to identify the strengths and weaknesses of the regulation of each legal system. In addition, the practical impact of each regulation on community life and government will also be analyzed.[15]

The data sources in this study consist of: the 1945 Constitution of the Republic of Indonesia (1945 Constitution), Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (MD3 Law)[16] Law Number 12 of 2011 concerning the Establishment of Laws and Regulations: [17] Constitutional Court (MK) Decision[18] Constitution and Practice of Legislative Institutions in Other Countries: This research will also look at the laws and practices of legislative institutions in other countries such as Australia, Germany, and Belgium. A comparison of the constitution and the implementation of the bicameral system in these countries will provide additional insights to understand how the arrangement of authority and relations between the central and regional governments can be optimized. [19]

3. Results and Discussion

3.1 Position and Authority of DPD RI in Regional Legislation

The regulation of the Regional Representative Council (DPD) in the 1945 Constitution and its implementation in Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (MD3 Law) shows significant relevance to the political and legislative position in Indonesia. Based on the 1945 Constitution, DPD plays the role of regional representation which has the function of fighting for the aspirations of the community at the regional level into national policies.[20] Article 22D of the 1945 Constitution clearly states that the DPD has the right to submit proposed laws and participate in the discussion of laws related to regional interests. [21]

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[14] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd". Jurnal Pemerintahan (2017).

[15] Tinambunan & Prasetio. "Rekonstruksi Konstitusi Dalam Regional Representative Dewan Perwakilan Daerah Terhadap Fungsi Legislatif". Masalah-Masalah Hukum (2019).

[16] Putra Et Al. "Pelaksanaan Dekonsentrasi Dan Tugas Pembantuan Dalam Penyelenggaraan Pemerintahan Di Indonesia" Jurnal Indonesia Sosial Sains (2022). Doi:10.36418/Jiss.V3i1.516

[17] Putra Et Al. "Pelaksanaan Dekonsentrasi Dan Tugas Pembantuan Dalam Penyelenggaraan Pemerintahan Di Indonesia"

[18] Ardiansyah "Implikasi Putusan Mahkamah Konstitusi Terhadap Pajak Daerah" Jurnal Pajak Indonesia (Indonesian Tax Review) (2018) Doi:10.31092/Jpi.V1i2.156.

[19] Daheliah "Format Format Pemerintahan" (2022) Doi:10.31219/Osf.Io/Pzadw

[20] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd".

[21] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd".

However, in practice, the implementation of the DPD in the MD3 Law presents a number of challenges. The MD3 Law gives the DPD the authority to give consideration to bills proposed by the DPR, but does not give legislative powers equivalent to the DPR.[22] This causes the effectiveness of the role of DPD to often be questioned, especially in the context of policy discussions that can directly affect local communities.[23] This limitation also causes frustration among DPD members who feel that their opportunities to contribute to political decision-making are limited.[24]

Furthermore, it shows that the MD3 Law is not only related to legislative power but also reflects the internal political dynamics between the DPR and DPD. Competition between coalitions in the DPR affects interactions with the DPD, where the arrangements in the MD3 Law are often seen as a product of compromise between the ruling political parties, which puts the DPD in a less powerful position.[25] In this context, the implementation of the MD3 Law should further strengthen the position of the DPD so that it can function optimally, regardless of the evolving political dynamics.

In terms of implementation, it is important to be able to use its authority to advocate for stronger local interests in governance. This includes empowering its members to be more active in society and vote on issues that are really relevant to their respective regions.[26] DPD's involvement in the legislation process can be achieved more effectively through capacity building and support for understanding of laws and regulations related to regional interests.

The implementation of sectoral law-making practices in Indonesia shows a significant impact on the regions, often without actively involving the Regional Representative Council (DPD). One clear example of this practice is the implementation of the Job Creation Law (UU CK) and the Law on Financial Relations of Central and Local Governments (UU HKPD), which are part of the decentralization policy. However, in the process, the DPD, as a regional representative, is often not optimally involved in the drafting of laws that directly affect local interests.

The influence of the Job Creation Law is enormous in terms of licensing and investment regulation, which often conflicts with existing regional regulations (Perda). In Lumajang Regency, for example, the implementation of the Job Creation Law has an impact on recentralization, where the authority previously held by the local government is taken over by the central government, causing a dilemma in the implementation of regulations that support the interests of local communities.[27] The minimal involvement of the DPD in this

[22] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd".

[23] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd".

[24] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd".

[25] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd".

[26] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd".

[27] Farhan And Mustakim "Pengaturan Kewenangan Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Di Indonesia" National Journal Of Law (2021). Doi:10.47313/Njl.V4i1.1115.

process has the potential to weaken advocacy for regional interests, so that the resulting policies do not reflect local needs.

On the other hand, the HKPD Law also shows the potential for harm to the regions, especially in terms of the financial system. Some observers are concerned that the tax provisions contained in the HKPD Law can slow down regional economic growth, negatively impacting regional original revenue (PAD).[28] The impact of the formation of this law, if without the involvement of the DPD, often overrides the specific aspirations and interests of each region, so that the decisions taken tend to be homogeneous and do not take into account the diversity of local conditions throughout Indonesia.

Decentralization theory prioritizes the division of power between the central and regional governments to increase public participation in government. However, the practice of law-making that often involves more political interests at the central level ignores the function of the DPD as a regional representative.[29] With the DPD having a limited role in the discussion of the bill, this creates injustice in a regulation that should be inclusive. As explained by Rizal et al., regional participation in decision-making is very important to avoid irrelevant and dysfunctional policies.[30]

3.2 The Problem of Center-Regional Polarization in the Era of Asymmetric Decentralization

Vertical conflicts of interest between the central government and local governments are a phenomenon that often arises as a result of decentralization and regional autonomy policies. Although regional autonomy is intended to give more power to the regions in the management of resources and public services, in practice, there are often ambiguities in authority that limit the ability of the regions to make decisions related to local interests.

This vertical conflict can arise from the lack of clarity about the limits of authority between the central and regional governments.[31] argues that conflicts are often triggered by ineffective authority given to local governments, which leads to a struggle for economic resources. When the central government makes policies without considering input from local governments, it creates distance and dissatisfaction, as well as erodes public trust in both levels of government.

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[28] Rizal Et Al. "Pengaruh Pajak Daerah Dan Faktor Lain Terhadap Pertumbuhan Ekonomi Di Pulau Jawa" Literatus (2022) Doi:10.37010/Lit.V4i2.796 Publication Type: Article.

[29] Pasaribu "Kedudukan Dan Fungsi Dewan Perwakilan Daerah (Dpd) Dalam Sistem Ketatanegaraan Indonesia" Yuriska Jurnal Ilmiah Hukum (2017) Doi:10.24903/Yrs.V2i2.198 Publication Type: Article.

[30] Maulina Et Al. "Pengaruh Pendapatan Asli Daerah, Dana Perimbangan, Belanja Modal, Dan Ukuran Pemerintah Daerah Terhadap Kinerja Keuangan Pemerintah Daerah" Journal Of Information System Applied Management Accounting And Research (2021) Doi:10.52362/Jisamar.V5i2.373 Publication Type: Article.

[31] Irtanto "Konflik Dalam Otonomi Daerah Dan Dampaknya Terhadap Penyelenggaraan Pemerintahan" (2021) Doi:10.55981/Brin.485. ; Farhan And Mustakim "Pengaturan Kewenangan Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Di Indonesia"

For example, in the context of the budget, the conflict between the Governor of DKI Jakarta and the DKI Jakarta DPRD in the determination of the Regional Revenue and Expenditure Budget (APBD) often shows how differences in interests at the vertical level can hinder vital processes in the administration of government.[32] Here, the central and regional governments have different positions, creating tensions that can lead to ineffective policies, such as in the budgeting of important projects in the regions.

The impact of this vertical conflict is widespread. First, the level of public trust in the government, both central and regional, can decrease. The people feel that the policies taken do not reflect their needs and aspirations, which leads to dissatisfaction and protests at the community level.[33] This can trigger greater conflicts, both at the regional and national levels.

In addition, this conflict also has a negative effect on public services. When local governments do not have full autonomy to manage resources, the quality of public services, such as health and education, will be compromised.[34] In many cases, local communities feel marginalized, and access to resources becomes narrow, leading to social marginalization.[35] The approach that can be taken is to strengthen the communication and collaboration mechanism between the central and regional governments, through discussion forums involving all stakeholders. This approach will not only increase transparency, but also provide space for regions to convey the aspirations and challenges they face in exercising autonomy.[36] With systematic changes, it is hoped that vertical conflicts of interest between Jakarta and the regions can be minimized, so that regional autonomy can function optimally and provide maximum benefits for the community.

In the context of the governance system in Indonesia, the corrective legislation function from the regions to the central government often faces various challenges that result in weaknesses in the implementation of decentralization. This weak function causes regional voices and interests to often go unheard in national policymaking, which can lead to policies that are not in accordance with local conditions and needs.

Unclarity in the division of authority between the central and regional governments is the main factor affecting the performance of corrective legislation. For example, in settings such as the reclamation of Jakarta Bay, there are conflicts between the central and regional governments regarding land management and use. Policies taken by the central government are often contrary to local regulations and do not consider input from local communities.[37] This creates a gap between regional aspirations and policies implemented from Jakarta, so that the DPD's function in voicing local legitimacy is not optimal.

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[32] Akmal "Penambahan Kewenangan Dewan Perwakilan Daerah Sebagai Upaya Memperkuat Eksistensinya" (2023). Doi:10.59635/Jihk.V10i1.169.

[33] Farhan And Mustakim "Pengaturan Kewenangan Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Di Indonesia"

[34] Tinambunan & Prasetio. "Rekonstruksi Konstitusi Dalam Regional Representative Dewan Perwakilan Daerah Terhadap Fungsi Legislatif".

[35] Farhan And Mustakim "Pengaturan Kewenangan Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Di Indonesia"

[36] Lobubun Et Al. "Inkonsistensi Peraturan Perundang-Undangan Dalam Penyelenggaraan Pemerintahan Daerah Di Indonesia"

[37] (Mutia & Herdiansyah (2019) ; Mutia & Asteria, 2018)

Weaknesses in the function of this legislation have an impact on the regional development process. When the regions do not have the power to correct policies that are considered detrimental, investments and development programs that should be able to provide benefits are hampered. According to research conducted by Santosa et al., there are regional regulations that are declared problematic because they are contrary to higher regulations and contrary to the public interest.[38] This situation shows the lack of regional efforts to play an active role in the supervision and formulation of legislation oriented to regional interests.

Second, the central government's active intervention in regional affairs often eliminates the power of the regions to form and implement regulations in accordance with local characteristics. For example, the conflict between the Governor of DKI Jakarta in the determination of the Regional Revenue and Expenditure Budget (APBD) shows how central power can interfere with the legislative process at the regional level and weaken the ability of the regions to provide aspirations to the DPR and DPD.[39] The existing supervisory mechanisms are not always effective in providing space for the regions to correct unfavorable central policies.

To strengthen the corrective legislation function from the regions to the center, there is a need for reform in the existing legislation system. The suggestion that can be put forward is the need to strengthen regional legislative institutions, such as the DPD, by giving more rights in the legislation process. The DPD must be recognized as an institution that can make a significant contribution to policymaking at the national level. The active involvement of the DPD in decision-making that affects central policies can improve the weaknesses seen today.[40]

One of the factors that occurs in the imbalance of fiscal allocation is the unfair distribution between rich and poor areas. Based on Law Number 23 of 2014 concerning Regional Government has emphasized the importance of the role of the region in development, the realization of budget allocation often does not reflect the needs and potentials of the region proportionately.[41] For example, areas with abundant natural resources often get lower allocations compared to more economically developed areas.

Concerns about tax collection have also arisen, suggesting that tax authorities are often more centralized, so that regions lack flexibility in managing their local tax potential. This creates dissatisfaction at the regional level as they feel they are not getting back their fair benefits for the resources they produce.[42]

In addition, imbalances are also seen in the aspect of legislation. The function of the local legislature is often weak and cannot effectively correct central policies that have an impact on the regions. This limitation is due to the lack of authority given to the Regional

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[38] *Santosa et al., 2023*

[39] Jumadin & Wibisono, "Konflik Politik Antara Gubernur Dan Dprd Dki Jakarta Dalam Proses Penetapan Apbd 2015," Populis Jurnal Sosial Dan Humaniora (2020) Doi:10.47313/Ppl.V4i8.698.

[40] (Tinanto et al., 2023).

[41] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd"

[42] Farhan And Mustakim "Pengaturan Kewenangan Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Di Indonesia"

Representative Council (DPD) in reviewing and contributing to laws produced by the House of Representatives (DPR).[43] As a result, the regions cannot face various policies from the central government that are not in accordance with local conditions and needs.

Furthermore, Irtanto noted that in regional autonomy conflicts, the weak legislative function of the regions towards the central government often leads to coordination problems that have an impact on policies. [44] This results in gaps in the implementation of policies related to community welfare at the local level, which should be a top priority for local governments.

Continuous changes in policies and laws also contribute to this imbalance. With changes such as in tax arrangements or the distribution of government allowances, regions often feel overwhelmed to adapt. This was conveyed in a study by Alfinia, where the complexity of regulations made it increasingly difficult for regions to innovate in optimizing their income and carrying out the legislative function. [45]

3.3 Comparison: Models of Regional Legislation by Upper Chambers in Other Countries

1. German Bundesrat: Veto Right on Legislation Affecting the Länder

The Bundesrat, as a legislative body in Germany, plays a key role in the federal system of government by granting veto rights over legislation that impacts the states (Länder). In this context, the Bundesrat acts as a representative of local governments and has the power to influence national policies that may ignore or harm regional interests.

The Bundesrat is composed of representatives from each Länder, whose members are appointed by the state government. The main role of the Bundesrat is to vote on proposed legislation in the Bundestag, Germany's federal parliament, especially those relating to areas of responsibility for the Länder such as education, policing, and environmental regulations.[46]

This system is regulated in Articles 77 to 79 of the German Constitution (Grundgesetz), which gives the Bundesrat the right of veto for certain laws. This means that if the Bundesrat rejects a law, it cannot be accepted without further approval from the Bundesrat. The existence of this veto power demonstrates the importance of state votes in the federal legislature and serves to ensure that regional interests are not overlooked by legislation made at the central level. (Houssam, 2024).

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[43] Akmal "Penambahan Kewenangan Dewan Perwakilan Daerah Sebagai Upaya Memperkuat Eksistensinya"

[44] Tinambunan & Prasetio. "Rekonstruksi Konstitusi Dalam Regional Representative Dewan Perwakilan Daerah Terhadap Fungsi Legislatif".

[45] Amri Et Al. "Pengaruh Hukum Tumpang Tindih Di Areal Perkebunan Terhadap Izin Usaha Pertambangan Dari Perspektif Penerbitan Izin" Sultra Research Of Law (2024). Doi:10.54297/Surel.V6i2.77

[46] Hanschel "Enforcement Of Federal Law Against The German Länder" (2017) Doi:10.1093/Acprof:Oso/9780198746560.003.0016.

The veto power not only serves as a control tool, but also as a means to reach consensus and cooperation between the central and regional governments. In situations where the central legislature has the potential to harm or ignore certain interests of the Länder, the Bundesrat can use its veto power to demand changes or adjustments that are more in line with local needs.[47]

One concrete example is legislation related to fiscal policy and environmental regulations. If a law is felt to burden certain regions in terms of finance, natural resource management, or environmental protection, the Bundesrat reserves a strong veto power to fight for the interests of those regions. Therefore, the presence of the Bundesrat is essential to maintain the balance of power as well as the continuity of harmonious relations between the federal and local governments. [48]

2. The British House of Lords and the Australian Senate

The House of Lords in the UK and the Australian Senate are the second-tier legislative bodies in their respective countries' bicameral systems of government. However, there are significant differences in how the two institutions function and are organized. The House of Lords is made up of unelected members, which includes nobles, members of the church, and a number of appointed members. This system provides a unique representation, where expertise, experience and knowledge from different fields can be combined. For example, members of the House of Lords are often made up of former judges, professionals, and experts in a particular field, who contribute to lawmaking from a broader perspective.[49]

The Australian Senate, on the other hand, is made up of members who are directly elected by the people through general elections. Every state in Australia has an equal number of seats in the Senate, regardless of size and population, designed to provide fair representation for all states. [50] This is in contrast to the more elite House of Lords, as members of the Senate are elected to represent the votes of the electorate and have direct responsibility to their constituents.

These two institutions have a crucial legislative function in making laws. Although both serve as a second chamber, there are differences in their power and influence in the legislative process. The *House of Lords* plays a role in reviewing and revising legislation proposed by the House of Commons, with the ability to delay or propose changes. However, the House of Lords does not have absolute veto; The final decision remains in

[47] Souris Et Al. "Navigating Conflicting Incentives: Discursive Strategies Of Political Parties In Germany's Cooperative Federalism" Publius The Journal Of Federalism (2024) Doi:10.1093/Publius/Pjae024.

[48] Bury And Feld "Fiscal Federalism In Germany" (2023) Doi:10.1007/978-3-030-97258-5_5.

[49] Indrawan & Aji. "Perbandingan Tugas Dan Kewenangan Antara Dewan Perwakilan Daerah (Dpd) Dengan Senat Amerika Serikat: Sebuah Usulan Reposisi Peran Dpd".

[50] Farhan And Mustakim "Pengaturan Kewenangan Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Di Indonesia"

the hands of the House of Commons, mainly thanks to the *principle of "money bills*," which states that only *the House of Commons* has the right to make laws relating to taxes and expenditure.[51]

The Australian Senate also has the power to review and amend legislation, and can reject or ratify legislation proposed by the House of Representatives. One of the unique aspects of the Senate is the stronger veto power in certain legislative cases through mechanisms such as "double dissolution," where misalignment between two chambers can lead to new elections if the Senate refuses to ratify laws deemed important by the central government.[52]

Both institutions contribute to public policy, but their methods and approaches are different. *The House of Lords* tends to focus more on in-depth scrutiny and debate on legislative issues, with the expertise of unelected members often leading to more precise and detailed lawmaking.[53] Meanwhile, the Australian Senate, with an emphasis on state representation, serves as a watchdog and counterweight to proposed policies, often ensuring that the voices and perspectives of all states are accommodated in proposed legislation.[54]

The design of the DPD's authority must be improved and arranged in such a way that it can be more effective in its role as regional representation in the legislation process. The granting of greater authority, in accordance with the principle of decentralization, will ensure that regional interests can be accommodated fairly. The references that have been discussed affirm the importance of making DPD an institution that is not only reactive, but also plays an active role in the formation and supervision of policies related to the lives of people in the regions.

3.4 New Idea: The Right to Correct Regional Legislation by DPD RI

In the midst of the challenges faced by the DPD RI in the implementation of regional autonomy, the proposal to grant correction rights to the bill submitted at the central level has become very relevant. This aims to ensure that any proposed legislation has minimal impact on local government policies. By granting this right, the DPD can seriously play a role in fighting for regional interests, especially by facing a number of laws that are often considered detrimental or irrelevant to local needs. [55]

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[51] Akmal "Penambahan Kewenangan Dewan Perwakilan Daerah Sebagai Upaya Memperkuat Eksistensinya"

[52] Tinambunan & Prasetio. "Rekonstruksi Konstitusi Dalam Regional Representative Dewan Perwakilan Daerah Terhadap Fungsi Legislatif".

[53] Amri Et Al. "Pengaruh Hukum Tumpang Tindih Di Areal Perkebunan Terhadap Izin Usaha Pertambangan Dari Perspektif Penerbitan Izin" Sultra Research Of Law (2024). Doi:10.54297/Surel.V6i2.77

[54] Lobubun Et Al. "Inkonsistensi Peraturan Perundang-Undangan Dalam Penyelenggaraan Pemerintahan Daerah Di Indonesia" Jurnal Pembangunan Hukum Indonesia (2022). Doi:10.14710/Jphi.V4i2.294-322

[55] (Widodo (2014) ; Fauziyah & Ekaningtias, 2022).

The *ex-ante review* mechanism can be carried out before the bill is discussed in the DPR, so that the DPD can provide input on the impact that the bill may have on the regions. Meanwhile, *ex-post reviews* are important to evaluate the impact after the bill is promulgated, to determine whether the policies set are in accordance with the expectations and needs of the local community. [56](Ismiyanto & Suniaprily, 2023). By conducting this kind of evaluation, the DPD can be actively involved in the legislation process.

The DPD's involvement in the joint committee could strengthen their position in the legislation process. This structure allows for dialogue between central and regional legislators, so that specific issues faced by the regions can be raised and considered directly in legislative discussions. [57] This will result in more balanced decisions and are responsive to the local context.

In the harmonization and finalization stage, the DPD must be given the authority to review and recommend the necessary changes to the bill, before it is officially approved. This authority will not only affirm the position of the DPD as a representative of the region, but will also ensure that the resulting legislation truly reflects the needs and aspirations of the people in the region.[58]

The implementation of this right of correction can be started with regulations at the internal level of the DPD that establish operational procedures for reviewing the bill. This process can also involve regional stakeholders, including stakeholders and civil society organizations, to ensure that the right to correction reflects the voice of the people.[59]

Nevertheless, constitutional challenges will always exist in efforts to strengthen the position of the DPD. One of the challenges is the adjustment of regulations in the 1945 Constitution and the MD3 Law to provide space for the right to correction. Another aspect that is no less important is the potential resistance from parties who feel that their rights and authority will be threatened by the existence of this right of correction, especially from the DPR which has long been the dominant institution in the legislation process.[60]

According to the Expert Staff of the Regional Representative Council (DPD), Adi Suryadi Culla said that the Contribution of the DPD that is dysfunctional means that the DPD

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[56] Ismiyanto And Suniaprily, "Tinjauan Hukum Negara Kesatuan Yang Menganut Sistem Otonomi Daerah Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah Dalam Penerapan Mekanisme Checks And Balances," (2023). Doi:10.59582/Sh.V16i01.733.

[57] Nurak And Wardani, "Konflik Kepentingan Antara Pimpinan Daerah Dan Dprd Dalam Penyusunan Anggaran Pendapatan Belanja Daerah," Jurnal Inovasi Ilmu Sosial Dan Politik (2021). Doi:10.33474/Jisop.V3i1.9218. ; Fyngky, "Penerapan Good Governance Dalam Penyelenggaraan Pemerintahan Daerah," (2022). Doi:10.31219/Osf.Io/6y42z.

[58] (Miedema et al., 2015).

[59] Gondokusumo Et Al., "Analisis Kinerja Legislasi Lembaga Dprd Provinsi Jawa Tengah Di Masa Pandemi Covid-19," Jurnal Trias Politika (2022). Doi:10.33373/Jtp.V6i2.4248.

[60] Sabir, "Netralitas Aparatur Sipil Negara Dalam Pemilihan Umum," Jurnal Al-Ahkam Jurnal Hukum Pidana Islam (2023). Doi:10.47435/Al-Ahkam.V5i1.1681.

cannot contribute to the issues that are circulating, in the constitution that the DPD can only make considerations by participation but cannot decide. Currently, the DPD cannot carry out its functions in a balanced manner when dealing with the DPR, the DPD is still expected to carry out its functions between the local government and the central government, the DPD only continues to carry out the function of supervision of various laws related to the regional economy and others.

According to UGM Constitutional Law Expert, Zainal Arifin Mochtar, said that the authority of the DPD should be equivalent to that of members of the House of Representatives because DPD members have a fairly high level of legitimacy, for example, to qualify as elected DPD members, the number of votes obtained is usually much higher than the votes obtained by elected members of the House of Representatives of the Republic of Indonesia from the same region, for example, the votes obtained by GKR Hemas reached 900 thousand votes, then there was Ginanjar Kartasasmita, once above the number of more than 3 million votes.

According to a member of DPD RI from Yogyakarta, GKR Hemas said that DPD has often been more involved in the proposal and discussion of bills between the DPR and the president based on the Constitutional Court Decision No.92/PUU-X/2012 explaining that the DPD should be involved in tripartite discussions with the DPR and the government to carry out the legislative function of the DPD.

Deliberation Theory (a theory based on the opinion of Jane J Mansbridge) which proposes the idea that the political arena is a complexity of the traffic of influence – influencing and/or conflict between political actors that carry various issues, interests, strategies, values and symbols – symbols of political pragmatism. In the sense of Conflicting issues is the first step towards the process of deliberation, which is the effort of elites and representatives of the people to understand the desires, emotions, wills, and interests of individuals and groups that are considered good (their own good) for the political community. Therefore, the people's representatives who obtain the mandate must understand and equalize their political perceptions with the political preferences that develop in society. The equality of the position of the DPD and the DPR can meet the political expectations of accommodation with the condition (conditions) of the political interest representative system thus able to play an actual role as a mediating force between the regional interests (represented by each member of the DPD) and the central government. The conceptual implementation of the deliberation function of the DPR and DPD in the real political arena is the role of both as political actors from many other political actors with the main interest in controlling political issues and agendas according to their interests through negotiation, pressure and influence.

4. Conclusion

The authority of the DPD RI in the current constitutional system is still limited and more of a consideration without binding force, so it has not been able to effectively guarantee the protection and distribution of regional interests in the process of forming laws. The absence of legislative rights equivalent to the DPR and the lack of authority in the decision-making stage make the role of the DPD tend to be symbolic, not substantive. This causes regional aspirations and needs to often not be optimally accommodated in national policies.

Structural corrective mechanisms are needed to strengthen the role of the DPD RI in the formation of laws, because administrative improvements alone are not enough to overcome the limitations of authority currently faced. This strengthening must be carried out through changes in legal norms, including revisions to related laws or even constitutional amendments, so that the DPD has a more equal and empowered position in fighting for regional interests in the national legislation process.

Reforms to the MD3 Law and the Law on the Establishment of Laws and Regulations need to be carried out immediately to strengthen the legislative authority of the DPD RI in real terms. One of the important steps is to include a new norm in the form of the right to correct regional legislation that gives the DPD the authority to review, assess, and provide corrections to draft laws that have a direct impact on the regions. This right aims to ensure that every national policy remains in harmony with regional interests and needs, as well as to strengthen the principle of regional representation in the national legislation system.

In addition, a limited amendment to the 1945 Constitution of the Republic of Indonesia is needed to strengthen the constitutional foundation of the DPD RI, or at least reinterpretation through the Constitutional Court Decision to reaffirm the strategic role of the DPD in the law-making process. This effort is important to overcome the inequality between the DPR and DPD in the bicameral system, while ensuring the protection of regional interests in a more fair, proportionate, and sustainable manner in the national legislation process.

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