

## Constitutional Reconstruction of Legislative Authority Toward Strong Bicameralism in the Indonesian State System

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### ABSTRACT

This article examines the constitutional politics of Indonesia's post-amendment bicameral legislature, with particular attention to the asymmetric distribution of legislative authority between the People's Representative Council (Dewan Perwakilan Rakyat, DPR) and the Regional Representative Council (Dewan Perwakilan Daerah, DPD). Although the 1999-2002 constitutional amendments formally introduced the DPD as a territorial chamber, Articles 20 and 22D of the 1945 Constitution leave the DPR with decisive legislative authority while the DPD remains limited to initiating selected bills, participating in restricted deliberations, and issuing non-binding considerations. Using normative-juridical legal research supported by statutory, historical, conceptual, and comparative constitutional approaches, this article argues that Indonesia's bicameralism is not merely imperfect but structurally weak because regional representation is institutionally present yet legally unable to determine legislative outcomes. Drawing on Sartori's, Lijphart's, and Tsebelis and Money's bicameral theory, Pitkin's theory of substantive representation, Habermas's deliberative democracy, and constitutional theories of limited government, the article proposes the National Plenary Legislative Model as a constitutional reconstruction toward strong bicameralism. The model reconstitutes the People's Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR) as a national deliberative plenary forum in which the DPR acts as the political chamber and the DPD as a territorial chamber with co-decisional authority in matters affecting regional autonomy, intergovernmental fiscal relations, natural resources, and regional formation. The proposed reconstruction preserves Indonesia's unitary state while strengthening intra-legislative checks and balances, substantive regional representation, and Pancasila-based deliberative constitutionalism.

**Keywords:** strong bicameralism; Regional Representative Council; legislative authority; constitutional reconstruction; territorial representation; Indonesia

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### INTRODUCTION

The principle of a democratic state governed by law is embedded in Article 1(3) of the 1945 Constitution of the Republic of Indonesia, which declares that Indonesia is a state based on law. In constitutional theory, this principle requires more than the formal existence of representative institutions. It also demands separation of powers, legally constrained authority, public accountability, and representative decision-making capable of translating popular and territorial interests into binding law (Asshiddiqie, 2010a; Mahfud MD, 2010). Within this framework, the design of the legislature is central because legislation is the principal mechanism through which constitutional values become public policy.

The constitutional amendments of 1999-2002 transformed Indonesia's state structure after the collapse of the New Order. One of the most important institutional innovations was the creation of the Regional Representative Council (Dewan

Perwakilan Daerah, DPD), a chamber elected from the provinces and designed to articulate regional interests within national law-making. The DPD was intended to correct the centralistic and executive-dominated legislative model of the pre-reform era and to complement decentralisation by providing a national forum for territorial representation (Huda, 2007; Laksono et al., 2016).

However, the post-amendment constitutional design did not establish strong bicameralism. Article 20 of the Constitution places the law-making power primarily in the DPR and requires bills to be jointly discussed by the DPR and the President. Article 22D allows the DPD to propose bills only in specified regional domains, to participate in the discussion of certain bills, and to provide considerations on the state budget, taxation, education, and religion. The DPD does not possess final approval, rejection, veto, or binding amendment authority (Constitution of the Republic of Indonesia, 1945, arts. 20 and 22D). This design creates a chamber that is formally representative but substantively constrained.

The problem is not simply institutional inequality. It is a constitutional problem because territorial representation is made visible but deprived of effective legislative force. The Constitutional Court's Decision No. 92/PUU-X/2012 strengthened the DPD's participation by recognising the constitutional character of its right to propose and participate in legislative processes, including the National Legislative Programme (Program Legislasi Nasional, Prolegnas). Yet the decision did not transform the DPD into a co-decisional chamber; the final legislative agreement remains located in the DPR-President relationship (Constitutional Court of the Republic of Indonesia, 2013; Wardhana, 2014; Kafandi et al., 2024).

This article addresses that constitutional deficit by proposing a reconstruction of Indonesian bicameralism through the National Plenary Legislative Model (NPLM; Skema Legislasi Model Paripurna Nasional). The proposed model reconstitutes the MPR not as a third legislative chamber, but as a national plenary forum where the DPR and DPD deliberate jointly at the final stage of legislation. The model seeks to preserve the DPR as a political chamber while strengthening the DPD as a substantive territorial chamber, thereby aligning the legislative process with Pancasila's principle of deliberative representation and the constitutional imperative of checks and balances.

The article is guided by two research questions. First, how has the legal politics of bicameralism under the 1945 Constitution shaped the distribution of legislative authority among the DPR, DPD, MPR, and President? Second, what constitutional reconstruction is necessary to realise strong bicameralism in Indonesia without abandoning the unitary state form? The article's main contribution lies in moving beyond diagnosis. Existing scholarship has consistently identified the DPD's weakness, but fewer studies have offered an operational constitutional architecture that integrates deliberative democracy, territorial representation, and law-making procedure into a coherent amendment proposal (Bukhori & Rohaya, 2019; Mukhlis et al., 2025).

## **Literature Review and Theoretical Framework**

### **1. Legal Politics and Constitutional Design**

Legal politics refers to the direction of state policy in constructing, reforming, and applying law. In the Indonesian constitutional context, it explains why formal legal

institutions often reflect negotiated political compromises rather than purely doctrinal logic (Mahfud MD, 2009; Rahardjo, 2006). The creation of the DPD illustrates this pattern. The reform agenda demanded decentralisation, stronger regional autonomy, and more representative legislative institutions, but the final constitutional compromise retained the DPR's legislative primacy and limited the DPD's role to narrowly defined regional domains.

This compromise produced a constitutional design in which the DPD is simultaneously recognised and marginalised. From the perspective of constitutional engineering, this is a high-risk arrangement: the constitutional text creates expectations of territorial representation, but the institutional rules do not provide adequate authority for that representation to affect legislative outcomes. The problem is therefore located not only in legal interpretation, but in the architecture of authority itself.

## **2. Bicameralism: Symmetry, Incongruence, and Legislative Strength**

Bicameralism is generally understood as a legislative arrangement in which two assemblies participate in law-making. Comparative constitutional literature evaluates bicameral systems through at least two key dimensions: symmetry of powers and incongruence of composition. A bicameral system is stronger when the second chamber has meaningful legislative powers and when its composition differs sufficiently from the first chamber to add a distinct representational logic (Lijphart, 2012; Russell, 2013; Tsebelis & Money, 1997).

Sartori's typology is particularly useful for analysing Indonesia. He distinguishes perfect bicameralism, strong bicameralism, and weak or asymmetric bicameralism. Perfect bicameralism gives both chambers identical powers; strong bicameralism gives both chambers significant but possibly differentiated authority; weak bicameralism allows one chamber to dominate while the other performs advisory, delaying, or symbolic functions (Sartori, 1997). Strong bicameralism does not require institutional duplication. It requires that the second chamber be capable of altering, delaying, rejecting, or co-determining legislation in ways that force the first chamber to deliberate seriously.

International constitutional guidance also recognises that second chambers often serve to represent territorial interests, especially in federal, regionalised, or decentralised unitary states. The Venice Commission emphasises that second chambers may participate in legislative, constitutional, financial, and executive matters to defend territorial interests and counterbalance lower chambers (Venice Commission, 2024). Similarly, International IDEA notes that bicameral legislatures can represent sub-national interests, provide scrutiny and review, and add a further democratic check on the lower house (International IDEA, 2017).

## **3. Deliberative Democracy and Substantive Representation**

The normative justification for strengthening the DPD is not institutional prestige but democratic legitimacy. Habermas's theory of deliberative democracy holds that legitimate law depends on inclusive and rational procedures in which affected interests can participate meaningfully in norm formation (Habermas, 1996). In the Indonesian context, regional communities are affected by national legislation on natural resources, regional autonomy, fiscal transfers, local government, taxation, education, and budget allocation. If their constitutionally elected territorial representatives can only advise without co-deciding, the deliberative quality of legislation is reduced.

Pitkin's theory of representation sharpens the same point. Representation is not exhausted by descriptive or symbolic presence; it must also include substantive action on behalf of the represented (Pitkin, 1967). The DPD currently symbolises regional representation, but its limited constitutional authority prevents it from ensuring that regional preferences are reflected in final legislative decisions. A territorial chamber without co-decisional capacity risks becoming constitutionally ornamental rather than substantively representative.

The fourth principle of Pancasila, democracy guided by wisdom in deliberation/representation, further supports a deliberative bicameral design. Pancasila does not imagine democracy merely as numerical majoritarianism; it emphasises deliberation, consultation, and representation as moral-political conditions of legitimate public decision-making (Latif, 2011). Therefore, a bicameral model that channels political and territorial representation into a national plenary forum is consistent with Indonesia's constitutional philosophy.

## METHOD

This study employs normative-juridical legal research. Its object is not empirical voting behaviour or legislative performance measured statistically, but the normative structure of legislative authority within the Constitution, statutes, constitutional jurisprudence, and constitutional theory. Normative-juridical research is appropriate because the article seeks to identify the legal meaning of constitutional provisions, evaluate the coherence of institutional design, and formulate prescriptive reconstruction (Marzuki, 2011).

Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 17 of 2014 on the MPR, DPR, DPD and DPRD as amended most recently by Law No. 13 of 2019, Law No. 12 of 2011 on the Formation of Laws and Regulations as amended by Law No. 15 of 2019, and Constitutional Court Decision No. 92/PUU-X/2012. Secondary materials include constitutional law scholarship, comparative bicameral theory, legal politics literature, and academic studies on the DPD's legislative authority. Tertiary materials include legal dictionaries, institutional reports, and international constitutional design primers.

The article applies four complementary approaches. The statutory approach examines the text and structure of constitutional and statutory provisions governing legislative authority. The historical approach traces institutional development from pre-reform executive dominance and the 1949 federal bicameral experiment to the post-1998 constitutional amendments. The conceptual approach uses the rule of law, separation of powers, deliberative democracy, and representation theory to evaluate the coherence of the current system. The comparative constitutional approach uses bicameral theory and selected comparative models, including conference committee and joint-session mechanisms, as heuristic references rather than direct transplants.

The analysis is prescriptive. It first identifies the constitutional pathology of weak bicameralism, then constructs a normatively defensible and procedurally operational model for constitutional reconstruction. The criterion of evaluation is whether the proposed model strengthens representation, accountability, deliberation, and checks and balances while remaining compatible with Indonesia's unitary state and Pancasila-based constitutional identity.

## RESULTS AND DISCUSSION

### 1. Historical Trajectory: From Executive-Dominated Unicameralism to Asymmetric Bicameralism

Before the reform era, Indonesia's legislative structure was characterised by executive dominance. Article 5(1) of the pre-amendment 1945 Constitution gave the President the power to form laws with the DPR's approval. In practice, the DPR functioned more as a body of consent than as an autonomous legislative counterweight. The MPR included DPR members, regional delegates, and functional group delegates, but this composition did not produce genuine bicameralism because there was no independent second chamber with separate legislative authority (Mahfud MD, 2009; Soemantri, 2014).

Indonesia's constitutional history nevertheless contains an early bicameral episode. The 1949 Constitution of the United States of Indonesia established a DPR and a Senate, reflecting federal institutional design. The Senate had meaningful authority in relation to bills affecting states and could function as a territorial counterweight. This arrangement was short-lived because federalism was politically rejected and the unitary order was restored under the Provisional Constitution of 1950, followed by the Presidential Decree of 5 July 1959 that reinstated the 1945 Constitution.

The fall of the New Order in 1998 opened constitutional space for democratisation, decentralisation, and the redesign of representative institutions. Reformasi generated strong demands for regional autonomy, limits on executive power, and a more accountable legislature. The Third Amendment to the Constitution introduced Chapter VIIA and Articles 22C and 22D, thereby establishing the DPD as an elected regional chamber. Yet the legal politics of constitutional amendment remained compromisal: political parties in the DPR accepted the formal presence of a regional chamber but resisted the creation of a co-equal legislative body capable of diluting party-based legislative dominance.

### 2. Juridical Configuration of Legislative Authority under Articles 20 and 22D

The current constitutional configuration places the DPR at the centre of the law-making process. Article 20(1) states that the DPR holds the power to make laws, and Article 20(2) requires each bill to be discussed by the DPR and the President to obtain joint approval. Article 5(1) allows the President to submit bills to the DPR, while Article 21 allows DPR members to propose bills. In contrast, Article 22D(1) provides that the DPD may propose bills to the DPR only on matters concerning regional autonomy, central-regional relations, formation and merger of regions, management of natural and economic resources, and fiscal balance. Article 22D(2) allows the DPD to participate in the discussion of those bills, while Article 22D(3) limits the DPD to providing considerations regarding the state budget, taxation, education, and religion (Constitution of the Republic of Indonesia, 1945).

This textual configuration creates three juridical limitations. First, the DPD's initiative authority is domain-specific rather than general. Second, its deliberative authority does not culminate in co-approval. Third, its budgetary role is advisory rather than binding. The result is a legislative process in which regional representation appears at the beginning and middle stages but disappears at the decisive moment of

enactment. Such a process is not strong bicameralism because the second chamber cannot impose meaningful consequences on legislative outcomes.

Constitutional Court Decision No. 92/PUU-X/2012 corrected some statutory reductions of the DPD's authority. The Court held that when the DPD exercises its constitutional choice to submit bills or conduct supervision, that choice has imperative legal consequences and may not be modified, reduced, limited, deviated from, or negated by the DPR and the Government. The Court also recognised the DPD as a constitutional participant in legislative discussion (Constitutional Court of the Republic of Indonesia, 2013). Nevertheless, the decision did not amend the constitutional structure of final legislative approval. Therefore, the DPD remains institutionally strengthened at the participatory level but constitutionally weak at the decisional level.

**Table 1. Analytical Position of Indonesia's Bicameralism in Comparative Typology**

Model	Core Characteristics	Position in Indonesia	Constitutional Implication
Weak or asymmetric bicameralism	One chamber dominates; the second chamber has mainly advisory, delaying, or symbolic authority.	Applicable: DPR holds decisive legislative authority; DPD may propose and participate only in limited domains and lacks final approval power.	Weak intra-legislative checks; regional representation is present but not outcome-determinative.
Strong bicameralism	Both chambers possess significant authority; powers may be differentiated but each chamber can affect legislative outcomes.	Target model: DPR remains political chamber; DPD becomes territorial chamber with co-decisional authority in regional matters.	Strengthened checks and balances, territorial representation, and deliberative legitimacy.
Perfect bicameralism	Both chambers have identical powers in almost all legislative domains.	Not recommended: institutional duplication is unsuitable for Indonesia's unitary and party-based constitutional system.	Risk of inefficiency and deadlock without functional differentiation.

Source: Synthesised by the author from Sartori (1997), Lijphart (2012), Russell (2013), and the 1945 Constitution of the Republic of Indonesia.

### 3. Indonesia as Weak Bicameralism: Typological and Democratic Consequences

Measured against comparative bicameral theory, Indonesia is best classified as weak or asymmetric bicameralism. The DPR and DPD are incongruent in composition because they represent different principles: the DPR is party-political and population-based, while the DPD is territorially elected from provinces. However, institutional incongruence is not matched by symmetrical or meaningfully balanced authority. The DPD lacks veto power, equal approval power, binding amendment power, and decisive budgetary authority. It therefore cannot function as a robust counterweight to the DPR (Sartori, 1997; Lijphart, 2012; Russell, 2013).

The democratic consequences are significant. First, the absence of effective intra-legislative checks allows DPR majorities and governing coalitions to dominate national legislative output. Second, regional representation remains vulnerable to symbolic reduction: the DPD speaks for regions but cannot compel national law to internalise regional priorities. Third, the design weakens decentralisation because national laws

affecting regions can be enacted without binding consent from the territorial chamber. Fourth, it creates a mismatch between constitutional appearance and constitutional function: Indonesia formally has two representative chambers, but only one chamber possesses decisive law-making authority.

This pathology is especially serious in a geographically diverse and decentralised unitary state. National legislation on natural resources, fiscal allocation, regional formation, local government, and centre-region relations directly affects territorial equity. A chamber elected specifically to represent provincial interests should therefore possess authority at least in those domains. Otherwise, the constitutional promise of regional representation becomes normatively under-realised.

#### **4. Constitutional Reconstruction: The National Plenary Legislative Model**

The proposed reconstruction is the National Plenary Legislative Model (NPLM). The model does not convert Indonesia into a federal state, nor does it establish perfect bicameralism. Rather, it creates strong but functionally differentiated bicameralism suitable for a decentralised unitary state. The DPR remains the political chamber with general legislative initiative and primary responsibility for national policy. The DPD becomes a substantive territorial chamber with co-decisional authority in matters that directly affect regions. The MPR is reconstituted as a national plenary forum that integrates both chambers at the final stage of the legislative process.

This reconstruction resolves the ambiguity surrounding the MPR. Under Article 2(1), the MPR consists of DPR and DPD members elected through general elections. Under Article 3, it has limited episodic constitutional functions, including amending and stipulating the Constitution, inaugurating the President and Vice-President, and dismissing the President and Vice-President under constitutional procedures. This design has generated debate over whether Indonesia is bicameral, tricameral, or a hybrid system. The NPLM clarifies the issue by treating the MPR not as a standing third chamber but as the apex deliberative forum of the two representative chambers.

The model is grounded in a dual-representation logic. The DPR represents political representation through parties and national electoral constituencies. The DPD represents territorial representation through provincial constituencies. The MPR National Plenary Session becomes the constitutional space where political and territorial legitimacy must be reconciled before a law obtains final approval. This institutional design gives operational meaning to Pancasila's deliberative principle while preserving constitutional efficiency through time limits, supermajority thresholds, compromise committees, and veto-override rules.

#### **5. Operational Design of the Three-Tier Legislative Procedure**

The NPLM restructures legislative procedure into three tiers. The first tier is chamber-level deliberation. Upon the introduction of a bill by the DPR, DPD, or President, each chamber deliberates internally through relevant legislative committees. Bills must be publicly published before formal discussion begins, and each chamber must consult legal scholars, professional organisations, civil society groups, regional governments, indigenous communities where relevant, and affected stakeholders. A maximum time limit, for example 60 working days, should be imposed to balance deliberative depth with legislative efficiency.

The second tier is chamber plenary approval. Each chamber adopts its institutional position through a plenary session. For ordinary legislation, approval may use an absolute majority. For bills that directly affect regional autonomy, natural resources,

fiscal balance, regional formation, or centre-region relations, the DPD's approval should be constitutionally required. A two-thirds supermajority may be used for high-impact bills or for overriding inter-chamber objections. This threshold prevents narrow partisan majorities from easily overriding territorial concerns.

The third tier is the MPR National Plenary Session. At this stage, all DPR and DPD members deliberate jointly to finalise the bill. The primary method of decision-making should be deliberative consensus (*musyawarah mufakat*). If consensus cannot be achieved, the decision may proceed to a combined vote subject to constitutionally defined thresholds. This mechanism ensures that no bill reaches promulgation without a final deliberative encounter between political and territorial representation.

If the President refuses promulgation or returns the bill with objections, the NPLM permits a legislative override. A presidential veto may be overridden if the DPR and DPD independently approve the bill by a two-thirds majority and the MPR National Plenary Session confirms the override. This design respects presidential participation while affirming that democratically elected chambers, acting through both political and territorial representation, may prevail when they satisfy heightened deliberative thresholds.

In cases of inter-chamber deadlock, a Compromise Committee (*Panitia Kompromi*) should be convened. The committee would consist of proportional delegations from both chambers and must produce a compromise text within a fixed period, such as 30 working days. This resembles conference-committee mechanisms in bicameral legislatures, but it must be adapted to Indonesia's constitutional culture by prioritising consensus and public accountability. The compromise text would then return to each chamber and, if necessary, to the MPR National Plenary Session for final approval (Tsebelis & Money, 1997; Uhr, 2008).

**Table 3. Operational Stages of the National Plenary Legislative Model**

Stage	Institutional Forum	Main Function	Decision Rule
Tier I	DPR and DPD committees	Separate substantive deliberation, public consultation, and expert review.	Committee report within a fixed time limit, e.g., 60 working days.
Tier II	Plenary session of each chamber	Each chamber adopts its institutional position on the bill.	Majority or supermajority, depending on bill category.
Tier III	MPR National Plenary Session	Joint final deliberation reconciling political and territorial representation.	Consensus first; combined vote if consensus fails.
Deadlock resolution	Compromise Committee	Produces compromise text acceptable to both chambers.	Fixed mandate, e.g., 30 working days, followed by renewed chamber approval.
Executive review	President, DPR, DPD, and MPR Plenary	Promulgation, presidential objection, and legislative override where necessary.	Override by heightened chamber thresholds and MPR confirmation.

Source: Author's proposed procedural design, adapted from bicameral negotiation theory and Indonesian constitutional principles.

## 6. Reconstructing DPD Authority in Legislation, Budget, Oversight, and Prolegnas

A strong bicameral model requires a concrete reconstruction of the DPD's authority. In legislation, the DPD should possess co-decisional authority over bills concerning regional autonomy, centre-region relations, fiscal balance, natural resource management, regional formation, regional merger, local government, and matters with substantial territorial implications. For such bills, DPD approval should be a constitutional condition of enactment. This does not give the DPD general dominance over all legislation; it gives the territorial chamber decisive authority where territorial interests are constitutionally central.

In budgetary matters, the DPD should have binding authority over regional allocation components of the State Budget (Anggaran Pendapatan dan Belanja Negara, APBN), especially the General Allocation Fund (Dana Alokasi Umum, DAU), Special Allocation Fund (Dana Alokasi Khusus, DAK), Revenue Sharing Fund (Dana Bagi Hasil, DBH), and other decentralisation-related transfer schemes. Since these budget components directly affect territorial equity, the territorial chamber must not be limited to non-binding consideration. This reform links bicameralism with the welfare-state commitments in the Preamble of the Constitution, particularly the objectives of promoting public welfare and achieving social justice.

In oversight, the DPD's findings concerning regional autonomy, decentralisation, fiscal transfers, natural resources, and the implementation of regional laws should be reported directly to the MPR National Plenary Session rather than merely forwarded to the DPR. Such reports should trigger mandatory responses from relevant ministries, DPR committees, or joint DPR-DPD committees. In Prolegnas, the DPD should participate equally with the DPR in agenda-setting, especially for bills concerning regional interests. Constitutional Court Decision No. 92/PUU-X/2012 already supports DPD participation in Prolegnas, but constitutional amendment is needed to give this participation binding and systematic effect (Constitutional Court of the Republic of Indonesia, 2013; Laksono et al., 2016).

**Table 2. Matrix of DPD Authority Reconstruction Toward Strong Bicameralism**

Domain	Current Authority	Proposed Reconstruction
Legislation	May submit and participate in discussions of selected regional bills; no final co-decisional authority.	Full co-decisional authority over bills concerning regional autonomy, centre-region relations, regional formation, natural resources, and fiscal balance; DPD approval required for regional-domain bills.
Budget (APBN)	Provides non-binding considerations on the state budget.	Binding authority over regional allocation components, including DAU, DAK, DBH, and fiscal-equity formulas.
Oversight	Supervises implementation of laws related to regional matters; results are submitted to the DPR.	Independent oversight authority with mandatory government response; reports presented directly to the MPR National Plenary Session.
Prolegnas	Participation recognised after Constitutional Court Decision No. 92/PUU-X/2012, but agenda-setting remains structurally dominated by DPR mechanisms.	Equal participation with the DPR in formulating and approving the National Legislative Programme, especially for regional-domain bills.

Source: Author's normative reconstruction based on the 1945 Constitution, Constitutional Court Decision No. 92/PUU-X/2012, and comparative bicameral theory.

## 7. Theoretical Legitimacy and Constitutional Compatibility

The NPLM is theoretically legitimate for four reasons. First, it implements the constitutional theory of limited government. Friedrich described constitutionalism as institutionalised restraint on power, while modern Indonesian constitutional theory emphasises limitation of power as a core element of the rule-of-law state (Asshiddiqie, 2010b; Friedrich, 1950). DPR dominance without an effective intra-legislative counterweight contradicts this principle. Strengthening the DPD distributes legislative authority more proportionally and reduces the risk of legislative majoritarianism.

Second, the model advances substantive representation. By transforming the DPD from a merely advisory chamber into a co-decisional chamber in regional domains, the model moves from symbolic territorial representation to outcome-affecting representation. This is consistent with Pitkin's distinction between being present for the represented and acting substantively in their interests (Pitkin, 1967).

Third, the model improves deliberative legitimacy. Habermasian deliberative democracy requires inclusive procedures in which affected interests participate under conditions capable of influencing outcomes. The NPLM institutionalises such procedures by requiring internal chamber deliberation, public consultation, separate chamber approval, and joint national plenary deliberation (Habermas, 1996).

Fourth, the model is compatible with the unitary state. Strong bicameralism is not identical to federalism. Comparative constitutional practice shows that second chambers can represent territorial interests in decentralised or regionalised unitary states, provided their powers are carefully allocated (Venice Commission, 2024). The proposed DPD authority is therefore sectoral and functional, not sovereign. It strengthens territorial representation within the unitary state rather than granting regions independent federal status.

The model is also compatible with Pancasila. The fourth principle requires democracy guided by wisdom in deliberation and representation. A legislative process dominated by one chamber and shaped primarily by party coalitions does not fully embody this principle. By contrast, the MPR National Plenary Session creates a deliberative constitutional forum in which national political representation and territorial representation must meet, reason, compromise, and decide.

## CONCLUSION

This article has demonstrated that Indonesia's current legislative structure is a weak or asymmetric bicameral system. The DPR retains decisive law-making authority, while the DPD is confined to limited initiative, participation, oversight, and advisory functions. Although Constitutional Court Decision No. 92/PUU-X/2012 strengthened the DPD's procedural participation, it did not resolve the fundamental constitutional deficit: the DPD lacks co-decisional authority at the decisive stage of law-making.

The weakness of the DPD produces four constitutional pathologies. First, it undermines intra-legislative checks and balances. Second, it reduces regional representation from substantive representation to symbolic presence. Third, it weakens the deliberative legitimacy of laws affecting regional interests. Fourth, it creates a structural mismatch between Indonesia's decentralisation commitments and its national legislative process.

The National Plenary Legislative Model offers a reconstruction toward strong, differentiated, and unitary-state-compatible bicameralism. It reconstitutes the MPR as a national plenary forum, preserves the DPR as a political chamber, strengthens the DPD as a territorial chamber, and introduces a three-tier legislative process combining chamber-level deliberation, chamber plenary approval, and final deliberation in the MPR National Plenary Session. The model also provides mechanisms for presidential veto, legislative override, and inter-chamber compromise.

The article concludes that constitutional amendment is necessary. Statutory revision alone cannot give the DPD final co-decisional authority because the constitutional structure itself locates final legislative approval in the DPR-President relationship. A targeted amendment to Articles 20, 22D, and related MPR provisions is therefore required to realise strong bicameralism, substantive regional representation, and deliberative constitutional democracy in Indonesia.

### **Recommendations**

First, the MPR should initiate a focused constitutional amendment to strengthen the DPD's legislative authority in regional domains without converting Indonesia into a federal state. Second, Article 22D should be revised to grant the DPD co-decisional authority over bills affecting regional autonomy, centre-region relations, fiscal balance, natural resources, and regional formation. Third, Article 20 should be restructured so that final approval of certain bills requires the participation of both the DPR and DPD through the MPR National Plenary Session. Fourth, statutory legislation on the MD3 Law and the Law on Legislative Formation should be harmonised with the reconstructed constitutional design. Fifth, public participation and academic review should be made mandatory at every stage of the three-tier legislative procedure.

The reform should be incremental but constitutionally clear. The objective is not to weaken the DPR, but to transform the DPR's primacy into accountable primacy constrained by territorial representation. Such reform would strengthen the quality of legislation, deepen regional democracy, and fulfil the constitutional promise of deliberative representation.

### **Limitations and Future Research**

This article is limited to normative and conceptual reconstruction. It does not empirically measure legislative voting patterns, regional policy outcomes, or the political feasibility of constitutional amendment. Future research should examine comparative institutional performance in bicameral legislatures, simulate the effect of different voting thresholds in the proposed National Plenary Legislative Model, and study the political incentives of parties, regional governments, and civil society actors in supporting or resisting DPD empowerment.

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