

THE WEAK OF THE REGIONAL REPRESENTATIVES IN MAKING LAWS

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Abstract

The position of the Regional Representative Council is expressly regulated in the 1945 Constitution of the Republic of Indonesia. The institution which is set in the 1945 Constitution of the Republic of Indonesia is the state institution that has equal positions with other state institutions regulated by The 1945 Constitution of the Republic of Indonesia. It means that the position of the Regional Representative Council is constitutional and strong because it is governed directly by the 1945 Constitution of the Republic of Indonesia. In addition, the position of the Regional Representative Council is equal to The People's Consultative Assembly, the House of Representatives, the Government, the Audit Board, the Constitutional Court, the Supreme Court, and the Judicial Commission.

A. INTRODUCTION

The Regional Representative Council is one of the institutions regulated in the 1945 Constitution of the Republic of Indonesia. Regulations concerning the Regional Representative Council are regulated in Article 22C and Article 22D CHAPTER VII A 1945 Constitution of the Republic of Indonesia. Article 22 C Constitution of the 1945 Constitution of the Republic of Indonesia states that:

- (1) Regional Representative Council members are elected from each province through general elections.
- (2) The total number of members of the Regional Representative Council from each province and the number of all members of the Regional Representative Council shall not exceed one third of the members of the House of Representatives.
- (3) The Regional Representative Council convenes at least once a year.
- (4) The composition and position of the Regional Representative Council are regulated by law.

Then Article 22D states that:

- (1) The Regional Representative Council may submit to the House of Representatives a draft law relating to regional autonomy, central and regional relations, establishment and division and regional merger, management of natural resources and other economic resources, and those relating to the central and regional financial balance.

- (2) The Regional Representative Council also participates in discussing the laws relating to regional autonomy, the relationship between the center and the regions; formation, division and incorporation of regions; natural resource management and other economic resources, as well as central and regional financial balance; as well as giving consideration to the House of Representatives Council for the draft budget and income expenditure laws and draft laws relating to taxes, education, and religion.
- (3) The Regional Representative Council can supervise the implementation of the law concerning: regional autonomy, formation, division and regional integration, central and regional relations, management of natural resources and other economic resources, implementation of state, tax, education and religious income and expenditure budgets as well as conveying the results of the supervision to the House of Representatives as material for consideration to be followed up.
- (4) Members of the Regional Representative Council may be dismissed from their positions, the terms and conditions of regulation regulated in the law.

Based on Article 22C and Article 22D the 1945 Constitution of the Republic of Indonesia signifies that the function of the House of Representatives is still weak in making laws. This can be seen from the limitation of the People's Representative Council which can only submit and discuss draft laws relating to regional autonomy, central and regional relations, formation and division as well as regional merger, management of natural resources and other economic resources, and those that related to central and regional financial balances. This condition is different from the House of Representatives which has strong authority in making laws. It is between the House of Representatives and the Regional Representative Council together with representative institutions. Therefore, the weakness of the authority contained in the Regional Representative Council in making laws must be strengthened.

B. PROBLEM FORMULATION

1. What is the position of the Regional Representative Council in the State of Indonesia?
2. What should be done to make the Regional Representative Council becomes strong?

C. DISCUSSION

Position of the Regional Representative Council in Indonesia

The position of the Regional Representative Council is indeed not as strong as the House of Representatives. This is as mentioned earlier that there are limitations related to the authority of the Regional Representative Council specifically in making laws. Although the authority granted by the 1945 Constitution of the Republic of Indonesia to the Regional People's Representatives Council differs from the Authority granted by the 1945 Constitution of the Republic of Indonesia to the House of Representatives, IT does not mean that the position of the Regional Representative Council under the position of the House of Representatives or other state institutions.

The position of the Regional Representative Council in the State of Indonesia is actually a state institution. This is constitutional because the position of the Regional Representative Council is regulated directly in the constitution, namely the 1945 Constitution of the Republic of Indonesia. The constitutionality of the position of the Regional Representative Council as a state institution regulated in the 1945 Constitution of the Republic of Indonesia has consequences. The consequence in question is the existence of an equal position between the Regional Representative Council and other state institutions. There are many state institutions regulated in the 1945 Constitution of the Republic of Indonesia including the Government which is the executive institution, the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, the Supreme Audit Agency, the Supreme Court, the Constitutional Court and the Judicial Commission.

All state institutions are governed directly by the 1945 Constitution of the Republic of Indonesia. This means that their position is the same, namely as a state institution. The position between the Regional Representative Council and other state institutions regulated by the 1945 Constitution of the Republic of Indonesia is equivalent. So the position of the Regional Representative Council with the position of the House of Representatives is equal. Thus, between the Regional Representative Council and the House of Representatives are representative institutions.

Besides that, the Regional Representative Council is also part of Parliament. Parliament according to Yudi Latif is not the House of Representatives. The parliament according to Yudi Latif is the People's Consultative Assembly consisting of the House of Representatives and the Regional Representative Council. So the position of the Regional

Representative Council in addition to being a state institution and representative institution is also part of the parliament together with the House of Representatives (Tempo.co, 2016).

This means that the position of the Regional Representative Council in Indonesia is constitutional because it is regulated in the 1945 Constitution of the Republic of Indonesia. The position of the Regional Representative Council in the State of Indonesia is also said to be strong because in addition to the 1945 Constitution of the Republic of Indonesia, the Regional Representative Council has an equal position with other state institutions. However, the position of the Regional Representative Council which is constitutional, strong, and equal to the state institutions is not followed by the authority of the Regional Representative Council. As explained earlier, the authority of the Regional Representative Council is still weak compared to the authority of other representative institutions such as the House of Representatives. The position between the Regional Representative Council and the position of the House of Representatives is the same.

Therefore, the authority of the Regional Representative Council should also be equal to the authority of the House of Representatives. This is because it is based on an equal position between the Regional Representative Council and the House of Representatives.

Things Should Do to Make the Regional Representative Council becomes Strong

The weak authority of the Regional Representative Council until the need for a Regional Representative Council becomes strong is part of making the Regional Representative Council has equal authority with the House of Representatives. The Regional Representative Council can actually be strong if the Constitution regulates related to (1) Addition to the number of members of the Regional Representative Council. The addition is even based on the number of districts and cities, (2) the existence of equality of authority between the Regional Representative Council and the House of Representatives, (3) the addition of functions from the Regional Representative Council to carry out the oversight function. The supervisory function in question is a function of supervision that is limited to regional autonomy, and (4) carrying out the amendment to the 1945 Constitution of the Republic of Indonesia in order to include matters that strengthen the Regional Representative Council (Baskoro, 2018).

The addition of this matter really needs to be done so that the Regional Representative Council becomes strong. However, the addition of all these things is actually a long term because it will be difficult to implement these additions in the near future. Perhaps what is possible in the near future is to revise the 1945 Constitution of the Republic of Indonesia

through the People's Consultative Assembly. This is very possible and has the potential to add things that can strengthen the Regional Representatives Council.

If the revision of the 1945 Constitution of the Republic of Indonesia is carried out by the People's Consultative Assembly in the near future, the opportunity must be utilized by the Regional Representative Council, so that the authority of the Regional Representative Council increases. The main thing needs to be done by the Regional Representative Council in the event of a re-change of the 1945 Constitution of the Republic of Indonesia is to increase the authority of the Regional Representative Council to make laws. So far the Regional Representative Council has no absolute power to make laws. This can be seen from the absence of provisions in the 1945 Constitution of the Republic of Indonesia which govern the Regional Representative Council to have power to make laws.

This is inversely proportional to the People's Representative Council which has the power to make laws. Article 20 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that the House of Representatives has the power to form a law. The same thing should also apply to the Regional Representative Council to have the power to form laws. The authority of the Regional Representative Council to form laws is limited to laws relating to regional autonomy. So later in one of the Articles on the Chapter of the Regional Representatives Council which is in the 1945 Constitution of the Republic of Indonesia, it is stated that the Regional Representative Council has the power to form a law. The law in question is limited law related to regional autonomy.

This is the most likely thing to be done in the near future so that the authority of the Regional Representative Council becomes stronger. If this is really sought and happens then the authority of the regional representative council will be stronger. In the end, the authority of the Regional Representative Council will be stronger, so that the authority of the regional Representative Council can be equal to the authority of the House of Representatives.

D. CONCLUSION

The position of the Regional Representative Council does not really need to be discussed anymore. This is because the Regional Representative Council is explicitly regulated in the 1945 Constitution of the Republic of Indonesia. Institutions that are set in the 1945 Constitution of the Republic of Indonesia are state institutions that have equal and equal positions with other state institutions regulated by the 1945 Constitution of the Republic of Indonesia. This means that the position of the Regional Representative Council is

constitutional and strong because it is governed directly by the 1945 Constitution of the Republic of Indonesia. Countries such as the People's Consultative Assembly, the House of Representatives, the Government, the Audit Board, the Constitutional Court, the Supreme Court, and the Judicial Commission.

The position of the Regional Representative Council which is constitutional, strong, equal to and equivalent to other state institutions turns out to be not followed by the authority of the strong and equal Regional Representative Council and the special equivalent of the People's Representative Council. Therefore, it is necessary for some things so that the authority of the Regional Representative Council becomes stronger. In the near future, the thing that needs to be done is that the authority of the Regional Representative Council must be strong by revising the 1945 Constitution of the Republic of Indonesia. When there was a change in the 1945 Constitution of the Republic of Indonesia, in the State Constitution of the Republic of Indonesia in 1945 later stated that the Regional Representative Council has the authority to make laws. The law in question is a law that only relates to regional autonomy.

REFERENCES

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