

# REVIEW THE PRODUCTIVITY OF THE PEOPLE'S REPRESENTATIVE IN MAKING LAWS

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## Abstract

The main function of the House of Representatives is to make laws. The 1945 Constitution of the Republic of Indonesia as a constitution gave power to the House of Representatives to make laws. Even the 1945 Constitution of the Republic of Indonesia has also been regulated in relation to the mechanism of law making by the House of Representatives. The mechanism of law making by the House of Representatives is regulated in Article 20 Chapter VII of the 1945 Constitution of the Republic of Indonesia. The mechanism for making laws by the House of Representatives regulated in the 1945 Constitution of the Republic of Indonesia has normatively provided convenience for the House of Representatives in making laws.

## A. INTRODUCTION

The state is an organ of power and therefore state power is divided and separated. There is a division and separation of state power so that there is no absolutism of power. Montesquieu stated that it is related to *emposition* and separation, namely through *trias politica*. *Trias politica* according to Montesquieu is composed of executive, legislative and judicial branches. Legislative, executive, and judicial are branches of power that have been divided and separated. The function of legislative power is to make laws. The executive function is to implement the law. Then the judicial function is to enforce the law (Asshiddiqie, 2006: 12-15).

The theory described above is actually interesting if it is associated with the current reality conditions in the country, especially in Indonesia. The Indonesian state turned out to also adhere to the teachings of the division and separation of powers by applying the *trias politica* theory. This can be seen in the Indonesian constitution. The 1945 Constitution of the Republic of Indonesia as a constitution regulates the existence of executive, legislative and judicial powers. The executive in this case is the government. Legislative in this case is the parliament or the House of Representatives as legislators. The judiciary in this case is the judiciary.

The 1945 Constitution of the Republic of Indonesia regulated the three branches of power. Executive power is regulated in the 1945 Constitution of the Republic of Indonesia Chapter III concerning the Power of State Government. Legislative power is regulated in the 1945 Constitution of the Republic of Indonesia Chapter VII concerning the House of

Representatives. Judicial power is regulated in the 1945 Constitution of the Republic of Indonesia Chapter IX concerning Judicial Authority. The regulation of the three powers in the 1945 Constitution of the Republic of Indonesia indicates that the Indonesian state applies the division and separation of powers in accordance with the theory of *trias politica*.

However, in reality the branch of power has not been able to function optimally. For example, legislative power has the function of making laws. If we look at the current conditions, the House of Representatives as legislative power in making laws is still not optimal. This can be seen from the low productivity of the House of Representatives in making laws. Even though it is very clear that one of the main tasks of the House of Representatives is to make laws. Therefore the question is what causes the low productivity of the House of Representatives in making laws?

## **B. PROBLEM FORMULATION**

1. How is the mechanism for making laws in accordance with the laws and regulations?
2. What causes the low productivity of the House of Representatives in making laws?

## **C. DISCUSSION**

### **The Law Making Mechanism is in accordance with the Laws and Regulations**

One of the main functions of the House of Representatives is to make laws or regulations. The mechanism for making legislation has actually been clearly stipulated in the constitution, namely the 1945 Constitution of the Republic of Indonesia. The regulation of the mechanism for making legislation by the 1945 Constitution of the Republic of Indonesia is a mechanism for making legislation in general. Therefore, in this article we will discuss the mechanisms for making legislation in general in accordance with the 1945 Constitution of the Republic of Indonesia.

The discussion regarding the mechanism for making legislation in accordance with the 1945 Constitution of the Republic of Indonesia will only be discussed relating to the duties of the House of Representatives as the organ of the legislative broad. The mechanism for making laws by the House of Representatives is regulated in the 1945 Constitution of the Republic of Indonesia Article 20 Chapter VII concerning the House of Representatives. Article 20 Chapter VII of the 1945 Constitution of the Republic of Indonesia states that:

- (1) The House of Representatives holds the power to form a law.
- (2) Each draft law is discussed by the House of Representatives and the President for approval together.

- (3) If the draft law is not approved jointly, the draft law cannot be submitted again in the trial of the People's Representative Council at that time.
- (4) The President approves a draft law that has been jointly agreed to become law.
- (5) In the event that the jointly approved draft law is not ratified by the Presidency within thirty days since the draft law is approved, the draft law is valid to become a law and must be promulgated

Regulation in Article 20 Chapter VII of the 1945 Constitution of the Republic of Indonesia is a general arrangement related to the mechanism for making legislation. There are indeed laws and regulations under the 1945 Constitution of the Republic of Indonesia which regulate the mechanisms and procedures for the formation of legislation. However, these rules are only technical in nature, while the general rules are those that are in accordance with the 1945 Constitution of the Republic of Indonesia. Therefore, the making of legislation in general is correct in accordance with Article 20 Chapter VII of the Republic of Indonesia Constitution Indonesia in 1945. This applies to the House of Representatives as an institution tasked with making laws.

If we look at the mechanism for making laws in accordance with Article 20 Chapter VII of the 1945 Constitution of the Republic of Indonesia, then normative law making is not difficult. Therefore, lawmakers should be more productive. This is due to the fact that the mechanism of law making has been clearly outlined by the 1945 Constitution of the Republic of Indonesia, making it easier for the House of Representatives to make laws.

If the People's Legislative Assembly experiences difficulties in making laws, then the real mistake is not in the 1945 Constitution of the Republic of Indonesia which regulates the mechanism of general law making. Errors are caused by factors outside the 1945 Constitution of the Republic of Indonesia. This is because the 1945 Constitution of the Republic of Indonesia has made it easy for the House of Representatives to make laws.

Article 20 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that the House of Representatives holds the power to form laws. The words holding the power to form a law can be interpreted that the House of Representatives is an institution that has the right to make laws. Moreover, this power is given directly by the 1945 Constitution of the Republic of Indonesia which is the constitution of the Indonesian. Hence, there are no other rules besides the 1945 Constitution of the Republic of Indonesia and any state institutions that reduce the power or rights of the House of Representatives in making laws.

## **Causes of the low productivity of the House of Representatives in making laws**

The mechanism for making laws in accordance with the 1945 Constitution of the Republic of Indonesia for the House of Representatives is actually very easy. However, the fact is the facilities provided by the 1945 Constitution of the Republic of Indonesia were not maximally utilized by the House of Representatives. This can be seen from the productivity of the House of Representatives in making laws that are still relatively low. The data states that 52 Draft Laws are included in the National Legislation Program which succeeded in becoming the Act only 6 Draft Law. This means that the DPR only makes 11.5% of the law from the target. There are 52 draft laws are the target for 2017 (Paat, 2017).

This condition certainly must get serious attention so that the productivity of the House of Representatives in making laws can increase. The problem of the low productivity of the House of Representatives in making laws is because there are political factors. Political factors that occur in the House of Representatives make the productivity of the House of Representatives in making laws very low. These political factors are related to the interests of political parties (Utami, 2015).

The factors that led to the productivity of the lower House of Representatives must be addressed immediately. There needs to be a variety of things so that the productivity of the House of Representatives in making laws increases. What needs to be done to increase the productivity of the House of Representatives in making laws is to prioritize the interests of the nation above political interests. That is true that the DPR is a political institution. But as a political institution, it should not interfere with the interests of the nation, one of which is to make laws that function to regulate the people of Indonesia. Therefore the House of Representatives must prioritize the interests of the nation above the political interests of their respective political parties.

If these things can be done, the authors believe there will be an increase in the productivity of the House of Representatives in making laws. If the productivity of the House of Representatives in making laws increases, it can be said that the function of the legislature in accordance with what was stated by Montesqueu went well.

## **D. CONCLUSION**

One of the main functions of the House of Representatives is to make laws. The 1945 Constitution of the Republic of Indonesia as a constitution gave power to the House of Representatives to make laws. Even the 1945 Constitution of the Republic of Indonesia has

also been regulated in relation to the mechanism of law making by the House of Representatives. The mechanism of law making by the House of Representatives is regulated in Article 20 Chapter VII of the 1945 Constitution of the Republic of Indonesia. The mechanism for making laws by the House of Representatives regulated in the 1945 Constitution of the Republic of Indonesia has normatively provided convenience for the House of Representatives in making laws.

However, in reality this is not directly proportional. The House of Representatives is judged to be having problems with the low productivity of the House of Representatives in making laws. This is because it is influenced by political interests. Therefore, there is a need for handling so that the problems are related to the low productivity of the House of Representatives in making laws. What needs to be done so that the productivity of the House of Representatives in making laws can be increased is by prioritizing the interests of the nation above political interests. So, the House of Representatives must prioritize the interests of the nation compared to their respective political interests or the political interests of political parties.

If this is done, the productivity of the House of Representatives in making laws will increase. The House of Representatives will truly carry out its functions as a legislative body or law-making institution. In addition, the community will see that the House of Representatives is a productive institution in making laws. If the assumption of the community is already so, the position of the People's Representative Council as a legislator will be stronger both based on the 1945 Constitution of the Republic of Indonesia and the views of the people. Because people's views are also important, especially the House of Representatives is elected by the community. Hence, the recognition or legitimacy of the people is needed by the House of Representatives.

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