

**THE CONSTITUTIONAL PARADOX OF THE REGIONAL REPRESENTATIVE COUNCIL: RECONSTRUCTION OF DPD AUTHORITY IN AN ASYMMETRICAL BICAMERAL SYSTEM IN INDONESIA**

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**Abstract**

Constitutional reforms following the Reformation era established the Regional Representative Council as a body embodying territorial interests, intended to amplify provincial voices within national lawmaking. Yet, its practical powers remain constrained, yielding a contradiction between robust democratic endorsement via popular elections and circumscribed legislative influence. This inquiry dissects the configuration of the Regional Representative Council's authority within Indonesia's constitutional architecture and proposes a paradigm for reconfiguring its role amid an asymmetrical bicameral framework. Adopting normative juridical methodology with statute-oriented, conceptual, and comparative lenses, data derive from archival examinations of legislation, Constitutional Court rulings, and pertinent constitutional scholarship. Findings reveal Indonesia's bicameral structure as predominantly soft bicameralism, wherein the House of Representatives predominates legislatively, relegating the Regional Representative Council to consultative rather than determinative participation. The analysis introduces the asymmetric bicameral constitutional paradox notion alongside a balanced asymmetrical bicameralism paradigm to realign the Council's powers, enhancing territorial advocacy while preserving unitary state principles. These insights enrich theoretical discourse on bicameralism in unitary systems and furnish a foundational blueprint for parliamentary restructuring in Indonesia.

**Keywords:** asymmetric bicameralism; constitutional paradox; regional representation; legislative power; territorial representation

**A. INTRODUCTION**

Indonesia's constitutional evolution post-1998 reforms ushered in profound institutional reconfiguration, chiefly via the 1945 Constitution amendments from 1999 to 2002. These revisions not only reinforced constitutional democracy and power constraints but also instituted novel state organs to elevate representative efficacy and equilibrate checks within the constitutional edifice. Among the outcomes of this reform is the Regional Representative Council, conceived as territorial advocacy in national lawmaking. Positioned as a provincial voice in Indonesia's constitutional framework, it champions local priorities at the central level, rooted in imperatives for refined center-periphery dynamics and interest allocation (Yuniningsih 2024).

Instituting the Regional Representative Council marks a pivotal advancement in Indonesia's constitutional paradigm, geared toward amplifying territorial input in legislation to bridge central-local divides, consonant with autonomy ideals upholding equity, democracy, and territorial cohesion. It embodies accommodations for provincial viewpoints in national

deliberations, tailored to a vast, socio-politically diverse unitary state. Envisioned as a bulwark for local stakes, it concurrently refines national strategies on autonomy and development.

Theoretically, the Council is framed as bolstering legislative bicameralism through dual chambers: the House of Representatives embodying partisan politics and the Council territorial domains. Contemporary constitutional doctrine employs bicameralism to harmonize lawmaking and equitably integrate diverse societal-territorial claims. Drawing provincial delegates, it channels regional sentiments, emphasizing oversight and bill initiation on autonomy, intergovernmental ties, territorial reconfiguration, resource stewardship, and fiscal equity (Wardani 2023).

Indonesia's constitutional blueprint for the Council diverges from prevalent bicameral paradigms abroad. Typically, dual chambers wield commensurate legislative sway; conversely, here the Council's powers pale beside the House of Representatives. Constitutional text confines it to proposing and deliberating select regional bills, sans veto or final say.

Such curtailments spark critique in Indonesian constitutional discourse. Scholars contend the design falls short of robust bicameralism, with the House dominating. The Council's adjunct status to the House defies conventional bicameralism (Wele, Monteiro and Tupen 2024). Indonesia's variant constitutes soft bicameralism—a dual-chamber setup lacking power parity, rendering the Council advisory rather than coequal legislative peer (Drahmasyfa, et al. 2025). This irony intensifies given direct popular election of members, conferring potent democratic credentials. In representational democracies, electoral mandates customarily confer substantial decisional clout; yet the Council's legitimacy yields scant authority, birthing a constitutional paradox wherein electorally robust bodies wield marginal national legislative heft.

This paradox transcends abstraction, bearing tangible ramifications for unitary representation. Amid center-regional interplay, dedicated territorial proxies should fortify policymaking territoriality; limited powers, however, risk suboptimal advocacy, impairing policies on autonomy, development, and resources.

Debates on the Council's constrained remit pervade scholarly and political spheres. Proponents advocate empowerment via amendments; skeptics affirm the deliberate asymmetry obviates overhaul. This contention underscores imperatives for Council redesign to invigorate legislative roles and constitutional potency (Firdaus and Khumaeroh 2025).

Constitutional scholars have extensively probed the Council's status and powers post-1945 amendments, spotlighting legislative marginality and House interlinkages. Nonetheless,

analyses largely dwell on normative merits of augmentation sans probing bicameralism's conceptual underpinnings through modern theory.

Literature scantily dissects the constitutional paradox pitting the Council's democratic legitimacy against authority allocation. The representational legitimacy-power disequilibrium in bicameralism lacks exhaustive conceptual scrutiny. Against this backdrop, the inquiry elucidates the Council's authority constraints via asymmetrical bicameral paradox and devises reconstructive paradigms attuned to unitary ethos. It bridges this lacuna by unpacking tensions between the Council's territorial legitimacy and legislative limits, culminating in authority reconfiguration models that amplify representation sans eroding unitary foundations.

## **B. METHODOLOGY**

This inquiry constitutes normative juridical legal scholarship dedicated to dissecting the architecture of the Regional Representative Council's authority within Indonesia's constitutional framework and devising a paradigm for its reconfiguration under asymmetrical bicameralism. Methodological lenses encompass statutory scrutiny, conceptual examination, and comparative evaluation benchmarking bicameral practices in the United Kingdom, India, and Japan. Legal sources comprise primary materials—statutes, regulations, and Constitutional Court verdicts—alongside secondary resources such as monographs and pertinent journal publications. These undergo qualitative prescriptive scrutiny via interpretive and doctrinal techniques to articulate conceptual blueprints for augmenting the Council's authority in Indonesia's constitutional order.

## **C. RESULTS OF RESEARCH AND DISCUSSION**

### **1. Constitutional Design of the Regional Representative Council in the Indonesian Constitutional System**

Indonesia embodies a quest for political equity, with its architects embedding a tripartite power delineation—legislative, executive, judicial—calibrated for equilibrium sans encroachment (Ngabut and Gunadi 2024). Amendments to the 1945 Constitution across four phases from 1999-2002 profoundly reshaped state institutions, notably representational paradigms. Pre-amendment, unicameralism prevailed, vesting legislative monopoly in the House of Representatives alongside the President. Reforms inaugurated dual-chamber representation, termed bicameralism, featuring distinct representational mandates: one chamber advancing partisan national politics, the other territorial or provincial claims.

Bicameral adoption seeks legislative equipoise and territorial infusion into national policy. The Regional Representative Council's creation responds to post-New Order decentralization imperatives, augmenting prior House-centric representation.

Constitutionally, Articles 22C and 22D of the 1945 Constitution underpin the Council. Article 22C prescribes direct provincial elections for members, bypassing parties. Article 22D delineates legislative roles: proposing targeted bills, deliberating regional bills, advising on budgets and taxes.

Directly elected provincially, members ostensibly anchor substantive policymaking heft; yet mismatched authority engenders mandate-capacity dissonance (Mustari and Ruslie 2025). Formally legislative, its prerogatives lag the House's. Legislatively, it proposes and debates select regional bills sans final adjudication, yielding participatory yet non-binding input, ultimate sway residing with House and President.

Arend Lijphart delineates robust-weak bicameral gradients via subordination of secondary to primary chamber (overrideable decisions), primary's electoral primacy yielding superior legitimacy and clout, and secondary's inclusion of underrepresented constituencies (Sjarif and Anggraeni 2025). The Council's constraints signal deviation from equilibrated bicameral norms abroad. Indonesia manifests soft bicameralism—dual chambers absent parity—or asymmetric bicameralism, with the Council ancillary (Ashhsiddiqie 2004).

This subdued stature prompts efficacy queries in territorial advocacy. House primacy shapes Council dynamics, often rendering involvement perfunctory, subverting representational amplification.

Asymmetrical bicameralism recurs globally: United Kingdom's Commons eclipsing Lords; Canada's Commons over Senate; Japan's Representatives surpassing Councillors; India's Lok Sabha dominating Rajya Sabha fiscally. Secondary chambers wield vetoes or amendments; Indonesia's Council lacks such, curtailing sway. This singularity fuels discourse on representational potency.

Beyond legislation, Article 22D (3) empowers oversight of autonomy, territorial reconfiguration, intergovernmental ties, and resources, reporting to House for consideration. Practically, absent coercive sequelae, outputs are mere advisories, efficacy hinging on House discretion.

The Council's circumscribed remit reflects unitary state's legislative centralization for policy coherence. Yet this elides why electorally legitimate territorial proxies garner scant substantive

clout. Absent robust legislative heft, institutional aims for national representational bolstering falter.

## **2. Reconstruction of DPD Authority in an Asymmetrical Bicameral System**

The Regional Representative Council's constrained powers in Indonesia's constitutional order reveal a disequilibrium between electoral legitimacy and legislative apportionment. This necessitates redesigning its framework to enhance territorial advocacy efficacy while upholding unitary state tenets. Authority reconfiguration eschews full bicameral symmetry, favoring calibrated asymmetrical bicameralism wherein the secondary chamber wields substantive legislative input. Here, the House of Representatives retains primacy in lawmaking, with the Council specializing in regional purviews. Reforms target authority reallocation within extant structures to amplify representational roles sans systemic upheaval.

Cross-nationally, asymmetrical bicameralism recurs in contemporary constitutions. Democracies vest secondary chambers with distinct yet contributory legislative functions. Britain's Parliament pits Commons—directly elected, dominant—against Lords, which scrutinizes via delays and amendments, sans ultimate veto. India's bicameralism features Lok Sabha (popular) over Rajya Sabha (state), yet the latter reviews bills and ratifies center-state pacts, equilibrating national-regional pulls. Japan's Diet empowers Representatives over Councillors, granting override precedence, though the latter amends and advises, enriching debate.

*Vis-à-vis* these, Indonesia's Council lags, bereft of vetoes or potent revisions, rendering participation procedural sans substantive sway—hallmarking soft bicameralism deficient in secondary heft.

Constitutional Court jurisprudence illuminates dynamics. Decision 92/PUU-X/2012 mandates full Council engagement in regional bills, deeming it integral to joint House-government deliberations, substantively embodying territoriality. Though pivotal for role enhancement, structural dominance persists with House-President axis.

Analysis yields reconstructive imperatives: firstly, elevate legislative input on regional matters via co-deliberative forums on autonomy and intergovernmental ties; secondly, empower law execution scrutiny with binding mechanisms; thirdly, broaden policy formulation in development and resources. This propels balanced asymmetrical bicameralism—complementary chambers wherein House steers nationally, Council fortifies territorial equilibrium. Reconfiguration not only vitalizes representation but elevates deliberative caliber. Theoretically, it advances bicameralism discourse for unitary states, traditionally federal-

linked. Indonesia exemplifies secondary chambers' viability for territoriality via proportionate design, yielding practical center-regional synergy and scholarly enrichment on representational architectures in democracies.

#### **D. CONCLUSION**

This research reveals that Indonesia's bicameral configuration, forged via 1945 Constitution amendments, retains asymmetrical traits, engendering an asymmetrical bicameral constitutional paradox. It further elucidates the Regional Representative Council's institutional framework's shortfall in robustly advancing territorial advocacy within national lawmaking. Drawing on bicameral precedents from the United Kingdom, India, and Japan alongside Constitutional Court jurisprudence, the study proposes a balanced asymmetrical bicameralism paradigm for recalibrating the Council's authority empowering legislative and oversight roles on regional matters while preserving unitary state integrity. Theoretically, it advances constitutional scholarship on bicameral designs in unitary contexts and deepens debates linking representational legitimacy to power allocation. Practically, these insights furnish a blueprint for reforms enhancing territorial functions in the national representational apparatus.

#### **E. RECOMMENDATION**

Drawing on this study's conclusions, the researchers recommend that policymakers—particularly legislative bodies and constitutional architects—prioritize augmenting the Regional Representative Council's prerogatives over core regional concerns via enhanced substantive lawmaking and oversight protocols, facilitating viable adoption of balanced asymmetrical bicameralism within Indonesia's constitutional paradigm. For scholars, these outcomes offer a foundation for advancing inquiries into bicameral architectures in unitary states. Future scholarship should incorporate expansive empirical or cross-jurisdictional methods to appraise House-Regional Representative Council interplays, mitigating normative inquiry constraints for broader, more robust insights.

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