

## Juridical Review Of The People's Representative Council In Making Public Policies Through The Perspective Of Law Number 17 Of 2014

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**ABSTRACT**

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**Keywords:** Juridical Review; House of Representatives; Law No. 17 of 2014.

Legislation is one of the legal products of the number of existing legal products. The legislation contains general and abstract legal norms. It is general because existing legal norms apply to every legal subject in general. While being called abstract lies like legal norms which are not concrete in regulating legal events and are the object of regulation. Thus, a good law which incidentally is a type of legislation must have a philosophical basis, a sociological basis, and a juridical basis. Based on the principle of a rule of law, namely that government is organized based on laws, then in running a government it must refer to statutory regulations which become guidelines for the administration of a country based on the will of the people. The constitution is the guideline in the state and then elaborated in laws and regulations. This type of research is normative research. The approach used is a statutory approach (statute approach) and a conceptual approach (conceptual approach). The source of data used is secondary data. Data analysis was carried out in a qualitative descriptive manner. The conclusion is carried out using the deductive method, namely from general to specific, especially those related to the research topic, namely the Juridical Review of the House of Representatives in Making Public Policy in the Perspective of Law No. 17 of 2014. The result found community is concerned that in implementing or enforcing the law, justice is considered. In upholding the law, there must be a compromise between legal certainty, benefit, and justice, the three elements must receive proportional and balanced attention. Thus, legislation is a political product from which legislators turn into legal products when their preparation meets the elements of legal certainty, benefit, and justice in a proportional and balanced manner. There is a paradigm that the law governing representative institutions is part of a package of laws in the political field that needs to be changed. Laws governing representative institutions need to be seen as laws in the institutional context of the

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constitutional system. As previously stated, one of the problems that arise as a result of this law being considered as part of a package of regulations in the political field is institutional arrangements.

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## 1. Introduction

One of the state institutions in the branch of legislative power in Indonesia that has legislative authority is called the People's Representative Council (DPR) read "The People's Representative Council holds the power to form laws", the function of legislation is not only attached to the DPR as its institution, each member of the DPR as a legislator also has the right to be able to propose a Draft Law (RUU) whose conditions and procedures the method is regulated in the laws and regulations. In addition to the legislative function, the DPR has other functions, namely the budgetary and supervisory functions (Haruni, 2022). Indonesia as a constitutional state is stated in Article 1 paragraph (3) of the 1945 Constitution which reads "Indonesia is a constitutional state". The concept of rule of law is inseparable from (Susanti, 2017) its own point of support, in particular the thought of law and order. This understanding is an instructing that says that the greatest power lies with the law or there could be no other power at all, aside from the actual law (Haryati, 2016). The characteristics of a democratic rule of law are that the people hold a key role and central position in determining the direction of policy. Implicitly, the notion of democracy is reflected in the closeness of the rulers or leaders of the nation to the people by applying the principle of openness or transparency and being willing to correct and rectify policies deemed to be detrimental to the interests of the people (Mila et al., 2020).

In view of the standard of a law and order, in particular that administration is coordinated in light of regulations, then in running an administration it should allude to legal guidelines which become rules for the organization of a nation in view of the desire of individuals (Ardhanariswari et al., 2021). The constitution which is a guideline in the state and then elaborated in laws and regulations which are divided into several types of laws and regulations is contained in Law Number 12 of 2011 concerning the Formation of Legislation. Good laws and regulations are those that are in harmony with other laws and regulations. The disharmony of a statutory regulation with other regulations, both at the same level and at a different level, will cause a complex problem. As a result, these regulations can be canceled because of things that are contrary to the constitution or the laws and regulations above it (Nur, 2018).

However, basically, the powers of the DPR during the reform order were classified as very strong in authority, with the DPR's powers a system of checks and balances could emerge, in this case, its supervisory function which could be activated both in supervising the executive and legislative institutions. The presence of corrections to the 1945 Constitution incredibly impacted the position and authority of the DPR as a regulative body. Extremist changes to the arrangements of

Article 5 passage (1) and Article 20 section (1) of the 1945 Constitution by essentially decreasing the force of the President in making regulations to turn into a political cycle in the DPR as the most prevailing power in deciphering the regularizing plans contained in the 1945 Constitution (Susanti, 2017). Now the supremacy of the DPR in the legislative process is very dominant because the President has no other choice but to pass the draft law. In Law no. 17 of 2014, the task of drafting a law is the commission's duty. The task of the commission in forming laws is to prepare, draft, discuss and refine draft laws (Wenda et al., 2021). Even in carrying out this task, the commission can hold working meetings with the Government represented by ministers/heads of institutions, consultations with the DPD, hearings with Government officials representing their agencies, and public hearings, either at the request of the commission or at the request of other parties (Ardhanariswari et al., 2022).

In this regard, what is meant by the philosophical basis of the legislation is none other than the ability to perceive the formation of laws or statutory regulations regarding the values embodied in philosophical theories, as well as the official philosophical doctrine of the state, namely Pancasila. It is for this reason that any form of laws or statutory regulations in Indonesia should pay serious attention to the concepts contained in Pancasila. In the context of forming a law, Pancasila is not only the philosophy of the Indonesian nation but also has a position as a legal ideal (*rechtsidee*) that must animate every legal norm contained in the law (Samangun et al., 2019). In other words, the law that is formed must be a law that reflects philosophical values which are the ideal values of the Indonesian nation, namely values that reflect justice and virtue, so that everyone obeys and obeys them. Thus, every establishment of legislation in Indonesia cannot be separated from this value system. With the function of the DPR, especially in the field of legislation, it is hoped that our country will be better off as a country that adheres to the common law system. This is important because currently law enforcement in Indonesia is always felt to be far from justice, let alone creating peace (Sidarta, 2017).

The obstacle to realizing justice and peace (justice for the piece) in law enforcement as well as the implementation of government in Indonesia is the weak quality and quantity of legislation produced. When the old MD3 Law was still in effect, the formation of laws and regulations was still far from good where academic texts that should have been the initial basis for forming a law were often ignored. In carrying out its duties, the DPR RI Expertise Body currently has 5 (five) central structures, each of which has focused to support the smooth functioning of the DPR RI. As for each center in the DPR RI Expertise Body, namely: 1. Center for Drafting Laws, 2. Center for Research, 3. Center for State Budget Analysis, 4. Center for State Financial Accountability, and 5. Center for Monitoring the Implementation of Laws. Each of these centers is headed by the Head of the Center and has functional staff as the legal drafting staff at the Center for Drafting Laws (Ilham & Pasamai, 2021).

## **2. Materials and Methods**

This kind of examination is standardizing research. The methodology utilized is a legal methodology (resolution approach) and a calculated methodology (reasonable methodology). The wellspring of information utilized is auxiliary information. Information examination was directed in an engaging subjective

(Atmadja, 2013). Concluding is carried out using the deductive method, namely completing from general to specific, to those related research topics such as the Juridical Review of the House of Representatives in Making Public Policy in the Perspective of Law No. 17 of 2014. Subjective information examination is accomplished on the off chance that the observational information got is as an assortment of words and not in that frame of mind of a progression of numbers and can't be sorted out into classifications. The information is gathered in different ways (interview perceptions, archive occurrences, and tape accounts). It is typically handled first prior to being utilized in subjective exploration including the consequences of interview records, information decrease, examination, information understanding, and triangulation (Sormin, 2023).

### **3. Results and Discussions**

#### **1. Juridical Review of the House of Representatives in Making Public Policy Through Law No. 17 of 2014**

The declaration that Indonesia is a protected state is contained in Article 1 Passage 3 of the 1945 Constitution of the Republic of Indonesia. It emphasizes that Indonesia in its governmental and state administration is based on the mechanism of regulating society based on regulations/constitution. Resolutions that talk about the progressive design of Indonesian guidelines have gone through a few changes, since the establishment of the MPRS Declaration No. XX/MPRS/1966 concerning the DPR-GR Update in regards to the Wellsprings of the Republic of Indonesia's Legitimate Endlessly request of the Republic of Indonesia's Regulation, MPR Announcement Number III/MPR/2000 concerning the Wellspring of Regulation And the Request for Regulation, until the establishment of Regulation Number 10 of 2004 concerning the Development of Regulation. The Territory of Indonesia in Article 7 of Regulation no. 12 of 2011 concerning the Foundation of Regulation which is a guideline recharging of Regulation no. 10 of 2004, specifying the order of regulations and guidelines that apply in Indonesia (Rauf et al., 2018).

Legislation is one of the legal products of the number of existing legal products. The legislation contains general and abstract legal norms. It is general because existing legal norms apply to every legal subject in general. While being called abstract lies like legal norms which are not concrete in regulating legal events and are the object of regulation. Thus, a good law which incidentally is a type of legislation must have a philosophical basis, a sociological basis, and a juridical basis. The paradigm that the law governing representative institutions is part of a package of laws in the political field needs to be changed. Laws governing representative institutions need to be seen as laws in the institutional context of the constitutional system. One of the problems that arise as a result of this law being considered as part of a law package in the political field is that the institutional arrangements for the MPR, DPR, DPD, and DPRD tend to change every five years (Setiadi, 2019).

This has resulted in building a strong and sustainable DPR institution which will encounter obstacles due to the possibility of policy changes every five years. The merging of state institutions in one law will also result in duplication or overlapping of arrangements, for example, concerning the DPRD which is

regulated in Law no. 27 of 2009 concerning the MPR, DPR, DPD, and DPRD with Law no. 32 of 2004 and its amendments regarding Regional Government (Samangun et al., 2019). In addition, the merger of the MPR, DPR, and DPD in one law also resulted in inconsistent arrangements regarding state institutions, bearing in mind that other state institutions such as the Supreme Court, the Constitutional Court, and the Supreme Audit Agency are each regulated in separate laws.

Normatively. Regulations are characterized as legal guidelines shaped by the Place of Agents with the endorsement of the President. Arrangement of Regulations and Guidelines is the making of Regulation which incorporates the phases of arranging, drafting, talking about, approving or specifying, and authorizing. Taking into account that regulations are legal guidelines, the arrangement of regulations can be deciphered as causing regulations which to incorporate the phases of arranging, drafting, examining, confirming or laying out, and sanctioning.

The community is very concerned that in implementing or enforcing the law, justice is considered. In enforcing the law there must be a compromise between legal certainty, expediency, and justice. The three elements must receive proportional and balanced attention. Thus, legislation is a political product from which legislators turn into legal products when their preparation meets the elements of legal certainty, expediency, and fairness in a proportional and balanced manner. Efforts to develop a national legal system include several things. First, the development of legal substance, both written law and unwritten law with a better mechanism for forming national law according to the needs and aspirations of the people. Second, the improvement of legal structure to make it more effective. Third, the involvement of all components of society with high legal awareness to support the formation of the desired national legal system[6].

## **2. Implications of the House of Representatives (DPR) in Making New Public Policies Based on Law number 17 of 2014**

To make regulations that can safeguard individuals, fair treatment, regulations that safeguard each resident of the country so their freedoms are ensured, there should be guidelines that are utilized as rules in the arrangement of legal guidelines, as the primary standards that apply to drafting guidelines from the underlying system of their development to the These guidelines apply to the local area. So that with the presence of standard guidelines, each drafting of guidelines can be completed in an unequivocal, standard, and restricting way and strategy that ties all establishments approved to frame legal guidelines, in this manner the said guidelines can satisfy the local area's requirement for good legal guidelines [6].

In view of the standard of a law and order, specifically that administration is coordinated in light of regulations, then in running an administration it should allude to legal guidelines which become rules for the organization of a nation in light of the desire of individuals. The constitution which is a guideline in the state and then elaborated in laws and regulations which are divided into several types of laws and regulations is contained in Law Number 12 of 2011 concerning the Formation of Legislation. Good laws and regulations are those that are in harmony

with other laws and regulations. The disharmony of a statutory regulation with other regulations, both at the same level and at a different level, will cause a complex problem. As a result, these regulations can be canceled because of things that are contrary to the constitution or the laws and regulations above it.

The paradigm that the law governing representative institutions is part of a package of laws in the political field needs to be changed. Laws governing representative institutions need to be seen as laws in the institutional context of the constitutional system. As previously stated, one of the problems that arise as a result of this law being considered as part of a package of laws in the political field is that the institutional arrangements for the MPR, DPR, DPD, and DPRD tend to change every five years. This has resulted in building a strong and sustainable DPR institution which will encounter obstacles due to the possibility of policy changes every five years. The merging of state institutions in one law will also result in duplication or overlapping of arrangements, for example concerning the DPRD which is regulated in Law no. 27 of 2009 concerning the MPR, DPR, DPD, and DPRD with Law no. 32 of 2004 and its amendments regarding Regional Government (Susanti, 2017). To produce quality legal products, data, information, arguments, methodologies, and even available alternatives and their alternative consequences are needed. In this context, public policy formulation has an important role in designing quality legal products because public policy formulation has methods to meet these needs which will be useful for decision-makers to compile criteria from available alternatives such as determining all possibilities that occur, political acceptance, costs, benefits, and others (Rauf et al., 2018).

#### **4. Conclusion**

The implementation or enforcement of the law must consider justice. Justice must be compromised with legal certainty and efficiency. Legislation is a political product that transforms into legal products when it meets the elements of legal certainty, benefit, and justice in a balanced proportion. Good laws and regulations are those that are in harmony with other laws and regulations. Disharmony with other regulations, both at the same level and at different levels, will cause complex problems. As a result, these regulations can be canceled if they are contrary to the constitution or higher-level laws and regulations.

Based on the standards of law and order, specifically that administration is coordinated in light of regulations, in running an administration, reference should be made to legal guidelines that serve as rules for the organization of a nation based on the will of the people. The constitution is the rule in the state, followed by laws and more detailed regulations.

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