

Legislative Functions of the House of Representatives in the Perspective of the 1945 Constitution of the Republic of Indonesia

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ABSTRACT

Keywords: Function; Legislation; DPR; The 1945 Constitution of the Republic of Indonesia.

All the objectives of the State are specified in the constitution or essential law of the State as expressed in the Prelude to the 1945 Constitution of the Republic of Indonesia (1945 Constitution), which is contained in the fourth passage which states: 1) safeguard the whole Indonesian country and Indonesia's slaughter; 2) advance public government assistance; 3) teach the existence of the country; and 4) take part in completing world request. In particular, in the 1945 Constitution, the scope and definition of the law are not very clear. Article 20 of the 1945 Constitution only mentions the authority of the DPR to make laws by mutual agreement with the government. Article 24 C paragraph (1) only stipulates that the Constitutional Court has the authority to review laws against the constitution. The lack of clarity over the legislative function of the DPR, causes the State to need to make a standard rule regarding the Law on Procedures and Mechanisms for Forming Legislation. In Indonesia, there have been several regulations regarding arrangements for the Formation of laws and regulations, namely TAP MPRS Number XX/MPRS/1966 concerning Sources of Orderly Law, TAP MPR Number III/MPR/2000 and enhanced by Law Number 10 of 2004 concerning Formation of Legislation. Feeling that the previous regulations were incomplete, on 12 August 2011, the government enacted Law Number 12 of 2011 amendment of Law Number 10 of 2004 concerning the Formation of Legislation.

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1. Introduction

The 1945 Constitution of the Republic of Indonesia (1945 Constitution) is the most noteworthy regulation in the country and state where the 1945 Constitution of the

Republic of Indonesia (1945 Constitution) controls the connection between the public authority and its state and relations between government organizations so the Constitution The Republic of Indonesia of 1945 (1945 Constitution) can be supposed to be the constitution of the Republic of Indonesia (Sibuea et al., 2020). It regulates the following matters: a) Determines the limitation of the power of state organs, b) Regulates the relationship between state institutions one another, and Regulates the relationship of power between state institutions and citizens[1] d) The matters that are broadly regulated in the constitution are the implementation of the goals of the formation of the country, where every country in the world is formed having different goals, namely the goals of the nation in the life of the state. The goals of the State vary according to the views of the people on the nation and the outlook on life that underlies it (Iskatrinah, 2020).

All as a general rule, the objectives of the state are specified in the constitution or the essential laws of the nation concerned, one of which is that the reason for the development of the Indonesian state is unequivocally expressed in the preface to the 1945 Constitution of the Republic of Indonesia (1945 Constitution), which is contained in the fourth passage which states: 1) safeguard the whole Indonesian country and Indonesia's slaughter; 2) advance public government assistance; 3) teach the existence of the country; and 4) partake in completing world request. In the 1945 Constitution of the Republic of Indonesia (1945 Constitution), the scope and definition of the law are not very clear (Tibaka & Rosdian, 2017). Article 20 of the 1945 Constitution only mentions the authority of the DPR to make laws by mutual agreement with the government. Article 24 C paragraph (1) only stipulates that the Constitutional Court has the authority to examine laws against the Constitution (Tibaka & Rosdian, 2017). Laws in the sense of VHP_{SLW}³OHJLVODWLYH DFW¥ or legal acts formed by the legislature with mutual agreement with the executive branch, in a broad sense, laws can be understood as legal texts, which concern certain materials and forms. (Munawar et al., 2021) Consequently, to make a law and order express, the state makes standard guidelines in regards to regulations and methodology and systems for the development of regulations and guidelines. In Indonesia, there have been a few guidelines in regards to game plans for the development of regulations and guidelines, in particular TAP MPRS Number XX/MPRS/1966 concerning Wellsprings of Deliberate Regulation, TAP MPR Number III/MPR/2000 and upgraded by Regulation Number 10 of 2004 concerning Arrangement of Regulation. Feeling that the past guidelines were deficient, on 12 August 2011 the public authority sanctioned Regulation Number 12 of 2011 rather than Regulation Number 10 of 2004 concerning the Arrangement of Regulation (Anggono, 2018).

Regulation Number 12 of 2011 contains new arrangements, to be specific the reemergence of the TAP MPR in the pecking order of legal guidelines. In Article 7 section (1) it is expressed that the progressive system of regulations and guidelines comprises of the 1945 Constitution, TAP MPR, Regulations/Perpu, Unofficial laws, Official Declarations, Commonplace Provincial Guidelines, and Rule Local Guidelines. In light of the arrangements of Article 20 passage (2) of the 1945 Constitution which expresses: "Each draft regulation is examined by the Place of Delegates and the President to acquire common endorsement." Based on the explanation above, it can be understood that in making laws, the DPR is tasked with seeking approval from the President, and the legislature is a political structure whose function is to make laws (Tibaka & Rosdian,

2017). Article 20 paragraph (2) of the 1945 Constitution above shows that the executive not only has authority as an institution that runs the wheels of government and implements laws and regulations but also has authority as a legislator, executive authority in legislation is emphasized in the provisions Article 20 paragraph (3) where if the executive (President) does not approve a draft law then it can be said that the draft law has not received mutual approval so that the draft law cannot be advanced again as a bill (Susanti, 2017).

Indonesia's experience during previous administrations opened up the idea that the 1945 Constitution should be amended, then the amendments carried out by the MPR gave a different color to the relationship between high state institutions. One of the issues that were debated when carrying out the amendment was an issue related to legislative and executive powers in terms of the power to make laws. During the course of carrying out the functions of the DPR for several periods, the DPR during the reform era underwent many very significant changes. Thus, this research will discuss the Legislative Functions of the DPR Based on the Perspective of the 1945 Constitution of the Republic of Indonesia Post Amendment. Even though the amendment experienced controversy, the spirit of reform to amend the 1945 Constitution received support from all political forces and all layers of society who aspired to a more stable system of government and state administration in Indonesia (Siahaan, 2022).

In view of the foundation of the above issues can be tracked down a definition of the issue, in particular; How is the Execution of the Regulative Capability of the DPR In light of the Point of view of the 1945 Constitution of the Republic of Indonesia Post Correction?

2. Materials and Methods

The strategy utilized recorded as a hard copy this applied paper is the distinct logical technique, to be specific by utilizing information that plainly portrays the issues straightforwardly in the field, then, at that point, the examination is completed and afterward closed to take care of an issue. Strategies for information assortment through perception and writing study to acquire critical thinking in the arrangement of this paper. In line with the research objectives to be achieved, the realm of this research is included in qualitative research, thus a qualitative approach method will be used. According to Petrus Soerjowinoto et al., a qualitative method is a method that emphasizes the process of understanding researchers on the formulation of problems to construct a complex and holistic legal phenomenon (Hidayati et al., 2022).

Regulating juridical methodology, specifically the juridical methodology technique used to look at issues from a legitimate and legal viewpoint, in particular principles that can be utilized as a reason for concentrating on issues and their lawful outcomes, for this situation, in particular the 1945 Constitution of the Republic of Indonesia.

The normative juridical approach is carried out on certain statutory regulations or written laws, which are related to the Implementation of the Legislative Functions of the DPR Based on the Perspective of the 1945 Constitution of the Republic of Indonesia Post Amendment. This study describes the condition of the object under study, namely focusing on regulation and the Implementation of the Legislative Function of the DPR Based on the Perspective of the 1945 Constitution of the Republic of Indonesia Post Amendment in practice (Hidayati et al., 2022).

3. Results and Discussions

Implementation of the Legislative Function of the DPR Based on the Perspective of the 1945 Constitution of the Republic of Indonesia Post Amendment

Democracy is a government by the people where the power of the majority of citizens is exercised. In a modern democracy, democracy is carried out through representation, where the people choose their representatives. According to the basis of democracy, the highest decision in state government lies in the hands of the people through the intermediary of the Representative Body, the Community Members who represent are called Political Representatives (Syahrin, 2020).

There has been much discussion regarding whether or not the 1945 Constitution is necessary to be amended or replaced (Marsh et al., 2021). After the Reformation Era, the 1945 Constitution was no longer sacred, on the contrary, the discourse on the constitution in particular and other matters, in general, was wide open. This is due to the many contributions made by the 1945 Constitution in destroying the living conditions of the Indonesian state as it is today, including the deteriorating economic climate and the declining standard of living of the people. Opportunities are opened to carry out interpretations and implementation of the articles contained in the 1945 Constitution (Effendi, 2007).

On the other hand, many other factors contribute to poor governance processes that cause these conditions to occur, both external and internal factors. External factors in this case are the global political and economic developments of other countries in the world. With the existence of expanding international relations and what is called globalization, changes in the condition of a country, especially developed countries, will more or less affect other countries. Indonesia is a developing country that still depends a lot on trade and technology from developed countries. While internal factors include the poor administration of the state which is overshadowed by negative "cultures" such as corruption, collusion, nepotism, paternalism, and others.

The amendments to the 1945 Constitution are a manifestation and an attempt to create a system of decentralization and democracy between high state institutions based on a common will because the previous government had carried out various political engineering and was authoritarian in nature. By amending the 1945 Constitution, the goals of a country can be realized. Because the amendment has dispelled the myth of the sanctity of the 1945 Constitution which is contrary to advanced and modern political life. It is undeniable that there is an accumulation of other external and internal factors which have contributed to the deteriorating condition of the state. However, it is also necessary to take actions that can minimize the influence of these factors, namely by placing a better system in the Indonesian constitution. Therefore, the transformation of the government system and state administration system in Indonesia must begin with changes to the 1945 Constitution.

Authoritatively, the execution of alterations to the 1945 Constitution is expressed in the arrangements of the 1945 Constitution which are managed in Part XVI Extra Standards, Article 37 passage (1) to change the Constitution something like 2/3 of the absolute individuals from Individuals' Consultative Gathering should be available; (2) Choices are taken with the endorsement of somewhere around 2/3 of the individuals present."

With these provisions, based on the constitution, amendments to the 1945 Constitution are not too complicated because it only requires 2/3 of the members present in the 1945 Constitution to be amended. Even according to constitutional law, if the provisions above have been fulfilled, it is constitutional. Juridically constitutionally, concerning Article 37 of the 1945 Constitution, the reference was made by the MPR during the changes to the 1945 Constitution that were implemented from 1999-2002. In addition to the provisions in Article 37 of the 1945 Constitution, the MPR also uses Article 92 of the MPR Standing Orders regarding the level of discussion in making and making decisions on MPR Session materials (Chandranegara & Sihombing, 2021).

The main correction to the 1945 Constitution was completed at the 1999 General Meeting of Individuals' Consultative Gathering of the Republic of Indonesia (SU MPR 1999). The session which was held after the 1999 general election and produced new MPR members based on the MPR regulations formed the MPR's tools to prepare the draft amendment to the 1945 Constitution. This first change established fundamental changes to the constitutional system, government system, power-sharing system, regional autonomy implementation system as well as the position of the House of Representatives. Thus, the result of the first amendment to the 1945 Constitution was a change that had a direct impact on the Indonesian state system. The thing that stands out in this first change is the change in Chapter III of the 1945 Constitution, Article 5 paragraph (1) concerning the President's power in the legislative field, which then becomes the right of the DPR in its institutional formation, Article 7 which relates to the term of office of a President which is limited only 2 periods, then in Article 9 paragraph (1) pronouncing the oath and promise of the President/Vice President. Article 9 then underwent an addition with paragraph (2) to regulate the implementation of the President's Oath and Promise if the MPR and DPR cannot hold a session.

DPR RI (High State Committee of Delegates of the Republic of Indonesia is entrusted with completing regulative capabilities, monetary capabilities, and administrative capabilities. In completing its capabilities, the DPR has the option to interpellation, the right of request, and the option to offer viewpoints (Article 20A section (2) of the 1945 Constitution). More, the Indonesian Parliament, is one of the main high-state establishments, notwithstanding other state contraptions that carry out a vote based framework. The place of the DPR in the process for overseeing state power has gone through tremendous changes since the fourth amendment to the 1945

Constitution was passed. This is expressed in Article 20 passage (1) of The 1945 Constitution which specifies that "Individuals' Delegate Chamber holds the ability to frame regulations." Despite the fact that the position to shape regulations rests with the DPR, conversation of a bill should be completed mutually with the public authority, as expressed in Article 20 section (2), "Each bill is examined by the Place of Agents and the President for endorsement together." Moreover, the DPR has the privilege to seek clarification on pressing issues and convey ideas and sentiments along with issues of resistance (Article 20A passage (3) of the 1945 Constitution). Further arrangements in regards to the freedoms of individuals from the DPR are directed in the law (Article 20A section (4) of the 1945 Constitution).

However, specifically, the DPR has 4 (four) basic functions as a high state institution that carries out representative functions, namely: First, Legislative Function. This function relates to efforts to translate people's aspirations into political decisions that will be implemented by the executive (government). Here the quality of DPR members is tested. They must be able to design and determine the direction and objectives of government activities on existing conditions and needs. Second, the Supervision Function; Functions related to efforts to ensure that the implementation of political decisions that have been taken do not deviate from the direction and objectives that have been set. Ideally, DPR members do not only detect procedural irregularities but they are also expected to be able to detect technical irregularities, such as in the case of physical buildings whose durability is beyond normal calculations. Third, is the Budget Function. This function relates to the DPR's ability to distribute the budget according to a politically determined priority scale. Fourth, is the Representational Function. That is related to the representational function. The representative function of the DPR can be understood as a substantive function that is inherent in the DPR as the people's representative through elections. The representative function of the DPR refers to Pitkin's thoughts. According to Pitkin, political representation is defined in a substantive sense, namely "acting for those represented and in a way that is responsive to them." (Näsström, 2015).

UU no. 27 of 2009, the position of the Legislative Body of the DPR is one of the initiators who have the right to propose discussions on the Draft Law, in addition to being able to do so through proposals from members of the DPR RI, Commissions and joint commissions. Meanwhile, in the new provisions, namely in Law no. 17 of 2014, the proposed draft law can only be made by members of the DPR RI, commissions, and joint commissions. The loss of the Legislative Body's authority to submit initiative Draft Laws certainly has an impact or influence on the implementation of the DPR RI's legislative functions. This implication is evident in the low achievement of the legislative target in the first year of the Republic of Indonesia's House of Representatives for the 2014-2019 period. Of the 37 Draft Laws which were priority Draft Laws in 2015, until April 2015 only 2 had been completed. This situation can be compared with the legislative achievements of the DPR RI for the 2009-2014 period

in the first year of its term of office in 2010 which succeeded in completing 8 Draft Laws.

The increase in the legislative function of the DPR is not only seen in terms of quantity, namely the number of legislative products (in the form of laws/agreements/etc.) it produces but also in the quality of the legislative products it produces, in the form of laws or policies that should be more impartial. in the interests of the wider community or other words, pro-people policies. One indication of the policy resulting from the DPR's performance in the field of legislation that is pro-people is the Development Budget which aims to improve people's welfare compared to the Routine Budget which is earmarked for official trips for members of the DPR.

After the amendments, the function of the DPR as a legislative institution is returned, where the position of the DPR is no longer a stamp institution after the change in authority in the Amendments to the 1945 Constitution. In addition, it is hoped that the productivity of the DPR will increase due to the DPR's initiative rights which are supported by regulations in other laws both by authority and by law technical, for example, the existence of Prolegnas in the new law so that the role of the DPR is more visible. Also, there is a more visible function of checks and balances between the Executive and the legislature, unlike before the 1945 Amendment to the 1945 Constitution where at that time the President was very dominant in carrying out the legislative function.

4. Conclusion

The place of the DPR in the process for regulating state power has gone through huge changes since the fourth amendment to the 1945 Constitution was sanctioned. It is expressed in Article 20 section (1) of the 1945 Constitution which affirms that "the Place of Delegates holds the ability to frame regulations." Despite the fact that the position to shape regulations rests with the DPR, the conversation of a bill should be completed together with the public authority, as expressed in Article 20 passage (2), "each draft regulation is examined by the Place of Agents and the President for shared endorsement." Moreover, the DPR has the privilege to seek clarification on some things and convey ideas and conclusions along with issues of resistance (Article 20A section (3) of the 1945 Constitution). Further arrangements with respect to the freedoms of individuals from the DPR are managed in the law (Article 20A section (4) of the 1945 Constitution).

The legislative function is carried out as a manifestation of the DPR as the holder of the power to form laws. This function is the most dominant and influential because through this function the DPR can influence all aspects of the State of Indonesia. But this function turns out to be running not optimally. The DPR is considered less productive because there are so few bills originating from the initiative of the DPR. Even as representatives of the people, the DPR should maximize this function for the welfare of the Indonesian people by one of the obligations of members of the DPR.

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