

The Existence of Regional Representative Council (DPD) and Regional Political Aspiration in Indonesia

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ABSTRACT

The affirmation of DPD's existence is not only from the formal legal side, but also from the acceptance of regional aspiration that to be conveyed and fought in the central level. This is because during this time there are many problems in the region which has not been accommodated yet by the Central. DPD and DPR could formulate a mutual agreement. But the agreement must reflect the compromise between all the political power in the MPR. DPD need to have more space to take part. Thus, it is expected to be more active in the struggle for the interests and region's aspirations.

Keywords: *Existence, Regional Representative Council, Aspiration*

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1. INTRODUCTION

The reformation occurred in Indonesia on 1999 have caused many changes in this country, no exception for our system and constitutional practical. Every idea of the change has been implied in the first to the fourth amendment of the 1945 Indonesian Constitution. When look it back there are at least four fundamental ideas related to the above amendment process, First, the separation of power with all the implications as a substitute from principle of distribution of power. Second, the implementation of national policy related to the implementation of regional autonomy as wide as possible. Third, the presidential direct election idea, and fourth, the forming idea of Regional Representative Council (DPD) that complement the existing of the House of people's representatives over this time.

The emergence of Regional Representative Council (DPD) is strongly based on the eagerness of all parties, including the Central and Regional governments to improve the employment relations and the interest distribution between the two levels of government. In this case, the Regional Representative Council (DPD) is also expected to be present as an institution that capable of helping to overcome the discrepancy between the Central and the Region, according to the regional autonomy spirit that ensures justice, democracy and guarantee this territorial state integrity.

Regional Representative Council (DPD) is a representation of the people in a Region (space) that will represent the Region's interest in the process of important political decision-making at the national level. As a legislative institution Regional Representative Council (DPD) is also become a control institution over the government, so that the Regional Representative Council (DPD) is really becoming a representative council for the people.

Regional Representative Council (DPD) is actually a House of Representative (DPR)'s personification member of regional delegation that is only appointed and nominated by the government, the Regional Representative Council (DPD) 's member nominated by himself with proven by people's support with a certain amount, then elected directly by the people in the legislative elections, together

with political parties to elect House of Representative (DPR), Provincial Assembly (DPRD Provinsi) and Regency or city Assembly (DPRD kabupaten).

In the simple terms the role of the Regional Representative Council (DPD) includes three things, namely the legislation authority (proposing, discussing A bill with House of Representative (DPR), the consideration authority (giving A bill consideration and the consideration for Supreme Audit Institution(BPK)'s member election), and the supervision authority (controlling the Act implementation). But in the authority implementation, Regional Representative Council (DPD) is only as a subordinate of the House of Representative (DPR)'s functions, roles and authority (Regional Representative Council (DPD) is under House of Representative (DPR). According to the background above the issue is: how's the existence of Regional Representative Council (DPD) in acceptance of regional political aspiration in Indonesia?

2. DISCUSSION

After the amendment of the 1945 Indonesian Constitution, the Indonesian state administration system has many changes including the Deliberative / Representative Institutions, namely the People's Consultative Assembly (MPR), House of Representative (DPR), Regional Representative Council (DPD) and Regional Representatives Assembly (DPRD). This amendment aims to make more democratic, effective, and accountable the Deliberative / Representative Institutions. Law Act Number 27 of 2009 regarding about People's Consultative Assembly, House of Representative, Regional Representative Council, and Regional Representatives Assembly that organize the four institutions, basically it has arranged the rule towards the realization of a democratic, effective, and accountable the Deliberative / Representative Institutions. However, since the Law Act Number 27 of 2009 regarding about People's Consultative Assembly, House of Representative, Regional Representative Council, and Regional Representatives Assembly announced, there are still some things that are necessary to be reorganized through the replacement of Law Act Number 27 of 2009. The replacement of Law Act Number 27 of 2009 based on new material that has exceeded 50% (fifty percent) from the substance of Law Act Number 27.

Besides the development of the State system, the formulation of the Law Act that regarding about People's Consultative Assembly, House of Representative, Regional Representative Council, and Regional Representatives Assembly is also intended as an effort to improve the performance of each Representative Institution while perform out its duties and functions based on the checks and balances principle, which is based on the clean and authoritative governance principle and at the same time improve the authority and trust from the people towards the representation function of The Representative Institutions that fight for the people's aspirations.

Indonesian Law Act Number 22 of 2003, Indonesian Law Act Number 27 of 2009, Indonesian Law Act Number 17 of 2014 regarding about People's Consultative Assembly, House of Representative, Regional Representative Council, and Regional Representatives Assembly, Fifth section, about Regional Representative Council (DPD)'Rights, Article 256, stated that:

1. Purposing A Bill related to regional autonomy, central and regional relationship, the establishment and regional expansion then regional merging, natural resources and other economic resources managements, as well as related to the central and local finance balancing;
2. Taking a part in Bill discussion related to regional autonomy, central and regional relationship, the establishment and regional expansion then regional merging, natural resources and other economic resources managements, as well as related to the central and local finance balancing;

3. Giving a consideration to the House of Representatives in Bill discussion about The Indonesian Budget and other Bill related to the taxes, education and religion;
4. Controlling the implementation of Law Act about regional autonomy, central and regional relationship, the establishment and regional expansion then regional merging, natural resources and other economic resources managements, The Indonesian Budget (APBN) implementation the taxes, education and religion.

Regional Representative Council (DPD) have their own functions and duties: a. formulating the National Legislation Program (Prolegnas) about a Bill related to regional autonomy, central and regional relationship, the establishment and regional expansion then regional merging, natural resources and other economic resources managements, as well as related to the central and local finance balancing together with House of Representatives (DPR) and Government; b. purposing a Bill to the House of Representatives (DPR) and Government as it referred to letter a ; c. joining a bill discussion that purposed by President or House of Representatives (DPR) together with House of Representatives (DPR) and Government as it referred to letter a; d. joining A bill discussion that purposed by President or House of Representatives (DPR) together with House of Representatives (DPR) and Government as it referred to letter a; e. giving a considerations to the House of Representatives (DPR) for a Bill about Indonesian Budget (APBN) and a Bill related to the taxes, education and religion; f. controlling the implementation of Law Act as it referred to letter a; then the implementation of Law Act as it referred to letter d; g. submitting the results of supervision over the implementation of the Law Act as it referred to letter f to the House of Representatives (DPR) as a consideration to be followed up; h. receiving the results of the State financial examination from Supreme Audit Institution(BPK) as a consideration to the House of Representatives (DPR) for a Bill that related to The Indonesian Budget (APBN) and as a supervision material for the implementation of the Indonesian Budget Law Act in accordance with the Regional Representative Council (DPD); i. giving a consideration for Supreme Audit Institution(BPK)'s member election.

Our Constitution provides a very limited role the Regional Representative Council (DPD) of Indonesia as regulated in Article 22D of 1945 Indonesian Constitution. To optimize the role of Regional Representative Council (DPD) when it struggle for the society and the region's interests, according to my opinion at least there are three alternatives that can be taken :

First, Regional Representative Council (DPD) have to effort to propose the amendment of Article 22D of the 1945 Constitution. Constitutionally the amendment proposal must be accordance to the 1945 Constitution Article 37 paragraph 1. The amendment proposal of the 1945 Constitution are based on the following considerations:

1. Regional Representative Council (DPD) have a strong legitimacy function because it is directly elected by the people, it should have high formal authority as well as.
2. By limited authority, it is impossible for Regional Representative Council (DPD) to comply the people and the region's expectations to realize the purpose and objectives of Regional Representative Council (DPD).
3. The implementation of checks and balances principle is not only directed to the President and legislative executive relationship, but also between the legislative councils (DPR and DPD).

Second, Regional Representative Council (DPD) and House of Representatives (DPR) could formulate a mutual agreement. However, the agreement must reflect the compromise between all the political power in the People's Consultative Assembly (MPR). With this, it is possible to realize the developing ideas at the beginning of the formulation plan to make the Regional Representative Council (DPD) institution as a legislative institution with same authority or equal with the House of Representatives (DPR); **Third**, Regional Representative Council (DPD) need to have more space to take part. Thus, it is expected to be more active in the struggle for the interests and region's aspirations. If Regional Representative Council (DPD) wants its existence increase then there must be arrangement

from the inside first. Because, if the Regional Representative Council (DPD) 's authority is fully given, then the implication would be very dangerous if it is not followed by clear rules. Since, Regional Representative Council (DPD) have no chairman likes political parties. Therefore, the rules for Regional Representative Council (DPD) affirmation must be first clarified and reorganized. The Regional Representative Council (DPD) is unlikely to be the same as the House of Representatives (DPR). Because each of them has its own functions and roles.

3. CONCLUSION

Based on the description above, then as a conclusion as well as a suggestion, according to my opinion at least there are three alternatives that can be taken by Regional Representative Council (DPD) to have a relatively same authority or balance with the House of Representatives (DPR); yaitu, First, The affirmation of Regional Representative Council (DPD)'s existence is not only from the formal legal side, but also from the acceptance of regional aspiration that to be conveyed and fought in the central level. This is because during this time there are many problems in the region which has not been accommodated yet by the Central; Second, Regional Representative Council (DPD) dan House of Representatives (DPR) could formulate a mutual agreement. But the agreement must reflect the compromise between all the political power in the People's Consultative Assembly (MPR). With this the compromise, it is possible to realize the developing ideas at the beginning of the formulation plan to make the Regional Representative Council (DPD) institution as a legislative institution with same authority or equal with the House of Representatives (DPR); Third, Regional Representative Council (DPD) need to have more space to take part. Thus, it is expected to be more active in the struggle for the interests and region's aspirations.

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