

# Repositioning The Legislative Power of The DPR in The Formation of Responsive Laws in Indonesia

Winasis Yulianto<sup>1\*</sup>, Dyah Silvana Amalia<sup>2</sup>

<sup>1,2</sup> Universitas Abdurachman Saleh Situbondo, Indonesia

\*Corresponding Author:

\*Email : [winasis3103@gmail.com](mailto:winasis3103@gmail.com)

---

## **Abstract.**

*This research aims to analyze the shift in the legislative power of the House of Representatives (DPR) following the amendments to the 1945 Constitution and its implications for the formation of responsive laws. The research method employed is normative legal research with a statutory and conceptual approach. The findings indicate that although Article 20, Paragraph (1) of the 1945 Constitution has granted the DPR the power to form laws, in practice, the process remains heavily dependent on joint approval with the President. To realize responsive legislation, the DPR needs to optimize the National Legislation Program (Prolegnas) and expand public participation spaces to ensure that the legal products generated are not repressive but instead reflect the genuine will and needs of the community.*

**Keywords:** Legislative Power; DPR (House of Representatives); Responsive Law and Prolegnas.

---

## **I. INTRODUCTION**

As a democratic nation, Indonesia upholds the principle of popular sovereignty, which is implemented according to the Constitution. One of the main pillars of democracy is the existence of a representative body (Parliament), tasked with conveying the will of the people. In the Indonesian constitutional system, this function is carried out by the People's Representative Council (DPR), which has three main functions: legislation, budgeting, and oversight. A fundamental problem arises in the legislative function. Prior to the amendments to the 1945 Constitution, the power to enact laws was predominantly vested in the President (executive), while the House of Representatives (DPR) only provided approval. This situation created the stigma of the DPR as a mere "legalization" institution. After the first phase of amendments in 1999, a fundamental shift occurred, with the DPR being designated as the holder of the power to enact laws. Despite this repositioning of power, the quality of the resulting laws is often considered unresponsive to public needs and instead serves as a tool to legitimize repressive power.

## **II. METHODS**

This study employs a normative legal research approach, using the 1945 Constitution and organic legislation as the starting point for discussion. A deductive, qualitative analysis of primary and secondary legal materials was conducted to develop an ideal conception of the DPR's legislative power.

## **III. RESULT AND DISCUSSION**

### **The Mechanism of the DPR's Legislative Power in the Constitution**

Following the amendment to the 1945 Constitution, Article 20 paragraph (1) explicitly states that "the People's Representative Council holds the power to form laws." This represents a turning point from the previous provisions which placed the President as the primary holder of this power.

Although the House of Representatives (DPR) holds legislative power, the mechanism for creating laws still requires joint approval from the President. Draft laws (RUU) can originate from either the DPR or the government. However, empirical evidence indicates a phenomenon of "initiative dysfunction," where the majority of bills still originate from the executive branch. This is driven by several factors, including:

- The heterogeneous structure of the DPR means that it takes a long time to reach an internal agreement.
- The government has a more dominant technical capacity and expertise in formulating academic papers and legal drafts.

- Overlapping authority between DPR supporting bodies (Commissions, Legislative Body, Joint Commissions) in submitting initiative rights.

### **Characteristics of Responsive Laws**

According to Philippe Nonet and Philip Selznick, responsive law is law that serves social needs and public justice. There are three main indicators of responsive law that the DPR must meet:

1. **Participatory:**The manufacturing process invites the involvement of as many social groups and individuals as possible.
2. **Aspirational:**The content of the material is a crystallization of the will of the community it serves.
3. **Narrow Interpretation for Rulers:**Closing the loophole for the government to make unilateral interpretations through implementing regulations that are deviant.

The House of Representatives' legislative powers are currently integrated into the National Legislation Program (Prolegnas), which provides guidelines for prioritizing bill deliberations. However, to achieve a responsive character, the House must not only pursue the quantity of laws but also ensure the quality of their substance, benefiting the wider public.

### **Obstacles and Efforts to Strengthen Community Participation**

One of the main obstacles to achieving responsive legislation is limited public access to bill deliberations. Currently, available participation channels include:

- Public Hearing (RDPU).
- Meetings with the heads of DPR supporting bodies such as Commissions or Legislative Bodies.
- Working visits to get direct input from the region.

However, this participation is often merely a formality. Revisions to the Law on the Formation of Legislation (UU PPPU) and the House of Representatives' Rules of Procedure are needed to mandate public involvement from the drafting stage through to the evaluation of bills. The House of Representatives, as the holder of legislative power, must be more active in soliciting public input rather than passively awaiting input.

## **IV. CONCLUSION AND SUGGESTION**

### **Conclusion**

1. The authority of the DPR as the holder of the power to form laws currently no longer stands independently because it still requires joint approval from the President, however the DPR has a stronger bargaining position compared to the pre-amendment period.
2. The creation of responsive laws requires an integration of public aspirations with the technicalities of the legislation outlined in the National Legislation Program (Prolegnas). Responsiveness can only be achieved if the legislative process is participatory and its content protects the public interest above the interests of elites or specific groups.

### **Suggestion**

1. The DPR must optimize the right of initiative by clarifying the division of tasks between the various bodies to avoid overlapping in the submission of bills.
2. Discussion of the bill must provide broad and real space for public participation to ensure that the resulting legal product has high enforceability and is not rejected by the public.

## **REFERENCES**

- [1] Amalia, Dyah Silvana. 2011. Legislative Power of the House of Representatives from the Perspective of Responsive Lawmaking in Indonesia. Thesis. Surabaya: Wijaya Kusuma University.
- [2] Attamimi, A. Hamid S. 1990. The Role of Presidential Decrees of the Republic of Indonesia in the Implementation of State Governance. Dissertation. Jakarta: University of Indonesia.
- [3] Kusnardi, Moh. and Harmaily Ibrahim. 1988. Introduction to Indonesian Constitutional Law. Jakarta: Center for Constitutional Law Studies, Faculty of Law, University of Indonesia.
- [4] Nonet, Philippe and Philip Selznick. 2003. Law and Society in Transition: Toward Responsive Law. (as cited in the Thesis Literature Review).
- [5] Law No. 27 of 2009 concerning MD3.

- [6] Erwin Harahap, D., Astuti Kuswardani, R. ., HS Siregar, T. ., & Darwis, M. . (2024). Nira Production In Terms Of Slope Level In South Tapanuli District. *International Journal of Science and Environment (IJSE)*, 4(4), 112–116.<https://doi.org/10.51601/ijse.v4i4.115>
- [7] Fitra Syawa Harahap, Arman, I. ., Harahap, N. ., Ahmad Syawaluddin, F. ., & Fitra Yana, R. . (2022). Provision of Chicken Manure and Urea Fertilizer on the Chemical Characteristics of Ultisol Soil in Bilah Barat District. *International Journal of Science and Environment (IJSE)*, 2(3), 98–103.<https://doi.org/10.51601/ijse.v2i3.34>
- [8] Tari Honda, J., M. Yelwa, J. ., Ulteino, AN ., Abudllahi, S. ., A. S, U. ., Anchau, HG ., & Michael Kalu, K. . (2023). Optimization Of Biosorption Conditions For Crude Oil Spills Using Acetylated And Unacetylated Biosorbents Derived From Cissus Populnea Leaves Stem And Roots. *International Journal of Science and Environment (IJSE)*, 3(2), 51–65.<https://doi.org/10.51601/ijse.v3i2.67>
- [9] Sinambela, M. ., Simangunsong, S., & Harahap, A. . (2023). Conditions Of Phytoplankton Community Structure In Lake Toba Ajibata, Toba Samosir Regency. *International Journal of Science and Environment (IJSE)*, 3(2), 66–70.<https://doi.org/10.51601/ijse.v3i2.68>
- [10] Rosenta Purba, I., & Harahap, A. . (2022). Plankton Diversity In The Labuhanbatu Bilar River. *International Journal of Science and Environment (IJSE)*, 2(2), 63–68.<https://doi.org/10.51601/ijse.v2i2.27>
- [11] Utandi Harahap, S., Syawal Harahap, F., Walida, H., & Rizal, K. (2024). Study of Soil Physical Properties of Oil Palm Plants (*Elaeis Guinensis* Jacq) in the Labuhanbatu University Practice Area in Rantau Selatan District. *International Journal of Science and Environment (IJSE)*, 4(3), 91–96.<https://doi.org/10.51601/ijse.v2i3.49>
- [12] Law No. 12 of 2011 concerning the Formation of Legislation.