

## Disparity in Parliamentary Power in the Formation of Laws in Indonesia: Considering Proportional Bicameralism

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**ABSTRACT:** *This research aims to investigate the issues encountered by parliamentary institutions in Indonesia, focusing specifically on the disproportionate power of the first chamber the (Dewan Perwakilan Rakyat / DPR) People's Representative Council, relative to the second chamber, the (Dewan Perwakilan Daerah / DPD) Regional Representative Council throughout the legislative process. This research presents normative-conceptual proposals for a reconstruction formula aimed at equilibrating the legislative functions of the two chambers, in alignment with the principles of balanced or robust bicameralism. This study utilises a doctrinal legal research framework, involving the analysis of primary and secondary legal sources in the literature. This study incorporates constitutional, theoretical, and statutory/normative techniques. This study applies a general qualitative descriptive analysis technique, focusing on interpreting legal texts and normative content in a structured manner to identify patterns, meanings, and implications in the legislative relationship between DPR and DPD. The research findings reveal that the legislative authority of the two chambers (DPD & DPR) in legislation making, as delineated in the 1945 Constitution of the Republic of Indonesia and statutory rules, remains disproportionate. This results from the DPD's limited authority to propose draft legislation and discuss proposals without final approval. The DPD continues to be acknowledged as a co-legislator or supplementary power in the legislative*

*process, unlike the unrestricted authority of the DPR. Therefore, the relationship between the two chambers as representative entities must be redefined based on robust or equitable bicameralism. To execute rebuilding plans, it is essential to amend several parts of the Constitution and revise other legislative rules. The two chambers are expected to collaborate and meet the ambitions of both national and local governments to produce high-quality legal documents; however, this study is limited in scope to normative and doctrinal analysis, and further empirical research is needed to assess practical implementation.*

Penelitian ini bertujuan untuk menyelidiki isu-isu yang dihadapi oleh lembaga parlemen di Indonesia, dengan fokus khusus pada kekuatan yang tidak proporsional dari kamar pertama Dewan Perwakilan Rakyat (DPR), relatif terhadap kamar kedua, Dewan Perwakilan Daerah (DPD) di seluruh proses legislasi. Penelitian ini menyajikan proposal normatif-konseptual untuk formula rekonstruksi yang ditujukan untuk menyeimbangkan fungsi legislatif dari dua kamar, sejalan dengan prinsip-prinsip bikameralisme yang seimbang atau kuat. Studi ini menggunakan kerangka penelitian hukum doktrinal, yang melibatkan analisis sumber hukum primer dan sekunder dalam literatur. Studi ini menggabungkan teknik konstitusional, teoritis, dan undang-undang/normatif. Studi ini menerapkan teknik analisis deskriptif kualitatif umum, dengan fokus pada menafsirkan teks hukum dan konten normatif secara terstruktur untuk mengidentifikasi pola, makna, dan implikasi dalam hubungan legislatif antara DPR dan DPD. Hasil penelitian ini menunjukkan bahwa kewenangan legislasi kedua kamar (DPD & DPR) dalam pembuatan undang-undang, sebagaimana yang tertuang dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dan peraturan perundang-undangan, masih belum seimbang. Hal ini disebabkan oleh terbatasnya kewenangan DPD untuk mengusulkan rancangan undang-undang dan membahas usulan yang belum memperoleh persetujuan akhir. DPD tetap diakui sebagai co-legislator atau kekuasaan pelengkap dalam proses legislasi, tidak seperti kewenangan DPR yang tidak terbatas. Oleh karena itu, hubungan antara kedua kamar sebagai entitas perwakilan harus didefinisikan ulang berdasarkan prinsip bikameralisme yang kuat atau bikameralisme yang adil. Untuk melaksanakan rencana pembangunan kembali, penting untuk mengubah beberapa bagian dari Konstitusi dan merevisi peraturan perundang-undangan lainnya. Kedua kamar diharapkan dapat berkolaborasi dan memenuhi ambisi pemerintah nasional dan daerah untuk menghasilkan dokumen hukum berkualitas tinggi; namun, penelitian ini terbatas pada analisis normatif dan doktrinal, dan penelitian empiris lebih lanjut diperlukan untuk menilai implementasi praktis.

**Keywords:** *Parliament, Law-Making Power, Reconstruction, Strong Bicameralism.*

## I. INTRODUCTION

The People's Consultative Assembly (*Majelis Permusyawaratan Rakyat / MPR*) is the highest institution established by the 1945 Constitution. It is regarded as the representative and sovereign body of the entire Indonesian populace ([Marzuki & Sitompul, 2020](#)). The Constitution underwent four amendments between 1999 and 2002, significantly altering the MPR's position and functions, reshaping Indonesia's constitutional landscape. Nevertheless, the MPR is no longer regarded as an institution

that enforces the political will of the populace as a result of the 1945 Constitutional amendments. Additionally, the MPR has evolved from the highest state institution that grants vertical authority to state institutions below it. Conversely, it is now a state institution on par with other state institutions. The MPR was created to transition the parliament from a "unicameral system" to a "bicameral system" in implementing the rule of law. This system is distinguished by the presence of the People's Representative Council (*Dewan Perwakilan Rakyat / DPR*), which represents the aspirations of political parties (political representation), and the Regional Representative Council (*Dewan Perwakilan Daerah / DPD*), which represents regional interests (regional representation). It is anticipated that both the aspirations of constituents in political parties and those emerging in the regions will have comprehensive distribution channels in parliament. According to [Ramadani & Mamonto](#) (2018), the MPR is classified as the third (tricameral) parliament—meaning that the DPR, DPD, and MPR are positioned equally but with different functions—as a consequence of the amendments to the 1945 Constitution ([Lord](#), 2017). The three legislative institutions are not regarded as joint sessions, but rather as independent institutions, because each has its authority and leadership.

There are several reasons why Indonesia needs to switch to a two-chamber system:

1. The two-chamber parliament model, as defined by Montesquieu, is a checks and balances mechanism that involves two houses within a single representative body. At the central level, there is only one representative institution composed of two components: one that directly represents all the people, and another that represents the regions. In this model, the concept of group representation does not rely on specific "group messengers" but on institutional components that embody the interests of individuals and regions. Montesquieu's idea emphasizes that representation should reflect the collective interests through these components rather than through separate group delegates, a principle which also underpins many modern bicameral parliaments where individual and territorial representation coexist ([Agustiwi](#), 2017).
2. Regional representatives perform parliamentary functions, including the formation of laws, the supervision of the government, and the preparation of the APBN. Consequently, parliamentary activities can be conducted daily, and all regional issues are integrated. This is one approach to preserving harmony and averting injury ([Azahra & Lubis](#), 2021).
3. A two-chamber system will increase output. Each component is capable of fulfilling all obligations. There is no necessity to delay or rely on a single individual at this time ([Susanto](#), 2018).

This perspective contends that the effective execution of lawmaking functions is enhanced by the equal authority of both chambers of parliament, as observed in countries with strong bicameral systems like the United States, offering valuable insights for Indonesia, where debates on bicameralism remain pertinent to refining legislative performance and institutional checks and balances. Nevertheless, this perspective is not

consistently unambiguous ([Malleson](#), 2023). This is evident in numerous countries with robust bicameral systems, including the United States, where the Senate and House of Representatives possess equal authority to assess all proposed laws prior to their submission to the executive. The House of Representatives must deliberate on legislation intended to increase revenue, as stated in Article 1 Section 7 of the United States Constitution. Nevertheless, the Senate is permitted to suggest or authorize modifications, as it is with other bills ([Kaharudin](#), 2022). Legislation that has been enacted by the Senate and House of Representatives must be submitted to the president of the United States before becoming law.

Nevertheless, the DPD, which serves as the second chamber, does not constitute bicameralism when compared to the DPR, as evidenced by Article 20 Paragraphs (1) and (2), Article 20A, and Article 22D Paragraphs (1) and (2) of the Constitution. In this scenario, the DPR is permitted to establish laws by its constitutional obligations in legislation and budgeting. Even though the DPD is not considered the second chamber of parliament, each law must be approved by the President and the DPR. This design implies that the DPD's capabilities are significantly diminished compared to those of the DPR ([Suryawan](#), 2018). Conversely, the DPD is restricted to employing the phrase "can submit to the DPR" in the context of draft laws that pertain to decentralization, central and regional relations, the formation, expansion, and merger of regions, the management of natural and economic resources, and intergovernmental financial balance ([Sori](#), 2019).

This article demonstrates the legislative authority of the DPR (Legislative Executive) surpassing that of the DPD. The DPD's lack of robust legislative authority is evident in the terminology employed, as the DPR and the executive exclusively determine legislative authority. This implies that the measure can be introduced in the second chamber. This is also restricted and does not indicate actual authority. Consequently, any interpretation of the Constitution that includes the phrase "the DPD can submit proposed laws (RUU)" must be submitted to the First Assembly on a limited basis, and the Second Assembly that does so will cease to function.

The aforementioned bicameral structure will fail to direct regional aspirations through the DPD. The DPD's responsibilities and authority are also exceedingly restricted due to the absence of obligatory norms in Article 22D of the Constitution. Consequently, this second chamber is perceived as an "auxiliary organ" rather than a primary state institution with accountable functions ([Rohmah](#), 2018). This influences how constituents evaluate the effectiveness of the two chambers. The Indonesian Political Indicators Survey Institute reported that public trust in the DPD was only 64.6% as of July 2022, while the DPR was 62.3%. Compared to other public institutions, including the Attorney General's Office (74.5%), Polri (76.4%), President (84.5%), and TNI (93.3%), this figure is relatively lower. Representative institutions were the public entities with the worst performance scores among 12 other state institutions in the most recent Political Research Consulting (PRC) survey with Indonesian Political Parameters (*Parameter Politik Indonesia / PPI*).

Therefore, This research seeks to describe and offer normative reconstruction models for Indonesian bicameralism, addressing the need to evaluate and propose solutions for the

current structure of the two chambers of law-making power. Several previous researchers have conducted a comprehensive survey of the study of representative institutions, particularly about the relationship between the first chamber and the second chamber in terms of law-making power. For instance, Fajlurrahman Jurdi's analysis determined that the constitution did not establish the authority of the DPR and DPD proportionately, with the DPD's authority being restricted to the "DPR Advisory Council." He subsequently concluded that the concept of Indonesian representative institutions is consistent with "deterministic tricameralism," or what is commonly referred to as "half-hearted bicameralism," which leads to a feeble and unbalanced concept of parliament (weak bicameralism). [Toding](#) (2017) also reached the same conclusion, stating that the synergy between the two chambers in the Indonesian constitutional system must be enhanced by refining the parliamentary structure to reflect strong bicameralism in order to establish a quality and harmonious law-making process ([Rubinelli](#), 2019). [Tinambunan & Prasetio](#) (2019) also emphasized the necessity of reconstructing the two chambers as representative institutions to ensure a clear division of tasks in law-making powers and equality of position.

Nevertheless, the studies above are primarily descriptive research on parliamentary institutions in Indonesia. The objective of this research is to conceptualize normative reconstruction in terms of balancing the roles of the two chambers in the process of making laws, in addition to analyzing the issues that currently exist in the current parliamentary institution, particularly the interaction between the first and second chambers in law-making power, in contrast to previous studies.

## II. METHOD

This study employs doctrinal (normative) legal research as its type, using a normative-conceptual approach to analyze constitutional texts and statutory provisions. The analysis uses a qualitative-descriptive technique, focusing on documentary studies of primary legal materials (such as laws and constitutional articles) and secondary legal materials (including legal journals, books, and prior research). Data collection involved a systematic literature review with careful source selection based on relevance, credibility, and publication date to ensure validity. Triangulation was applied by cross-referencing findings from multiple sources to guarantee data validity further. To ensure validity, the study applies triangulation of legal sources and cross-referencing among statutes, judicial interpretations, and authoritative doctrine to verify consistency, accuracy, and interpretive soundness.

## III. RESULT AND DISCUSSION

### Constitutionality of the Bicameral System in Parliamentary Power in Indonesia

The 1945 Constitution formed a new structure in the DPR RI by establishing the Constituent Assembly (DPD) as the second chamber and the DPR as the first chamber, following the third amendment. DPD members are elected directly by individuals in general elections, with a maximum of four representatives per province, based on a district (provincial) system. Due to the constitutional authority, the DPD cannot fulfill the anticipated functions and authorities. This is elucidated by the provisions of Article 22 D of the 1945 Constitution, which are as follows:

**Table 1. Disparity in lawmaking authority between the DPD and the DPR in the 1945 constitution**

No	Regional Representative Council	People's Representative Council
1	Paragraph (1) Article 22D: The Second Chamber (DPD) has the authority to propose to the First Chamber (DPR) model laws relating to division, relations between countries, creation, expansion and consolidation of territories, natural and economic management. Other resources and economic balance between countries.	Paragraph (1) Article 20: The People's Representative Council (DPR) has the right to form laws.
2	Paragraph (2) of Article 22D: The Second Chamber is also granted the opportunity to deliberate and evaluate model laws that pertain to the structure, expansion, and consolidation of borders, as well as environmental management, life resources, and other economic resources. And the financial equilibrium between the central region and the different regions. In addition, the second chamber is the first to address proposed bills related to the federal budget and spending bills and laws about taxation, education, and trust.	Paragraph (2) Article 20: Every plan proposed for approval must be discussed and evaluated in the Assembly and the Executive.
3	Paragraph (3) of Article 22D: The Second Chamber is authorized to oversee the implementation of laws and regulations that pertain to the management of natural resources, the formation, expansion, and consolidation of regions, the balance of funds between central and regional levels, budget implementation and government	Paragraph (1) Article 20A: DPR has the right to make laws, manage finances, and conduct audits. Paragraph (2) Article 20A: DPD has the authority to propose bills related to regional autonomy, manage regional finances, and

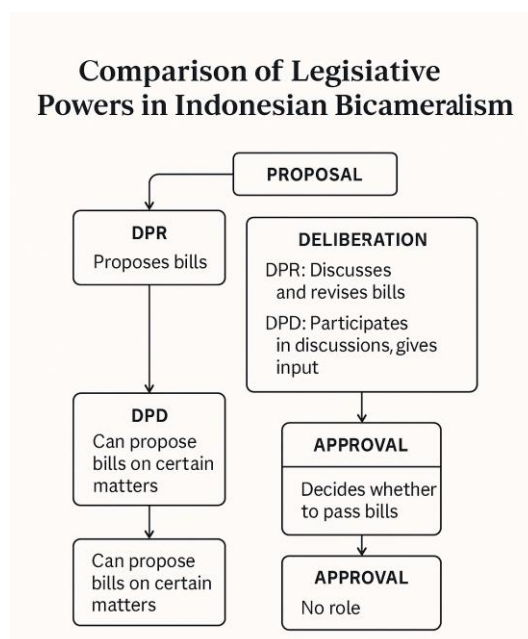


spending, taxation, education, and religion. The Public Communications Commission will receive the monitoring results for further evaluation.

monitor their implementation. Article 21: Members of the first assembly of DPR have the power to formulate legislative plans, while members of DPD focus on regional legislative initiatives.

Source: Primary Legal Materials

In this context, when it comes to legal rights, the 1945 Constitution explicitly uses the term '*membentuk undang-undang*' (forming laws) for the DPR, indicating legislative authority. In contrast, the DPD uses the phrase '*ikut membahas RUU*' (participating in discussion of bills), reflecting a more limited, participatory role. This means that the second chamber does not have legislative power and is not directly involved in passing draft laws, thus indicating that this power is ineffective. To illustrate the disparity in legislative authority between the DPR and DPD in Indonesia's bicameral system, the following diagram summarises their respective roles and limitations in law-making. This visual framework reinforces the argument that Indonesia practices a weak bicameral structure.



**Figure 1.** Comparison of legislative powers in Indonesian bicameralism

As depicted above, the DPR dominates legislation's initiation and final approval stages, whereas the DPD is mainly confined to proposing and giving input at preliminary levels. This asymmetry illustrates how the DPD's consultative role limits its ability to influence national policy despite being constitutionally mandated as a second chamber. The lack of equal footing in legislative authority leads to a symbolic, rather than substantive, role for

the DPD, highlighting the urgent need for structural reform toward a more balanced bicameral system.

The framework governing law-making powers as delineated in the constitution is inextricably linked to the amendment process of the 1945 Constitution, which has been executed through addendums ([Agustiwi](#), 2017), thereby preserving the integrity of the original text. Consequently, the modifications to the 1945 Constitution are inherently linked to the original text ([Yani](#), 2018). This approach delineates the rights and powers of the initial assembly as articulated in the First and Second Amendments, reflecting the prevailing political intentions of most framers who sought to avoid establishing a robust bicameral system within the parliamentary framework. The DPD is designed not to serve as a second chamber but aims to enhance the regional representation based on the Constitution before the amendment ([Susilowati](#), 2017).

Examining the records of the 1945 constitutional reform debate, conducted between 1999 and 2002, provides insight into the ideological dynamics of each faction within the MPR during that period. Certain factions advocate for a balanced bicameral system, positioning the DPD as a counterweight to the DPR. In contrast, other factions prefer the DPR to retain its status as the preeminent legislative authority. Nonetheless, the predominant sentiment among the PAH I MPR-RI faction during the 1999-2004 period was one of hesitance regarding the allocation of equal authority to both houses, stemming from concerns that the DPD might disrupt the legislative proceedings of the DPR. The legislative framework, as delineated in Law Number 22 of 2003, reveals the limited authority of the Second Chamber, indicating that its role in formulating statutory regulations is predominantly one of adherence to constitutional provisions. In the context of legislative discussions regarding a bill, their function is confined to Level I debate, wherein they are permitted solely to express perspectives and provide responses that serve as preliminary contributions to the DPR and the Government, as stipulated in UU No. 22 of 2003 (Articles 42 and 43). On the other hand, Law No. 27 In 2009, slightly strengthened the debate process by allowing the Second Chamber to participate in discussions until the completion of the Level I debate; however, the exclusion of the Second Chamber from Level II approval discussions highlights a limitation that reflects an imbalance in legislative power, undermining the principle of checks and balances inherent in a robust bicameral system.

The Chamber may offer a succinct opinion that has received approval from the Executive. This matter will be deliberated upon. The identical content is present in Law Number 12 of 2011 regarding the Preparation of Legislative Regulations, which articulates that the authority of the Second Chamber in deliberating on draft laws is confined solely to level I discussions and permits only succinct comments during the discourse. This pertains to the jurisdiction of parliament and does not necessitate ongoing consultations between parliament and the executive (Article 150 of Law No.27 of 2009). Law Number 2 of 2018, which serves as the second amendment to Law Number 17 of 2014 regarding Representative Bodies, presents a comparative analysis of the authority held by the two chambers within the legislative process, as illustrated in the table below:



**Table 2. Comparison of law-making power between the two chambers on Law No. 2 of 2018**

Regional Representative Council	People's Representative Council
Article 249 paragraph (1): DPD has the following powers and duties:	Article 71: The DPR has the following authorities:
a. Decentralisation, inter-governmental relations, regional formation, expansion and merger, natural and other economic resources management, and inter-governmental relations; to the First Congress.	a. Article 71: The drafting of laws must be discussed with the Executive to obtain mutual approval.
b. SM participates in the debate on draft laws covering the topics listed in point a.	b. SM Approval or rejection of government regulations instead of laws proposed by the president as a law.
c. Prepare and submit an inventory of matters relating to legislation of the First Congress or the Executive Branch concerning matters referred to in paragraph (a).	c. Discuss draft laws proposed by the president or the DPR.
d. I recommend the Regional Revenue and Expenditure Budget Bill (APBN), the Tax, Education and Religion Bill to the First Congress.	d. Discussing legislation in the second chamber regarding managing natural resources and other economic resources, including decentralisation, inter-governmental relations, regional formation, expansion and merger, and fiscal balance between governments.
	e. Based on the opinion of the second chamber, it consults with the president and approves the draft national income and appropriations law proposed by the president.

Source: Primary legal materials

The bicameral provisions in the law's formulation, as outlined in Law Number 15 of 2019 regarding amendments to Law Number 12 of 2011 and Law Number 2 of 2018, maintain a sense of balance. The existing legislation positions the Second Chamber as a participant alongside the President in the legislative process, though its function is constrained. The role of the second chamber in the legislative process is limited to the type of bill material and does not extend to the final approval stage. Nonetheless, the second chamber has demonstrated notable effectiveness in formulating various strategic policies. From its inception until 2015, the II assembly has made 518 decisions, encompassing 57 proposed bills and 148 monitoring results. Out of all the proposed bills, 25 have successfully

become law. DPD's performance in legislation is improving; out of the 160 bills in the 2015-2019 Prolegnas, 52 bills, or 32%, align with DPD's proposals. By 2018, the count rose to 87 bills and several additional recommendations. Despite some progress, the DPD still faces challenges due to its limited authority, hindering its ability to effectively drive regional community aspirations and compete with the political influence of the first assembly, particularly regarding law formation. The second assembly currently serves merely as a representative body, rather than an effective advocate for regional aspirations at the central level ([Akili, 2023](#)). To enhance the second assembly's role beyond mere representation and ensure it effectively channels regional aspirations, a constitutional amendment may be necessary to redefine its authority and function. However, interim measures such as revising the MD3 Law or adjusting the Prolegnas could offer a pragmatic starting point.

### **Division of Legislative Power in Parliamentary Systems: Comparison in Several Countries**

The parliamentary system is a form of government that is widely used in many countries in the world. In this system, administrative and legal authorities interact and depend on each other ([Cheibub et al., 2023](#)). The government, the prime minister and the cabinet are accountable to the bicameral parliament. This division aims to create a balance of power, provide better representation, and ensure a more transparent and responsible legislative process for all people.

#### ***Low Chamber (House of Commons)***

The lower chamber, often called the House of the People, generally consists of members directly elected by the people. In many parliamentary systems, this chamber holds the most incredible power in decision-making, including passing laws, passing budgets, and overseeing the government. With a direct election system, the lower chamber tends to be more responsive to the needs and aspirations of the people ([Alemán et al., 2022](#)). For example, in England, the House of Commons has 650 members elected in general elections every five years. The chamber can initiate most legislation and serves as the main body overseeing government actions ([Wegmann, 2022](#)). Members of these chambers often engage in insightful debates on important issues, and they have a responsibility to convey the voices of their constituents. This electoral process allows the people to elect their representatives directly, giving members of parliament the legitimacy to represent the interests of the people ([Epstein et al., 2022](#)). The lower chamber also has a key role in the legislative process that regulates various aspects of public life, from education, health, to foreign policy. With elections held periodically, the chamber can reflect changes in public opinion and societal needs.

#### ***Upper Chamber (House of Lords)***

The upper chamber, often serving as a review body, gives second consideration to legislation proposed by the lower chamber. Members of these chambers can come from various backgrounds, including appointed individuals, representatives of certain groups, or even experts in specific fields. The upper chamber aims to bring a broader and deeper

perspective to the legislative process. The House of Lords in England consists of appointed members, including nobles, bishops, and members representing various organisations. Although these chambers do not have the power to block budgets, they can review and revise laws ([Hruška & Balík, 2024](#)). This process allows for a more in-depth discussion of the implications of the law and will enable members to express opinions based on their experience and expertise ([Lascelles, 2023](#)). The upper chamber also serves as an additional watchdog that can provide constructive criticism of proposed laws, thereby helping to ensure that the policies adopted are in the best interests of society. The upper chamber also often has committees tasked with investigating particular issues, hearing witnesses, and producing reports that provide recommendations for improvement ([Satrio, 2023](#)). This adds an analytical dimension to the legislative process, essential for creating compelling and relevant laws.

### **Comparison In Several Countries**

#### **1. Jerman**

- a. The Bundestag (lower chamber) is the main legislative body whose members are elected through general elections. This chamber is responsible for proposing and passing laws. Bundestag members must be obligated to represent society's interests and engage in an active legislative process. The chamber also has the power to monitor the government through periodic inquiries and debates.
- b. The Bundesrat (high chamber) consists of representatives from the states (länder) and has the power to give opinions and influence legislation, especially those relating to the interests of the states. The chamber functions to maintain balance between the federal and state governments, ensuring that the voices and needs of each region are represented in the legislative process. In this way, the bundesrat helps prevent the federal government's domination of the states and creates better cooperation between different levels of government ([Chiou & Goplerud, 2024](#)). In Germany, the importance of the Bundesrat is seen in legislative processes involving issues related to the states, such as education and environmental policy. By having representatives from each state, the Bundesrat ensures that the federal government does not ignore local interests ([Rullyandi et al., 2022](#)).

#### **2. Australia**

- a. The House of Representatives (lower chamber) members are also elected through general elections. This chamber can propose and pass laws and influence government policy. Members of the House of Representatives frequently engage in discussions regarding local and national issues that are important to their constituents. With direct elections, members can be more responsive to the needs and aspirations of the community.
- b. The Senate (upper chamber) is elected using a proportional system, which allows fairer representation for various political parties. The Senate is important in

reviewing laws and can reject or amend them, providing additional power in the legislative process. In this way, the Senate functions as an independent watchdog and plays a role in ensuring that proposed legislation takes all points of view into account. This chamber also has the power to examine and assess government policies, thereby creating greater accountability. In Australia, the Senate plays a vital role in maintaining the balance of power, especially in a coalition government. When no party holds an absolute majority in the House of Representatives, the Senate can serve as a counterweight that gives votes to smaller parties and independents, creating a more democratic legislative process.

### 3. India

- a. The Lok Sabha (lower house) has members who the people directly elect. This chamber has the power to pass laws and supervise the executive branch. As the body that represents the people's voice, the Lok Sabha works to enact laws that reflect the needs and aspirations of India's diverse society. The chamber also has a role in approving the budget and selecting the prime minister.
- b. The Rajya Sabha (upper chamber) comprises appointed members and state representatives. The chamber functions as a review body that considers laws proposed by the Lok Sabha. The Rajya Sabha also has a vital role in maintaining stability and fairness in the legislative process, ensuring that the interests of states and minority groups are represented. In this way, the Rajya Sabha helps create a more inclusive legislative system that considers the pluralism that exists in India. In the Indian context, the importance of the Rajya Sabha is seen in the legislative process relating to policies affecting various states. The chamber allows state representatives to voice regional concerns and aspirations, producing more balanced and fair policies.

### ***The Role And Function Of The Chamber In Legislation***

From a theoretical perspective, bicameralism can be analysed through the lens of Lijphart's consensus model, which emphasises power-sharing and minority representation, and Tsebelis' veto player theory, which explains how the presence of two chambers increases the number of institutional veto points, thereby affecting the speed and content of policy-making. These frameworks help assess the effectiveness of bicameral legislatures in balancing responsiveness and stability in democratic governance. Both chambers in the parliamentary system have an essential role in the legislative process. The lower chamber often has primary power in proposing laws and deciding the budget. Instead, the high chamber functions as a supervisory body that provides review and input on legislation.

1. Passage of Laws: The lower chamber usually initiates the legislative process. Once a law is approved, the upper chamber conducts a review to ensure that the law serves broader interests and that no policies harm specific groups. This process creates space for discussion and debate, which is essential in a democracy. The upper

chamber can also propose amendments or changes to the law that are deemed necessary, thereby enriching the substance of the legislation.

2. Executive Oversight: Both chambers oversee government actions and ensure that the government carries out its duties properly. The lower chamber is more active in demanding accountability from the government, while the upper chamber can function as a balance by providing different points of view. This is important to prevent abuse of power and ensure that decisions taken by the government are always in the interests of the people. This process also allows for checks and balances in government, a basic principle of democracy.

### ***Impact And Implications Of Room Division***

The division of chambers in a parliamentary system is not just a formal structure. Still, it reflects an essential mechanism for power-sharing among political elites—an idea central to Arend Lijphart’s theory of consociational democracy, which emphasises institutional arrangements that facilitate consensus and stability in plural societies. With two chambers, there are mechanisms to promote dialogue and consensus, which are vital in a diverse society. The review process conducted by the upper chamber can help identify potential problems or shortcomings in proposed legislation, thereby reducing the risk of flawed policies.

Apart from that, the division of chambers also ensures that the voices of minorities or underrepresented groups are still heard in the legislative process. The upper chamber often consists of individuals with diverse backgrounds who bring different perspectives and experiences to legislative discussions. This helps create policies that are more inclusive and diverse, and reflect the complex realities of society.

The social impact of this division of rooms is also seen in increased political participation among the community. With two rooms functioning as channels for expressing opinions and aspirations, the community feels better represented in decision-making. This can increase public trust in political institutions and strengthen government legitimacy.

### ***Case Studies and Examples of Chamber Performance***

**Table 3. Case Studies and Examples of Chamber of Commerce and Industry Performance**

Country	Upper Chamber Role	Lower Chamber Role	Example of Impact
UK	Reviews legislation, sets up committees for detailed scrutiny	Proposes and initiates legislation	House of Lords committee reviewing health system reforms
Germany	Represents states, influences federal laws via approval/rejection	Initiates federal legislation	Bundesrat shaping emission reduction law to address local needs
India	Represents states and minority interests,	The main legislative body proposes policies	Rajya Sabha amendments protecting

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proposes amendments

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minority rights

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## Proportional Bicameralism Model in The Parliamentary System in Indonesia

The bicameral proportional model in Indonesia is a constitutional structure with two main chambers, the DPR and the DPD. Each room has a different role and function, but complements each other to reflect the needs of the community and region. The DPR represents the people in making laws, overseeing the government, and preparing the state budget. Consisting of 575 members elected through parliamentary elections every five years, the DPR has significant influence in the legislative process and policy-making at the national level. Structurally, DPR members are elected through an open proportional system using the pure Sainte-Laguë method as regulated in Law No. 7 of 2017 concerning Elections, meaning that voters can directly choose both political parties and legislative candidates. This allows voters to select based on criteria they consider important, such as the candidate's vision, mission and track record. In this way, voters are tied to political parties and can elect individuals they deem worthy to represent them in parliament. This creates a better representation for various groups in society ([Aman & Tomsa, 2022](#)).

On the other hand, the DPD functions as a regional representation in the national legislative structure; however, it does not possess full legislative rights and is limited to providing considerations, particularly in matters related to regional interests. The DPD consists of 136 members, where four members represent each province without regard to political party affiliation. The function of the DPD is very important to ensure that regional interests can be represented and heard in decision-making at the central level. DPD has a role in providing input and suggestions on draft laws relating to regional autonomy, natural resources and other issues that directly impact society at the local level ([Perbawa et al., 2022](#)).

The principle of proportionality in the bicameral system is visible in how members of the DPR and DPD are elected. With an open proportional system, it is hoped that fairer and more balanced representation can be created for all elements of society. This is very important in the context of Indonesia which has very diverse cultures, ethnicities and interests. The existence of DPD also provides an opportunity for regions to express their aspirations and needs before the central government, so that the policies taken do not only benefit certain groups but also take into account the interests of the wider community ([Mutawalli, Wahab, et al., 2023](#)).

However, although this proportional bicameralism model has many advantages, such as increased representation and more effective monitoring of government policies, this system also faces several challenges that need to be considered. One of the main challenges is the potential for conflict that could arise between the DPR and DPD. Sometimes, there are differences in views and interests between the two chambers which can cause deadlock in the legislative process. This misalignment can slow down decisions that should be taken quickly, especially in emergencies or when an immediate response to problems that arise is required ([Handoyo, 2022](#)).

The complexity of the legislative process is also an obstacle in this bicameral system. The method of passing a law becomes more complicated and time-consuming because it involves two chambers that must collaborate. This could result in delays in implementing



policies urgently needed by society. Apart from that, the DPD has limited legislative powers, where its role is more to provide input and recommendations, without having the power to pass laws. This can reduce the effectiveness of the DPD in influencing policies that impact the region, considering that the DPD cannot make final decisions in the legislative process ([Mutawalli, Yeyeng, et al.](#), 2023).

Another challenge is the issue of identity politics which often arises in the election of members of the DPR and DPD. Elections that are oriented towards ethnic, religious, or particular group identities can create polarization in society. This has the potential to disrupt national unity and integrity and reduce public trust in legislative institutions. In addition, a lack of public involvement in the political process and low understanding of the role of the DPR and DPD can reduce support for these institutions. People who do not understand the function and role of the DPD may pay less attention to the issues proposed by this council.

Several strategic steps are needed to improve Indonesia's proportional bicameralism system. First, increasing community involvement in the political process is significant. Public education about the functions and roles of the DPR and DPD can encourage more active participation from the community. With a more educated public, it is hoped that they can cast higher-quality votes during the general election. Second, reforms in the legislative process need to be carried out to facilitate collaboration between the DPR and DPD. A more transparent and efficient process will help reduce conflict and speed decision-making.

Empowering the DPD is also an important recommendation in improving this system. Increasing the power and role of the DPD in the legislative decision-making process can have a greater impact on the policies taken, especially those relating to regional interests. This way, the DPD can function more effectively as a bridge between the central government and regional communities.

Overall, the proportional bicameralism model in Indonesia offers excellent potential for creating a legislative system that is more representative, accountable and responsive to the needs of the people. With appropriate improvements and attention to existing challenges, this system can contribute significantly to democracy and national development. An actively involved society and optimally functioning legislative institutions will create a healthy and productive political climate, ultimately benefiting all Indonesians.

Amid the ever-changing dynamics of political and social developments, it is essential for all parties, including the government, legislature and society, to collaborate in creating a better system. Active community involvement in political monitoring and participation, as well as a commitment to maintaining integrity and transparency in the legislative process, will be the key to the success of this bicameral system ([Malik](#), 2023). With the strategic steps taken, it is hoped that Indonesia can achieve its ideals of becoming a just and prosperous democratic country, where every voice is respected and every interest is represented proportionally ([Utami](#), 2023). Furthermore, the role of political education cannot be ignored. The public needs to be given a deep understanding of legislative mechanisms and the importance of their participation in the democratic process.

Through effective political education programs, people can better understand their rights and obligations as citizens ([Rohmah et al.](#), 2024). This will strengthen collective awareness of the importance of involvement in decision-making and encourage the younger generation to participate actively in politics. In this way, the mission to create a better and more democratic legislative system will be closer to reality, producing a government that reflects the voices and aspirations of all Indonesian people ([Faiz et al.](#), 2023).

### Balanced Bicameral Reconstruction of Lawmaking Power

The condition of representative offices in Indonesia shows that both chambers must be reformed to carry out their legal duties in the interests of society, the nation and the government. In the opinion of the Constitutional Court, all public institutions are part of the overall government administration system, which can be seen from the Constitutional Court Decision Number 92/PUU-X/2012 dated 27 March 2013. This means that working conditions and procedures between government agencies must be part of the implementing authority government and empowering public institutions to achieve these goals.

As institutions regulated by the constitution, the two representative chambers must operate in accordance with the authority they have, within the framework of a system of checks and balances ([Patyra](#), 2022). This ensures that no public institution is in a subordinate position but has an equal relationship ([Mukhlis et al.](#), 2024). The balance of power mechanism is essential, especially in lawmaking by parliament with a bicameral structure. According to R. Hogue and Martin Harrop, the main aim of establishing a dual-chamber system is to represent diverse interests in society and provide a checks and balances mechanism between legislative institutions ([Chidqi](#), 2020).

This comparative analysis of bicameral systems in several unitary states is not intended to propose wholesale adoption of foreign models. Still, rather, it offers reflective insights into the potential for reconstructing Indonesia's parliamentary framework by its constitutional identity and political context. While the bicameral system is prevalent in federal governments, it does not preclude the possibility of its adoption by a unitary government. The assertion that a bicameral system may jeopardise national unity has become increasingly untenable. A balanced bicameral parliament has been established in various unitary nations, including England, France, the Netherlands, and Italy ([Tinambunan & Prasetyo](#), 2019). In the Netherlands, the legislative body, referred to as "the whole country," consists of two chambers: the Eerste Kamer (upper house) and the Tweede Kamer (lower house). The Eerste Kamer serves a function akin to that of the Second Chamber in Indonesia, with its members embodying the interests of their respective regions. The two assemblies possess equivalent authority to enact legislation, endorse or disapprove proposed laws from the Prime Minister or the Council of Ministers, and to appoint or remove the Prime Minister and Chief Justice.

During the establishment of the British Parliament, the House of Commons and the House of Lords possessed equivalent powers, particularly concerning legislative matters, as elucidated in *The Role of the House of Lords: The functions, responsibilities, and authorities it encompasses*. The House of Lords, serving as the upper chamber, is pivotal

in reforming legislation and government oversight by meticulously examining all its policies and procedures. The House of Lords, akin to the House of Commons, serves as a platform for the examination and discourse surrounding executive policy (Ryan, 2020). Typically, all legislative measures require approval from both chambers before their enactment, with the initiation of the submission process occurring within each chamber. Usually, the endorsement of the House of Lords is necessary before the ratification of an Act of Parliament, and the Lords possess the authority to modify all legislation, except those about taxation, which fall under the jurisdiction of the Commons. Approval from both houses is requisite for the changes to be enacted. The House of Lords engages in the meticulous process of amending draft laws, dedicating two-thirds of its time to revising these legislative texts.

Equality in legislative authority suggests a necessity for reforming the Indonesian parliament towards a more balanced or robust bicameral framework. This reconstruction aimed not merely to establish equilibrium between the two assemblies, but also, as articulated by C.F. Strong, bicameralism serves to avert the precipitous enactment of legislation by a single chamber. Jimly Asshiddiqie posited that robust bicameralism has the potential to foster a more stable dynamic between the executive and the legislature, which is particularly relevant in the Indonesian context where the swift passage of the Omnibus Law on Job Creation in 2020—despite public controversy and limited DPD oversight—highlighted the potential risks of weak bicameral practices. Consequently, a well-structured or robust bicameral system can mitigate legislative mistakes from a single assembly and establish a reciprocal oversight mechanism within parliament, ensuring that the resultant policies garner supermajority backing and achieve greater acceptance and stability (Badran, 2020; Luciano, 2020).

Achieving this condition in an unbalanced or weak two-chamber system is difficult. The main criterion in determining the strength of this system is that if the status of the two houses is different, the system is considered weak. Article 22D shows that the Indonesian constitution adheres to a weak bicameral system where one body has greater power than the other. As a result, the DPD is in a weak position as a secondary chamber with limited authority (Jackson, 2023). This power structure does not reflect the authority of institutions in the constitution. It is contrary to the government's position in the legal field and impacts the budget, protocols and other facilities which are not much different from the first incident. Apart from that, the challenges of being a DPD member are greater than being a member of the first assembly, even though the DPD's authority is smaller (Akbal et al., 2022).

The necessity for a well-structured bicameral parliamentary system, grounded in the tenets of robust bicameralism, holds significant importance for tourism matters in Indonesia. In this context, the DPD, established to represent regional interests following the amendments to the 1945 Constitution, is required to fulfil a balanced function in accommodating and articulating regional aspirations, in conjunction with the DPR, which serves as the political representative. Three primary justifications exist for reconstructing the bicameral system in Indonesia: Initially, a well-structured bicameral system can encapsulate a diverse array of voter perspectives, enhancing its representational efficacy. Secondly, an analytical approach in formulating regulations serves as a manifestation of

the fourth principle of Pancasila. Third, as a proactive measure to enhance the quality of legislative outputs, ensuring that the legislative process operates with greater effectiveness and efficiency, while simultaneously minimising the likelihood of judicial review by the Constitutional Court. Fourth, to enhance oversight of executive institutions and achieve integrity in governance and effective administration.

In Decision Number 92/PUU-X/2012, the Constitutional Court implemented responsive and progressive reforms by restoring the authority of the DPD, especially in the legislative sector.

In its decision, the court emphasised the following five points:

1. DPD RI is involved in preparing the national legislation program (Prolegnas).
2. The DPD RI has the right, based on Article 22 D paragraph (1) of the 1945 Constitution, alone or with the DPR and the President, to propose legislative regulations, including statutory regulations regarding the repeal of substitute government regulations regarding the law.
3. DPD RI has the right to discuss draft laws within Article 22 paragraph D (2) of the Constitution.
4. Discussion of this bill takes place in a triangular relationship: DPR, DPD, and the government.

It is anticipated that legal norms will be established to enhance the execution of the DPD's legislative authority, encompassing the formulation of plans and proposals and facilitating deliberations and debates by Article 22D of the 1945 Constitution, while considering the following aspects: There exists a multitude of perspectives. The decision rendered by the Constitutional Court was perceived as lacking conviction, as the DPD was not endowed with the authority to endorse it. The legislation is enacted. In this instance, the Constitutional Court notably reinforces the standing of the Second Chamber. The Second Chamber has engaged solely in the discourse surrounding the Bill during Level II plenary meetings by providing a succinct report (Letter a Article 69 of the Law). (No. 12, 2011).

On the other hand, the Constitutional Court has emphasised that the first assembly and the executive branch are the only institutions authorised to approve all draft laws, so Article 20(2) does not reflect the intended initial aspects. We are considering ratifying the bill from this perspective. On the other hand, the authority of the Second Chamber under Article 22D(2) of the Constitution only confirms participation in the debate without approving. This brings the level of the second chamber a step closer to the first chamber, which the authors argue is insufficient to achieve the idealised balanced bicameral parliamentary structure with a strong bicameral system. Therefore, further efforts are needed to develop more strategic rebuilding procedures.

The two chambers will inevitably be rearranged or reconstructed into a balanced two-chamber representative institution (strong bicameralism) to effectuate a process of formulating laws that is harmonious, balanced, and democratic. This can only be accomplished through a resolute commitment and a political will that is not tepid. The

following provisions can be implemented to achieve a proportionate bicameral reconstruction, as determined by the analysis of the current state of the Indonesian parliament.

In light of the current imbalance between the two chambers, there is an urgent need to reconstruct the legislative process by granting equal authority to the DPR and DPD in initiating and deliberating legislation. This entails amending Article 22D paragraph (1) to establish a clearer and binding legal foundation for the DPD's legislative function, thus reinforcing its position as a representative of regional interests within a unitary system (Akbal et al., 2022). Strengthening the DPD's authority is essential not only for enhancing democratic representation and promoting regional equity but also for ensuring that national legislation reflects the aspirations of all societal segments. Ultimately, a more inclusive and equitable legislative process will improve intergovernmental relations, regional development, and constitutional democracy in Indonesia.

The reconstruction formulation above is anticipated to enable both chambers to exercise a proportionate role in forming laws, by the principle of checks and balances. Additionally, the aforementioned provisions could eliminate the stigma associated with the second chamber as an auxiliary or co-legislator institution overshadowed by the first chamber. Marzuki (2008) has stated that the only way to legitimate the two chambers in a balanced and effective manner is to incorporate this substantive formulation into a constitutional amendment. Additionally, it is feasible to modify the constitution.

#### IV. CONCLUSION

The legal structure of the DPD, which is the second chamber with the authority to create laws in the construction of the Constitution and statutory regulations, is still not proportional due to the limited scope of authority in proposing and discussing draft laws, which also fail to receive final approval. The Constitutional Court's progressive decision has lifted the political bid for the second chamber; however, it is insufficient to completely balance the power of the DPR as the first chamber. Consequently, considering the prevailing disparity in legislative authority, which characterises Indonesia's parliamentary framework as one of weak bicameralism, it remains imperative to reestablish the relationship between the two legislatures in the capacity to establish laws based on a system of balanced bicameralism or strong bicameralism. Reconstruction efforts must be implemented by revising the editorial provisions of Article 22D paragraph (1) in the Constitution and modifying various other statutory regulations. Without constitutional reinforcement, the DPD will remain a symbolic legislative body, unable to fulfil its function as an equal chamber within Indonesia's bicameral framework. This will enable the two chambers to collaborate synergistically through the principle of checks and balances.

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