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Constitutional Accountability for the Increase in the DPR's Recess Fund and the Effectiveness of Incorporating Public Input

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Abstract: This article examines the legal status of the recess of the People's Representative Council (DPR) of the Republic of Indonesia in the context of its constitutional function of absorbing public aspirations, focusing on the normative, institutional, and fiscal dimensions of the recess institution. The study examines the constitutional basis for recesses in the 1945 Constitution and related laws and regulations, followed by a critical analysis of the development of recess funds for DPR members for the 2024–2029 term, which saw a significant increase in two stages: from Rp 360 million to Rp 702 million per year—a 95.5% increase in less than one year. This article also examines the constitutional implications and democratic accountability of this increase, analyzes the existing oversight mechanisms, and offers recommendations for institutional reform to ensure that recess funds are used optimally in fulfilling the DPR's constitutional mandate as the people's representative body.

Keywords: DPR recess; gathering public input; recess funds; representative functions; legislative accountability; constitutional law.

I. Introduction

The People's Representative Council of the Republic of Indonesia (DPR RI), as the people's representative body, carries out three main functions outlined in Article 20A of the 1945 Constitution: legislative, budgetary, and oversight functions. These three functions cannot be carried out effectively if DPR members lack a deep and sustained understanding of the conditions, needs, and aspirations of the people they represent. Recess is an institutional mechanism designed to bridge the gap between the representative body and its constituents. Simply put, recess is a break from formal legislative sessions in Jakarta, during which DPR members return to their respective electoral districts to meet with, listen to, and gather the aspirations of their constituents. From a constitutional law perspective, recess is not merely a legislative right to rest, but rather a constitutional mechanism for fulfilling the mandate of representation.

In recent years, the DPR's recess has become the subject of intense public debate, not only regarding the effectiveness of its implementation but also—and especially—regarding the amount of funds allocated for it. The recess funding for DPR members for the 2024–2029 term has seen a striking increase: from 360 million rupiah per year at the start of the term to 702 million rupiah per year following two increases in less than a year. This figure far exceeds the recess funding for the previous term, which was 400 million rupiah per year. This article aims to: first, examine the legal status and constitutional basis of the DPR's recess; second, analyze the regulations and mechanisms governing the implementation of the recess; third, to present a critical analysis of the development of the 2024–2029 recess funds along with their constitutional implications and accountability; and fourth, to formulate reform recommendations to ensure that the recess truly functions as an effective instrument for absorbing public aspirations.

II. Constitutional and Normative Foundations of the DPR Recess

A. Recess within the Framework of the Constitution and Legislation

DPR recesses have a normative foundation spread across several layers of legislation, ranging from laws to the DPR's rules of procedure. The following is the normative framework governing the institution of recesses:

1945 Constitution, Article 20A	Establishes the DPR's legislative, budgetary, and oversight functions as the constitutional foundation for all activities of DPR members, including recesses as an instrument supporting the function of representation.
Law No. 17 of 2014 (MD3) in conjunction with Law No. 13 of 2019	Regulates the rights and obligations of DPR members, including the obligation to listen to and gather constituents' aspirations through visits to their electoral districts.
House of Representatives (DPR RI) Rules of Procedure	Provides technical details regarding the schedule of session periods and recess periods, including the obligation of DPR members to submit reports on the results of their recess visits to the leadership.
DPR Regulation on the Code of Ethics	Regulates standards of conduct for DPR members during recess periods, including a prohibition on using recess for personal or group interests.
Regulations of the DPR General Secretariat	Regulates the technical mechanisms for the disbursement, use, and accountability of recess funds.

B. The Concept of Recess in Representative Theory

In the theory of representative democracy, legislators are entrusted by their constituents to represent their interests in the process of shaping national policy. This mandate can only be meaningfully fulfilled if there are regular and substantive communication mechanisms between representatives and those they represent. Edmund Burke, in his famous speech to voters in Bristol (1774), introduced the dichotomy between a delegate and a trustee: a delegate acts solely according to the constituents' instructions, whereas a trustee exercises his or her own judgment based on the public interest. In the practice of modern democracy, legislators often operate in a hybrid position between these two extremes. Recess is a mechanism designed to allow legislators to gather information and aspirations directly from their constituents, thereby enabling them to serve as well-informed trustees. Without a substantive recess, members of the House of Representatives rely solely on secondary information from staff, the media, or lobbyists, which has the potential to distort the true picture of the people's needs.

C. Recess as a Constitutional Right and Obligation

Under Indonesian constitutional law, recess has a dual dimension: it is both a right and an obligation of DPR members. As a right, recess guarantees DPR members the freedom to step away from parliamentary sessions and return to their electoral districts without being considered absent from their duties. As an obligation, recess requires DPR members to actively meet with and listen to the aspirations of their constituents. This obligation is reflected in the provisions of the MD3 Law, which require DPR members to submit a report on the results of their recess to the DPR leadership. Ideally, this report serves as substantive input for the formulation of legislation and policy at the national level, creating a chain of accountability from the constituency to the center of decision-making.

III. CONDUCT OF RECESS: MECHANISMS AND CHALLENGES

A. Recess Schedule and Mechanisms

During a single legislative year, the DPR holds four sessions interspersed with recess periods. This pattern follows an annual cycle that is firmly established in the DPR's rules of procedure. The following is an overview of the session and recess schedule:

Session	General Period	Duration	Main Activities
Session I	August–September	~45 days	Plenary sessions; committee meetings; legislation

First Recess	October	~2–3 weeks	Visits to constituencies; gathering public input
Second Session	October–December	~60 days	National Budget; legislation; oversight
Second Recess	January	~2–3 weeks	Visits to constituencies; public input
Third Session	January–March	~45 days	Legislation; oversight
Third Recess	March–April	~2–3 weeks	Visits to constituencies; public input
Fourth Session	April–July	~60 days	Legislation; Revised State Budget; adjournment
Fourth Recess	July–August	~2–3 weeks	Visits to constituencies; public input

B. Activities Conducted During the Recess

Normatively, the recess activities of DPR members include a series of activities aimed at fulfilling the function of gathering public aspirations. These activities include:

1. Meetings with constituents (official recess sessions): Members of the DPR hold formal meetings with residents at various locations within their electoral districts to listen directly to their complaints, hopes, and concerns.
2. Dialogue with local stakeholders: Meetings with local government heads, the Regional People's Representative Council (DPRD), community leaders, business associations, labor unions, and civil society organizations to gain a more comprehensive understanding of conditions in the constituency.
3. Visits to public facilities: On-site inspections of schools, hospitals, infrastructure, and other public facilities to identify specific issues requiring policy attention.
4. Outreach on policies and legislation: Providing information to constituents regarding policies and legislation passed by the House of Representatives (DPR), along with their impact on the community.
5. Preparation of recess reports: Systematic documentation of findings and public aspirations gathered during the recess to be reported to the leadership of the DPR.

C. Challenges in Conducting Recess Sessions

Although it has a clear normative foundation, the implementation of the DPR's recess sessions often faces various problems that undermine its effectiveness as a means of gathering public input:

1. Formality without substance: Many recess activities are carried out merely as administrative formalities to meet reporting requirements, without meaningful substantive interaction with constituents.
2. Concentration in urban centers: DPR members tend to hold recess sessions in urban centers or at their private residences, rather than reaching out to constituents in rural and remote areas—who are precisely the ones most in need of representation.
3. Lack of follow-up mechanisms: Public input gathered during recess sessions is often not systematically linked to the decision-making process in the DPR, so constituents do not tangibly feel the benefits of these sessions.
4. Exploitation for electoral gain: Recess periods are often exploited as an opportunity to strengthen political networks and clientelism ahead of general elections, rather than solely for gathering policy input.
5. Weak reporting accountability: Reports on recess findings submitted to DPR leadership are often generic and do not reflect the actual quality of interactions that took place in the field.

IV. Analysis of the 2024–2029 Recess Fund: A Two-Stage Increase

A. Chronology of Recess Fund Increases

Recess funds for DPR members have undergone a rather dramatic trajectory during the 2024–2029 period. The following is a chronology of the development of recess funds from the previous period to the current situation:

Period	Funds per Year	Monthly Equivalent	Notes
Before 2019	No detailed public data available		
2019–2024	Rp 400 million per year	Rp 33.3 million per month	Baseline from the previous period
Early 2024–2025	Rp 360 million / year	Rp 30 million / month	Temporary decrease at the start of the new period
Increase I (2024–2025)	~Rp 500 million (estimate)		First increase in a year
Increase II (May 2025)	Rp 702 million / year	Rp 58.5 million / month	Second increase; total +95.5% from Rp 360 million

The data above shows that in less than a year, the recess allowance for members of the House of Representatives has undergone two cumulative increases. Starting at Rp 360 million per year at the beginning of the 2024–2029 term, the allowance eventually reached Rp 702 million per year—a total increase of 95.5% or nearly double in a short period of time.

BEFORE MAY 2025		AFTER MAY 2025
Rp 360 million	➜	Rp 702 million
per year		per year
Rp 30 million / month		***+95.5% • Rp 58.5 million / month***

B. Fiscal Implications: Scale of the National Recess Budget

To understand the overall size of the recess budget, it is necessary to consider its fiscal implications for the State Budget. With 580 members of the House of Representatives, an increase in recess funding has a significant impact on total government spending:

Component	2019–2024 Period	2024–2029	Difference
Number of DPR Members	580	580	
Recess Allowance per Member	Rp 400 million/year (2019–2024)	Rp 702 million/year (2024–2029)	↑ Rp 302 million (+75.5%)
Total Recess Funds per Year	Rp 232 billion	Rp 407 billion	↑ Rp 175 billion/year
Total Recess Funds / 5 Years	Rp 1,160 billion	Rp 2,036 billion	↑ Rp 876 billion
Percentage Increase in Budget	Base	+75.5%	Significant

The table above shows that the increase in recess funding from Rp 400 million (2019–2024 period) to Rp 702 million (2024–2029 period) per member per year results in a total increase in national recess spending of Rp 175.2 billion per year, or Rp 876 billion over a single legislative term. This figure represents an additional burden that must be borne by the state budget without any guarantee of a commensurate improvement in the quality of public input.

C. Constitutional Analysis: Proportionality and Accountability

1. Proportionality Test

From a constitutional law perspective, the 95.5% increase in recess funds in less than a year raises questions regarding proportionality. The principle of proportionality in public financial management requires a rational balance between the amount of the allocated budget and the benefits or outputs generated. The fundamental question that needs to be answered is: has the 95.5% increase in recess funds been accompanied by a proportional improvement in the quality of the implementation of public aspirations? If the answer is negative or cannot be verified, then this increase is difficult to justify constitutionally within the framework of Article 23 of the 1945 Constitution, which mandates responsible management of state finances for the greatest possible prosperity of the people.

2. Two Increases in One Year: Procedural Issues

The most controversial aspect of the 2024–2029 recess fund development is not merely the final amount, but the fact that the increase occurred in two stages within a period of less than one year. This raises serious procedural questions:

1. Did each phase of the increase undergo a transparent budget deliberation process in the House of Representatives and receive proper approval?
2. Was there an objective evaluation of recess fund performance to justify each increase, or were the increases merely administrative and automatic?
3. What are the oversight mechanisms in place by the Supreme Audit Agency (BPK) and the Corruption Eradication Commission (KPK) regarding the use of recess funds, which have now reached a very large amount?

3. Conflict of Interest

There is an inherent conflict of interest in the mechanism for determining recess funds: DPR members who benefit from these funds are the very same individuals who have the authority to set their amounts through budget deliberations in the relevant committees. This situation requires a strong external oversight mechanism to ensure that the determination of recess fund amounts is truly based on objective needs and not solely on the interests of the recipients. From a comparative constitutional law perspective, many democratic countries apply the principle that increases in legislative members' remuneration and allowances may not take effect during the same legislative term in which the decision is made ("congressional pay amendment" in the U.S. tradition). Applying a similar principle in Indonesia could serve as one mechanism to reduce conflicts of interest in the determination of recess funds.

D. International Comparison: Recess Funds in Other Countries

To place the DPR's recess funding figures in a broader perspective, the following is an overview of similar mechanisms in several countries:

Country	Mechanism	Characteristics
United States	Constituent services & district offices fund	Fund based on operational needs; strictly audited; prohibited from being used for campaign purposes
United Kingdom	Constituency allowance (IPSA)	Set by an independent body (IPSA); transparent; all expenditures are published online
Australia	Electoral allowance	Set by the Independent Remuneration Tribunal; based on an objective needs analysis
India	MPLADS (Member of Parliament Local Area Development Scheme)	Constituency development funds; subject to strict oversight; administered through local governments
Indonesia (2024–2029)	Recess funds disbursed directly to members	Rp 702 million/year; increased twice in less than 1 year; oversight mechanisms need to be strengthened

The comparison above shows that many advanced democracies have developed mechanisms for managing representative funds that are more transparent, based on objective needs, and managed by independent bodies. Indonesia has the opportunity to adopt these best practices to improve the accountability of recess funds.

V. CONSTITUTIONAL IMPLICATIONS AND DEMOCRATIC ACCOUNTABILITY

A. Recess as a Constitutional Instrument: Between Norms and Practice

The gap between norms and practices is one of the most fundamental problems within the DPR's recess institution. Normatively, recess is a noble constitutional mechanism designed to ensure a connection between the representative body and the people it represents. In practice, however, recess often amounts to little more than an institutional ritual carried out to fulfill administrative requirements while spending the allocated budget. A significant increase in recess funding without accompanying reforms to implementation mechanisms and accountability risks exacerbating this gap. Allocating more money does not automatically result in better incorporation of public aspirations, especially if the incentive structures and oversight systems are not also improved.

B. The Accountability Dimension: Who Oversees It?

The current accountability system for the DPR's recess funds involves several institutions with varying oversight capacities:

Oversight Institutions	Authority	Notes
State Audit Agency (BPK)	Financial audits of the use of the State Budget (APBN), including recess funds	Focus on administrative compliance; limited capacity to assess the substance of activities
Corruption Eradication Commission (KPK)	Prevention and enforcement against corruption in the management of state finances	Can take action against the misuse of recess funds; needs to be proactive
House of Representatives Ethics Committee	Enforcement of the House of Representatives members' code of ethics	Limited capacity; independence must be guaranteed
Indonesian Ombudsman	Oversight of maladministration	Limited authority over internal matters of the House of Representatives
Civil Society & the Media	Informal oversight; investigation	An important but informal role; dependent on access to information

The fragmentation of the oversight mechanisms described above reflects the absence of a single institution that specifically and comprehensively oversees the use of recess funds. This situation creates an accountability gap that needs to be addressed immediately, especially given the large amount of funds currently allocated.

C. The Right to Public Information and Transparency of Recess Funds

Article 28F of the 1945 Constitution guarantees every citizen's right to access information. In the context of recess funds, this right means that the public has the right to know in detail how these funds, which originate from the State Budget (APBN), are used by their representatives. Law No. 14 of 2008 on Public Information Disclosure (KIP) classifies the House of Representatives (DPR) as a public body required to disclose information regarding the management of budgets derived from the State Budget (APBN). However, in practice, details on the use of recess funds per DPR member are rarely proactively made available on the DPR's public information portal. Increasing transparency regarding recess funds—for example, by publishing online details of how each DPR member uses these funds—is a constitutionally mandated step and is democratically crucial for building public trust in representative institutions.

VI. RECOMMENDATIONS FOR INSTITUTIONAL REFORM

A. Reform of the Recess Fund Allocation Mechanism

To address the inherent conflicts of interest in the allocation of recess funds, structural reforms are needed, including:

1. Establishment of an Independent DPR Remuneration Committee: A committee composed of public finance experts, academics, and civil society representatives tasked with reviewing and

recommending the amount of recess funds based on an objective needs analysis, rather than leaving the decision entirely to the DPR's internal mechanisms.
2. Implementation of the "delayed effectivity" principle: Increases in recess funds should only take effect in the next legislative term, not in the same term in which the decision is made, to eliminate direct conflicts of interest.
3. Inflation-based and performance evaluation-based standards for increases: Increases in recess allowances must be linked to the inflation index and measurable results of recess performance evaluations, rather than based solely on political discretion.

B. Reform of Implementation Mechanisms and Accountability

To ensure that the recess funds—which are now significantly larger—yield proportional benefits, reforms are needed in the implementation mechanisms:

1. Minimum standards for visits to remote areas: Regulations must set a minimum percentage of recess activities that must be conducted in villages, subdistricts, and urban villages outside the district/city center, to ensure more equitable coverage.
2. A standardized digital reporting system: Reports on recess outcomes must be prepared in a standardized, verifiable format and published online, so that constituents can verify whether their representatives were actually present in their electoral districts.
3. A structured follow-up mechanism: Every concern raised during recess sessions must be trackable to determine how it is followed up—whether it is forwarded to the relevant committee, proposed during a public hearing, or incorporated into a draft law. This creates a tangible accountability loop between recess sessions and legislation.

C. Strengthening Independent Oversight

1. Mandatory detailed reporting to the BPK: Any use of recess funds above a certain threshold must be accompanied by adequate supporting evidence and be subject to unimpeded audit by the BPK.
2. Recess information transparency portal: The DPR is required to publish reports on the use of recess funds by each member online in a format that is easily accessible and downloadable by the public, in accordance with the provisions of the KIP Law.
3. Strengthening the Role of the Ethics Committee: The DPR's Ethics Committee must be granted stronger authority and adequate resources to handle public complaints regarding the misuse of recess funds.

VII. CONCLUSION

Based on the analysis conducted, this article draws the following conclusions:

1. The DPR's recess has a strong constitutional foundation as an instrument for fulfilling the mandate of representation and absorbing the aspirations of the people. From a constitutional law perspective, recess is not merely a legislative right to rest, but an essential constitutional mechanism for the functioning of meaningful representative democracy.
2. The increase in recess funding for DPR members for the 2024–2029 term from Rp 360 million to Rp 702 million per year—which occurred in two separate increases within less than a year—represents a significant fiscal increase (95.5%) and raises serious questions regarding its proportionality, procedural soundness, and democratic accountability.
3. From a fiscal perspective, the increase in recess allowances represents an additional burden on the state budget of Rp 175.2 billion per year, or Rp 876 billion per legislative term. This amount demands far stricter oversight and more transparent accountability mechanisms than currently exist.
4. The inherent conflict of interest in the determination of recess funds—where members of the House of Representatives (DPR) set the amount of allowances they themselves receive—is a fundamental structural problem that requires an institutional solution in the form of an independent remuneration committee.
5. The necessary reforms encompass three dimensions: reform of the determination mechanism (an independent committee, delayed effectiveness, performance-based standards), reform of the implementation mechanism (visit standards, digital reporting, structured follow-up), and strengthening of independent oversight (the Supreme Audit Agency [BPK], information transparency, and the Ethics Council).

Ultimately, the recess institution will only become a meaningful instrument of democracy if it is supported by all three pillars simultaneously: a strong normative foundation, substantive implementation that reaches all levels of constituents, and accountability mechanisms that are transparent and verifiable by the public. An increase in recess funding that is not accompanied by adequate institutional reform will only widen the gap between norms and practices, while simultaneously undermining public trust in representative institutions.

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REFERENCES

Asshiddiqie, Jimly. (2006). Perkembangan dan Konsolidasi Lembaga Negara Pasca Reformasi. Jakarta: Sekretariat Jenderal MK RI.
Burke, Edmund. (1774). Speech to the Electors of Bristol. Dalam The Works of the Right Honourable Edmund Burke, Vol. II. London: J. Dodsley.
Cox, Gary W. & McCubbins, Mathew D. (2005). Setting the Agenda: Responsible Party Government in the U.S. House of Representatives. Cambridge: Cambridge University Press.
Farida Indrati S., Maria. (2007). Ilmu Perundang-undangan: Jenis, Fungsi, dan Materi Muatan. Yogyakarta: Kanisius.
Indrayana, Denny. (2008). Amandemen UUD 1945: Antara Mitos dan Pembongkaran. Bandung: Mizan.
Isra, Saldi. (2010). Pergeseran Fungsi Legislasi: Menguatnya Model Legislasi Parlementer dalam Sistem Presidensial Indonesia. Jakarta: RajaGrafindo Persada.
Loewenberg, Gerhard & Patterson, Samuel C. (1979). Comparing Legislatures. Boston: Little, Brown and Company.
Manan, Bagir. (2003). DPR, DPD, dan MPR dalam UUD 1945 Baru. Yogyakarta: FH UII Press.
Norton, Philip. (2013). Parliament in British Politics (2nd ed.). Houndmills: Palgrave Macmillan.
Peraturan DPR RI tentang Kode Etik.
Peraturan DPR RI tentang Tata Tertib (versi terkini).
Peraturan Sekretariat Jenderal DPR RI tentang Pelaksanaan dan Pertanggungjawaban Dana Reses.
Transparency International Indonesia. (2024). Laporan Akuntabilitas DPR RI 2024. Jakarta: TII.
Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
Undang-Undang Nomor 14 Tahun 2008 tentang Keterbukaan Informasi Publik.
Undang-Undang Nomor 17 Tahun 2003 tentang Keuangan Negara.
Undang-Undang Nomor 17 Tahun 2014 tentang MPR, DPR, DPD, dan DPRD (MD3) sebagaimana diubah dengan UU No. 13 Tahun 2019.