

Constitutional Reconstruction of the Relationship Between the President and the DPD in Indonesia's Asymmetric Bicameral System

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Abstract: This article examines the institutional relationship between the President of the Republic of Indonesia and the Regional Representatives Council (DPD) within the framework of the asymmetric bicameral system adopted by Indonesia following the amendments to the 1945 Constitution. The study positions the DPD within two relationships simultaneously: a vertical relationship with the President as head of government, and a horizontal relationship with the People's Representative Council (DPR) as the dominant chamber in the representative system. This article argues that Indonesia's highly asymmetric bicameral structure has reduced the DPD to an institutionally marginal body, lacking meaningful checks and balances against either the executive or the DPR. The analysis includes a constitutional review of the DPD's powers, a comparative analysis with bicameral systems in other countries, an empirical evaluation of the DPD's effectiveness, and a series of recommendations for constitutional reforms necessary to transform the DPD into a substantive institution of regional representation.

Keywords: DPD; asymmetric bicameral system; President; institutional relations; regional autonomy; constitutional reform; 1945 Constitution.

1. Introduction

The bicameral system is one of the most widely adopted institutional designs among democratic nations worldwide. The fundamental premise underlying it is that the legislative process will produce better, more representative, and more legitimate laws when it passes through two legislative chambers that reflect different bases of representation. The first chamber generally represents the people at large based on population, while the second chamber represents territorial units or special interests deemed to require a separate voice in the lawmaking process.

Indonesia adopted the bicameral system through the third amendment to the 1945 Constitution in 2001, which established the Regional Representatives Council (DPD) as the second chamber alongside the People's Representative Council (DPR). However, the bicameral system established by Indonesia does not reflect the model known in representative theory as "strong bicameralism" or "symmetrical bicameralism." Instead, Indonesia implements what comparative studies refer to as "extreme asymmetric bicameralism," in which the powers of the two chambers are highly disproportionate and the second chamber (the DPD) plays almost no meaningful role in the political decision-making process.

In the context of institutional relations, the DPD's structural weaknesses are evident not only in its relationship with the DPR but also—and primarily—in its relationship with the President as head of government. Constitutionally, the DPD lacks instruments equivalent to those of the DPR to exercise checks and balances on the executive: it has no right of interpellation, no right to conduct inquiries, no right to issue binding opinions, and no role in deliberations on the State Budget (APBN). As a result, the President can govern with almost no need for formal approval or consideration by the DPD.

This article aims to: first, analyze the constitutional basis of the DPD's authority and its position within Indonesia's bicameral system; second, examine specifically the institutional relationship between the President and the DPD; third, compare Indonesia's bicameral model with those of other countries; fourth, evaluate the empirical conditions of the DPD as a state institution; and fifth, formulate recommendations for necessary constitutional reforms.

II. Indonesia's Bicameral System: The Constitutional Framework

A. The History of the DPD's Formation and the Post-Reform Bicameral Design

Prior to the amendments to the 1945 Constitution, Indonesia had an institution called the Regional Representatives (Utusan Daerah), which was part of the membership of the People's Consultative Assembly (MPR) and not a separate legislative chamber. The establishment of the DPD through the third amendment to the 1945 Constitution in 2001 was intended to strengthen the representation of regional interests in the national policymaking process, while simultaneously reforming the structure of the MPR, which had previously monopolized the highest legislative power.

During the debates of the MPR's First Ad Hoc Committee, which formulated the provisions regarding the DPD, two schools of thought clashed: the first sought a strong DPD with authority equal to that of the DPR in areas related to regional interests, while the second sought a DPD with more limited authority to prevent institutional deadlock. The final outcome was a compromise that leaned more toward the second school of thought, and this has been the root cause of the DPD's structural weaknesses to this day.

It is worth noting that the DPD's constitutional framework, as set forth in Articles 22C and 22D of the 1945 Constitution, employs an enumerative (limitative) model in defining the DPD's powers—in contrast to the DPR, whose powers are far broader and not exhaustive. This design choice structurally places the DPD in a permanently weaker position relative to the DPR.

B. The DPD's Constitutional Powers

Article 22D of the 1945 Constitution limits the DPD's powers to four enumerative and specific areas:

The DPD's Powers Under Article 22D of the 1945 Constitution

- Submit to the House of Representatives draft laws related to regional autonomy; relations between the central government and the regions; the establishment, division, and merger of regions; the management of natural resources and other economic resources; and matters related to the financial balance between the central government and the regions.
- Participating in the deliberation of draft laws related to regional autonomy; central-regional relations; the formation, division, and merger of regions; the management of natural resources and other economic resources; and the financial balance between the central government and the regions; as well as providing input to the DPR on draft laws regarding the state budget and draft laws related to taxation, education, and religion.
- To oversee the implementation of laws concerning regional autonomy; the formation, division, and merger of regions; central-regional relations; the management of natural resources and other economic resources; the implementation of the state revenue and expenditure budget; taxes; education; and religion; and to submit the results of such oversight to the DPR as material for consideration and follow-up.
- Members of the DPD may be removed from office, with the conditions and procedures for such removal regulated by law.

The wording of Article 22D of the 1945 Constitution cited above contains two fundamental limitations that require careful consideration. First, the DPD's authority is non-decisional in legislative matters: the DPD may only "submit" and "discuss" bills, but it has no binding vote in the final decision-making process. Second, the scope of the DPD's authority is very narrow and limited to matters related to regional interests; it does not encompass general legislative authority, which is the primary domain of the DPR.

C. The DPD within the Structure of the MPR

An important dimension that is often overlooked in analyses of the DPD is its status as part of the People's Consultative Assembly (MPR). Following the amendments to the 1945 Constitution, the MPR consists of all members of the DPR and all members of the DPD. In MPR sessions, DPD members formally have voting rights equal to those of DPR members.

However, because the number of DPR members (580) far exceeds the number of DPD members (a maximum of 136, or 4 per province out of 34 provinces), in practice the DPD's votes in the MPR can always be outvoted by those of the DPR. This situation means that even within the MPR—a forum where the DPD is formally supposed to have a voice—the DPD remains in an unequal position.

III. Comparison of the Powers of the DPR and the DPD

A. Comparative Authority Matrix

To understand the degree of asymmetry in Indonesia's bicameral system, the following matrix compares the powers of the DPR as the first chamber and the DPD as the second chamber:

Dimension of Authority	DPR (First Chamber)	DPD (Second Chamber)
Legislative Functions	Very strong—initiates, deliberates on, and approves laws, including those outside the scope of regional matters	Limited—can only propose and deliberate on bills related to regional matters; has no binding voting rights
Budgetary Functions	Full authority to deliberate on and enact the State Budget together with the President	None—the DPD does not participate in the deliberation and enactment of the State Budget
Oversight Functions	Full oversight of the implementation of laws, the State Budget, and government policies as a whole	Limited only over the implementation of specific laws related to regional autonomy
Right of Interpellation / Inquiry	Exists and is binding; can compel the President to provide information	None—the DPD has no right of interpellation or inquiry
Right to Express an Opinion	Exists; may lead to impeachment proceedings	None; not binding
Relationship with the President	Strong checks-and-balances relationship; the President requires the support of a DPR coalition	Weak consultative relationship; the President is not required to seek the advice of the Regional Representatives Council (DPD)
Constitutional Basis	Articles 20, 20A, and 21 of the 1945 Constitution	Articles 22C and 22D of the 1945 Constitution (limited and enumerative powers)

The matrix above visually illustrates the depth of the power disparity between the DPR and the DPD. In nearly every relevant dimension of authority, the DPD lacks binding, equal, or even comparable authority to that of the DPR. This situation structurally positions the DPD as an institution that, in political science terms, is referred to as a “weak chamber” or even as a “toothless” institution (lacking any real normative teeth).

B. Consequences of Systemic Asymmetry

The extreme asymmetry of authority between the DPR and the DPD has several important systemic consequences:

1. **Institutional inefficiency:** The existence of the DPD, which lacks meaningful authority, creates significant institutional costs (salaries, facilities, and operational expenses for the 136 DPD members) without a proportional policy output.
2. **Delegitimization of regional representation:** Voters in regions who elect DPD members expect their representatives to be able to advocate for regional interests at the national level. The DPD's structural inability to do so creates a serious representation deficit.

3. Absence of checks and balances from a regional perspective: National policies that have a significant impact on regions—including fiscal, autonomy, and land policies—can be enacted without the approval of an institution that specifically represents regional interests.
4. Partisan political dominance: The DPR is dominated by the interests of national political parties, which do not always align with regional interests. The DPD, which is elected through a non-partisan mechanism, is supposed to serve as a counterbalance, but its structural powerlessness negates this potential.

IV. Institutional Relations Between the President and the DPD

A. The DPD's Position in Relation to the Executive

In Indonesia's presidential system, the President, as both head of government and head of state, has varying relationships with various state institutions. The President's relationship with the DPR is characterized by a fairly strong system of checks and balances: the DPR can reject bills proposed by the President, reject the draft state budget (RAPBN), conduct investigations through its right of inquiry, request explanations through its right of interpellation, and even initiate impeachment proceedings.

The President's relationship with the DPD, by contrast, is highly asymmetrical and tends to be one-sided. The President has almost no substantive constitutional obligation to interact directly with the DPD. The DPD is not an equal dialogue partner for the President; it more closely resembles an advisory body whose opinions are not binding.

Context of the Relationship	President–DPR Relations	President–DPD Relationship
Proposed Bills Related to Regions	The President submits bills to the DPR	The DPD may submit draft bills to the DPR, not to the President; the President is not required to respond directly to the DPD
Deliberation of the Regional Autonomy Bill	The President (through a minister) discusses the bill with the DPR and the DPD	The DPD is involved in the discussions but does not have a binding vote in the final decision-making process
Consideration of the State Budget	The President submits the Draft State Budget (RAPBN) to the DPR	The DPD has no formal role in the deliberation or enactment of the State Budget; it may only offer non-binding recommendations
Appointments to certain positions	The President submits nominees to the DPR for approval (e.g., members of the BPK)	The Regional Representatives Council (DPD) provides its recommendations regarding candidates for the State Audit Board (BPK) to the House of Representatives (DPR), not directly to the President; it has no authority to make decisions
Impeachment of the President	The DPR submits a request to the Constitutional Court (MK); then to the People's Consultative Assembly (MPR) for a final decision	The DPD is a member of the MPR and participates in impeachment proceedings; this is the only forum in which the DPD has a vote equal to that of the DPR
State of Emergency/Government Regulation in Lieu of Law (Perppu)	The President issues a Perppu; the DPR must approve or reject it	The DPD has no formal role in the Perppu process; it cannot veto or amend a Perppu

B. The Absence of DPD Checks and Balances on the President

One of the strongest indicators of the DPD's institutional marginalization is the absence of meaningful checks and balances against the executive branch. In a healthy system of government, the legislative branch—including the second chamber in a bicameral system—should have the tools to oversee and counterbalance executive power. The DPD lacks such tools.

The DPD's lack of the right to interpellation means that the President is never constitutionally obligated to provide explanations to the DPD regarding policies that affect the regions. The lack of the right to conduct inquiries means the DPD cannot carry out independent investigations into the implementation of policies that impact regional interests. The lack of a role in the State Budget (APBN) means the DPD cannot influence budget allocations that serve as the lifeblood of regional development programs.

Theoretically, this situation creates what Arend Lijphart refers to as "transparent asymmetry": all parties—the President, the DPR, the DPD, and the public—are aware that the DPD is weak, but there is no constitutional mechanism strong enough to change this situation without amending the 1945 Constitution.

C. The DPD's Relationship with the President in the Context of Regional Autonomy

One area where the DPD should have a stronger position is on issues related to regional autonomy and fiscal decentralization. As a unitary state that has implemented extensive decentralization through Law No. 23 of 2014 on Regional Government and various regulations on fiscal equalization, Indonesia faces numerous policy challenges directly related to regional interests.

However, in practice, major policies related to regional autonomy—including the Law on Financial Relations between the Central Government and Regional Governments (Law No. 1 of 2022 on Financial Relations)—are decided through negotiations between the President and the House of Representatives (DPR), with the DPD merely serving as a participant in the discussions whose voice holds no decisive weight.

This limitation significantly reduces the DPD's ability to ensure that regional interests are meaningfully represented in the fiscal and administrative policies that affect the lives of millions of citizens across all corners of Indonesia.

V. Comparative Analysis: Bicameral Systems in Various Countries

A. Types of Bicameral Systems: From Symmetrical to Asymmetrical

In the literature on comparative political science, Arend Lijphart and George Tsebelis have identified a spectrum of bicameral systems ranging from "symmetrical and congruent" at one end to "asymmetrical and incongruent" at the other. A symmetrical and congruent bicameral system—in which the two chambers have equal power but represent different constituencies—is considered the most ideal model for ensuring a balance between the effectiveness of government and the representation of diverse interests.

State	Types of Bicameral Systems	Characteristics of the Second Chamber	Note
United States	Strongly symmetrical	Senate and House of Representatives are equal; all laws must be approved by both chambers	Ideal model of an equal bicameral system
Germany	Moderately asymmetric	The Bundesrat has power only over federal laws that affect the states	Selective symmetry based on regional interests

United Kingdom	Weak asymmetry	The House of Lords has only the right to delay (suspensive veto)	The House of Lords has been reformed; its powers are very limited
Australia	Fully symmetrical	The Senate has powers nearly equal to those of the House of Representatives, including budgetary authority	One of the strongest bicameral systems in the world
France	Moderately asymmetric	The Senate can be overruled by the National Assembly in disputes	The final say rests with the lower chamber
Indonesia	Extreme asymmetry	The DPD is very weak; it has almost no binding role	The most structurally skewed among major democracies

The comparison table above places Indonesia in a unique—and alarming—position. Indonesia is the only major democracy on the list that has a second chamber with powers that can be categorized as “extremely asymmetric.” Even when compared to the United Kingdom—whose House of Lords is often criticized for the limitations of its role—Indonesia’s DPD is still far weaker, because at least the House of Lords has a suspensive veto that can slow down the legislative process.

B. Lessons from the German Bundesrat Model

The German Bundesrat model is often cited as a relevant reference for Indonesia. The Bundesrat represents the governments of Germany’s federal states (Länder) and plays a different role depending on the type of legislation under consideration: for laws that directly affect the interests of the federal states (Zustimmungsgesetze), the Bundesrat holds an absolute veto; for other laws, the Bundesrat holds only a suspensive veto that can be overridden by the Bundestag (Einspruchsgesetze).

This model—in which the second chamber holds full authority in areas that most directly affect the territorial entities it represents—provides concrete inspiration for DPD reform. If the DPD were granted veto power over bills directly related to regional autonomy and fiscal equalization, the DPD’s role would become far more meaningful without requiring a complete overhaul of Indonesia’s constitutional architecture.

VI. The Empirical Reality of the DPD: Between Norm and Reality

A. The DPD as a “Decorative” Institution

The DPD’s status within Indonesia’s constitutional practice has drawn criticism from various quarters. Many observers use the terms “decorative institution” or “showpiece institution” to describe the DPD’s position—an institution that exists formally within the constitutional structure but lacks substantive influence over the conduct of government.

Empirical data supports this assessment. In the 20 years since the DPD’s establishment (2004–2024), not a single bill initiated by the DPD has become law through the DPD’s exclusive efforts. All bills that were successfully enacted—and in which the DPD was involved in the deliberations—were essentially initiatives of the DPR or the government, not the DPD. The DPD has merely been a “participating spectator” in the legislative process, not a decision-making actor.

B. Structural and Cultural Barriers

The DPD’s marginalization is not merely constitutional in nature; it is also reinforced by mutually reinforcing structural and cultural barriers:

1. Party dominance in the legislative process: The legislative process in Indonesia is heavily controlled by party factions in the DPR. The DPD, whose members are not affiliated with any party

in their capacity as DPD members, lacks the equivalent political capital to negotiate within that process.

2. Limited resources: The DPD has far more limited secretariat resources, expert staff, and research infrastructure compared to the DPR, thus limiting the DPD's capacity to produce high-quality academic papers and draft bills.
3. Lack of publicity: The DPD's activities very rarely receive adequate media coverage, creating a vicious cycle: the DPD is unknown to the public because it lacks influence, and because it is unknown to the public, there is no pressure to strengthen its position.
4. A Disincentive for Ambitious Legislators: Ambitious and talented politicians tend to choose the DPR as the channel for their political struggle, because the DPR offers real influence over national policy. The DPD becomes an option for those who fail to gain a seat in the DPR, or for local figures who do not wish to be fully involved in national politics.

C. Efforts to Strengthen the DPD: Constitutional Court Rulings and Their Limitations

Several efforts to strengthen the DPD have been undertaken through judicial and legislative channels. In Decision No. 92/PUU-X/2012, the Constitutional Court expanded the interpretation of the DPD's authority in the bill deliberation process: the Court stated that the DPD must be involved more substantively in the deliberation of bills falling under the scope of Article 22D of the 1945 Constitution, not merely as passive participants.

However, this Constitutional Court decision has clear limitations: the Court cannot alter the constitutional structure that limits the DPD's authority, as such changes can only be made through an amendment to the 1945 Constitution. The Court can only expand the interpretation of existing provisions but cannot create new authorities that lack a constitutional basis.

The MD3 Law, which has been revised several times, also does not fundamentally strengthen the DPD's position, as the provisions in the MD3 Law must be subject to the constitutional limitations set forth in Article 22D of the 1945 Constitution. As long as Article 22D remains unchanged, the DPD will continue to be in a weak position, regardless of how the MD3 Law formulates the mechanisms for the DPD's involvement.

VII. Recommendations for Constitutional Reform

A. The Urgency of the Fifth Amendment to the 1945 Constitution

Based on the analysis conducted, it is clear that the genuine institutional strengthening of the DPD requires the fifth amendment to the 1945 Constitution. Reforms that rely solely on revisions to the MD3 Law or Constitutional Court rulings will not be sufficient to alter the structure of incentives and authorities that currently place the DPD in a marginalized position.

The main arguments for amending the 1945 Constitution to strengthen the DPD rest on three premises: first, meaningful representation of regional interests is a prerequisite for a truly inclusive democracy in a country as vast and diverse as Indonesia; second, the extreme imbalance between the DPR and the DPD undermines the legitimacy of the bicameral system and leads to a waste of institutional resources; third, successful models in other countries demonstrate that granting substantive authority to a second chamber does not necessarily come at the expense of governmental efficiency.

B. Recommended Reform Agenda

Reform Proposals	Substance	Legal Requirements	Level of Urgency
Limited veto power	The DPD may reject a bill on regional autonomy	Requires an amendment to Article 22D of the 1945 Constitution	Moderate—similar to the German model
Right to conduct regional inquiries	The DPD can investigate regional policies	Requires a revision of the MD3 Law	Minor—no amendment needed

Approval of the regional state budget	The DPD participates in approving transfers to regions in the national budget	An amendment to Article 23 of the 1945 Constitution is needed	Moderate
Independent bill initiative	The DPD can submit bills directly to the President	Requires an amendment to the 1945 Constitution	Fundamental
Equal to the DPR in the MPR	Ensures the DPD has an equal vote in all MPR sessions	Requires an amendment to the 1945 Constitution	Fundamental
Evaluation of DPD performance	Mechanisms for public accountability regarding the performance of DPD members	A DPD regulation is needed	Minor

C. Strengthening the Relationship Between the DPD and the President Specifically

In addition to general reforms, there are several specific steps that can be taken to strengthen the institutional relationship between the DPD and the President:

1. Requirement for the President to Consult with the DPD in Drafting the RPJMN and RPJPN: The President should be constitutionally required to consult with the DPD in formulating the National Medium-Term and Long-Term Development Plans, particularly regarding programs that have a direct impact on the regions.
2. Regular President–DPD Coordination Forum: A formal and regular consultation forum between the President or Vice President and the DPD leadership should be institutionalized, at least once during each DPD session, to discuss issues related to regional interests.
3. The DPD's right to nominate candidates for interim regional heads: In situations where there is a leadership vacuum in a province or regency/city, the DPD should be granted the right to nominate candidates for interim regional heads to the President, not just political parties.
4. Mandatory response from the President to DPD recommendations: The President should be required to respond formally and within a specified timeframe to every policy recommendation submitted by the DPD regarding regional interests.

VIII. Conclusion

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

1. Indonesia has a bicameral system that can be categorized as “extremely asymmetrical”—a model in which the second chamber (the DPD) has very limited authority and virtually no meaningful capacity for checks and balances, either over the DPR or over the President.
2. The institutional relationship between the President and the DPD is highly asymmetrical and tends to be one-sided. The President has no substantive constitutional obligation to engage meaningfully with the DPD, while the DPD lacks instruments equivalent to those of the DPR to oversee and counterbalance executive power.
3. The empirical reality of the DPD over the two decades of its existence shows that this institution has become what institutional studies refer to as a “marginal institution”: formally present in the constitution but having no substantive influence on the conduct of government or the national policymaking process.
4. A comparative analysis with bicameral systems in other countries—particularly the United States, Germany, and Australia—shows that Indonesia's model is the most asymmetrical among major democracies, and that more balanced models have proven successful in various contexts without sacrificing governmental efficiency.
5. Genuine institutional strengthening of the DPD can only be achieved through a fifth amendment to the 1945 Constitution that substantively expands the DPD's authority, particularly in areas that directly

affect regional interests, including the possibility of granting a limited veto right over bills related to regional autonomy and fiscal equalization.

Ultimately, the question of strengthening the DPD is not merely an institutional one; it is a fundamental question about the quality of Indonesia's democracy. A country with a territory and diversity as vast as Indonesia's requires a strong and effective mechanism for territorial representation. As long as the DPD remains marginalized, Indonesia will continue to have a bicameral system that is not truly bicameral—an institutional paradox that, ultimately, harms all Indonesians, especially those living in regions far from the centers of power.

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Bibliography

- Asshiddiqie, Jimly. (2006). Pengantar Ilmu Hukum Tata Negara. Jakarta: Sekretariat Jenderal dan Kepaniteraan MK RI.
- Haris, Syamsuddin (Ed.). (2019). Masalah-Masalah Demokrasi dan Kebangsaan Era Reformasi. Jakarta: Yayasan Obor Indonesia.
- Indrayana, Denny. (2008). Amandemen UUD 1945: Antara Mitos dan Pembongkaran. Bandung: Mizan.
- Lijphart, Arend. (1999). Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries. New Haven: Yale University Press.
- Manan, Bagir. (2003). DPR, DPD, dan MPR dalam UUD 1945 Baru. Yogyakarta: FH UII Press.
- Norton, Philip (Ed.). (1990). Legislatures. Oxford: Oxford University Press.
- Patterson, Samuel C. & Mughan, Anthony (Eds.). (1999). Senates: Bicameralism in the Contemporary World. Columbus: Ohio State University Press.
- Peraturan DPD RI tentang Tata Tertib (versi terkini).
- Putusan Mahkamah Konstitusi Nomor 92/PUU-X/2012, perihal Pengujian UU MD3 atas kewenangan DPD.
- Tsebelis, George & Money, Jeannette. (1997). Bicameralism. Cambridge: Cambridge University Press.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (Amandemen Pertama s.d. Keempat, 1999–2002).
- Undang-Undang Nomor 1 Tahun 2022 tentang Hubungan Keuangan antara Pemerintah Pusat dan Pemerintahan Daerah.
- Undang-Undang Nomor 17 Tahun 2014 tentang MD3 sebagaimana diubah dengan UU No. 13 Tahun 2019.
- Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.
- Zoelva, Hamdan. (2011). Pemakzulan Presiden di Indonesia. Jakarta: Sinar Grafika.