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Evaluation of the Filling of Member Positions in the Regional Representative Council (DPD) RI Through Individuals From 2004 to 2024: Should Political Parties Be Given a Formal Role?

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Abstract: For two decades (2004-2024), the Regional Representative Council (DPD) of the Republic of Indonesia has been normatively designed to be filled by individuals, distancing it from Political Parties. Article 22E Paragraph (4) of the 1945 Constitution, the Law on General Elections, and the Decisions of the Constitutional Court affirm this normative framework. However, the empirical reality shows that many DPD members are actually affiliated with political parties. In line with this, the DPD, which is designed with weak authority (Soft Bicameralism), is unable to significantly improve the function of the representative body. This article conducts a critical evaluation of both the normative design and the empirical reality with the aim of providing a model that enables the potential strengthening of the DPD as a regional representation. The research concludes: First, the design of electing DPD members through general elections naturally requires extensive networks and substantial funding, so that even independent (individual) candidates often need political parties that naturally possess networks in society. This reality is shown by DPD members who are not political party executives but essentially have affiliations with political parties; Second, there is a need for a suitable (fit) design between the candidacy requirements and the election mechanism. If the general election mechanism is maintained, the candidacy requirements should not only be for individuals but could also involve political parties. If the individual candidacy requirement is maintained, there needs to be a redesign of the election mechanism into an indirect election by each regional government at the provincial level.

Keywords: Evaluation; Regional Representative Council; Political Parties.

INTRODUCTION

In the last two decades, Indonesia's constitutional system has been colored by anomalies in its political representation practices, particularly in the institution of the Regional Representative Council (DPD). In the five terms of office since the 2004 to 2024 Elections, the process of filling DPD positions has always been overshadowed by the strong pull of political pragmatism. Instead of being filled purely by independent and non-partisan regional figures,

the empirical reality shows that DPD membership has never been truly free from the penetration of political parties. This phenomenon stems from a sociological inevitability within Indonesia's electoral democracy ecosystem, which is fraught with high-cost politics; it is almost impossible for a senatorial candidate to win a provincial-level contestation without logistical support, campaign infrastructure, and the political machinery typically possessed only by party networks (Hakim & Muhyidin, 2022).

Furthermore, the infiltration of political parties into the DPD manifests in various forms. The evaluation of filling these positions is reinforced by the findings in an article by Prof. Bagir Manan et al. titled 'Prospects for the Relationship between the Regional Representative Council (DPD) and Political Parties', which reveals data that the relationship between the DPD and political parties is essentially difficult to separate. Based on evolving political practices, DPD members generally have historical, structural, or strategic ties with political parties, either overtly or covertly. This confirms the large number of party politicians who, after failing to secure a seat in the House of Representatives (DPR), migrate to use the DPD route as an alternative electoral vehicle, considering that political parties are the only institutions with adequate resources and networks (Akmal, 2023).

Such a highly partisan sociological condition strongly collides with the constitutional ideals (*das sollen*) enshrined in Article 22C and Article 22D of the post-amendment 1945 Constitution. Normatively, the original intent of establishing the DPD was designed on the blueprint of the double-check theory as a second chamber. The framers of the constitution mandated the creation of a pure, independent territorial representation, free from the hegemony of any political group, in order to balance the dominance of the DPR, which represents political interests and the population (political representation) (Drahmasyfa et al., 2025). This separation was initially believed to be the ideal formula to ensure that strategic policies, especially those related to regional autonomy, were not entirely hijacked by the interests of political parties at the central level.

In maintaining this original intent, the Constitutional Court (MK), as the guardian of the constitution, has even taken decisive judicial steps. Through Constitutional Court Decision No. 30/PUU/XVI/2018, the Court provided a legal interpretation prohibiting political party executives (functionaries) from running for or holding concurrent positions as DPD members. This decision was issued with the *ratio legis* to prevent double representation and conflicts of interest in parliament. Formally and juridically, this decision seemed to tightly lock the door for political parties to interfere in the DPD's institutional framework, forcing an ideal condition where the DPD must be completely sterile from party entities.

Nevertheless, there is a very steep legal gap between this ideal constitutional design and the institutional functional reality. High-level political compromises during the constitutional amendments gave birth to a system categorized by constitutional law experts as Soft Bicameralism (half-hearted bicameralism). On one hand, the DPD is equipped with massive democratic legitimacy; many DPD members have individual vote counts in a single province that far exceed those of DPR members. However, based on the limitations of Article 22D of the 1945 Constitution, the DPD's authority was deliberately amputated. This institution is only given the authority to submit proposals and participate in discussing certain draft bills (RUU), but it has absolutely no voting rights in the final decision-making (ratification) of laws.

The political isolation imposed by the law and the MK's decisions has actually become a boomerang that paralyses the DPD institution itself. The DPD is forced to be "sterile" from party elements, but at the same time, they are thrown into the parliamentary arena (MPR/DPR) whose working mechanisms are absolutely dominated by political party factions. Consequently, the DPD has absolutely no political leverage. Historical facts note that all efforts to strengthen the DPD through formal channels have always failed. The proposal for the 5th Amendment to the 1945 Constitution in 2008, initiated by the DPD, failed completely because

it was not supported by factions in the DPR. Similarly, the DPD's victory through Constitutional Court Decision No. 92/PUU-X/2012, which attempted to reinforce the DPD's involvement in the legislative function, proved to be ignored at the practical implementation level because the DPR is reluctant to share its legislative power with a party considered to "have no political power."

This functional gap culminates in a fundamental legal problem: the paradigm of absolute separation (dichotomy) between the DPD and political parties has proven to contain an inherent institutional flaw. Within the framework of Indonesia's highly party-oriented political and constitutional system, a design that forces a state institution to stand alone without room for political affiliation actually creates fatal institutional ambiguity (Isnaeni, 2021). At one pole, the law demands the DPD to be pure and independent, yet at the other pole, our constitutional law does not provide adequate instruments of authority for the DPD to survive independently. The DPD is ultimately trapped in a condition of existing in form, but non-existent in authority.

This lack of synergy and zero bargaining power ultimately hinders and even kills the effectiveness of the regional representation function itself. Due to this structural weakness, various important aspirations related to central-regional relations, decentralization, natural resource management, and the distribution of financial balancing funds are often decided unilaterally by the DPR and the Government. The DPD is unable to stem the tide of legislative centralization spearheaded by political parties, because politically, the DPD does not have allied factions in the DPR that can be relied upon to execute and secure these regional aspirations at the plenary table (Manan et al., 2021a).

Maintaining this debilitating dichotomy paradigm becomes highly irrelevant and counterproductive to the efforts of democratic consolidation in Indonesia. Over the past 20 years, the legislative deadlock and marginalization of the DPD have caused a crisis of institutional legitimacy in the public's eyes. The state allocates budgets in the trillions of rupiahs to finance the operations, facilities, and recess activities of hundreds of DPD members in each term of office. However, this investment of state funds becomes disproportionate to the legislative output and the defense of regional rights produced, simply because the hands of this institution are "tied" by a misguided purification paradigm. If this separation continues to be maintained, the DPD will only remain eternally as a supplementary ornament of democracy that burdens the state. Therefore, there is a very crucial and urgent need to deconstruct the constitutional legal thinking regarding the relationship between the DPD and political parties. This institutional deadlock cannot be allowed to drag on and become a bad constitutional precedent. A legal breakthrough (including legal policy) is needed to critically evaluate and reconstruct the format of filling DPD member positions. However, this deconstruction does not intend to eliminate the essence of the DPD as an independent regional representation. The solution offered is a hybrid combination model that synergizes the bargaining power of political parties with the purity of individual candidate aspirations.

This research is present to fill the research gap that has been neglected by constitutional law scholars. So far, academic discourse and jurisprudence, as reflected in various literature and MK decisions, have always been trapped in the "purification paradigm." Previous efforts have consistently focused on how to distance and cleanse the DPD from political party elements in order to maintain territorial independence. These studies failed to realize that the purification paradigm is precisely what paralyzes the DPD. In contrast to this mainstream current, this research offers a novelty that dares to view political party involvement not as a threat to be eradicated, but as a "catalyst" that must be institutionalized to strengthen the DPD's political bargaining power.

Based on the arguments above, the direction and objectives of this research are focused on two main areas. First, conducting an Evaluation of the Dynamics of Independence and Political Affiliation regarding the Filling of DPD RI Positions over Five Terms of Office. This

evaluation is aimed at dissecting how the pseudo-relationship between the DPD and political parties has eroded institutional effectiveness all this time. Second, offering a Reconstruction of *Ius Constituendum*: A Hybrid Combination Model for Filling Positions between Individual Candidates and Political Parties as a Strategy for Strengthening the DPD's Bargaining Power. Instead of continuously forcing a separation that leads to legislative deadlock, the relationship between the DPD and political parties will be reconstructed into an integrative relationship that is mutualistic, transparent, and institutionalized. Through this envisioned legal idea, the DPD is expected to be able to transform from merely a weak second chamber into an authoritative, resilient, and effective balancing pillar in Indonesia's constitutional system in the future.

METHODS

This research employs a normative juridical method with a qualitative juridical approach to examine the ambiguity of the DPD's position within the Indonesian constitutional system, specifically enriched by a historical approach to evaluate the regulatory dynamics and the practice of filling DPD RI member positions over five terms of office (2004 to 2024 Elections). The analysis in this descriptive-prescriptive study is based on the inventory of primary legal materials such as the 1945 Constitution, Constitutional Court Decision No. 30/PUU-XVI/2018, and Election Laws over time, as well as secondary data from literature studies to explore the sociological realities behind these formal rules. All data are then analyzed qualitatively using systematic interpretation and comparative legal methods to map the gap between *das sollen* (the mandated independence of the DPD) and *das sein* (the reality of political party affiliations). Ultimately, this historical evaluation culminates in the formulation of a legal reconstruction to produce a political party integration model that can strengthen the DPD's bargaining power in the future (Ali, 2021).

RESULTS AND DISCUSSION

Evaluation of the Dynamics of Independence and Political Affiliation Regarding the Filling of DPD RI Positions Over Five Terms of Office

The presence of the Regional Representative Council (DPD) of the Republic of Indonesia in the constitutional system following the amendment of the 1945 Constitution was initially designed to create a balance of representation between the central government and the regions. Conceptually, the DPD is functioned as a second chamber that purely carries territorial interests, balancing the DPR, which is fraught with partisan political interests. However, constitutional practices thus far have actually placed the DPD in an ambiguous institutional situation due to the application of a soft bicameralism (weak bicameralism) system. Nevertheless, in its journey since the third amendment to the 1945 Constitution of the Republic of Indonesia, the DPD continues to experience an identity crisis stemming from an institutional design that is often categorized as soft bicameralism (Syahidah, 2024). The striking disparity in authority between the DPD and the People's Representative Council (DPR) creates a paradox where DPD members possess very strong political legitimacy due to being directly elected by popular vote at the provincial level, yet they are only equipped with subordinate authority in the national legislative process. This phenomenon carries serious implications for the effectiveness of the institution's function, especially when the idealism regarding the independence of DPD members collides with the reality of the penetration of political party interests seeking to dominate all decision-making spaces at the central level. The lack of clarity regarding the DPD's position in the legislative process stems from the ambiguity of constitutional norms that provide a massive mandate but curtail its operational instruments. Theoretically, the DPD should function as a second chamber that purely represents territorial interests, distinct from the DPR, which represents partisan political interests through political parties. However, in practice, this separation becomes blurred because the majority of DPD

members have historical, ideological, or organizational ties to specific political parties. This ambiguity creates what is known as pseudo-independence, where the individual status of DPD members is merely an administrative prerequisite on paper, while their political loyalties remain fragmented into the poles of party interests (Saputra, 2022). This legitimacy crisis is not merely a technical election issue, but rather a reflection of a systemic failure in maintaining the purity of regional representation from centralized national political hegemony.

The dynamics of filling the positions of DPD RI members over five terms of office reflect the struggle between the idealism of independent regional representation and the reality of practical politics dominated by party forces (Al Jinan et al., 2024). This journey can be divided into several crucial phases that demonstrate how this institution has evolved, starting from its hopeful formative period to the periods of institutional integrity crisis. Each period provides valuable lessons regarding the importance of regulatory consistency in maintaining the dignity of the state institution that is supposed to act as a balancer of power at the national level (Tampubolon et al., 2022).

The initial formation of the DPD RI in the 2004-2009 period was the purest phase of constitutional experimentation, in which this institution was born to replace the Regional Representatives Faction in the MPR structure. During this period, there was a very strong spirit of depoliticization to ensure that the elected senators truly represented regional aspirations without the barriers of partisan interests. Early regulation through Law Number 12 of 2003 concerning the General Election of Members of the DPR, DPD, and DPRD established strict requirements for DPD candidates. Based on Article 63 letter b of the law, DPD candidates were required not to have been political party executives for at least four years prior to the date of candidate submission. This policy succeeded in presenting independent figures who had strong social roots in the regions, ranging from traditional leaders and academics to former local bureaucrats with high integrity. However, when these independent figures began working in Jakarta, they immediately collided with the highly centralistic reality of parliamentary politics. The DPD realized that although they possessed massive voting legitimacy, they did not have instruments of power equal to the DPR in determining the direction of national policy. This was evident from the limited authority of the DPD, which only included the submission and discussion of certain draft bills without the right of joint approval (Moonti et al., 2026).

The provisions in Law Number 12 of 2003 reflect the conscious effort of the lawmakers at that time to create a sharp separation between the political chamber (DPR) and the territorial chamber (DPD). The requirement of not being a political party executive for four years serves as a screening mechanism to ensure that the loyalty of DPD members is to the constituents in the regions, not to the party's chain of command (Wulandari et al., 2020a). During this period, DPD membership was filled by figures with a very strong non-partisan profile, so the discourse within the DPD was more oriented towards substantive regional issues rather than practical political maneuvers. However, the limitation of authority enshrined in the constitution through Article 22D of the 1945 Constitution began to be felt as an obstacle paralyzing these regional aspirations. Although the first-period DPD members strove to build a strong institutional foundation, their subordinate position in the legislative system often rendered their contributions invisible in the resulting national legal products (Kusuma et al., 2024).

Entering the second period (2009-2014), the challenge to the existence of independent figures became increasingly severe along with the regulatory changes in Law Number 10 of 2008, which eliminated the four-year grace period requirement for political party executives. The elimination of this requirement became a loophole for the entry of party politicians who failed in the DPR legislative contest to switch to the DPD route. This regulatory change dramatically altered the composition and profile of DPD members, which was originally dominated by non-partisan community leaders, into a stage for professional politicians. Although formally they continued to run as individual candidates in accordance with Article

22E paragraph (4) of the 1945 Constitution, the support of party infrastructure and networks in the regions became the key factor in their victory. This slowly began to shift the profile of DPD members from pure regional representatives to politicians "parked" by their parties to maintain political existence at the national level. This phenomenon created an ambiguity in representation, where a senator is administratively independent, yet politically remains tied to the party's agenda (Fitri et al., 2025).

In this phase, the DPD began to feel tremendous pressure from the Law on the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council (MD3 Law), which placed them in a subordinate position. Draft bill proposals from the DPD were often ignored or merely treated as complementary material by the DPR in the legislative process. This created frustration among independent senators who felt that the regional voices they carried merely became ornaments in a legislative process fully dominated by the interests of party factions in the DPR. Furthermore, Constitutional Court Decision Number 10/PUU-VI/2008 had a significant impact on the requirements for filling the position by mandating a domicile requirement for DPD candidates. The Constitutional Court considered that the emotional and physical connection of the candidates with the regions they represent is highly crucial to maintain the purity of territorial representation (Alamsyah & others, 2024). However, the implementation of this decision in Law Number 10 of 2008 was considered incapable of stemming the influx of party politicians who used the DPD merely as a stepping stone to power.

The third period marked the nadir in the history of the DPD RI's independence, where a massive and overt phenomenon of partyization occurred. Without any legal restrictions prohibiting party executives from becoming senators in Law Number 8 of 2012, the DPD systematically began to be occupied by partisan political forces seeking to expand their base of influence beyond the DPR. Data during this period showed a significant surge in the number of DPD members with strong affiliations to political parties; many of them even served as core executives at various administrative levels. This condition was exacerbated by weak internal oversight regarding the potential conflicts of interest arising from such *de facto* concurrent positions. The peak of this crisis was the election of Oesman Sapta Odang (OSO), who at that time served as the General Chairman of the Hanura Party, as the Chairman of the DPD RI through a highly controversial mechanism of amending the DPD's Rules of Procedure (Krisma Trianisa et al., 2023).

This case began with the amendment to DPD Regulation Number 1 of 2017 concerning the Rules of Procedure, which reduced the leadership term of office from five years to 2.5 years. This amendment was considered a systematic effort to oust the existing leadership and replace it with a group possessing specific political interests. Although the Supreme Court, through Decision Number 20 P/HUM/2017, had annulled the regulation because it contradicted the MD3 Law, some DPD members still forced through the election of a new leadership. The election of OSO in a plenary meeting marked by chaos and disregard for the Supreme Court's decision is often referred to as an "internal constitutional coup". The dominance of a political party leader in the DPD leadership seat created a dualism of loyalty that fundamentally damaged the institution's integrity (Elviandri et al., 2024). The focus of the DPD, which should have been on safeguarding regional aspirations, shifted into an arena of struggle for partisan interests, which in turn further weakened the DPD's bargaining position vis-à-vis the DPR and the Government. The DPD's legislative productivity drastically declined as the institution's energy was drained by internal conflicts between the pro-new leadership faction and the faction defending the dignity of its independence.

Approaching the 2019 Elections, a great hope emerged to restore the DPD's integrity through constitutional legal channels. The Constitutional Court issued Decision Number 30/PUU-XVI/2018, providing a progressive interpretation of Article 182 letter 1 of Law

Number 7 of 2017 concerning General Elections. The Constitutional Court stated that the phrase "other occupations" in that article must be interpreted to include political party executives (functionaries). Consequently, political party executives are prohibited from running as DPD members unless they resign. The Constitutional Court's consideration was very clear: the DPD is a territorial (regional) representative institution that must not be intervened by partisan political party interests in order to prevent multiple representation that can damage the checks and balances system (Kurniawati & Rohmah, 2024). However, the implementation of this decision immediately faced a serious hurdle from another judicial institution.

The Supreme Court issued Decision Number 65P/HUM/2018, which ruled in favor of Oesman Sapta Odang's judicial review against KPU Regulation Number 26 of 2018, which was a follow-up to the Constitutional Court's decision. The Supreme Court argued that the prohibition against party executives becoming DPD candidates must not apply retroactively to those who had already participated in the election stages. The lack of synchronization between these two high judicial institutions created an extraordinary legal deadlock. The KPU found itself in an institutional dilemma of choosing between obeying the Constitutional Court's decision, which is final and constitutionally binding, or obeying the decisions of the Supreme Court and the state administrative court, which provided administrative protection to the incumbent candidate. As a result of this dualism, the 2019-2024 period remained colored by a "pseudo-independence" where many party executives persisted in the DPD due to a loophole in the effective timing of the decision. This phenomenon proves that without the harmonization of authority between the Constitutional Court and the Supreme Court, legal certainty in the filling of state positions will continue to be threatened by personal political interests (Putra, 2025).

In the latest period (2024-2029), the composition of the 152 DPD RI members reflects the persistence of incumbent figures and local leaders with highly robust political networks and social capital. The re-election of many familiar faces indicates that voters in the regions are still highly dependent on personal figures who already have a prominent reputation. Furthermore, the emergence of popular phenomena such as Alfiansyah Komeng, who garnered the highest number of votes nationally, illustrates a shift in voter behavior that tends to seek figures outside of formal politicians as a form of fatigue towards the party representation system. However, behind this popularity, structural challenges related to the members' backgrounds remain a serious concern. An analysis of the profiles of the elected DPD members shows a dominance of former regional heads, businesspeople, and family members of local political elites or political dynasties (Riawan & others, 2024).

The presence of political dynasties in the DPD membership this period has the potential to bring "hidden power" into the national legislative space, where the agendas carried might reflect the interests of preserving family power in the regions more than the pure aspirations of the grassroots. This practice of political dynasties is considered capable of hindering healthy leadership regeneration and increasing the risk of political patronage at the central level. The DPD leadership for this period, under Sultan Bachtiar Najamudin a young figure from Bengkulu who previously served as Deputy Chairman of the DPD marks a new chapter in efforts to strengthen the institution. Together with a leadership package consisting of GKR Hemas, Yorrys Raweyai, and Tamsil Linrung, Sultan promotes a vision of internal consolidation to overcome political fragmentation within the DPD and strengthen the institution's role in advocating for substantive regional autonomy. However, the fundamental challenge remains the DPD's limited authority under the MD3 Law, which puts any grand leadership vision at risk of being blocked by the wall of legislative bureaucracy in the DPR.

Evaluation Data on the Filling of DPD RI Positions from the Perspective of Prof. Bagir Manan

In evaluating the dynamics of filling the positions of Regional Representative Council (DPD) members, the study conducted by Prof. Bagir Manan uncovers a sharp gap between the normative design and the socio-political reality. Juridically, Article 22E paragraph (4) of the 1945 Constitution explicitly mandates that the participants in the general election to elect DPD members are individuals, which diametrically distinguishes it from the DPR, where the election participants are political parties (Manan et al., 2021b). However, the empirical reality shows that the affiliation of DPD members with political parties is an inevitability that is difficult to contain. Data shows a significant surge in affiliations, where during the 2014-2019 period, approximately 78 DPD members were recorded as having affiliations with political parties, and 8 of them even held positions as core executives of political parties. The peak of this phenomenon was seen in mid-2017 when the position of Chairman of the DPD was occupied by a figure who concurrently held the status of general chairman of a political party.

The gap between this norm and practice is essentially rooted in a clash with the original intent of the framers of the constitutional amendments (*the framers of the constitution*) (Tinambunan et al., 2025). Historically, the formation of the DPD is a metamorphosis of the "regional envoys" element within the MPR, which during the Old Order and New Order eras proved to lack independence due to being heavily fraught with the co-optation of executive power and the hegemony of a single political force. Departing from this historical trauma, the framers of the constitution conceived the DPD as a body that purely and objectively represents regional interests, thus mandating it to be filled by individuals who are unaffiliated with political parties. The basic assumption is that political parties serve as the conduits of national political power, whereas the DPD must be exclusively dedicated as the conduit for regional interests, sterile from partisan agendas (Djusfi et al., 2020).

Nevertheless, an evaluation of constitutional practices in various countries that implement a regional representation (bicameral) system proves that the absolute separation between regional representatives and political parties is something artificial and difficult to realize. In the United States, for example, although members of the Senate representing the states were initially elected by the state legislatures and later changed to direct popular elections through the Seventeenth Amendment, their party identities remain strongly attached. The public and the political system there commonly recognize the terms "Democratic Senator" or "Republican Senator," which confirms that although the individual role of a senator is very prominent due to the weak party discipline system (the weak party system), their nomination and election processes remain closely tied to political parties.

A more evident condition can be seen in the practices of the Senate in Australia. Although the Australian Senate was designed to protect the rights of the states, this objective is often reduced by the strength of the party system and the nature of its electoral system. In Australia, senators are in practice elected as members of national political parties. The campaign success of a senatorial candidate relies heavily on the support of the party's political machinery, making it very difficult for an individual candidate to win an election simply by fighting alone against candidates fully backed by political party infrastructure. This fact demonstrates that political parties are an integral element that cannot be avoided in the election of members of regional representative bodies.

A similar situation is also manifested in the German constitutional system through the institution of the Bundesrat. Members of the Bundesrat are delegates directly appointed by the state governments (Länder) (Tumanggor et al., 2024). Given that not a single state government in Germany is formed without the basis of a majority political party coalition, the decisions made in the Bundesrat are inevitably heavily influenced by the considerations and interests of political parties. In a democratic system that maintains a close relationship between the federal

and state governments, attempting to rigidly distinguish between "objective regional policies" and "party policies" is considered a mere illusion.

Based on this comparative review, Prof. Bagir Manan et al. draw the conclusion that efforts to "strictly" separate the DPD from political parties within the Indonesian constitutional system will always result in the violation of the norm itself (Manan et al., 2021a). This design of absolute separation is not in line with the reality and natural conditions of the position-filling system conducted directly by the people (popular vote). In a provincial-scale electoral democratic contestation, a candidate is required to possess strong networks, mass mobilization, and substantial funding, where these instruments are factually and institutionally controlled by political parties.

Therefore, affiliation with a political party becomes a rational survival strategy for prospective DPD members. Ultimately, the discourse regarding the presence or absence of political party elements within the DPD is not viewed as the primary root problem that diminishes the institution (Wulandari et al., 2020b). The presence of political party members in the DPD today does not provide a significant impact on the dominance of national policies simply because the DPD is not equipped with actual legislative authority. The Constitution restricts the DPD merely to the level of "being able to propose," "participating in the discussion," and "providing consideration," without having full initiative rights or the right to approve or reject a draft bill. Therefore, the prospect of the relationship between the DPD and political parties in the future could actually be directed towards a mutually beneficial (mutually contributing) symbiosis, provided that the DPD's authority must first be reconstructed so that it holds a significant and equal decisive position akin to a true bicameral system.

Reflection and Analysis of Representation Theory

The root of all the problems afflicting the DPD RI lies in the institutional ambiguity and the glaring disparity in authority between the DPD and the People's Representative Council (DPR). This disparity creates a constitutional paradox where DPD members possess exceptionally strong political legitimacy because they are elected directly through majority votes at the provincial level, yet they are only endowed with subordinate authority in the national legislative process. This paradox of legitimacy can be precisely dissected using the framework of political representation theory put forward by Hanna Fenichel Pitkin (Nugraha, 2025).

In her analysis, Pitkin divides representation into four main dimensions: formalistic, symbolic, descriptive, and substantive representation. On one hand, Indonesia's post-amendment constitutional system has essentially succeeded in creating excellent descriptive representation through the DPD. The quota scheme of four individuals per province ensures that the DPD perfectly reflects the nation's spatial and geographical diversity, while simultaneously correcting the representational imbalance between Java and outside Java in the DPR.

However, a fundamental problem arises in the dimension of substantive representation, namely the activity of the representative in "acting for" the interests of their constituents (Ulya, 2016). Pitkin emphasizes that descriptive representation (merely being present and similar in characteristics) is not enough if it is not followed by substantive representation. Considering that the constitution limits the DPD's authority strictly to providing proposals and considerations without having the final decision-making right (voting) in the ratification of laws, the *acting for* function of this institution becomes flawed and completely fails. In the perspective of Pitkin's theory, this failure puts the DPD at risk of becoming "mute representatives" or mere political statues present to represent the regions, but lacking the political agency to execute their policies.

It is this extreme disparity between the descriptive and substantive dimensions that creates a condition of pseudo-representation. This, in turn, explains why the pure independence of DPD members often becomes a political futility. Without possessing substantive instruments of power, senators are rationally driven to affiliate with political parties in order to gain bargaining power and reach the realm of legislative execution through the backdoor of the party system existing in the DPR (Sandy et al., 2024). This fundamental problem is exacerbated by the operational legal framework outlined in the MD3 Law (Law No. 17 of 2014) and Law Number 12 of 2011 concerning the Formation of Laws and Regulations as most recently amended by Law No. 13 of 2022. Although Constitutional Court Decision Number 92/PUU-X/2012 has affirmed the DPD's right to propose and discuss draft bills on an equal footing with the DPR and the President, in practice, the DPD's position remains marginal. The DPD is involved in tripartite discussions at the first level, but is given absolutely no vote in the joint approval stage or veto power over a draft bill. The harmonization mechanism in the DPR's Legislative Body (Baleg) often becomes a "graveyard" for regional aspirations, where the substance championed by the DPD is completely trimmed for the sake of national political interests aggregated by major parties in the DPR. Performance data shows that for almost 20 years, the number of laws purely originating from DPD initiatives is very small, such as the Maritime Law and the Creative Economy Law, while dozens of other draft bills stalled halfway.

An ideal bicameral parliamentary system should function to prevent the occurrence of a tyranny of the majority in either chamber (Palenewen, 2020). However, in Indonesia, the extremely strong dominance of political parties in the DPR, coupled with the hidden affiliations of DPD members, causes this cross-oversight mechanism to not run effectively. The MPR, which is supposed to be the highest assembly as a joint forum between the DPR and the DPD, now only functions as a ceremonial institution for the inauguration of the President or constitutional amendments. Without a real balancing power from the DPD, national policies tend to be centralistic and often ignore the peculiarities and specific needs of the regions. Injustice in budget distribution and the neglect of the aspirations of regions with special autonomy are tangible consequences of the DPD's weak position in our legislative architecture.

The failure of this checks and balances mechanism also poses a risk to the stability of national integration (Herlinanur et al., 2024). When the official channel for voicing regional interests at the central level (namely the DPD) is deemed ineffective and toothless, dissatisfaction at the local level can escalate and trigger sentiments that endanger national unity. The DPD is supposed to be the primary legitimate channel to defuse potential conflicts between the central government and the regions through fair legislation that supports regional diversity. Therefore, strengthening the institutional function of the DPD is not merely an administrative or bureaucratic issue, but a strategic necessity to maintain the integrity of the Unitary State of the Republic of Indonesia through equitable justice for all corners of the archipelago.

Furthermore, the institutional deadlock of the DPD can be explained through the relational tension between the political infrastructure and superstructure. In a democratic system, the DPD sociologically resides within the realm of political infrastructure as a vessel for the articulation and aggregation of regional community interests that are non-partisan in nature (Goraah, 2020). Conversely, the DPR and the Government are representations of the political superstructure that holds formal authority in the legislative and budgeting processes. The fundamental problem arises when the political superstructure, dominated by the political party cartels in the DPR, exerts hegemony over the political infrastructure (the DPD). Consequently, aspirations born from the regional political infrastructure are often reduced or even eliminated upon entering the rigid and hegemonic channels of the superstructure. This disparity creates a condition where the regional political infrastructure is merely positioned as

an accessory, without having equal access to influence policies within the realm of the superstructure. Based on the analysis of Pitkin's theory and the condition of this superstructure, the total assimilation of the DPD into political parties would destroy the function of descriptive representation (the representation of diverse regions) (Wasti, 2023). Therefore, the most rational middle ground is to maintain the direct election system but open the recruitment requirements through two channels simultaneously: individuals and political parties in a competitive manner.

As a reflection of the five DPD election periods (2004-2024), it has been proven that efforts to exclusively purify the regional representative institution from political party elements have actually further isolated and weakened the institutional function of the Regional Representative Council. This historical reflection shows that this institution remains trapped in a vortex of conflict between the idealism of independence and the reality of party hegemony. The lack of synchronization between the operational authority in the MD3 Law and the illusion of procedural independence has resulted in a significant decline in the effectiveness of the institution's substantive representation. Constitutional Court Decision Number 30/PUU-XVI/2018 was a step forward in purifying DPD membership from party executive elements, but implementation challenges due to the dualism of judicial decisions show that our system of legal certainty remains weak. Therefore, strategic steps for the future are required, namely harmonizing laws and regulations to close the loophole of concurrent positions for party executives, strengthening the DPD's authority in the final approval stage of draft bills related to the regions, and encouraging internal reforms to improve the quality of members' representation before their respective regional constituents. Without tangible strengthening of its authority, the DPD will remain an ornament of democracy that fails to carry out its function as the guardian of regional interests at the national level.

Redesigning the Filling of DPD Positions: Independents and Political Party Affiliations

The proposed *ius constituendum* reconstruction model is to shift the paradigm from a purely individual system towards a hybrid formulation redesign. In this design, the DPD seat quota in each province is structured to combine two synergizing elements of representation: the purely non-partisan individual (independent) element to accommodate traditional leaders, academics, and professionals, as well as the regional-level political party cadre element. (Fadhil et al., 2025) The involvement of this political party affiliation aims to provide a specific mandate to champion the platform of regional interests through the lobbying infrastructure of factions in parliament, without eliminating the purity of representation of independent candidates.

On the other hand, individual (independent) candidates are still provided with an equal space for contestation. The presence of DPD members from the individual track in this hybrid model functions as a balancer to ensure that regional policies are not entirely dictated by the will of national parties. This will create a mutualistic symbiotic relationship: DPD members gain political and lobbying support from their party factions in the DPR, while political parties secure a stronger mass base and legitimacy at the regional level. This institutionalization will also resolve the issue of pseudo-accountability that individual DPD members have experienced thus far. Without the presence of a party structure, it is often difficult to monitor the performance of DPD members, and they lack an effective, organized recall mechanism from their constituents. With party involvement, internal party oversight mechanisms and public accountability become more measurable (Sulaeman et al., 2025). On the other hand, individual (independent) candidates are still provided with an equal portion and space for contestation within this hybrid system. The presence of DPD members from the individual track is highly crucial, functioning as a balancer. They ensure that regional policies are not entirely dictated by the will of national-level parties, so that the purity of local aspirations from community

figures, traditional leaders, or academics retains an intact voice in the parliament (Goutama & Srihandayani, 2020).

Technically, this reconstruction requires the synchronization of the latest laws and regulations, specifically the revision of Law Number 7 of 2017 concerning General Elections and Law Number 17 of 2014 (MD3). This change must be directed towards eliminating the prohibition against party executives becoming DPD members and vice versa, providing incentives for political parties capable of demonstrating good regional legislative performance through their representatives in the DPD. With this strengthening of bargaining power, the tripartite pattern in the discussion of laws among the DPR, the DPD, and the Government will become more meaningful because each party will have equal political power to mutually control and provide input.

The reconstruction of filling DPD member positions through political parties will not only impact the legislative function but will also strengthen the oversight and budgeting functions that have also been marginalized thus far. In the budgeting function, the DPD's involvement in providing considerations on the State Budget (APBN) Bill is often merely a formality because the DPD has no vote in the meetings of the DPR's Budget Committee (Banggar), which determines the allocation of transfer funds to the regions. If DPD members are part of the ruling party coalition or a strong opposition, aspirations for balancing funds and special allocation funds for the regions can be championed through internal party coordination that holds authority in the Budget Committee (Fahrozi, 2025).

Likewise in the oversight function, the results of the DPD's oversight on the implementation of laws regarding regional autonomy, central-regional relations, and natural resource management often merely end up as a pile of reports on the desk of the DPR leadership without any tangible follow-up. With the support of political parties, the results of the DPD's oversight can be transformed into political ammunition for factions in the DPR to exercise the right of interpellation or the right of inquiry if violations detrimental to the regions are found. This will force the central government to be more careful in making policies that negatively impact the regions, as they will know that regional representatives in the DPD have the political teeth to mount resistance through their party machinery. This transformation will automatically shift public perception of the DPD from an institution considered to be draining the budget without results into a highly strategic institution in maintaining the balance of national development. This strengthening is highly crucial amidst future challenges such as fiscal inequality among regions, the threat of separatism, and the need for higher-quality decentralization. By reconstructing the model for filling the positions of DPD members through the institutionalization of political parties, Indonesia is taking a major step in perfecting its representative democratic system to be more responsive to the pulse of life in all corners of the country (Tjenreng, 2020).

The urgency of reconstructing the filling of DPD member positions through political parties stems from the systemic failure of the individual model to generate adequate bargaining power vis-à-vis the DPR and the Government. Empirical data from the 2019-2024 period, which shows the absolute dominance of the DPR in the ratification of 225 laws compared to the lack of follow-up on draft bills proposed by the DPD, serves as undeniable proof that independence without political power is a futility within the Indonesian parliamentary system. Constitutional Court Decision Number 30/PUU-XVI/2018, which prohibits party executives in the DPD, although intended for purification, has indirectly weakened the bargaining position of the regional representative institution. Through the theory of *Verfassungswandlung*, this reconstruction can be realized by providing a new interpretation of the partnership between political parties and regional representation, emulating the success of the German Bundesrat model, which is capable of synchronizing partisan interests with territorial interests for the sake of national stability. By institutionalizing the involvement of political parties, the DPD will

gain political legitimacy, lobbying support, and stronger accountability mechanisms, so that its legislative, budgeting, and oversight functions will no longer merely be constitutional accessories. This step is the most rational middle ground to save the existence of the DPD while simultaneously strengthening the integrity of the Unitary State of the Republic of Indonesia within the framework of a healthier and more balanced democracy.

CONCLUSIONS

Based on the evaluation of the dynamics across five general election periods, the DPD RI is proven to be trapped in soft bicameralism as well as pseudo-representation; its high electoral legitimacy is paralyzed by weak legislative authority, thereby triggering covert partisan affiliations among senators to secure political bargaining power in parliament. The constitutional purification policy prohibiting political party involvement has actually further isolated the DPD, thwarting the realization of substantive regional representation. As a solution, reconstruction is absolutely necessary to dismantle this rigid dichotomy through the institutionalization of political party involvement within a mixed membership model format. Through the integration of political party strength, the institution's bargaining power will be restored, enabling the DPD to transform from a powerless second chamber into an equal, formidable legislative partner in executing regional aspirations at the national level..

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