

# Position and Function of Region Representative Council in The Framework of Region Economic Resources Based on Article 22D, The Constitution of Republic of Indonesia



Iwan sandi Panggarso, Ismi Rajjani

**Abstract:** *This journal purposes to assess the position and function of Region Representative Council in the framework of region economic resources resource settings under Section 22D of the Constitution Republic Of Indonesia 1945. This study is a normative legal study conducted through library or library research, using the conceptual approach and the statute approach. The results showed that the Region Representative Council can propose to Parliament the Bill relating to: regionnatural resources, central and local relations, the establishment and expansion and merger of regions, management of natural resources and other economic resources resources; As well as, relating to the balance of central and region finances. In addition Region Representative Council can participate in discussing the Draft Law relating to regionnatural resources, central and region relations, the establishment and division and merging of regions, management of natural resources and other economic resources resources; As well as, in relation to central and region financial balances; As well as, giving consideration to the House of Representative over the draft State Income and Expenditure Bill, draft laws relating to taxes, education, and religion. Region Representative Council can exercise oversight over the implementation of laws concerning: natural resources, establishment, expansion, and merger of region, central and local relations, management of natural resources and other economic resources, the implementation of the budget revenues and expenditures, taxes, education, and religion . If it is examined more deeply, it can be explained that the word "can" filed in paragraph (1) only placing theRegion Representative Council of state institutions that assist theHouse Of Representative in carrying out its legislative functions. Then the meaning of the word "follow" is discussed in paragraph (2) only positioning theRegion Representative Council of state institutions that do number fully carry out the function of discussion of the Bill.*

**Keywords:** *Position Region Representative Council, Economic resources and The 1945 Constitution Of TheRepublic Of Indonesia.*

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\* Correspondence Author

**Iwan Sandi Panggarso\***, Law Departement, University of Muhammadiyah Gresik, Gresik, Indonesia.

**Ismi Rajjani**, Economic and Business Departement, University of Muhammadiyah Gresik, Gresik, Indonesia.

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## I. INTRODUCTION

The history of nation and state life in the Republic of Indonesia began in 1945. In that year the founding of the Republic of Indonesia as a large collection of human beings, whose healthy souls and hearts blaze, gave rise to an inner consciousness called the nation. Unity of Indonesia is a big idea that is the ideals of the law and the moral ideals of the Indonesian nation. Indonesian unity has animated the process of state formation. The form of the country which has been chosen must enable the realization and assurance of the Unity of Indonesia.

The People's Consultative Assembly of the Republic of Indonesia is a state institution which has been granted certain duties and authorities by the 1945 Constitution. After 1999 the first amendment of the 1945 Constitution was followed, followed by the second in 2000, the third of 2001 and the fourth of 2002. In the Third Amendment of the 1945 Constitution the People's Consultative Assembly was withdrawn its power to exercise the sovereignty of the People (Article 1 paragraph 2 of the Amendment of the 1945 Constitution) and its duties and authorities changed in accordance with article 3 paragraphs 1,2,3 of the 1945 Constitution The Third Amendment of the 1945 Constitution. On the Fourth Amendment, the People's Consultative Assembly was finally changed into 2 members of the state institutions, namely the House of Representative and the Region Representative Council (Article 2 paragraph 1).

The existence of Region Representative Council has raised community expectations in the regions that region interests and problems faced by the regions can be raised and fought at the national level. That the public policies at both the national and region levels do number harm and even take sides with the interests of the region and the interests of the people throughout the country. Legally, the existence of Region Representative Council is contained in Law Number 22 Year 2003 as amended by Law Number 27 Year 2009 regarding People's Consultative Assembly, The House Of Representative, Region Representative Council and The House Of Representative. However, it is rarely mentioned that the duties, functions and authority of Region Representative Council under the law are only subordinate to the House Of Representative.

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Though the emergence of the idea of the second room is based on the desire to provide space checks and balances and creative mutual filling between the two parliamentary institutions. Region Representative Council does number have a strong position as a parliament coupled with Parliament. This can be seen in Region Representative Council functions, duties and authorities as regulated in Article 22 D of the 1945 Constitution and Article 223 of Law Number 27 Year 2009 on People's Consultative Assembly, The House Of Representative, Region Representative Council And The House Of Representative. Article 22 D of the 1945 Constitution states, as follows:

- 1) The Region Representative Council may submit to the People's Legislative Assembly a draft law relating to region natural resources, central and region relations, the establishment and division and integration of regions, the management of natural resources and other economic resources, as well as those relating to the financial balance of the center and regions.
- 2) The Region Representative Council shall discuss the draft laws relating to region natural resources; central and region relations; formation, division and merging of regions; management of natural resources and other economic resources, as well as the balance of central and region finances; as well as giving consideration to the House of Representative on the draft state budget of income and expenditure and draft laws relating to taxes, education, and religion.
- 3) The Region Representative Council may exercise oversight over the implementation of the law on: region natural resources, establishment, expansion and integration of regions, central and local relations, management of natural resources and other economic resources, implementation of state budget revenues, taxes, education, and religion and submit the results of its supervision to the House of Representative as a matter of consideration to be followed up.
- 4) Members of the Region Representative Council may be dismissed from office, whose terms and ordinances are governed by law.

Seeing the description of the above articles, the position of Region Representative Council has weaknesses of functions, duties and authority compared to the position of The House Of Representative. If such a political structure is maintained, then the future of the Region Representative Council as a parliamentary counterweight in the bicameral system becomes somewhat alarming. When the performance of the House is less than the maximum then the pendulum of democracy will move to a pessimistic point. The House Of Representative And Region Representative Council should have equal authority, function and rights in order that the House Of Representative's weakness can be covered by the massive performance of Region Representative Council.

The Region Representative Council (Region Representative Council) was born through the 3rd amendment of the 1945 Constitution. Based on Article 2 paragraph (1) before the amendment of the 1945 Constitution, People's Consultative Assembly members consisted of members of the Region Representative Council (The House Of Representative), Group Envoys (UG) and Region Representative (UD). The delegates of the UG and the Region Representative (UD) in the journey of representative institutions in Indonesia have experienced many deviations that are number longer effective, undemocratic and do number reflect there

presentative of delegates of delegates and region representative, so that the regions proposed to the People's Consultative Assembly to was abolished and the Region Representative was upgraded to a representative institution reflecting the representation of the region. Finally, through the long debates between the factions through the open voting of the Election Group delegated and the Region Representative replaced by the Region Representative Council (Region Representative Council) as a territorial representative elected directly by the people through elections is indeed implied to be independent (number political parties).

The existence of Region Representative Council in accordance with the spirit of region natural resources, namely the need for state institutions that can bridge the interests of the central and region, and fight for the interests of the aspirations of society and the region in national policy and include the region in every national political decisions. The amendment of the 1945 Constitution of the Republic of Indonesia gave birth to a new institution in the Indonesian state structure, namely the Region Representative Council (Region Representative Council). With the presence of the Region Representative Council, in the Indonesian representative system, the House is supported and strengthened by the Region Representative Council. The House of Representative is a representative institution based on the aspirations and ideals of the people's politics as the holder of sovereignty, while the Region Representative Council is the representative agency for diversity of region aspirations. The existence of Region Representative Council institutions is an effort to accommodate the principle of region representation. The system of representation adopted by Indonesia is a unique system of Indonesia as it is formed as a manifestation of the needs, interests, and challenges of the Indonesian nation and state. The provisions of the 1945 Constitution of the State of the Republic of Indonesia governing the existence of Region Representative Council in the Indonesian state administration structure are among others intended to:

- a. Strengthening region ties within the Unitary State of the Republic of Indonesia and strengthening national unity of all regions;
- b. Increasing the aggregation and accommodation of the aspirations and interests of the regions in the formulation of national policies relating to the state and the regions;
- c. Encouraging the acceleration of democracy, development and region progress in a harmonious and balanced manner.

Therefore, the existence of regions as referred to in Article 18 Paragraph (1) of the 1945 Constitution and region natural resources as referred to in Article 18 paragraph (5) of the 1945 Constitution shall be conducted in accordance with region diversity in the framework of the progress of the nation and state. One of the mandate of Region Representative Council as mentioned in the 1945 Constitution is the role in the management of natural resources and other economic resources. It is realized Region Representative Council through activities in the region to absorb, collect, accommodate and follow up the aspirations of communities and their respective electoral districts within the scope of duties and authority of the Region Representative Council,

convey the progress of the implementation of duties and authorities in their respective electoral districts, certain laws and duties of the Region Representative Council leadership receive and channel the aspirations of the people and regions to the Region Representative Council fittings in accordance with the scope and authority facilitated by the Secretariat General.

Therefore, the topic of Region Representative Council position and function in the framework of regulating the region economic resources based on Article 22D of the 1945 Constitution of the Republic of Indonesia is eligible for review. The study focused on the issue of 1). What is the Authority of the Region Representative Council in the formation of the Law on Economic resources? 2). What is the relationship between Region Representative Council and Local Government in regulating local economic resources? This study is a normative law study conducted through literature study or library research, using conceptual approach, statute approach, and case approach. The legal materials used are primary, tertiary, and secondary legal materials.

## II. DISCUSSION

### A. Authority of Region Representative Council in the Formation of Economic Resources Law

The existence of Region Representative Council very strategic in harmony of central and local relations. Especially with the basis of region aspirations, its presence in the country of Indonesia is really very vital, because it can strengthen national unity. Acceleration of region development equally for the denial of region welfare, is a number goal that carried Region Representative Council. Thus, the existence of Region Representative Council has an important meaning in the development of political system and the state administration of Indonesia. Its existence as a region representative institution is as a counterweight in Indonesia's two-chamber parliament system, in order to create effective bicameral. With the hope to be able to carry out the mandate and fight for the aspirations of the region, Region Representative Council is required to be able to aggregate and articulate region interests in the policy level at the national level.

As a supervised institution overseeing local interests in the national sphere, Region Representative Council is number only required for vocal in voicing the aspirations of local people at the central level. Moreover, Region Representative Council must also have a high intelligence in analyze the root of the growing problem in the midst of the society in the region, to then bring the formula of development that is solution to the central level. This issue is important given that the development process in the region following the settlement of the problems developing within it should involve other parties that are beyond the administrative and local government authorities. In other words, the development process at theregion level must involve a broader component of the nation.

In this context, Region Representative Council acts as facilitator between local government and central government. The goal, so that all number technical factors related to the legality of the development process but have the potential to hinder the development process can be minimized. Although institutionally Region Representative Council has definitive duties and functions in the development process of Jakarta,

but as a senator who has a region basis, senator of Region Representative Council is actually required to have high social sensitivity as a form of moral responsibility to the community has given him trust.

The presence of Region Representative Council as a new institution resulting from the amendment of the 1945 Constitution of the State of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) is a consequence of the amendment of Article 1 paragraph (2) in an effort to optimize and affirm the sovereignty of the people. This happens because the understanding of the sovereignty of the people through the People's Consultative Assembly (hereinafter referred to as the People's Consultative Assembly) as the holder of the people's sovereignty has been abused.

The amendment of Article 1 Paragraph (2) of the 1945 Constitution itself also affirms that the People's Consultative Assembly is number the only one who carries out the sovereignty of the people. The formulation of Article 1 paragraph (2) of the 1945 Constitution states that: "Sovereignty is in the hands of the people, and carried out according to the Constitution". The above formulation is meant that the sovereignty of the people whose implementation is submitted to the agency / institution whose existence, authority, duties and functions are determined by the 1945 Constitution and which parts are directly implemented by the People. In other words, the implementation of popular sovereignty is number left to any body / institution, but directly implemented by the people themselves through the election.

Implementation of the principle of sovereignty of the people above, then be done in the form of direct elections for Region Representative Council members. Region Representative Council as a representative institution other than the People's Legislative Assembly can number be released and is a demand from the implementation of local government management system that put forward the principle of natural resources and duty of assistance. This can be seen in the Second Amendment to the 1945 Constitution in Article 18, Article 18A, and Article 18B which gives emphasis on the implementation of region government and central and region relations implemented with a broad natural resources system. To maintain and follow up the region interests in policy making at the centre, it is necessary to have an institution that has an existence and position and function that can bridge the interests of the region. Based on experience in the journey of the Indonesian state administration system, it can be seen that region envoys as region representative in the People's Consultative Assembly can number perform such functions, and through the demands of the restructuring of People's Consultative Assembly insituations, a representative institution dealing with the region interest is formulated as Region Representative Council. The regulation of the existence of Region Representative Council in the structure of the Indonesian administration according to the 1945 Constitution, among others, is intended to:

1. Strengthening region ties within the Unitary State of the Republic of Indonesia and strengthening national unity of all regions;

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2. Increasing the aggregation and accommodation of the aspirations and interests of the regions in the formulation of national policies related to the state and the regions;
3. Encouraging the acceleration of democracy, development and region progress in a harmonious and balanced manner.

The existence of the regions referred to in Article 18 paragraph (1) and region natural resources as referred to in Article 18 paragraph (5) goes according to region diversity in the framework of progress of nation and state. Article 22C Paragraph (4) of the 1945 Constitution states that: "The structure and position of the Region Representative Council shall be regulated by law". Based on Article 22C Paragraph (4), Law Number 22 Year 2003 as already amended by Law Number 27 Year 2009 stipulates more clearly related to the structure and position of Region Representative Council. Article 221 stipulates that "Region Representative Council consists of representative of provinces elected by general election". Then in Article 222 asserts that "Region Representative Council is a region representative agency domiciled as a state institution. In connection with Article 67 and Article 68 of Law Number 27 Year 2009, Region Representative Council and The House Of Representative have the same position as state institutions, while different levels of representation as representative institutions, where Region Representative Council is a region representative institution, while The House Of Representatives an institution representative of the people.

The limitations of authority possessed by Region Representative Council in Article 22D paragraph (1), (2), and (3) of the 1945 Constitution, are described as follows: First, Article 22D Paragraph (1) The Region Representative Council may submit to the The House Of Representative Draft Law relating to : region natural resources, central and local relations, establishment and expansion and region integration, management of natural resources and other economic resources; as well as, relating to the balance of central and region finances. Second, Article 22D Paragraph (2) The Region Representative Council may participate in discussing the Draft Law relating to: region natural resources, central and region relations, the establishment and division and merging of regions, the management of natural resources and other economic resources; as well as, with regard to the balance of central and region finances; as well as, giving consideration to the People's Legislative Assembly on the draft State Income and Expenditure Bill, the draft laws relating to taxes, education, and religion. Third, Article 22D Paragraph (3) The Region Representative Council may supervise the implementation of the law on: region natural resources, establishment, division and merger of regions, central and region relations, management of natural resources and other economic resources, and state expenditure, taxes, education, and religion. If it is examined more deeply, it can be explained that the word "can" filed in paragraph (1) only put Region Representative Council state institutions that assist the The House Of Representative in carrying out its legislative functions. Then the meaning of the word "participate" discussed in paragraph (2) only positioned Region Representative Council of state institutions that did number fully carry out the function of discussion of the Bill. Furthermore, the definition of supervision in paragraph (3) may be interpreted, placing the Region Representative Council in a weak position in the mechanism of checks and balances. The word "able" explains that the Region

Representative Council should number need to submit a bill to the House Of Representative, especially if the Region Representative Council considers it number very important, or just a formula that does number bind the Region Representative Council to propose a bill to the House Of Representative. Perhaps, if there is political tension between The House Of Representative and Region Representative Council, The House Of Representative does number involve Region Representative Council in the process of discussion. Also explained that the Region Representative Council as a new institution in the state administration in Indonesia when considered in Article 22 of the 1945 Constitution the authority of Region Representative Council is very limited in the legislation or the formation of legislation. Likewise, the rules of execution of Region Representative Council duties as outlined in the Law Number 22 Year 2003 on the arrangement of positions People's Consultative Assembly, The House Of Representative, Region Representative Council and The House Of Representative can be seen the political position of Region Representative Council is number optimal to take a decisive role in representing the aspirations of the region. Number as much as the legitimacy obtained in the election, various regulations reinforce the weakness of the Region Representative Council position such as Article 42 paragraph (1), (2), and (3) about the duty and authority of the Region Representative Council which can only submit a bill to the House Of Representative relating to region natural resources, central and local relations, establishment and expansion, region merging, management of natural resources and other economic resources as well as those related to central and region financial balances. And even then the Region Representative Council is only invited by Parliament to participate in discussing the bill in accordance with the order of the House before the House discuss the bill with the government. Further article 43 paragraph (1), (2), (3), (4). Region Representative Council members only participate in discussions with the House Of Representatives the government at the beginning of the first level talks in accordance with the rules of the House. The discussion is only in the form of Region Representative Council opinion submission as well as responses to the general views and opinions of each institution which later will be the input for further discussion between the Parliament and the government. Similarly, in Article 44 paragraph (1), (2), and (3). The Region Representative Council only gives consideration to the House of Representative on the Draft Law, State Budget, and Draft Law on Taxes, Education and Religions in order to provide input for further discussion between The House Of Representatives Government. According to Law Number. 27/2009 on the People's Consultative Assembly, The House Of Representative, Region Representative Council and The House Of Representatives that supersedes Law Number 22 Year 2003. The authority of the Region Representative Council in the formation of Law or legislation does number indicate a significant authority because in Article 223 paragraph (1) , b, c, d, and article 224 paragraph (1) Letter a, b, c. Region Representative Council can only submit the draft law with region natural resources, central and region relations, establishment and division and region integration, management of natural resources and economic resources,

as well as those assembling with central and region finance balances and participating in the draft law at level 1 with The House Of Representative and the President in terms of submitting a general view of the Bill, as well as the responses of each institution. As well as discussing the Bill with the House of Representative and the President of either the bill submitted by the House or the President at level 1. While Article 251 paragraph (1), (2) and (3), Article 252 paragraph (1), (2) and Article 253 paragraph (1), (2), explains the procedure of Region Representative Council members in the submission and discussion of the draft law in the plenary session of Region Representative Council. Where the Region Representative Council can propose a bill based on the national legislation program accompanied by academic explanation proposed by the drafting committee law or committee and submitted in writing to the leadership of the House of Representative with a letter of introduction from the leadership of the Region Representative Council. In addition to discussing the Bill with the House of Representative and the President at level I. Article 254 explains that the Region Representative Council has the authority in the formation of Laws to participate in discussing the Bill with the House of Representative and the President at the first level talks as stated in Article 150 paragraph (1), (2) letter b and e and paragraph (4) letter b.

The first level discussions are carried out with deliberative deliberation activities, discussion of inventory list and mini opinion submission. Although the Region Representative Council's authority is very limited set forth in Article 22D paragraph (1) and (2) in the formulation of law, the real opportunity to optimize Region Representative Council role still exists. Many of the turbulent problems in the regions require region representative council assistance.

The Region Representative Council's role number only proposed the Bill but also participated in the discussion of the Bill related to region natural resources and others. To that end, the Region Representative Council needs to strengthen its knowledge base and skills both in political communication and legislation, and to expand its network of cooperation with various parties, such as other state high institutions, universities, NGO'S, religious figures, customary figures and community groups, business groups and etc. If the people's sympathy has been achieved Region Representative Council through optimal performance will at least get support from the people and represent the region by continuing to struggle to obtain results at the central level.

### **B. The Relationship of Region Representative Council With Local Government In Regulating Local Economic Resources**

Based on the amended 1945 Constitution of the Republic of Indonesia, it is mentioned that Region Representative Council performs functions: Legislation, consideration and supervision. Region Representative Council may submit a specific bill to the Parliament and participate in discussing specific Bill with Parliament. Areas that allow the Region Representative Council to propose a bill or participate in discussing the Bill are related to region natural resources, central and local government relations, the establishment and division and integration of the region, the management of natural resources and other economic resources, as well as those related to the central financial balance and area. In the function of consideration, the Region Representative Council gives consideration to the House of Representative on the

draft State Budget, the Bill related to taxes, education and religion, as well as considerations in terms of Audit Board Of The Republic Of Indonesia election. Besides, the Region Representative Council has a supervisory function on the implementation of the Act in areas where Region Representative Council can propose a bill, participate in discussing and giving consideration. Indirect supervision of the Region Representative Council may occur by receiving a Audit Board Of The Republic Of Indonesia report. The results of the Region Representative Council's oversight are submitted to The House Of Representative as a matter of consideration to be followed up. From the formulation of the 1945 Constitution, we can know that Region Representative Council as there presentative institution of the Region has three functions, namely the function of legislation, the function of consideration and the function of supervision.

In relation to representative institutions in the regions, the relationship between Region Representative Council and The House Of Representatives number regulated. But the Region Representative Council members are the provincial representative who should be working with the House Of Representatives. In the perspective of blood-center relations, the Region Representative Council may be a bridge between The House Of Representative (especially provinces) and the House Of Representative. So considering the Region Representative Council is a region representative, then indeed there should be a relationship between the Region Representative Council through its members are determined four people from each province with their respective regions. In this case, the interests of the area may be interpreted as reflected in the composition of the House Of Representative membership and the Region Head which is the result of the democratic process and / or local elections.

This relationship is actually reflected in Law Number 27 of 2009 that Region Representative Council members have an obligation to give moral and political accountability to the voters and their electoral districts. But this moral and political accountability is number clear in its concrete form. Therefore, it should be emphasized that the four members of the Region Representative Council are obliged to provide an openly written annual report. Subsequently to the report, a discussion is held by members of The House Of Representative and the Region Head or who represent it, as appropriate to collect criticism and inputs in order to People's Consultative Assembly over the performance of the Region Representative Council members concerned in the struggle for their region interests. In addition, the relationship between the Region Representative Council and the House Of Representative can also be linked to the interim replacement procedure of members of The Region Representative Council. The House Of Representative Receives Complaints from voters from the electoral districts, which are then forwarded to the Region Representative Council Honorary Board.

The presence of the Region Representative Council made the Indonesian political system complete. In the political system in Indonesia there are two forms of representation. Representation of the people through political parties that transformed into the House of Representative and the House of Representative. However,

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there is also geopolitical or territorial representation embodied in the Region Representative Council. In this understanding Region Representative Council has an institutional position in balance with the House.

With a stronger legitimacy because it was directly elected by the people, the 1945 Constitution and Law Number 27 Year 2009 actually gave the minimum authority to the Region Representative Council. In terms of functions, duties, and authorities, as revealed in the 1945 Constitution of Article 22D, it appears that the Region Representative Council is merely a "subordinate" of the House Of Representative. There it is stipulated that the Region Representative Council "may file" to the House Of Representative and "participate in discussing" the Bill relating to region natural resources, central and region relations, the establishment and division and region merging, management of natural resources and other economic resources, and related to the balance central and region finance. In addition, the Region Representative Council is also given little role in the election of members of the Supreme Audit Board, its role only gives consideration to the House Of Representative.

To give birth to a particular institution or to know the existence of the institution must be seen from the function of each institution. If the institution is functioning, then the desired institution will exist. As outlined in the background of Region Representative Council formation above, the Region Representative Council is the new central agency of representation (the third amendment of the 1945 Constitution). To analyze the ideal function of the Region Representative Council, the writer first looked at the ideas behind the birth of the Region Representative Council. As stated by Bagir Manan, the ideas are as follows:

1. The idea of transforming a representative system into a two-bedroom system (bicameral). Region Representative Council and The House Of Representative are described similarly to a representative system such as in the United States consisting of Senate as state representative (Region Representative Council), and House of Representative as representative of all the people (The House Of Representative). In the United States, the two elements of representation are called Congress (Congress). Article 1 paragraph (1) of the United States Constitution (1787) states: All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representative.
2. Ideas to increase local participation on the political and state management. Region Representative Council is a daily body that participate and determine and oversee the running of politics and state management. Therefore, Region Representative Council can also be seen as a correction or People's Consultative Assembly movement of the system of Region Representative in the People's Consultative Assembly according to the provisions of Article 2 paragraph (1) of the 1945 Constitution before the amendment. Region participation in the Region Representative in the People's Consultative Assembly was very limited at the time of the People's Consultative Assembly Sessions (During the New Order, Only Twice In Five Years).

The weakness of functions, duties, and authority of the Region Representative Council brings the consequences on the relationship between The House Of Representative and Region Representative Council which increasingly looks increasingly harmonious. After the House Of Representative

was accused of never involving the Region Representative Council in the preparation of the National Legislation Program, the appointment of members of the Supreme Audit Agency, and in the amendment of Law number 32 of 2004 on Region Government which was later revised into Law number. 12 of 2008, Region Representative Council again felt attenuated with its position which was paralleled with factions, commissions and parliamentary fittings in the preparation of National Legislation Program. This sense of attenuation actually arises from the realization that the House Of Representative and Region Representative Council are actually two parallel state institutions. However, the fact that the Region Representative Council is only given limited authority resulted in reactions such as today.

Judging from the implementation of the authority of the Region Representative Council in the field of legislation in the form of proposal submission, participate in the discussion and give consideration, conducted through:

1. In the proposal submission activity, the discussion of this bill shall be conducted before the House Of Representative discuss the Bill with the Government;
2. Participation in the discussion shall take place at the beginning of the First Level Discussion in accordance with the provisions of the Parties' Standing Orders. This Level I Discussion is conducted jointly between the House Of Representative, Region Representative Council and the government in terms of delivering the views and opinions of the Region Representative Council on the Bill;
3. In giving consideration, consideration is given before entering the stages of discussion between the Parliament and the Government.

In The House Of Representative's Rules of Procedure of 2004, the working mechanism of The House Of Representative and Region Representative Council in legislation has been regulated. The provisions are: Article 124 paragraph (2). If the bill coming to the House comes from the President, but related to the draft law which is the authority of the Region Representative Council, the House Leadership Bill submits it to the Chairman of the Region Representative Council. Subsequently, the provisions pursuant to Article 135 paragraph (1) letter a point 1), in which Region Representative Council conveys views and opinions (together with the factions in Parliament).

The weakness of Region Representative Council function has been seen in the Constitution and Law Number 27 Year 2009 even reflected also in the Rules of the Parties Tatib. Therefore, efforts to empower Region Representative Council should start from the 1945 Constitution. That too must begin with a clear concept. Without a clear concept, what appears to be short-term, short-term decisions will fade. The provisions set forth in the Tatoo can number be separated from the provisions that exist on it. However, at least the House Of Representative's stance does number further weaken the Region Representative Council's role, such as limiting the number of meeting participants, providing time limits for violations of the provisions resulting in the loss of Region Representative Council function itself, even weakening a Region Representative Council institution into a fittings. Though the House may hold a meeting in a larger forum with the Region Representative Council.

The criticism that is often addressed to the third amendment of the Constitution is the weak authority of the Region Representative Council. Therefore, the concept of bicameral is often described as "weak bicameral" or "soft bicameral". This term arises because the Region Representative Council has very limited authority and is only related to region problems. The Constitution stipulates that the Region Representative Council is only "able" to submit a bill, "participate in discussing" the Bill and "be able" to supervise the implementation of the law, provided that such authority is limited to laws relating to region natural resources (Article 22D of the Constitution).

This authority is then detailed in the Structure and Status Laws as follows: The Region Representative Council may submit to the House of Representative a draft law relating to region natural resources, Central and Region relations, the establishment and division, and region merging, management of natural resources and other economic resources; which relate to central and region financial balances (Article 42). Region Representative Council participates in discussions with the House of Representative on the draft laws relating to region natural resources, Central and Region relations, the establishment and division, and region merging, management of natural resources and other economic resources, as well as those related to central and region financial balances, which filed by the government or the right of the House of Representative initiative (Article 43).

The Region Representative Council gives consideration to the House of Representative over the draft state budget of income and expenditure, and the draft law relating to taxes, education and religion. Region Representative Council gives consideration to the House of Representative in the election of members of the Supreme Audit Board (Article 45). Region Representative Council may supervise the implementation of laws on region natural resources, the formation, division and integration of regions, central and local relations, management of natural resources and other economic resources, the implementation of the state budget of income and expenditure, taxes, education, and religion (Article 46). Similarly, in the context of the oversight function, Region Representative Council only gives consideration, which will be followed up by the House of Representative through three institutional rights of the House of Representative, namely the right of interpellation, questionnaire, and opinion (Article 27 of Law 22/2003). It is clear that the Region Representative Council seems to be only an advisor to the House of Representative in matters relating to the regions, without having a say in determining the policy. Herein lies the weakness of the "bicameral" concept introduced in the Constitution and the Structure and Status Law. The interaction between Region Representative Council and The House of Representative in legislative, supervisory and budgetary procedures is considered number in institutional procedures but rather in the form of a facultative input before discussion.

The failure of the Region Representative Council in proposing the 1945 Amendment is related to strengthening the role of the Region Representative Council (Region Representative Council) in a two-room parliamentary system some time ago, since the House of Representative's 'politicking' should be seen as a challenge for Region Representative Council. This needs to be emphasized because in the experience of strengthening the bicameral system in many countries, it is almost impossible for

the House of Representative to give part of its authority to the Region Representative Council / Senate free of charge, it needs some kind of political incentive so that the Parliament will give some of its authority by first amending the 1945 Constitution, article related to the strengthening of the authority of Region Representative Council in the constitutional system of the Republic of Indonesia.

The authority of the House to smooth the way for the Amendment of the 1945 Constitution for the strengthening of Region Representative Council's authority becomes a lesson for the Region Representative Council, that politics in parliament is number easy to predict. Moreover, most Region Representative Council members are 'new people' in the national political arena, only a few are relatively experienced in facing the 'politicking' The House of Representative in parliament, and even then powerless by the steps of political parties that control members in the House. And it was proven when some members of the House who initially supported the proposed Amendment to the 1945 Constitution, then one by one withdrew his support.

Lessons learned from the failure of the proposed first Amendment to the 1945 Constitution For Region Representative Council, required various steps that can provide space and opportunities for Region Representative Council to remain in the corridor of the nation's constitution. Therefore, if the existence of Region Representative Council is number empowered within the scope of the constitution, then the existence of Region Representative Council sooner or later is number longer seen as important by the community, and in the end the proposal to re-enact a plus-plus one-room parliamentary system will actually happen, as practice during the Order New. Where representative of the regions only sit as one of the factions, among the factions of political parties and groups.

When referring to the strong and effective bicameral essence, and referring to our constitutional system, the ideal role of the Region Representative Council should be at least four roles: First, the Region Representative Council should further reinforce its position as 'folk tongue' in the region. It should be underlined that Region Representative Council as a region representative becomes important to emphasize that the existence of Region Representative Council is number just divide the task between domestic and foreign, as the practice of parliament in the United States, but also to fight for the aspirations of the region, especially those related to region interests at the national level. Secondly, the Region Representative Council acts as a counterweight to the House of Representative, so that the functions of checks and balances in parliament can work. As stated above, the House's position is too strong and dominant to build relationships between the House and the executive. In addition, with the checks and balances, the products produced by the parliament will be more People's Consultative Assembly-hensive.

Third, the role of Region Representative Council to help ease the burden and tasks carried by the House. With the various products that must be produced, it needs a partner institution to discuss each bill or issues related to the duties and responsibilities of parliament. As we all know, the number of unfinished draft laws on target is an indicator that efforts to organize parliamentary performance can be done.

# Position and Function of Region Representative Council in The Framework of Region Economic Resources Based on Article 22D, The Constitution of Republic of Indonesia

Fourth, the Region Representative Council should take the initiative in various matters related to nationality issues, both local and national. This should be attached to the Region Representative Council institution, as it is inherent in the House Of Representative.

This role becomes part of the proof that Region Representative Council is one room that plays an active role in national politics.

### III. CONCLUSION

Based on the previous description, several conclusions can be put forward as follows:

1. The Region Representative Council may submit to the House of Representative Draft Law relating to: region natural resources, central and region relations, establishment and division and region incorporation, management of natural resources and other economic resources; as well as, relating to the balance of central and region finances. In addition Region Representative Council can participate in discussing the Draft Law relating to region natural resources, central and region relations, the establishment and division and merging of regions, management of natural resources and other economic resources; as well as, with regard to the balance of central and region finances; as well as, giving consideration to the People's Legislative Assembly over the draft State Income and Expenditure Bill, draft laws relating to taxes, education, and religion. Region Representative Council may supervise the implementation of the law on: region natural resources, the formation, division and merger of regions, central and region relations, management of natural resources and other economic resources, the implementation of the state budget of income and expenditure, taxes, education and religion. If it is examined more deeply, it can be explained that the word "can" filed in paragraph (1) only put Region Representative Council state institutions that assist the House Of Representative in carrying out its legislative functions. Then the meaning of the word "participate" discussed in paragraph (2) only positioned Region Representative Council of state institutions that did number fully carry out the function of discussion of the Bill

2. The existence of Region Representative Council is very strategic in harmony of central and region relations. Especially with the basis of region aspirations, its existence within the framework of The Unitary State Of The Republic Of Indonesia really very vital, because it can strengthen national unity. Acceleration of region development equally for the denial of region welfare, is a number goal that carried Region Representative Council. Thus, the existence of Region Representative Council has an important meaning in the development of political system and the state administration of Indonesia. Its existence as a region representative institution is as a counterweight in Indonesia's two-chamber parliament system, in order to create effective bicameral. With the hope to be able to carry out the mandate and fight for the aspirations of the region, Region Representative Council required to be able to aggregate and articulate region interests in the policy level at the national level.

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### AUTHORS PROFILE



**Iwan sandi Panggarso**, Iwan sandi pangarso, was born in Surabaya February 1, 1989 as a teaching staff at the Faculty of Law, University of Muhammadiyah Gresik. He studied Law at the State University of Jember in 2007 and ended in 2012, while his Masters degree at Airlangga University Surabaya in 2013 and was completed in 2014 with a study period of 1 year 7 months. While teaching at the University of Muhammadiyah

Gresik has produced academic results in the form of the first International Standard Book Number book on Intellectual Property Introduction in 2017 while the second book is the book on the Principles of Civil Law in 2018 then in 2019 made two teaching books namely Introduction to Sociology and Anthropology of Law and Introduction to Fisheries Laws and Regulations. In addition to the books that have been published, there are several scientific works such as the national journal that has ISSN and the first journal E-ISSN entitled The Effect of Company Competitiveness and Free Flow of Skill Labor in the Economic Analysis Of law and the second entitled Strengthening the Supervision Authority of the Judicial Commission Through the Politics of the Law of Judicial Power.



**Ismi Rajiani** currently works at Universitas Muhammadiyah Gresik, Indonesia and University of Lambung Mangkurat Banjarmasin Indonesia. I. does research in Behavioural Economics, Business Economics and Business Administration and Health management. His recent publications include The Prospective Consumers of Indonesian Green

Aviation published in Sustainability Switzerland, and some articles in Polish Journal of Management Studies, the Q2 Scopus and WOS indexed journal.