
EQUALIZING THE LEGISLATIVE FUNCTIONS OF THE REGIONAL REPRESENTATIVE COUNCIL AND THE HOUSE OF REPRESENTATIVES TOWARD AN ACCOUNTABLE PURE BICAMERAL SYSTEM

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ABSTRACT

This study aims to examines the constitutional and institutional prospects of equalizing the legislative functions of the Regional Representative Council (DPD) and the House of Representatives (DPR) as a strategic pathway toward establishing a fully accountable strong bicameral system in Indonesia. Normatively, the existence of the DPD is intended to represent regional interests within national policymaking; however, its legislative authority remains significantly limited compared to that of the DPR. This imbalance has resulted in a weak bicameral structure, undermining the principles of checks and balances and diminishing the effectiveness of regional representation. Employing a normative juridical method combined with a comparative constitutional approach, this study analyzes the existing constitutional framework, relevant statutory regulations, and practices in selected bicameral systems. The findings reveal that the current asymmetry in legislative powers constrains the DPD's role to a merely advisory body, thereby failing to meet the standards of strong bicameralism characterized by co-equal authority in legislation, oversight, and budgetary functions. This article argues that constitutional reform potentially through a Fifth Amendment to the 1945 Constitution is necessary to recalibrate the distribution of powers between the two chambers. Strengthening the DPD's legislative capacity would not only enhance institutional accountability but also ensure more substantive regional participation in national governance. Ultimately, the equalization of legislative functions is essential for realizing a balanced, effective, and accountable bicameral system that aligns with democratic principles and Indonesia's pluralistic structure.

Keywords: Bicameralism. Legislative_Equality. Constitutional_Reform.

1. Introduction

The proposal for a fifth amendment to the 1945 Constitution of the Republic of Indonesia, aimed at establishing a pure bicameral system (i.e., a balanced and effective two-chamber legislature), has recently emerged as a central issue in constitutional law discourse. This proposal arises from a critical evaluation of the first through fourth constitutional amendments, which are widely regarded as having failed to comprehensively resolve the problem of legislative power balance, particularly between the House of Representatives (Dewan Perwakilan Rakyat/DPR) and the Regional Representative Council (Dewan Perwakilan Daerah/DPD). The current model of soft bicameralism has, in practice, weakened the function of regional representation and undermined the effectiveness of political oversight over the executive. Consequently, a fundamental redesign is required to ensure that the legislature genuinely operates as a robust system of checks and balances. Under the 1945 Constitution of the Republic of Indonesia, legislative authority is vested in both the DPR and the DPD; therefore, it is imperative that such authority be structured in a manner that reflects an equitable and functional distribution of powers between these two institutions.¹

In general, the issue of a fifth amendment to the 1945 Constitution of the Republic of Indonesia is closely related to the evaluation of the form and function of the legislative branch following constitutional reform. The post-amendment legislative structure consists of two chambers, namely the House of Representatives (Dewan Perwakilan Rakyat/DPR) as the national political representative body and the Regional Representative Council (Dewan Perwakilan Daerah/DPD) as the regional representative body; however, their respective powers remain asymmetrical. Constitutional law scholarship indicates that this arrangement is more accurately characterized as soft bicameralism, given that legislative and political authority is predominantly concentrated in the DPR. In contrast, the DPD is endowed only with limited

¹Sulardi, Sulardi. "Rekonstruksi Kedudukan DPD dan DPR Menuju Bikameral Yang Setara". *Jurnal Media Hukum* 19, no. 1 (June 30, 2012). Accessed March 7, 2026. <https://journal.umy.ac.id/index.php/jmh/article/view/1983>.

rights of initiative and budgetary participation, and lacks veto power over legislation. This imbalance generates institutional tension between representative bodies, while simultaneously weakening the role of regional representation in the national legislative process, thereby undermining political equity among regions.²

Moreover, the constitutional ambiguity surrounding the status and position of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat/MPR) as a joint forum of the House of Representatives (Dewan Perwakilan Rakyat/DPR) and the Regional Representative Council (Dewan Perwakilan Daerah/DPD) further complicates the parliamentary structure.³ Several studies indicate that the 1945 Constitution of the Republic of Indonesia does not explicitly stipulate whether Indonesia adopts a bicameral or tricameral system, thereby giving rise to divergent interpretations among legal scholars and practitioners. This normative uncertainty has the potential to create political loopholes, whereby legislative power may be exercised disproportionately to prioritize national interests over regional interests, without effective corrective mechanisms. From the perspective of legal politics, this condition reflects that the constitutional amendments have not fully completed the transformation toward an inclusive and balanced legislative power structure.⁴

At the level of specific issues, the principal weakness of Indonesia's bicameral system lies in the limited constitutional authority of the Regional Representative Council (Dewan Perwakilan Daerah/DPD). Constitutional law studies demonstrate that the DPD is authorized only to propose bills related to

²Sumarni Rusdi. "Gagasan Amandemen Undang-Undang Dasar Tahun 1945 Kelima Sebagai Tindakan Reformasi Hukum". *Jurnal Riset Rumpun Ilmu Sosial, Politik dan Humaniora* 4, no. 2 (June 9, 2025): 866–883. Accessed March 4, 2026. <https://prin.or.id/index.php/JURRISH/article/view/5354>.

³Wijayanti, Septi Nur. "Studi Evaluasi Terhadap Amandemen UUD 1945 (Amandemen Sebagai Upaya Pemenuhan Kebutuhan Hukum Masyarakat Indonesia)". *Jurnal Media Hukum* 16, no. 2 (April 4, 2022): 224–242. Accessed March 7, 2026. <https://journal.umy.ac.id/index.php/jmh/article/view/14399>.

⁴Kurdi, Kurdi, and Ibnu Mazjah. "Pemisahan Kekuasaan Dalam Sistem Pemerintahan: Studi Atas Implementasi Trias Politica Di Indonesia". *Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 3 (March 14, 2025): 2519–2529. Accessed March 4, 2026. <https://dinastirev.org/JIHHP/article/view/4446>.

regional autonomy, central–regional relations, the formation, expansion, and amalgamation of regions, as well as the management of natural resources and other economic resources. Even within these domains, however, the DPD’s legislative initiatives must proceed through the mechanism of the House of Representatives (Dewan Perwakilan Rakyat/DPR), rendering the DPD not an equal partner but rather a subordinate participant in the legislative process. Accordingly, the DPD functions more as a consultative forum for regional interests than as a legislative body possessing equal standing within a bicameral framework.⁵

The practical implications of this weakness include the low level of active participation by the Regional Representative Council (Dewan Perwakilan Daerah/DPD) in national oversight and budgeting, as well as the predominance of central interests in policies affecting the regions. Studies on the implementation of the separation of powers (*trias politica*) in Indonesia indicate that the lack of clearly defined boundaries of authority among legislative institutions further reinforces the dominance of the executive and the House of Representatives (Dewan Perwakilan Rakyat/DPR), while the DPD lacks adequate institutional instruments to counterbalance such power. This condition not only undermines the ideal of a comprehensive representative body but also risks generating regional discontent and fostering future political conflict between the central and regional governments. In other words, the specific problem of the current bicameral system lies in the inability of the DPD to function as an effective check and balance against both legislative and executive power.⁶

⁵M. Darusman, Yoyon. “Kajian Yuridis Urgensi Amandemen Kelima Undang-Undang Dasar 1945 Dalam Sistem Hukum Ketatanegaraan Indonesia”. *ADIL: Jurnal Hukum* 4, no. 2 (May 16, 2019): 245–265. Accessed March 4, 2026. <https://academicjournal.yarsi.ac.id/index.php/Jurnal-ADIL/article/view/801>.

⁶Hadji, Kuswan, Adinda Berliana Rizkita Anjani, Anisa Mutiara Rizky, Diah Ajeng Pangestu, Ronaan Maulana Basuki, and Vanesa Alexandra Caniago. “Ketatanegaraan Indonesia Pasca Amandemen UUD 1945”. *PRIMER : Jurnal Ilmiah Multidisiplin* 2, no. 3 (June 23, 2024): 182–188. Accessed March 4, 2026. <https://ejournal.itka.ac.id/index.php/primer/article/view/339>.

In relation to the issue of the bicameral system, a number of formal and juridical solutions have emerged within legal discourse, although they have not yet been fully realized through a fifth constitutional amendment. One of the most commonly proposed solutions is legislative reform through amendments to Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 on the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional House of Representatives (MD3 Law), with the aim of strengthening the authority of the Regional Representative Council (Dewan Perwakilan Daerah/DPD) in the legislative and oversight processes. Constitutional law scholarship emphasizes that such legislative review may clarify the hierarchical relationship between the House of Representatives (Dewan Perwakilan Rakyat/DPR) and the DPD, while also expanding the DPD's rights of inquiry, interpellation, and legislative initiative to render them more comparable to those of the DPR. This approach is regarded as pragmatic, as it does not directly amend the Constitution; however, it nonetheless requires substantial political change and strong political will for its effective implementation.

In addition, another constitutional pathway frequently proposed is judicial review before the Constitutional Court (Mahkamah Konstitusi/MK). Several studies indicate that academics and legal activists have advocated for the review of provisions concerning the authority of the Regional Representative Council (Dewan Perwakilan Daerah/DPD), with the aim of enabling the Court to reinterpret the concept of regional representation as an equal component within a bicameral system. Through its decisions, the judiciary may compel the legislative and executive branches to undertake constitutional amendments or regulatory reforms that are more consistent with the principles of democracy and regional autonomy. However, experience demonstrates that Constitutional Court rulings alone are insufficient without strong political support. Consequently, these existing solutions remain partial

in nature and have yet to address the root causes underlying the realization of a genuinely balanced bicameral system.⁷

In response to the weaknesses of the current bicameral system, a number of constitutional law studies propose a more substantive and assertive solution, namely a fifth amendment to the 1945 Constitution of the Republic of Indonesia that explicitly establishes a pure bicameral system. One frequently advanced proposal is to restructure the People's Consultative Assembly (Majelis Permusyawaratan Rakyat/MPR) as a joint session forum of the House of Representatives (Dewan Perwakilan Rakyat/DPR) and the Regional Representative Council (Dewan Perwakilan Daerah/DPD), thereby eliminating the ambiguity of a de facto tricameral parliamentary arrangement. Within this framework, the MPR would function as the supreme forum of popular representation, while the DPR and DPD would operate as two chambers endowed with balanced legislative and oversight powers, including mutually binding veto or amendment rights. This approach is expected to strengthen the principles of representative democracy and to ensure that regional interests are proportionately accommodated in the formulation of national policies.

Beyond institutional restructuring, scholars also recommend strengthening regulatory frameworks governing regional access and representation in the election of members of the Regional Representative Council (Dewan Perwakilan Daerah/DPD), including measures to limit the monopolization of national political power and to mandate formal consultation mechanisms between the House of Representatives (Dewan Perwakilan Rakyat/DPR) and the DPD in the deliberation of strategic bills. Several studies further emphasize the need to mainstream the principle of a federal compromise within Indonesia's bicameral system, namely by reinforcing the DPD's authority in matters of regional autonomy and central-regional relations, while remaining within the framework of a unitary state.

⁷Nugraha, Harry Setya. "Gagasan Amandemen Ulang Undang-Undang Dasar Negara Republik Indonesia Tahun 1945". *Lex Renaissance* 3, no. 1 (May 29, 2019): 11. Accessed March 4, 2026. <https://journal.uji.ac.id/Lex-Renaissance/article/view/12734>.

Accordingly, the proposed solutions extend beyond mere technical and normative adjustments, encompassing a broader transformation of legal politics that prioritizes justice, inclusivity, and a balanced distribution of power between the central and regional governments through a genuinely pure and effective bicameral system.⁸

The legal issue presented is that the limitation of the legislative authority of the Regional Representative Council (Dewan Perwakilan Daerah/DPD) under the 1945 Constitution of the Republic of Indonesia is inconsistent with the principles of regional representation and the effectiveness of bicameralism, thereby necessitating a normative reconstruction to establish an accountable and genuinely pure bicameral system.

2. Reseach Method

This legal research examines the proposal for a fifth amendment to the 1945 Constitution of the Republic of Indonesia with the aim of establishing a pure bicameral system. At present, Indonesia adheres to a weak form of bicameralism, as the Regional Representative Council (Dewan Perwakilan Daerah/DPD) is vested with only limited functions under Article 22D of the 1945 Constitution. This study employs a statutory approach, a case approach, a historical approach, a comparative approach, and a conceptual approach.⁹ These approaches are applied in a complementary manner to address the legal issue comprehensively and systematically, while also providing prescriptive insights into what ought to constitute the essential outcomes of legal research.

The statutory approach will examine the vertical and horizontal hierarchical relationships of legal norms in order to identify degrees of imperfect coherence and to ascertain the *ratio legis*.¹⁰ The case approach will

⁸Kurdi, Kurdi, and Ibnu Mazjah. "Pemisahan Kekuasaan Dalam Sistem Pemerintahan: Studi Atas Implementasi Trias Politica Di Indonesia". *Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 3 (March 14, 2025): 2519–2529. Accessed March 4, 2026. <https://dinastirev.org/JIHHP/article/view/4446>.

⁹Marzuki, Peter Mahmud. *Penelitian Hukum*. (Jakarta: Kencana Prenada Media Group, 2021). Hlm. 133

¹⁰Marzuki, Peter Mahmud. *Penelitian Hukum*. Hlm. 136-158

emphasize the analysis of judicial decisions as sources of law by elucidating their *ratio decidendi*.¹¹ The historical approach will trace and explicate the philosophical foundations of legal norms over time.¹² The comparative approach will seek to understand, classify, and compare the legal systems of different jurisdictions in order to formulate their similarities and differences.¹³ Meanwhile, the conceptual approach will explore and critically engage with legal values and doctrines to construct the principal legal concepts necessary for resolving the legal issues at hand.¹⁴

3. Results and Discussion

3.1. Constitutional Construction of Indonesia's Bicameral System Following the Amendments to the 1945 Constitution

The amendments to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) during the period 1999-2002 constituted a fundamental turning point in Indonesia's constitutional history, not only transforming the institutional structure of the state but also reformulating the foundational principles governing the distribution of power. Prior to these amendments, Indonesia's constitutional design was characterized by the supremacy of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat/MPR) as the highest state institution, fully vested with popular sovereignty. Within this framework, the system of representation tended to reflect a quasi-unicameral structure, as although the House of Representatives (Dewan Perwakilan Rakyat/DPR) formally existed, its position was subordinate to the MPR and lacked equal institutional autonomy.

Conceptually, this model was inconsistent with the principles of separation of powers and checks and balances, as it resulted in an excessive concentration of authority within a single institution. Such a

¹¹Marzuki, Peter Mahmud. Penelitian Hukum. Hlm. 158-166

¹²Marzuki, Peter Mahmud. Penelitian Hukum. Hlm. 166-172

¹³Marzuki, Peter Mahmud. Penelitian Hukum. Hlm. 172-177

¹⁴Marzuki, Peter Mahmud. Penelitian Hukum. Hlm. 177-180

structure was inherently vulnerable to the abuse of power and failed to provide adequate mechanisms of institutional control.

Following the constitutional amendments, a paradigmatic shift occurred toward a more democratic constitutional system by strengthening the principle of the distribution of powers. One of the most significant manifestations of this transformation was the establishment of the Regional Representative Council (Dewan Perwakilan Daerah/DPD) as the second chamber within the legislative structure. The creation of the DPD was intended to enhance regional representation in national decision-making processes, while also introducing an internal mechanism of checks and balances within the legislature. Accordingly, Indonesia formally adopted a bicameral system in which the House of Representatives (Dewan Perwakilan Rakyat/DPR) represents political interests through political parties, whereas the DPD represents territorial or regional interests. This model constitutes a response to the demands for decentralization and democratization in the post-reform era.

However, upon closer examination, Indonesia's bicameral construction does not fully satisfy the characteristics of strong bicameralism. Rather, it reflects a tendency toward bicameralism that has yet to evolve into a fully integrated model of strong bicameralism, as it continues to exhibit features of soft bicameralism.¹⁵ In constitutional theory, strong bicameralism requires a relatively balanced distribution of powers between the two legislative chambers, encompassing legislative, budgetary, and oversight functions. In the Indonesian context, the disparity in authority between the House of Representatives (Dewan Perwakilan Rakyat/DPR) and the Regional Representative Council (Dewan Perwakilan Daerah/DPD) is particularly pronounced. The DPR retains dominant power in the law-making process, including the authority to grant final approval or rejection of bills. In contrast, the

¹⁵Chidqi, Achmad Labib. "Perluasan Kewenangan Dewan Perwakilan Daerah Ditinjau Dari Bikameral Yang Ideal". *Jurnal Ilmu Hukum: ALETHEA* 4, no. 1 (December 16, 2020): 75–94. Accessed March 6, 2026. <https://ejournal.uksw.edu/alethea/article/view/3773>.

DPD is endowed with limited powers, namely the ability to propose, deliberate upon, and provide considerations on specific bills related to regional autonomy, central regional relations, and the management of natural resources. These powers are consultative rather than determinative in nature, thereby failing to afford the DPD a strong bargaining position within the legislative process.

This condition gives rise to the conceptual consequence that Indonesia's parliamentary system is more appropriately classified as soft bicameralism, or even quasi-bicameralism.¹⁶ Within this category, the existence of a second chamber does not entail powers equivalent to those of the first chamber, thereby rendering it incapable of effectively performing a balancing function. In practice, the House of Representatives (Dewan Perwakilan Rakyat/DPR) remains the principal actor in the legislative process, while the Regional Representative Council (Dewan Perwakilan Daerah/DPD) functions merely as a supplementary body lacking significant influence over final outcomes. This situation contradicts the fundamental principles of bicameralism, which emphasize reciprocal control mechanisms between chambers to prevent the concentration of power. The limited authority of the DPD consequently results in the suboptimal articulation of regional representation within national policymaking.

This imbalance of authority is not merely normative in nature but also produces tangible effects in constitutional practice. In the legislative process, the Regional Representative Council (Dewan Perwakilan Daerah/DPD) possesses neither veto power nor the authority to grant final approval of bills. Consequently, regional aspirations conveyed through the DPD are often inadequately reflected in legislative outputs. This situation gives rise to a paradox: on the one hand, the Constitution recognizes the importance of regional representation; on the other hand,

¹⁶Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Jakarta: Sinar Grafika, 2010, Hal. 154

it fails to provide sufficiently robust institutional mechanisms to realize it. The involvement of the DPD in legislative deliberations is frequently reduced to a formality, lacking substantive influence over the content of enacted regulations.

Furthermore, critiques of Indonesia's bicameral design are also rooted in theoretical inconsistencies in its formation process. Historical analysis of the amendments to the 1945 Constitution indicates that the concept of bicameralism was not unanimously agreed upon from the outset. There was a tension between reformist groups advocating for a strong bicameral system and conservative groups inclined to preserve the dominance of the House of Representatives (Dewan Perwakilan Rakyat/DPR). Reformist actors argued that bicameralism was necessary to strengthen regional representation and to prevent the centralization of power, whereas conservative actors expressed concerns that a strong bicameral system would slow down the legislative process and generate institutional conflicts. This political compromise ultimately produced an ambiguous institutional design, in which the Regional Representative Council (Dewan Perwakilan Daerah/DPD) is formally recognized as a second chamber but is not endowed with sufficient authority. Such an arrangement may be characterized as a constitutional half-measure, reflecting an incomplete and conceptually unresolved constitutional reform.

In this context, the existence of the Regional Representative Council (Dewan Perwakilan Daerah/DPD) is often perceived as a political symbol rather than a substantive institution. This criticism is not unfounded when considering the limitations of the DPD's role in practice. As a second chamber, the DPD is expected to serve as the primary channel for articulating regional aspirations within the national legislative process. However, in the absence of robust authority, this function cannot be effectively performed. Consequently, the representation of regional interests once again becomes dependent on the

House of Representatives (Dewan Perwakilan Rakyat/DPR), which is structured around political parties and thus may overlook regional interests that do not align with party agendas. This condition reflects a structural failure in the design of Indonesia's bicameral system.

Efforts to strengthen the position of the Regional Representative Council (Dewan Perwakilan Daerah/DPD) have, in fact, been undertaken through judicial interpretation by the Constitutional Court (*Mahkamah Konstitusi*), particularly in Decision Number 92/PUU-X/2012 dated 27 March 2013.¹⁷ In this ruling, the Court adopted a progressive interpretation of the DPD's authority by affirming that the DPD must be involved more substantively in the legislative process. The Court held that the DPD possesses the right to participate fully in the deliberation of bills, rather than merely providing advisory considerations. Theoretically, this decision expands the scope of the DPD's participation in the legislative process.

However, the effectiveness of such a ruling remains limited. From a juridical standpoint, decisions of the Constitutional Court (*Mahkamah Konstitusi*) cannot alter the text of the Constitution but merely provide interpretations thereof. Consequently, as long as constitutional provisions continue to restrict the authority of the Regional Representative Council (Dewan Perwakilan Daerah/DPD), reinforcement through jurisprudence alone will be insufficient to comprehensively address the structural problem. In practice, the House of Representatives (Dewan Perwakilan Rakyat/DPR) remains the dominant actor, while the role of the DPD continues to be subordinate. This condition demonstrates that resolving the weaknesses of Indonesia's bicameral system cannot rely solely on legal interpretation, but instead requires explicit constitutional reform.

¹⁷Wardhana, Allan Fatchan Gani. "Perubahan Undang-Undang Dasar Negara Republik Indonesia 1945 Melalui Putusan Mahkamah Konstitusi: Studi Terhadap Putusan Nomor 92/PUU-X/2012". *Jurnal Hukum IUS QUIA IUSTUM* 21, no. 2 (April 25, 2016): 251–271. Accessed March 6, 2026. <https://journal.uui.ac.id/IUSTUM/article/view/4554>.

From the perspective of constitutional theory, this condition reflects a dissonance between the constitutional design and its normative objectives. Bicameralism is fundamentally intended to create a balance of power, enhance the quality of legislation, and strengthen representation. However, if one chamber lacks adequate authority, these objectives cannot be achieved. In the Indonesian context, bicameralism may, in fact, become ineffective, as it introduces additional institutional complexity without yielding commensurate substantive benefits.

The proposal for a fifth amendment to the 1945 Constitution of the Republic of Indonesia thus becomes increasingly relevant for consideration. Such an amendment is expected to refine Indonesia's bicameral design by strengthening the authority of the Regional Representative Council (Dewan Perwakilan Daerah/DPD), bringing it closer to a model of strong bicameralism. This enhancement may include the conferral of legislative powers equivalent to those of the House of Representatives (Dewan Perwakilan Rakyat/DPR), including the authority to grant final approval of legislation, as well as an expanded role in oversight and budgetary functions. In this manner, the DPD would no longer function as a merely symbolic institution, but would instead operate as an effective second chamber.

The strengthening of bicameralism also entails certain consequences. A robust two-chamber system may slow down the legislative process and increase the potential for inter-institutional conflict. Therefore, institutional design must be carefully calibrated to maintain an appropriate balance between effectiveness and accountability. In this regard, the experiences of other jurisdictions may serve as valuable references, but they must be adapted to the specific constitutional and political context of Indonesia.

Indonesia's post-amendment bicameral system remains inconsistent and has yet to fulfill the fundamental principles of an ideal bicameralism. The disparity in authority between the House of

Representatives (Dewan Perwakilan Rakyat/DPR) and the Regional Representative Council (Dewan Perwakilan Daerah/DPD) constitutes a structural problem that impedes the effectiveness of legislative functions and regional representation. Efforts to strengthen the system through decisions of the Constitutional Court (Mahkamah Konstitusi) have proven insufficient to address these deficiencies, thereby necessitating more comprehensive constitutional reform. Accordingly, the proposal for a fifth amendment to the 1945 Constitution of the Republic of Indonesia should be regarded as a critical momentum to undertake a fundamental correction of Indonesia's constitutional design, with the aim of establishing a more balanced, effective, and democratic bicameral system.

3.2. Institutional Problems of the Regional Representative Council (DPD) in the National Legislative System

Constitutionally, the existence of the Regional Representative Council (Dewan Perwakilan Daerah/DPD) within Indonesia's constitutional framework is intended to represent regional interests in the national legislative process. However, in practice, this function has not operated optimally due to the limited authority vested in the DPD. Under Article 22D of the 1945 Constitution of the Republic of Indonesia, the DPD is granted only the authority to propose and provide considerations on certain bills, without possessing the right to participate in final decision-making. This condition creates a structural imbalance that directly weakens the position of the DPD within the legislative system, as its authority is confined merely to an advisory role.¹⁸

This limitation of authority has resulted in the low effectiveness of regional representation in the legislative process. In many instances, regional aspirations conveyed through the Regional Representative

¹⁸muin, fathul muin. "DPD RI Dalam Dimensi Kelembagaan dan Kewenangan". *Legal Standing : Jurnal Ilmu Hukum* 5, no. 2 (September 1, 2021): 1–7. Accessed March 6, 2026. <https://journal.umpo.ac.id/index.php/LS/article/view/3680>.

Council (Dewan Perwakilan Daerah/DPD) lack binding force in the enactment of legislation and are therefore frequently disregarded by the House of Representatives (Dewan Perwakilan Rakyat/DPR) as the primary legislative authority. This condition demonstrates that the DPD has not yet been able to perform its function as an effective second chamber within the bicameral system.

Moreover, the institutional problems of the Regional Representative Council (Dewan Perwakilan Daerah/DPD) are also linked to the design of the political system, which does not fully support the existence of a bicameral legislature. The multiparty system that has developed in Indonesia tends to strengthen the position of the House of Representatives (Dewan Perwakilan Rakyat/DPR) as the primary vehicle of national political representation, while the DPD, as a non-partisan body, lacks a sufficiently strong political base to compete effectively in the legislative process. As a result, the DPD occupies a subordinate position vis-à-vis the DPR.

Furthermore, from the perspective of the theory of separation of powers, this condition reflects an imbalance in the distribution of legislative authority. An ideal bicameral system requires both chambers to exercise relatively balanced powers in order to establish an effective mechanism of checks and balances. However, in the Indonesian context, such disparity instead results in the concentration of power within the House of Representatives (Dewan Perwakilan Rakyat/DPR), thereby potentially giving rise to the abuse of power.

This problem also demonstrates that the institutional design of the Regional Representative Council (Dewan Perwakilan Daerah/DPD) is not only normatively weak but also lacks adequate institutional support mechanisms. For instance, the absence of an effective joint committee mechanism between the House of Representatives (Dewan Perwakilan Rakyat/DPR) and the DPD in the deliberation of bills, as well as the lack

of veto authority for the DPD, further consolidates the DPR's position as the dominant actor in the legislative process.

Therefore, it can be concluded that the institutional problems of the Regional Representative Council (Dewan Perwakilan Daerah/DPD) constitute one of the principal grounds underlying the urgency of a fifth amendment to the 1945 Constitution of the Republic of Indonesia. Without significant changes to the authority of the DPD, Indonesia's bicameral system will remain ineffective and incapable of optimally fulfilling the objective of regional representation.

3.3. The Urgency of a Fifth Amendment to the 1945 Constitution of the Republic of Indonesia toward Strong Bicameralism

The proposal for a fifth amendment to the 1945 Constitution of the Republic of Indonesia is inseparable from the need to address structural weaknesses within Indonesia's constitutional system, particularly in the legislative sphere. One of the principal issues of concern is the necessity to transform the existing bicameral system into a model of strong bicameralism, in which both legislative chambers exercise balanced authority.¹⁹This transformation is essential for establishing a more effective mechanism of checks and balances within the legislative process.

The urgency of the amendment is also grounded in the fact that the current constitutional design fails to adequately accommodate the needs of regional representation. In the context of a unitary state with vast and diverse territories such as Indonesia, the existence of a strong second chamber is essential to ensure that regional interests are not neglected in the national decision making process.

¹⁹Sri Soemantri, *Hukum Tata Negara Indonesia Pemikiran dan Pandangan*, Bandung: Remaja Rosdakarya, 2014. Hlm. 227

Moreover, the fifth amendment may also be regarded as an effort to further refine the democratization process initiated during the reform era. Although the previous amendments have introduced significant changes to the constitutional system, various deficiencies remain, particularly with respect to the distribution of legislative power. Accordingly, the fifth amendment should be understood as a continuation of an incomplete process of constitutional reform. The strengthening of the legislative function of the Regional Representative Council (Dewan Perwakilan Daerah/DPD), the limitation of the President's authority in the law-making process with a corresponding reallocation of such authority to the DPD and the House of Representatives (Dewan Perwakilan Rakyat/DPR), and the conferral upon the President of a right of refusal or veto constitute essential elements of this reform agenda.²⁰

Nevertheless, the proposal for a fifth amendment also encounters various challenges, both political and legal in nature. From a political perspective, constitutional change requires broad consensus among political actors, which is not always readily attainable. Moreover, concerns persist that such an amendment may be exploited for particular political interests, thereby generating resistance from various stakeholders. From the standpoint of responsive law, such reform presupposes a society possessing sufficient political capacity to resolve its own problems, to determine its priorities, and to make the necessary commitments required for constitutional transformation.²¹

From a legal perspective, the fifth amendment must be undertaken with caution to ensure that any changes do not undermine the fundamental principles of the Constitution, including the rule of law,

²⁰Huda, Ni'matul. "Gagasan Amandemen (Ulang) UUD 1945 (Usulan Untuk Penguatan DPD Dan Kekuasaan Kehakiman)". *Jurnal Hukum IUS QUIA IUSTUM* 15, no. 3 (February 24, 2009): 373–392. Accessed March 6, 2026. <https://journal.uii.ac.id/IUSTUM/article/view/22>.

²¹Philippe Nonet and Philip Selznick, *Law and Society in Transition: Toward Responsive Law*, Harper Torch Books, 1978, *Hukum Responsif*, Terjemah: Raisul Muttaqien, Bandung: Nusa Media, 2015. Hlm. 125

democracy, and popular sovereignty. Accordingly, a comprehensive approach grounded in rigorous academic analysis is required in formulating such constitutional revisions. Furthermore, prudence and constitutional wisdom demand the restraint of power ambitions, ensuring that the Constitution is not reduced to a mere instrument of political power or particular interests.²²

Accordingly, the urgency of a fifth amendment to the 1945 Constitution of the Republic of Indonesia is grounded not only in the need to strengthen the bicameral system, but also in the broader effort to refine Indonesia's constitutional order as a whole. Kenneth Clinton Wheare cautioned that constitutional amendments must be undertaken with careful deliberation rather than on arbitrary grounds, that the people must be afforded the opportunity to express their views, and that the individual rights of minorities must be duly protected.²³

3.4. The Ideal Design of a Strong Bicameral System from a Constitutional Law Perspective

From the perspective of constitutional law, the concept of *strong bicameralism* does not merely refer to the existence of two legislative chambers; rather, it requires a balanced, equal, and mutually constraining distribution of powers between them. This balance primarily encompasses the three core functions of the legislature, namely the legislative function, the oversight function, and the function of political representation. Theoretically, strong bicameralism is grounded in the principle of internal checks and balances within the legislative branch itself, thereby preventing the domination of one chamber over the other. In this regard, constitutional law scholarship emphasizes that an effective bicameral design can only be realized when both chambers possess relatively

²²Bagir Manan and Susi Dwi Harijanti, *Memahami Konstitusi Makna dan Aktualisasi*, Jakarta: RajaGrafindo Persada, 2014. Hlm. 234

²³Kenneth Clinton Wheare, *Modern Constitutions*, Oxford University Press, 1951, *Konstitusi-Konstitusi Modern*, Terjemah: Imam Baehaqie, Bandung: Nusa Media, 2015. Hlm. 128

equivalent democratic legitimacy and non-subordinate constitutional authority. Any imbalance of powers between the chambers will lead to a distortion of bicameralism, reducing it to a merely symbolic arrangement, as observed in many countries practicing weak bicameralism. Therefore, the equilibrium of powers is not merely a matter of institutional design preference, but an indispensable prerequisite for ensuring that bicameralism holds substantive meaning within a constitutional system.²⁴Therefore, the equilibrium of powers is not merely a matter of institutional design preference, but an indispensable prerequisite for ensuring that bicameralism holds substantive meaning within a constitutional system.

In the context of Indonesia, the bicameral design as stipulated in the post-amendment 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) essentially exhibits characteristics of *soft bicameralism*, wherein the House of Representatives of the Republic of Indonesia (DPR) maintains significant dominance over the Regional Representative Council of the Republic of Indonesia (DPD). The DPD's authority in lawmaking is limited to proposing and reviewing certain bills without holding decisive power in the final approval stage. Normatively, this condition conflicts with the core principle of a strong bicameral system, which requires co-equal legislative power. Currently, the institutional design of the DPD tends to be consultative and lacks binding authority in the legislative process, thereby constraining its ability to optimally perform regional representation functions. Consequently, strengthening the DPD's authority emerges as a crucial constitutional issue in efforts to establish a fully functional bicameral system in Indonesia. The DPD is expected to consistently advocate for constitutional reforms aimed at

²⁴Toding, Adventus. "DPD Dalam Struktur Parlemen Indonesia: Wacana Pemusnahan Versus Penguatan". *Jurnal Konstitusi* 14, no. 2 (November 2, 2017): 295–314. Accessed March 4, 2026. <https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/1423>.

rectifying provisions that hinder or undermine its existence and role within the Indonesian representative framework.²⁵

One of the fundamental aspects of a strong bicameral system is granting the Regional Representative Council (DPD) full legislative authority, including the right to approve or reject draft laws. Under this framework, every legislative product must receive the consent of both chambers simultaneously (*double approval requirement*), ensuring that no single chamber can unilaterally determine legislative outcomes. This mechanism not only reinforces the democratic legitimacy of laws but also ensures that regional interests are substantively accommodated in national policymaking. The implementation of a double-approval system has been shown to enhance legislative quality in countries with strong bicameralism, as each bill undergoes a more comprehensive and inclusive deliberative process. Without such authority, the DPD remains in a marginal position, incapable of significantly influencing the direction of national policy. Strengthening the DPD can only be realized through a constitutional amendment of the 1945 Constitution, particularly concerning provisions governing the People's Consultative Assembly (MPR) and the DPD along with their respective powers.²⁶

Nevertheless, granting full legislative authority to the Regional Representative Council (DPD) also entails complex institutional implications. One of the main risks is the potential for legislative deadlock arising from conflicting interests between the DPR and the DPD. Therefore, an ideal bicameral design must be complemented by effective and efficient inter-chamber dispute resolution mechanisms. One instrument that can be adopted is the establishment of a joint committee vested with the authority to formulate compromises on disagreements

²⁵Marzuki, Masnur. "Analisis Kontestasi Kelembagaan DPD Dan Upaya Mengefektifkan Keberadaannya". *Jurnal Hukum IUS QUIA IUSTUM* 15, no. 1 (February 24, 2009). Accessed March 6, 2026. <https://journal.uii.ac.id/IUSTUM/article/view/74>.

²⁶Ghafur, Jamaludin. "Penguatan Lembaga DPD Melalui Amandemen Ulang Lembaga MPR". *Jurnal Hukum IUS QUIA IUSTUM* 14, no. 3 (August 25, 2009). Accessed March 6, 2026. <https://journal.uii.ac.id/IUSTUM/article/view/1079>.

between the two chambers. This mechanism has been widely implemented in bicameral systems across various countries as a means of ensuring legislative continuity without undermining the principle of equality between chambers. The existence of an inter-chamber mediation forum is essential for preventing legislative stagnation while maintaining political system stability. The DPD's purpose to enhance aggregation and accommodation of regional aspirations in national policy formulation for both the state and its regions also reflects an effort to promote regional and community empowerment throughout Indonesia.²⁷ Without such mechanisms, strengthening the DPD risks generating counterproductive institutional conflicts.

Beyond legislative authority and institutional mechanisms, the design of a strong bicameral system must also account for political and regional representation. Within a unitary state framework, the existence of two legislative chambers should ideally reflect two distinct but complementary bases of representation: political representation through parties (DPR) and territorial representation through regions (DPD). The relationship between these chambers must not be hierarchical but should be founded on functional equality. In this context, the DPD serves as a guardian of regional interests, ensuring they are not marginalized by national political dynamics often dominated by party interests. Strengthening regional representation through the second chamber can enhance the quality of substantive democracy, particularly in countries with high geographic and social diversity such as Indonesia.²⁸ Therefore, the empowerment of the DPD is not merely an institutional matter but is also closely linked to efforts to reinforce national integration.

²⁷Nirahua, Salmon E.M. "Kedudukan Dan Kewenangan Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Indonesia". *Jurnal Hukum IUS QUIA IUSTUM* 18, no. 4 (November 2, 2011): 585–603. Accessed March 6, 2026. <https://journal.uui.ac.id/IUSTUM/article/view/4238>.

²⁸Arif, M. Yasin Al, and Hasanuddin Muhammad. "Purifikasi Anggota Dewan Perwakilan Daerah Pasca Putusan Mahkamah Konstitusi No. 30 PUU-XVI 2018". *Jurnal Konstitusi* 17, no. 2 (August 19, 2020): 243–262. Accessed March 6, 2026. <https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/1721>.

Nevertheless, the idea of strengthening the DPD within the framework of strong bicameralism cannot be separated from the broader political system context, particularly the party system and electoral system. In party-dominated political systems, the DPR tends to serve as the primary arena for articulating national political interests, whereas the non-party-based DPD faces limitations in building effective political coalitions. This situation can produce a de facto imbalance even if, de jure, the powers of both chambers have been equalized. In the context of party system reforms, strengthening the second chamber may trigger political fragmentation and slow down decision-making processes. Therefore, bicameral reform must be pursued in an integrated manner with electoral and party system reforms to ensure a coherent and effective institutional design.²⁹

Furthermore, constitutional reforms aimed at strengthening the DPD must also take into account democratic legitimacy and accountability. One of the criticisms leveled against the DPD is its relatively low political visibility and public accountability compared to the DPR. In this context, the enhancement of authority must be accompanied by the strengthening of accountability mechanisms, both through transparency in the legislative process and the improvement of the quality of member representation. Institutional legitimacy is determined not only by formal powers but also by public perception of the institution's performance and integrity. Without improvements in these areas, efforts to empower the DPD risk losing the political support necessary for effective implementation.

Ultimately, the ideal design of a strong bicameral system in the Indonesian context must simultaneously address two primary challenges: achieving a balance of legislative power and ensuring effective regional representation. Legislative balance can only be realized through the

²⁹Manan, Bagir, Indra Perwira, and Mei Susanto. "Prospek Relasi Dewan Perwakilan Daerah Dengan Partai Politik". *Jurnal Hukum IUS QUIA IUSTUM* 28, no. 2 (June 2, 2021): 233–257. Accessed March 6, 2026. <https://journal.uii.ac.id/IUSTUM/article/view/17755>.

equitable distribution of authority between the DPR and the DPD, while effective regional representation requires the institutional strengthening of the DPD to advocate for regional interests.³⁰ Both aspects must be integrated within the framework of comprehensive constitutional reform. Without a holistic approach, the concept of strong bicameralism will remain at a normative level and fail to be realized in practical constitutional governance.

Thus, it can be asserted that strengthening the DPD is not merely an institutional agenda but part of a broader effort to reconstruct Indonesia's constitutional system toward a more inclusive, representative, and balanced model of democracy. However, this vision will succeed only if it is supported by a well-developed institutional design, effective operational mechanisms, and comprehensive political system reforms. Without these, rather than reinforcing democracy, strong bicameralism may instead generate new complexities that hinder governmental effectiveness.

4. Conclusion

The idea of a Fifth Amendment to the 1945 Constitution of the Republic of Indonesia to establish a pure bicameral system represents a constitutional necessity rooted in the structural problems of Indonesia's current governance system. The existing parliamentary design continues to exhibit an imbalance of authority between the DPR and the DPD, preventing the effective functioning of dual representation principles both political and territorial. Normatively, the DPD is recognized as the second chamber; however, functionally, it lacks equivalent legislative authority, particularly in lawmaking and oversight functions. This condition results in distortions within

³⁰Wahyu Widodo. "Peran dan Fungsi DPD RI dalam Rangka Menuju Sistem Bikameral Yang Efektif Melalui Amandemen UUD 1945 Ke-5". *Jurnal Pembaharuan Hukum*, Vol 1, No 2 (2014), Accessed March 6, 2026. <https://jurnal.unissula.ac.id/index.php/PH/article/view/1462/1130>

the system of checks and balances and weakens the articulation of regional interests in the national legislative process. Therefore, constitutional amendments aimed at strengthening the DPD as a co-equal second chamber alongside the DPR constitute a rational and urgent juridical justification.

The implementation of a pure bicameral system is not merely a matter of redistributing authority but also involves a comprehensive reconstruction of institutional design and legislative procedures. An effective bicameral system requires a balance of power between the two chambers across legislative, budgetary, and oversight functions. Without clearly defined and operational constitutional norms, the strengthening of the DPD risks remaining purely symbolic. Therefore, any amendment must be systematically designed to ensure a double-check mechanism in lawmaking, including joint approval procedures and inter-chamber deadlock resolution. Such measures are essential to enhance legislative quality, prevent domination by particular political actors, and reinforce democratic legitimacy within Indonesia's constitutional system.

The implication is a rearticulation of constitutional norms that explicitly affirms the equal standing of the DPR and the DPD in legislative functions. This prescription includes granting the DPD full authority to propose, deliberate, and approve draft laws, without being limited to specific issues as currently regulated. Furthermore, mechanisms for resolving inter-chamber conflicts should be established through a mediation forum or a joint committee with constitutional legitimacy. Without such provisions, the potential for legislative deadlock may impede the effectiveness of the envisioned bicameral system.

The amendment must be accompanied by an institutional design that strengthens the DPD's capacity, encompassing human resources, administrative support, and political legitimacy. Such reinforcement is crucial to ensure that the DPD not only possesses formal authority but can also perform its functions substantively. Additionally, harmonization with the electoral system and party regulations is necessary to prevent regional

representation from being co-opted by national party interests. Thus, a pure bicameral system would not merely represent a normative change in constitutional text but would also produce tangible transformation in governance practice toward a more democratic, representative, and accountable system.

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