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**THE SUPERVISION FUNCTION PROBLEMS
OF THE HOUSE OF REPRESENTATIVES
IN THE INDONESIAN GOVERNMENT SYSTEM**

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In the 1945 Constitution of the Republic of Indonesia, the authority and position of the People's Representative Council (DPR) is regulated in articles 19-22B, where the DPR functions are given in article 20A paragraph (1), which states that "the DPR shall hold legislative, budgeting and oversight functions". Indonesia adheres to a Presidential government system, thus the head of state cannot be overthrown by the House of Representatives, and supervision over the government is carried out by the executive. Thus, the DPR is only limited to supervising and cannot act in full measure. About the results of DPR supervision and identified cases of fraud committed by government officials can be reported only to institutions under the auspices of the executive branch. So obviously the DPR's functions and powers in overseeing the administration of government are very imperfect. This paper is a normative legal research, which examines the provisions of articles in the 1945 Constitution of the Republic of Indonesia, especially those related to the authority of the DPR in terms of oversight of government administration. The problem faced by the DPR is that parliamentarians don't have the authority to impose legal sanctions on state officials, who carry out their duties in bad faith.

Keywords: People's Representative Council, DPR, government system, Indonesia.

ПРОБЛЕМАТИКА НАДЗОРНОЙ ФУНКЦИИ ПАЛАТЫ ПРЕДСТАВИТЕЛЕЙ В СИСТЕМЕ ГОСУДАРСТВЕННОЙ ВЛАСТИ ИНДОНЕЗИИ

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В Конституции Республики Индонезия 1945 года полномочия и положение Совета народных представителей (СНП) регулируются статьями 19-22В, в частности, функции СНП указаны в пункте 1 статьи 20А, который гласит, что «СНП выполняет законодательные, бюджетные и надзорные функции». Индонезия придерживается президентской системы правления, поэтому глава государства не может быть отстранен от власти Палатой представителей, а надзор за деятельностью правительства осуществляется исполнительной властью. В этой связи, деятельность СНП ограничивается только надзором и не может действовать в полной мере. О результатах надзора СНП и выявленных случаях мошенничества, совершенного должностными лицами органов государственной власти, можно сообщать только в учреждения, находящиеся в ведении исполнительной власти. Поэтому очевидно, что функции и полномочия СНП по надзору за управлением государством очень несовершенны. Данная статья представляет собой нормативно-правовое исследование, в котором рассматриваются положения статей Конституции Республики Индонезия 1945 года, особенно те, которые связаны с полномочиями СНП в части надзора за государственным управлением. Проблема, с которой сталкивается СНП, заключается в том, что парламентарии не имеют полномочий применять санкции в отношении государственных чиновников, которые недобросовестно исполняют свои обязанности.

Ключевые слова: Совет народных представителей, СНП, государственная система, Индонезия.

Introduction

In the 1945 Constitution the position of the People's Representative Council (DPR) is regulated in the provisions of article 19 through article 22B in chapter VII concerning the Regional Representative Council (DPD). In terms of supervision of the government as a government administrator it is regulated in the provisions of article 20A which contains the following provisions:

1. The House of Representatives has a legislative function, a budget function and a supervisory function.

2. In carrying out its functions in addition to the rights stipulated in other articles of this Constitution the House of Representatives have the right to interpellation, the right to inquiry and the right to express an opinion.

3. In addition to the rights stipulated in other articles of this Constitution, every member of the House of Representatives has the right to ask questions, submit suggestions and opinions, as well as immunity.

4. Further provisions regarding the rights of the House of Representatives and the rights of members of the House of Representatives shall be regulated in law [q.v.: 8].

This supervisory function is important for the administration in the country. This is so that control of the government in running the country can run well. The government in running the government can be careful because of the oversight factor by the DPR which has been determined in the constitution. In the Indonesian constitutional system the oversight function of the DPR follows the constitution in force in Indonesia. In the history of the Indonesian constitution there have been ups and downs to the implementation of the constitution in accordance with the political developments of the country. Among the constitutions that have been in effect are as follows:

a. The 1945 Constitution in effect: 18 August 1945 – 27 December 1949;

b. The 1949 Federal (RIS) Constitution in effect: 27 December 1949 – 17 August 1950;

- c. The 1950 Provisional (UUDS) Constitution in force: 17 August 1950 – 5 July 1959;
- d. The 1945 Law in effect: 5 July 1959 – 10 August 2002;
- e. The 1945 Constitution of the Republic of Indonesia in effect: August 10, 2002 – until now [4, p. 37].

The enactment of the Constitution at the time these Constitutions are in effect will affect the function and authority of the DPR in supervising the administration of government. This is because the authority of the DPR is regulated in the Constitution.

During the early days of independence, when the state institutions had not been formed yet, the DPR institution in accordance with the provisions of article 4 of the Transitional Rules in the 1945 Constitution formed the Central National Committee (KNIP) (1945-1949). This committee is the forerunner of the legislative body in Indonesia. There were 60 KNIP members, but other sources state that there were 103 KNIP members. The KNIP as the MPR met six times. In carrying out the work of the DPR, a Central National Committee Worker Body was formed. The Worker Body succeeded in approving 133 bills, in addition to submitting motions, resolutions, proposals and others. Supervision carried out by the DPR institution. In this case the KNIP is still not optimal.

During the constitutional era of the RIS (Republic of the United States of Indonesia), the supervision of DPR institutions to the government was carried out by the DPR-RIS which had the authority to control the government, provided that the President could not be contested but the ministers were responsible to the DPR or Parliament. As a consequence of receiving the results of the Round Table Conference (KMB), there was a change in the form of the unitary state of Indonesia to become a union state. This amendment is embodied in the RIS. Based on the RIS Constitution, which adopts a parliamentary government system, the RIS legislative body is divided into two chambers, namely the Senate and the House of Representatives.

During the 1950 UUDS era, supervision of the government was carried out by almost the same as during the RIS Constitution, which only slightly changed, especially in relation to the change in the form of the state from a union state to a unitary state. On August 15, 1950 the DPR and the RIS Senate approved the Provisional Constitution of the Unitary State of the Republic of Indonesia [8, p. 199]. This UUDS is an adoption of the RIS Constitution which has undergone slight changes, especially with regard to the change in the form of the state from a union state to a unitary state. On the same date, the DPR and the RIS Senate held a meeting where a charter was read out to declare the formation of the Republic of Indonesia with the aim of:

1. The official dissolution of the RIS state which took the form of a federation.
2. The formation of the Republic of Indonesia covering all regions of the country with the UUDS, which came into effect on August 17, 1950.

Following the coup attempt of the 30 September Movement in 1965, which was officially blamed on the Indonesian Communist Party (PKI), the DPR-GR (People's Representative Council of Mutual Assistance) was purged of PKI members – 57 communist members were suspended [3, p. 149].

DPR-GR without PKI in its 1 year working period has undergone 4 changes in the composition of the leadership, namely:

- a. Period 15 November 1965 – 26 February 1966.
- b. Period 26 February 1966 – 2 May 1966.
- c. Period 2 May 1966 – 16 May 1966.
- d. Period 17 May 1966 – 19 November 1966.

Legally, the position of DPR-GR leadership is still the assistant to the President as long as Presidential Regulation No 32 of 1964 has not been repealed. In order to respond to the situation during the transitional period, DPR-GR decided to form 2 committees:

1. Political committee, functions to follow developments in various problems in the political field.

2. The committee on economics, finance and development has the task of monitoring the economic and financial situation and conception of the main points of the solution.

At this time the function of the DPR as the supervisor of the government did not function as its function, because political conditions did not allow and even more so the President could dissolve the DPR, in spite of the fact, that his actions to dissolve the DPR was contrary to the 1945 Constitution.

During the New Order era after the fall of the Old Order the oversight function of the DPR in the government was less sharp, because most of the members of the DPR came from the government party, namely the Golongan Karya Party (Golkar). So the control of oversight of state administration was very weak, even though legal regulations regarding the position of the DPR already existed in statutory regulations. Based on the Provisional People's Consultative Assembly (MPRS) Decree No XX/MPRS/1966, which was later confirmed in Law No 10/1966, the DPR-GR of the New Order era started its work by adjusting itself from the Old Order. Position, duties and authorities of the DPR-GR in 1966-1971, which is responsible and authorized to carry out the following main tasks:

1. Together with the government, determine the APBN in accordance with article 23 paragraph (1) of the 1945 Constitution and its explanations.

2. Together with the government, formulate laws in accordance with article 5 paragraph (1), article 20, article 21 paragraph (1) and article 22 of the 1945 Constitution along with their explanations.

3. Supervise government actions in accordance with the 1945 Constitution and its explanations, particularly the explanation of chapter VII [q.v.: 9].

After the reform and amendment of the 1945 Constitution the role of the DPR is clearly regulated in the Constitution, namely in chapter VII, from article 19 to article 22, where the role of the DPR in terms of oversight of the government is regulated in article 20A, where the main function of the DPR is the legislative function budget, and

supervisory function. Apart from that, the DPR has the right to interpellation, the right to inquiry, and the right to express an opinion. Apart from that, every member of the DPR has the right to ask questions, submit suggestions and opinions as well as the right to immunity.

By looking at the background regarding the supervisory function of the DPR which is regulated in the Basic Law or the Constitution, the authors see that there is a problem with DPR supervision related to legal sanctions, because the DPR only has limited oversight authority and does not have the authority to take action and impose legal sanctions on state apparatus committing violations and fraud.

Methodology

The research method used in writing a paper in the form of this article uses a normative legal research method, namely a method with study and analysis based on juridical analysis contained in the provisions of the 1945 Constitution of the Republic of Indonesia or in the state constitution, especially the oversight authority of the House of Representatives, which has been regulated in article 20A paragraph (1) of the 1945 Constitution of the Republic of Indonesia [10], which provides a legal basis for the DPR to supervise the administration of government.

This research also examines from a sociological analysis with a qualitative juridical approach related to the position and position of the DPR as a high state institution that oversees the running of government, but does not have the authority to take action against state officials who commit fraud and violations. So that the authority possessed by the DPR is less effective in good governance.

Results and discussion

The function of supervision of legislative institutions over executive institutions in state administration

As we know that one of the main functions of the legislature is oversight of the executive. In fact this supervisory role has experienced ups and downs in its quality and strength. In the pre-reform period the role of legislative control over the executive was

sterile, so that the executive could do whatever they wanted. Sukarno's decision to return to the 1945 Constitution can be seen as an attempt to reduce the influence of the DPR and strengthen the position of the President. Also under Suharto, during the 32 years of the New Order government, this executive function was so strong and dominant. The oversight function of the legislature has become artificial.

According to Sadu Wasistiono, the DPR actually has two functions, namely the representative body (MPR) at the central level because there is no MPR at the regional level. In carrying out the legislative functions of the DPR and the Regional Heads are equal and are working partners. Meanwhile, once a year and or if there are important problems, the DPR can carry out its function as a representative body which has the authority to hold the regional head accountable. This representative function means more control or supervision [q.v.: 12].

The scope of regional legislative oversight in Law No 32 of 2004 does not clearly regulate the meaning and scope of supervision that can be carried out by the Regional People's Representative Council (DPRD). The meaning and scope of supervision of DPRD is limited to the political oversight dimension, while administration is the supervisory authority by the functional oversight apparatus.

To carry out the supervisory function in the government management environment, a Government Internal Supervisory Apparatus (APIP) was formed, which we are familiar with Central Financial Supervisory Agency (BPKP), Inspectorate General (IRJEN), Regional Supervisory Agency (BAWASDA) and Owned Enterprises Internal Supervisory Unit State (BUMN) / Regional Owned Enterprises (BUMD). Leo Herbert introduced the "Balance theory" in the audit which describes the existence of a balanced relationship between the three parties, namely the auditor, the auditor and those who ask for accountability to manage state finances must report the accountability of state financial management to the public represented by the DPR / DPD / DPRD. The information contained in the accountability report must be believed to be reliable. Therefore, an independent party is needed to provide attestation of the information by

means of conduct an audit (audit) of the party, who is responsible right management. Audit of the management and accountability of state finances is carried out by the Audit Board of Indonesia (BPK) as an independent external auditor from the government. The results of the BPK examination are then submitted to the DPR / DPD / DPRD. In addition, if during the examination there is an indication of a criminal act or state loss, the BPK is obliged to report the matter to law enforcement officials such as the police, prosecutors, and/or the Corruption Eradication Commission (KPK) [7].

The oversight function of the legislative body is a function of evaluating, correcting a work in order to achieve the goals and objectives according to the predetermined plan. The supervisory function in governmental science has a very broad meaning and scope, so it is necessary to distinguish the types of supervision, namely:

1. Functional supervision, which is carried out by apparatus assigned to carry out supervision such as BPKP, Directorate General of Development, Inspector General of Departments and other functional supervisory officers in non-departmental government agencies or other government agencies.

2. Political oversight, which is carried out by the House of Representatives (DPR).

3. Supervision carried out by the BPK as an executive external supervision

4. Social supervision, supervision carried out by the mass media, mass organizations, individuals and members of society in general.

5. Inherent supervision, namely supervision carried out by the direct supervisor of the employee concerned where the employee works.

Professor Jimly Asshiddiqie argues, after the amendment of the 1945 Constitution four times, it can be said that the Indonesian constitutional system has adhered to the doctrine of separation of powers, but there are still checks and balances between branches of power, as a control over excessive power. Jimly further based this on several factors, namely:

1. There is a shift in legislative power from the hands of the President to the DPR.

2. The Constitutional Court adopts a system of constitutional review of laws as a legislative product. Where previously laws were inviolable, judges could only apply laws and could not judge laws.

3. It is acknowledged that the institution implementing the people's sovereignty is not only the MPR, but all state institutions either directly or indirectly, are manifestations of people's sovereignty.

4. The MPR is no longer positioned as the highest state institution, but as a state institution which is equal to other state institutions.

5. Relations between state institutions are mutually controlling in accordance with the principle of checks and balances [2, p. 25-27].

The DPR and the President have a relationship regulated by the 1945 Constitution. This relationship is in the form of cooperation and in the form of supervision. Relationships in the form of cooperation are in making laws, establishing laws and jointly declaring war or making peace with other countries.

A supervisory relationship, consist in the following – the DPR has the duty to supervise or control the President's policies.

The oversight function of the DPR is a form of relationship in the concept of checks and balances, as a supervisory concept between state institutions. In other words, the oversight function as one of the functions that the DPR has over the legislative power, namely the government, is as policy control of the representatives of the DPR as the representative institution.

One of the current understanding is that the DPR's oversight function is related to the rights as stipulated in article 20A paragraph (2) of the 1945 Constitution, which reads: "In carrying out its functions, in addition to the rights regulated in other articles of this Constitution, the DPR shall hold the right of interpellation (*interpelasi*), the right of investigation (*angket*), and the right to declare an opinion" [10].

The function of legislative organizations in the presidential government system

The political system after the amendments to the 1945 Constitution seems to focus the authority of the legislative body on the DPR. According to article 20A paragraph (1) of the 1945 Constitution, the DPR carries out legislative, budgetary and supervisory functions. Article 20 paragraph (1) of the 1945 Constitution even states that the power to form laws is in the hands of the DPR. Apart from the aforementioned powers, Law No 17 of 2014 mandates several other powers possessed by the DPR, namely granting approval to the President to declare war and make peace with other countries, granting approval of certain international agreements, giving consideration to the President in granting amnesty and abolition, giving consideration to the President in terms of appointment [11]. Ambassadors and acceptance of the placement of ambassadors of other countries, election of members of the BPK, granting approval to the President for the appointment and dismissal of members of the Judicial Commission, granting approval of candidates for supreme justice, election of three constitutional justices. In addition, there is also the authority to select or confirm several public positions, including the position of Commissioner of State Institutions, Commander of the Indonesian National Armed Forces and Chief of the Indonesian National Police.

The focus of the legislative body's authority, which is emphasized on the DPR, makes the relationship between the legislative body and the executive body largely determined by the relationship between the DPR and the President. In the multiparty presidential practice in Indonesia this pattern of relations is prone to causing conflict between the DPR and the President, because the DPR is an institution filled with representatives of political parties, where the majority of political forces do not provide full support to the government. Another problem that causes the potential for conflict between the President and the political forces in the DPR is the development of pragmatic political practices or transactional politics for short-term interests. Asrinaldi revealed that the President was held hostage by the mission of political parties that are members of the coalition to support the government so that the President could not act

autonomously. In fact this condition makes Indonesia not practice the presidential system perfectly due to the practice of a parliamentary model coalition [q.v.: 1].

Hanta Yudha stated that the post-2004 election coalition of parties was built on the interests of pragmatism of power politics, not on ideological closeness or on common platforms, so that the coalition pattern became very fluid, fragile and pragmatic. Kuskrido Ambardi expressed the same thing, stating that although in the 2004 presidential election there was a chance for the formation of an ideology-based coalition and a minimal-winning coalition. After the presidential election the parties abandoned their ideology to join the government and create an oversized coalition forming and maintaining cartelization practices. Coalitions have thus been used by political parties to develop a cartelized party system, which is bound by the collective interests of the parties in safeguarding the sources of rent in the executive and legislative bodies for the survival of the parties concerned. And Slater further revealed that the practices of cartel parties during the presidency of President Abdurrahman Wahid and Megawati Soekarnoputri found their form especially in filling cabinet positions, where the cabinet became a golden bridge connecting parliament and the presidential institution, providing the lucky few with access to the abundant patronage resources of the executive. All cabinet positions provide a greater chance of patronage than unregistered parliamentary seats [5, p. 103-104].

These pragmatic or transactional political practices certainly do not bring benefits to the public interest. In addition, transactional politics has the potential to cause conflict between the legislature and the executive because it is relatively easy for differences or clashes between political forces in the legislative body and the executive to change due to changing short-term interests between them. Thus, institutional efforts are needed to minimize these aberrant practices. These efforts can be done by repositioning the MPR and DPD institutions to manage and moderate potential conflicts in the relationship between the legislative and executive bodies. The vulnerability of the relationship between the President and the DPR which has the potential to cause ineffectiveness and

instability in the administration of government can be minimized by optimizing the role of the MPR through its position repositioning.

There are three alternative solutions that can be offered related to efforts to reposition the MPR position. First, to restore the position of the MPR as the highest state institution holding the highest power as stipulated in the 1945 Constitution before the amendment was carried out. Second, changing the representative system into a bicameral system that is strong or symmetrical (strong/symmetric bicameral system) by making the DPR and DPD as chambers that have relatively equal authority and negating the existence of the MPR as one of the rooms in the legislative body. Third, repositioning the MPR's position as the highest forum for deliberation in the country without returning the Assembly to the highest authority or its eliminating as the chamber position in the legislative body.

The development of the role of the People's Representative Council from the Old Order to the Reform Order

The DPR as a legislative institution is the body or institution that has the authority to make laws and as control over the government or executive, while the President is an institution that has the authority to run the wheels of government. From these functions the legislative and executive parties are required to cooperate, especially in Indonesia where the principle of power sharing is held. In this case, there must be no dominating force.

In every cooperative relationship there will always be friction, as well as the relationship between the executive and the legislature. The legislature, which is the representative of the party, of course in carrying out its duties is not far from the interests of the party, as well as executives who, although directly elected by the people, have historically been related to the party, the President is more or less definitely concerned with the interests of his party. As a result, the conflict that occurs from the executive and legislative relationship is a conflict of interest between the existing parties.

In a parliamentary democracy the position of the executive branch is greatly influenced by the legislative body. This happens because the executive is accountable to the legislature. Thus, the legislative body has a strong position in controlling and overseeing the functions and roles of the executive branch. In the accountability given by the executive branch, members of parliament can submit a motion of no confidence to the executive if they do not implement the policy properly. If the vote of no confidence is accepted by parliament, the executive branch must submit the mandate to the President.

In the New Order era, the relationship and position between the executive (President) and the legislature (DPR) in the 1945 Constitution system had actually been regulated, where the positions of these two institutions (President and DPR) are the same because these two institutions are high state institutions. However, in the practice of state administration and the process of running the government during the New Order regime, executive power was dominant in all aspects of governing life in our country, against legislative power and to the judiciary power [q.v.: 6].

In the 1945 Constitution system (before it was amended) the President has several areas of power. Apart from being the holder of governmental power (article 4 paragraph (1)), the President has the power to form laws (article 5 paragraph (1)). Likewise, the President has enormous diplomatic powers, namely the power to make various kinds of international agreements and appoint and receive ambassadors from other countries (articles 11 and 13). The same is the case in the legal field (power in the judicial sector), which is later manifested in the granting of clemency, rehabilitation, amnesty and abolition (article 14). The dominance of executive power gets more room for movement when the ruler exercises a monopoly on interpretation of article 7. This interpretation has very broad implications because it causes the President to be re-elected for an indefinite period. So much power was the President during the New Order era.

In the Reformation era, which began with the fall of the authoritarian regime led by Suharto, the position of the executive branch was equivalent to that of other

government agencies, namely the legislative and judiciary institutions. In its development the executive branch led by the President has not become the strongest institution in government, because the executive branch is supervised by the legislative body, the public (especially students, mass organizations, NGOs, and the mass media) in running the government, and will be followed up by the judiciary in the event of a violation in accordance with the Law. It is precisely during the Reformation period to this day that the executive branch has always acted carefully in running the government, if it is not careful in making and implementing policies, the executive branch will get pressure from all walks of life, be it from other government agencies or groups interests (NGOs) and especially from students who are increasingly aware of their role as agents of control. Recruitment of members of the executive branch is determined based on election results, agreements with coalition parties or by appointment by the President.

The problems of supervision by the DPR in the Indonesian government system

The role and oversight function of the DPR institutions prior to the amendment of the 1945 Constitution was less effective because the political and security conditions of the state were still unstable. The Old Order era was still marked by turmoil, both military and political upheaval so that the DPR's oversight function of the government was ineffective, as well as during the New Order. The role of the DPR is also ineffective because most of the members of the DPR are supporters of the government because at that time the Karya Group (Golkar) controlled the parliament as a supporter of the government, and Golkar was the vehicle of the government. So the supervision of the DPR was less effective.

And after the fall of the New Order and the amendments to the 1945 Constitution through amendments were followed, and the emergence of many parties participating in the General Election there was a fundamental change in the DPR institution.

To discuss the institution of the People's Representative Council of the Republic of Indonesia it must be explained how the concept of a people's representative institution, so that it can act on behalf of the people and how the concept of

representative institutions has changed after the amendment of the 1945 Constitution. It can be explained whether the House of Representatives can be classified into a people's representative institution or not. Representative Institutions or more commonly referred to as representative institutions are institutions that represent the people in carrying out supervisory and legislative functions. The duties and powers that are carried out by every people's representative institution in the world are as follows:

1. As a people's representative institution that oversees the running of government carried out by the executive power holders so that government power does not oppress the people so that power is not exercised arbitrarily.

2. As a legislative power holder to carry out the people wishes and implement it in law and also as a supreme legislative body of some nations.

In 1998 there was an event that changed the constitutional order of the Republic of Indonesia with the resignation of President Suharto. After that there was the General Election in 1999, which was attended by 48 political parties. Finally, members of the DPRD, DPR and new members of the MPR were formed. At the 1999 Annual Session the 1945 Constitution was amended by the first Amendment, especially articles regarding the term of the President. Some of the President's powers were transferred and assisted by the House of Representatives. Then in 2000 the 1945 Constitution was again amended. This amendment to the Constitution places more emphasis on Human Rights, which became the concentration of discussion to be published at that time. In 2001 there was another amendment to the Constitution through the MPR Session. The third Amendment was ratified by emphasizing changes in people's sovereignty and this change became the basis for the fourth Amendment. These Amendments were aimed at achieving the characteristics of a social agreement between the state and society and this change had a very large impact for the House of Representatives as a representative institution.

The development of the concept of representative institutions in Indonesia began in 1945. Philosophically the DPR is the embodiment of all the people in Indonesia.

According to article 20 of the 1945 Constitution the DPR is a state institution that holds the power to form a Law. Based on this article the House of Representatives has three functions, namely:

1. *The legislative function*, which is the most basic function of a legislative body. This function is intended, so that the DPR can form good laws and regulations. Legislative activity is always synonymous with the process of forming a law. Through the DPR the aspirations of the people are accommodated, then the will of the people is implemented in a law which is considered to be the representation of the people at large.

2. *The budget function*. Apart from making legislative products, the DPR also functions to compile the state budget. The DPR together with the President prepares a budget, which will later be used as a Law on state revenue and expenditure budgets. In the composition of the DPR membership itself, there is a budget committee as a special division that manages the state budget.

3. *Supervision function*. The DPR as a legislative institution that is considered the representative of society has the duty to oversee the running of the government. Government is carried out by the executive. In terms of supervising the executive the DPR has the authority to exercise inquiry rights and interpellation rights. The supervision carried out is related to the policies taken by the government (executive). The executive as implementing the law must receive supervision. A state institution that is not supervised will allow the emergence of abuse of power.

Conclusion

In the 1945 Constitution the amendment results the functions, powers and positions of the DPR are contained in chapter III article 19 to article 22B, where one of the functions of the DPR is regulated in article 20A paragraph (1), which states that “the DPR shall hold legislative, budgeting and oversight functions” [10]. In addition, this institution has various rights, namely the right to interpellation, the right to inquiry, the right to express an opinion, the right to ask questions, to convey suggestions and opinions and the right to immunity. All rights and authorities granted by the 1945

Constitution are expected to be able to create a system of control and supervision (checks and balances) for other state institutions in carrying out constitutional governance. The problem faced by the House of Representatives institution is that the follow-up to the results of the supervision carried out does not necessarily get a positive response from the executive agency, in this case the government, because if the DPR finds abuses committed by government officials, the DPR must report to state institutions which also under the auspices of the executive branch, that causing problems in the government administration. Thus, the oversight function of the DPR is less effective.

Bibliography:

1. Asrinaldi A. Koalisi Model Parlementer Dan Dampaknya Pada Penguatan Kelembagaan Sistem Presidensial Di Indonesia Parliamentary-Style Coalitions and Its Impact on Strengthening the Institutional Presidential System in Indonesia // Jurnal Penelitian Politik. 2013. Vol. 10. No. 2. P. 63-77.
2. Asshiddiqie J. Perkembangan dan konsolidasi lembaga negara pasca reformasi. Jakarta: Mahkamah Konstitusi RI, Sekretariat Jenderal dan Kepaniteraan, 2006. XVIII, 375 p.
3. Hughes J. The end of Sukarno – a coup that misfired: a purge that ran wild. Singapore: Archipelago Press, 2002. 312 p.
4. Kusnardi M., Ibrahim H. Pengantar Hukum Tata Negara Indonesia. Jakarta: Pusat Studi Hukum Tata Negara Fakultas Hukum Universitas Indonesia, 1985. 363 p.
5. Manan F. Relasi Eksekutif – Legislatif Dalam Sistem Presidensial Multipartai di Indonesia // Jurnal Wacana Politik. 2017. Vol. 2. No. 2. P. 98-112.
6. Mayrudin Y.M. Tirani DPR Atas Negara: Menggugat Kuasa DPR RI, Menuju Efektifitas Pemerintahan // Jurnal of Governance. 2016. Vol. 1. No 1. P. 77-97.
7. Peranan Legislatif Dalam Melaksanakan Fungsi Pengawasan [Web resource] // WordPress. 29.04.2010. URL: <https://bit.ly/3d3LWSW> (reference date: 11.04.2021).

8. Romli L. Format Baru Dewan Perwakilan Rakyat Pasca Amandemen Uud 1945 // *Politica*. 2016. Vol. 3. No. 2. P.195-223.
9. Tambunan A.S. Menelusuri Eksistensi Ketetapan MPRS No. XX/MPRS/1966 // *Unisia*. 2007. Vol. 30. No. 65. P. 238-250.
10. The 1945 Constitution of the Republic of Indonesia [Web resource] // BAPETEN. 2021. URL: <https://bit.ly/3z4hfFe> (reference date: 11.04.2021).
11. Undang-Undang Republik Indonesia Nomor 17 Tahun 2014 [Web resource] // Dewan Perwakilan Rakyat Republik Indonesia. 2021. URL: <https://bit.ly/323ZoQI> (reference date: 11.04.2021).
12. Wasistiono S. Model Pengukuran Akuntabilitas Kinerja Dprd Dalam Konteks Good Governance // *Jurnal Ilmu Pemerintahan Widya Praja* 2019. Vol. 45. No. P. 113-126.

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