

Dynamics of Legislative Authority and Function in the Contemporary Indonesian Political System

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Abstract

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This study discusses the structural and authority changes of the legislative institutions in Indonesia following the revision of Law No. 2 of 2018 concerning the People's Consultative Assembly (MPR), the House of Representatives (DPR), the Regional Representative Council (DPD), and the Regional House of Representatives (DPRD) (UU MD3). Using a normative juridical approach, this research examines the relationship between legal norms and institutional practices after the amendment. The findings indicate that the revision of the UU MD3 has significant implications for the configuration of legislative power but has not fully achieved a balance of functions among institutions. The dominance of the DPR, the limited legislative role of the DPD, and the functional inconsistency of the DPRD at the regional level remain major challenges in implementing the principle of checks and balances. Institutional reconstruction is required to uphold accountability, strengthen regional representation, and improve participatory legislation. This study emphasizes that legislative institutional reform should aim to strengthen a responsive, democratic, and just legal system in accordance with modern constitutional principles.

1. Introduction

The changes in the structure and authority of legislative institutions in Indonesia cannot be separated from the continuous efforts to balance the relationship between state institutions within a constitutional democratic system. The revision of Law No. 17 of 2014 through Law No. 2 of 2018 concerning the People's Consultative Assembly, House of Representatives, Regional Representatives Council, and Regional Legislative Councils (*Undang-Undang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, dan Dewan Perwakilan Rakyat Daerah/UU MD3*) marks a crucial point in the restructuring of people's representative institutions, aimed at strengthening the functions of legislation, oversight, and representation. These changes are not only administrative but also substantive, as they affect the dimension of legislative power and the limits of its relationship with the executive and other state institutions.¹

The revision of the UU MD3 brought adjustments to the institutional composition and working mechanisms among the elements of representation. The DPR (House of Representatives) gained stronger legislative and oversight functions, while the DPD (Regional Representatives Council) received additional authority to participate in the discussion of certain draft laws, though still limited to regional issues. This step reflects Indonesia's effort to approach an ideal bicameral system,

¹ Poltak Siringoringo. "Kewenangan Majelis Permusyawaratan Rakyat Menurut Undang-Undang Nomor 2 Tahun 2018 Tentang MPR, DPR, DPRD, dan DPD." *to-ra* 5, No. 1 (2019): 11-18.

although it is still categorized as soft bicameralism, which does not grant a balanced position between the DPR and DPD.²

In practice, these changes also impacted the governance of relations between the central and regional governments. Based on Law No. 23 of 2014 concerning Regional Government, the DPRD (Regional Legislative Council) plays an important role in overseeing the implementation of regional policies, including budgeting and the formation of regional regulations. The interaction between the DPRD and the regional government must be harmonized with the provisions in the UU MD3 so as not to cause duplication of authority or normative conflict in the execution of oversight functions.³

However, the revision was not without criticism. Some academics argue that the strengthening of the legislative body has not been accompanied by an improvement in accountability mechanisms. Certain provisions are even considered to open loopholes for abuse of authority, particularly regarding the regulation of immunity rights and the internal rules of procedure of the council.⁴ This can create an imbalance in the principle of checks and balances, as the legislative body gains a dominant position without adequate transparency to the public.

² Rianda Dirkareshza. "Kompetensi DPD RI Dalam Mengemban Amanah Undang–Undang Nomor 2 Tahun 2018 Tentang MPR, DPR, DPD dan DPRD Sebagai Lembaga Tinggi Negara." *Jurnal Yuridis* 6, no. 2 (2019): 1-32.

³ Suparto Suparto. "The Position and Function of the Regional Representative Council in Constitutional System of Indonesia According to the Regional Autonomy Laws: A Shift from Legislative to Regional Executive." *UNIFIKASI: Jurnal Ilmu Hukum* 8, no. 1 (2021): 53-69.

⁴ Ari Wicaksono. "Hak Imunitas Anggota Dewan Perwakilan Rakyat Berdasarkan Undang-Undang Nomor 2 Tahun 2018 Tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, Dan Dewan Perwakilan Rakyat Daerah." *Dinamika* 27, no. 11 (2021): 1697-1711.

In the view of constitutional law, every structural change should be accompanied by a reconstruction of the ethical and legal principles that form the foundation for institutional practice. The expansion of legislative authority, if not constitutionally controlled, has the potential to create a new imbalance in the state administration system. Therefore, institutional reform efforts must be placed within the framework of reconstruction of legal politics that favors substantive democracy and the supremacy of the constitution.⁵

The subsequent revision through Law No. 13 of 2019 reinforces the direction of structuring legislative institutions, which is expected to address previous weaknesses. However, the effectiveness of its implementation greatly depends on the alignment between legal norms and political practices on the ground. Legislative institutions are not only legal entities but also complex arenas of political interaction, where interests, representation, and accountability intersect.⁶

Academic studies show that the transformation of legislative institutions in Indonesia is essentially a reflection of the political system's evolution, which continuously seeks a balance between governmental effectiveness and popular representation.⁷ In this context, two important problems emerge as the basis of this research: how does the phenomenon of changes in the structure and authority of legislative institutions reflect the dynamics of state administration post-revision of

⁵ Achmad Labib Chidqi. "Perluasan Kewenangan Dewan Perwakilan Daerah Ditinjau Dari Bikameral Yang Ideal." *Jurnal Ilmu Hukum: ALETHEA* 4, no. 1 (2020): 75-94.

⁶ Eve Warburton, Burhanuddin Muhtadi, Edward Aspinall, and Diego Fossati. "When does class matter? Unequal representation in Indonesian legislatures." *Third World Quarterly* 42, no. 6 (2021): 1252-1275.

⁷ Sutan Sorik. "Rekonstruksi Relasi Antar Lembaga Legislasi di Indonesia." *Jurnal Hukum & Pembangunan* 51, no. 3 (2021): 743-755.

laws regulating people's representative institutions, and what are the challenges in the implementation of these laws and the urgency for normative reconstruction to adjust the role of legislative institutions to the needs of modern democracy and legal systems. Answering these two questions is important so that institutional reform does not stop at formal changes but truly functions to strengthen a democratic, accountable, and constitutional system of popular representation.

2. Methods

This research employs a juridical-normative approach, which is a method focusing on the review of positive legal norms, legal doctrines, and principles governing the legislative institutional system in Indonesia. This approach was chosen because it is relevant for an in-depth study of the changes in the structure and authority of legislative institutions post-revision of Law No. 2 of 2018 concerning the UU MD3, and its connection with Law No. 13 of 2019 and Law No. 23 of 2014 concerning Regional Government. The main focus of this approach is to trace how legal norms in these laws shape the pattern of relationships, division of functions, and boundaries of legislative authority at both the national and regional levels.

In juridical-normative research, the primary data sources consist of primary, secondary, and tertiary legal materials. Primary legal materials include all relevant laws and regulations, such as the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), Law No. 2 of 2018, Law No. 13 of 2019, and Law No. 23 of 2014 along with its amendments. Secondary legal materials are scientific research results,

academic journals, legal articles, and doctrinal studies by experts published between 2018–2022 and indexed in Google Scholar.

Data collection was conducted through library research, by tracing academic literature and official legal sources. Each legal material was systematically analyzed through grammatical, systematic, and historical interpretation techniques. The grammatical approach was used to understand the textual meaning of each norm in the UU MD3 and related regulations. The systematic approach was applied to link these norms to the entire Indonesian constitutional law system, while the historical approach was used to trace the background of the formation and the underlying changes in legal substance.

Data analysis was carried out using a descriptive-analytical method, which comprehensively describes the content of the norms and then assesses their relevance to the practice of legislative institutions in the field. In the analysis stage, a deductive legal argumentation method was also used, where general norms in the laws were deduced to assess empirical conditions related to the functions of legislation and oversight. The results of this analysis were interpreted normatively to determine whether the changes in the law are in line with the principles of constitutionality, institutional effectiveness, and the principle of justice in a democratic governmental system.

The juridical-normative approach also allows researchers to assess the extent to which legislative legal products can meet the needs of a modern political system without violating the basic principles of the separation of powers. Thus, this research does not only explain the normative structure of the law changes but also evaluates

its coherence and consistency with the goals of national law formation. The results of this normative analysis are expected to formulate a complete understanding of the direction of legislative institutional renewal and theoretical recommendations for strengthening a more democratic and responsive legal system to the dynamics of Indonesian state administration.

3. Results and Discussion

3.1. Phenomenological Review of Legislative Transformation in Indonesia's Constitutional System

The changes through Law No. 2 of 2018, which revised Law No. 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (UU MD3), are part of the effort to reconstruct the state administration system post-amendment of the 1945 Constitution. This revision reflects political dynamics and legal needs in strengthening the legislative institution as part of the checks and balances mechanism among state branches of power. The phenomenon that emerged post-revision highlights two main aspects: the change in the structure of legislative institutions and the expansion and affirmation of the authority of representative institutions at both the central and regional levels.

In the structural context, the revision of the UU MD3 solidified the position of the Dewan Perwakilan Rakyat (DPR) or House of Representatives as the central legislative body with key functions in law formation, oversight of the government, and state budget formulation. This affirmation strengthens the concept of parliamentary supremacy in Indonesia's pluralistic presidential system. However, the

dominance of the DPR raises questions about the functional balance with the Dewan Perwakilan Daerah (DPD) or Regional Representatives Council, which is still limited to the function of providing considerations on certain draft laws.⁸ In practice, the DPD does not have full legislative rights like the DPR, so the Indonesian bicameral system remains soft bicameralism asymmetrical between the two chambers.⁹

This phenomenon impacts the effectiveness of regional representation in the national legislative process. The role of the DPD is often formalistic and limited, even though conceptually this institution was formed to strengthen regional representation in national policy. Several studies show that the DPD's limitations in providing substantive influence on national legal products lead to disparities in channeling regional aspirations at the central level.¹⁰ This situation creates a need to review the relationship between representative institutions so that the principle of popular sovereignty remains proportionally distributed.

In addition, the UU MD3 also brings implications for the changing role of the Majelis Permusyawaratan Rakyat (MPR) or People's Consultative Assembly. Before the amendment of the 1945 Constitution, the MPR was the highest state institution; however, after the changes, its role shifted to a more symbolic one. The revision of the UU MD3 strengthens the MPR as a national deliberation forum and guardian of constitutional values, but the discourse on restoring the authority to re-

⁸ Rianda Dirkareshza. "Kompetensi DPD RI Dalam Mengemban Amanah Undang-Undang Nomor 2 Tahun 2018 Tentang MPR, DPR, DPD dan DPRD Sebagai Lembaga Tinggi Negara." *Jurnal Yuridis* 6, no. 2 (2019): 1-32.

⁹ Achmad Labib Chidqi. "Perluasan Kewenangan Dewan Perwakilan Daerah Ditinjau Dari Bikameral Yang Ideal." *Jurnal Ilmu Hukum: ALETHEA* 4, no. 1 (2020): 75-94.

¹⁰ Poltak Siringoringo. "Kewenangan Majelis Permusyawaratan Rakyat Menurut Undang-Undang Nomor 2 Tahun 2018 Tentang MPR, DPR, DPRD, dan DPD." *to-ra* 5, No. 1 (2019): 11-18.

establish the State Policy Guidelines (GBHN) raises concerns about the potential for power imbalance. According to Siringoringo,¹¹ the expansion of MPR functions without adequate control mechanisms can imply a shift in the power structure that has been arranged based on the principles of modern separation of powers.

At the regional level, the change in the structure of legislative institutions also affects the Dewan Perwakilan Rakyat Daerah (DPRD) or Regional Legislative Council as regulated in Law No. 23 of 2014 on Regional Government. In this context, the DPRD underwent a repositioning as an equal partner to the regional government with key functions in legislation, budgeting, and oversight. However, the effectiveness of these functions is often hampered by the lack of synchronization between central and regional regulations. Suparto,¹² asserts that the disharmony in the relationship between the DPRD and regional heads often leads to policy stagnation and a weak public accountability mechanism. This phenomenon shows that the decentralization process has not been fully followed by the perfection of the legal structure supporting regional legislative autonomy.

The revision of the UU MD3 also sparked public discourse related to the expansion of immunity rights for DPR members as stipulated in Article 122 letter K. This provision was criticized for being potentially able to weaken the oversight mechanism over the conduct of legislative members and reduce transparency in

¹¹ Poltak Siringoringo. "Kewenangan Majelis Permusyawaratan Rakyat Menurut Undang-Undang Nomor 2 Tahun 2018 Tentang MPR, DPR, DPRD, dan DPD." *to-ra* 5, No. 1 (2019): 11-18.

¹² Suparto, Suparto. "The Position and Function of the Regional Representative Council in Constitutional System of Indonesia According to the Regional Autonomy Laws: A Shift from Legislative to Regional Executive." *UNIFIKASI: Jurnal Ilmu Hukum* 8, no. 1 (2021): 53-69.

decision-making.¹³ In the context of constitutional democracy, the expansion of these rights can be understood as a form of protection for the independence of DPR members, but at the same time, it opens space for abuse of authority if not accompanied by strong ethical and legal mechanisms.

Sorik,¹⁴ argues that the phenomenon of the UU MD3 revision has shown symptoms of "repoliticization" of the legislative institution, where the political interests of the party are more dominant than institutional orientation. This implies a decline in the effectiveness of representation and oversight functions. Warbuton et al.¹⁵ adds that the reform of legislative institutions post-2018 has not yet resulted in a stable system, because legal changes are more reactive to political situations rather than based on a long-term constitutional design.

Thus, the phenomenon that emerged post-revision of the UU MD3 is not just a textual change in legal norms but also a conceptual shift in the relationship of legislative power. The dominance of the DPR, the limitations of the DPD, and the lack of synchronization in the DPRD's functions illustrate the fundamental challenges in building an effective, accountable representative system in line with the principles of constitutional democracy. The legal reform carried out through this law revision is a reflection of the continuous effort to re-establish the balance between legislative and executive power in a democratic governmental system.

¹³ Ari Wicaksono. "Hak Imunitas Anggota Dewan Perwakilan Rakyat Berdasarkan Undang-Undang Nomor 2 Tahun 2018 Tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, Dan Dewan Perwakilan Rakyat Daerah." *Dinamika* 27, no. 11 (2021): 1697-1711.

¹⁴ Sutan Sorik. "Rekonstruksi Relasi Antar Lembaga Legislasi di Indonesia." *Jurnal Hukum & Pembangunan* 51, no. 3 (2021): 743-755.

¹⁵ Eve Warburton, Burhanuddin Muhtadi, Edward Aspinall, and Diego Fossati. "When does class matter? Unequal representation in Indonesian legislatures." *Third World Quarterly* 42, no. 6 (2021): 1252-1275.

3.2. Implementation Challenges and Normative Reconstruction of Legislative Institutions

Following the enactment of Law No. 2 of 2018 as a revision to Law No. 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (UU MD3), the main challenge that emerges lies in the aspect of norm implementation and the consistency of applying constitutional principles in institutional practice. Although normatively the revision was intended to strengthen the functions and position of the legislative institution, empirical reality shows that this structural strengthening has not been followed by functional effectiveness in carrying out legislative, oversight, or regional representation duties.

One of the fundamental challenges is the gap between legal norms and institutional practice. The change in norms that expanded the immunity rights of DPR members and affirmed institutional authority precisely created ethical and public accountability problems. Farhan and Mustakim,¹⁶ notes that the strengthening of immunity rights without proportional ethical and legal control can blur the line between institutional protection and the abuse of power. This highlights the need for a reconstruction of the internal oversight system within the DPR so that the principle of the rule of law is maintained.

In addition, the relationship between the DPR and DPD is still characterized by structural and functional imbalance. The DPD, which should be the regional

¹⁶ Muhammad Farhan and Mustakim Mustakim. "Pengaturan Kewenangan Dewan Perwakilan Daerah dalam Sistem Ketatanegaraan di Indonesia." *National Journal of Law* 4, no. 1 (2021): 413-429.

representative at the national level, still lacks full capacity in legislation. Asmara et al.¹⁷ views that the DPD's role is still limited to the function of consideration and oversight, without real authority in the ratification of laws. This condition hinders the creation of a balanced bicameralism system, as applied in established democracies. As a result, national policies that directly impact the regions often do not fully reflect regional aspirations.

Other challenges also arise at the regional level. Based on Law No. 23 of 2014 on Regional Government, the DPRD has legislative, budgeting, and oversight functions. However, the implementation of this authority is often constrained by the limited institutional capacity and political resources in the regions. Tampubolon et al.¹⁸ explains that in practice, the DPRD tends to be politically dependent on the regional head, thus weakening the oversight function. This subordinate relationship creates a dilemma between the implementation of regional autonomy and democratic control over local public policy.

At the national level, the change in the DPR's authority also raises questions about the balance of power between the legislative and the executive. Saragih (2018) shows that post-revision of the UU MD3, the DPR tends to be more dominant in the legislative process, but its effectiveness in producing laws that are responsive to public needs remains low. This condition indicates that institutional strengthening

¹⁷ Galang Asmara, Muh Risnain, Zunnuraeni Zunnuraeni, and Sri Karyati. "Konsep Penguatan Fungsi Legislasi Dewan Perwakilan Rakyat Republik Indonesia Pasca Amandemen UUD NRI Tahun 1945." *Jurnal Kompilasi Hukum* 4, no. 2 (2019): 193-205.

¹⁸ Elita Tampubolon, Ranap Sitanggang, and Haposan Siallagan. "Fungsi Dewan Perwakilan Rakyat Daerah Sebagai Unsur Penyelenggara Pemerintah Daerah Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah." *Visi Sosial Humaniora* 1, no. 1 (2020): 21-30.

does not automatically improve the quality of legal products, as structural improvements must be accompanied by an increase in political culture and legislative ethics.

Conceptually, the challenges of implementing the UU MD3 are closely related to the urgency of institutional reconstruction of the legislative body to be more participatory and adaptive to the dynamics of democracy. Wiyono et al.¹⁹ argues that a healthy checks and balances mechanism requires the redistribution of authority among the DPR, DPD, and MPR so that each institution has a substantive role without mutual overlap. In this context, legal reform cannot stop at the normative level but must cover the fundamental structuring of the political system that underlies it.

The urgency of institutional reconstruction is also evident in the context of central-regional relations. Suparto,²⁰ emphasizes the importance of harmonization between national and regional policies so that the principle of decentralization is not merely administrative but also political and substantive. In practice, disharmony still occurs between the DPR and DPRD in the process of formulating policies that are inter-level of government. This lack of synchronization implies low effectiveness in inter-institutional coordination and the emergence of dualism of authority in policy implementation.

¹⁹ Bambang Wiyono, Yoyon Mulyana Darusman, and Susanto Susanto. "Pelaksanaan Fungsi Pemantauan Dan Evaluasi Dpd Ri Terhadappraperda Dan Perda Dalam Rangka Harmonisasi Legislasi Nasional Dan Daerah." *National Journal Of Law* 7, no. 2 (2022): 930-949.

²⁰ Suparto, Suparto. "The Position and Function of the Regional Representative Council in Constitutional System of Indonesia According to the Regional Autonomy Laws: A Shift from Legislative to Regional Executive." *UNIFIKASI: Jurnal Ilmu Hukum* 8, no. 1 (2021): 53-69.

From the juridical-normative point of view, these challenges indicate the need for a reconstruction of the legislative institutional law through three main directions. First, strengthening the function of regional representation by giving a greater role to the DPD in national legislation so that the bicameral system becomes more balanced. Second, structuring the ethics and discipline mechanism of DPR members to prevent the abuse of immunity rights and strengthen public accountability. Third, increasing the institutional capacity of the DPRD through legal and political training so that the regional oversight function runs effectively.

In this framework, Warbuton et al.²¹ emphasizes that the reconstruction of the legislative institutional system must be directed to ensure the compatibility between the normative principles in the law and the implementation in governmental practice. Thus, future revisions of laws should not only be corrective to the structure but also transformative in strengthening the constitutional ethics and integrity of the people's representative institutions at all levels of government.

4. Conclusion

The changes to Law No. 2 of 2018 concerning the MPR, DPR, DPD, and DPRD bring significant consequences for the structure and authority of legislative institutions in the Indonesian state administration system. This revision was normatively intended to strengthen the functions of legislation, oversight, and representation, but its implementation shows several institutional imbalances. The

²¹ Eve Warburton, Burhanuddin Muhtadi, Edward Aspinall, and Diego Fossati. "When does class matter? Unequal representation in Indonesian legislatures." *Third World Quarterly* 42, no. 6 (2021): 1252-1275.

phenomenon of DPR dominance, the limited role of the DPD, and the weakness of the DPRD's functions in the regions show that the representative system is not yet fully effective and balanced.

From the results of the juridical-normative analysis, it was found that the main challenges lie in the gap between norms and practice, the weakness of ethical control, and the disharmony in the relationship between legislative and executive institutions. Therefore, institutional reconstruction is needed through strengthening the DPD's role in legislation, increasing the accountability of the DPR, and optimizing the DPRD's functions in regional oversight. Future legal reform should be directed towards building a legislative system that is more transparent, balanced, and adaptive to the dynamics of Indonesian constitutional democracy.

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