

## Kewenangan dan fungsi legislasi DPD RI pasca putusan Mahkamah Konstitusi No. 92/PUU-X/2012 = The authority and legislative functions of DPD RI after the issuance of the decision Mahkamah Konstitusi Number 92/PUU-X /2012

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Abstrak

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Negara Indonesia adalah negara hukum yang menjunjung tinggi nilai-nilai kepastian hukum, keadilan, dan kemanfaatan hukum. Dalam rangka memperjuangkan nilai-nilai tersebut akan dihasilkan melalui pembentukan aturan hukum yang melibatkan lembaga perwakilan rakyat yakni Dewan Perwakilan Rakyat dan Dewan Perwakilan Daerah. Dewan Perwakilan Rakyat di pandang sebagai representative politik rakyat, sementara Dewan Perwakilan Daerah diilhami sebagai regional representative yang akan memperjuangkan kepentingan daerah dalam tataran nasional. Dewan Perwakilan Rakyat dan Dewan Perwakilan Daerah mempunyai peran dalam menjalankan fungsi legislasi, pengawasan, dan fungsi anggaran. Akan tetapi, kewenangan tersebut tidak diimbangi dengan prinsip check and balances antar kedua lembaga. Selama ini Dewan Perwakilan Daerah dijadikan sebagai co-legislator Dewan Perwakilan Rakyat, tetapi pasca dikeluarkannya Putusan Mahkamah Konstitusi Nomor 92/PUU-X/2012 telah memberikan kewenangan kepada Dewan Perwakilan Daerah untuk terlibat dalam pembahasan rancangan undang-undang secara tripartit antara Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, dan Presiden. Keterlibatan Dewan Perwakilan Daerah dalam pembahasan bersama rancangan undang-undang terbatas pada rancangan undang-undang yang berkaitan dengan otonomi daerah, hubungan pusat dan daerah, pembentukan dan pemekaran serta penggabungan daerah, pengelolaan sumber daya alam dan sumber daya ekonomi lainnya, serta yang berkaitan dengan perimbangan keuangan pusat dan daerah. Dalam pembahasan rancangan undang-undang tertentu Dewan Perwakilan Daerah secara konstitusional tidak mempunyai hak untuk memberikan persetujuan, hanya Dewan Perwakilan Rakyat dan Presiden yang berwenang memberikan persetujuan atas setiap rancangan undang-undang.

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<b>ABSTRACT</b><br>

Indonesia is a rechtstaat that upholds the values of the rule of law, justice, and legal expediency. In order to fight for these values will be generated through the establishment of the rule of law involving legislative branches that the Dewan Perwakilan Rakyat Republik Indonesia and the Dewan Perwakilan Daerah Republik Indonesia. Dewan Perwakilan Rakyat Republik Indonesia in view as the political representative of the society, while the Dewan Perwakilan Daerah Republik Indonesia was inspired as a regional representative who will fight for the interests of the region in the national level. Dewan Perwakilan Rakyat Republik Indonesia and the Dewan Perwakilan Daerah Republik Indonesia has a role in carrying out the functions of legislation, oversight, and budgetary functions. However, these powers are not balanced with the principle of checks and balances between the two institutions. During the Dewan Perwakilan Daerah Republik Indonesia serve as co-legislator of Dewan Perwakilan Rakyat Republik Indonesia, but after the

issuance of the decision Mahkamah Konstitusi Republic Indonesia Number 92/PUU-X/2012 has interpreted the constitutional authority of the Dewan Perwakilan Daerah Republik Indonesia to be involved in the discussion of the draft law is tripartite between the Dewan Perwakilan Rakyat Republik Indonesia, Dewan Perwakilan Daerah Republik Indonesia, and the President. The involvement of the Dewan Perwakilan Daerah Republik Indonesia in discussion with a bill limited to draft legislation relating to local autonomy, central and local relations, the establishment and expansion and merging of regions, management of natural resources and other economic resources, as well as relating to financial balance of central and local. In the discussion of a particular bill is constitutionally, Dewan Perwakilan Daerah Republik Indonesia doesn't have the right to give approval, only the Dewan Perwakilan Rakyat Republik Indonesia and the President that have authorized to give approval of any draft legislation.;Indonesia is a *rechtstaat* that upholds the values of the rule of law, justice, and legal expediency. In order to fight for these values will be generated through the establishment of the rule of law involving legislative branches that the Dewan Perwakilan Rakyat Republik Indonesia and the Dewan Perwakilan Daerah Republik Indonesia. Dewan Perwakilan Rakyat Republik Indonesia in view as the political representative of the society, while the Dewan Perwakilan Daerah Republik Indonesia was inspired as a regional representative who will fight for the interests of the region in the national level. Dewan Perwakilan Rakyat Republik Indonesia and the Dewan Perwakilan Daerah Republik Indonesia has a role in carrying out the functions of legislation, oversight, and budgetary functions. However, these powers are not balanced with the principle of checks and balances between the two institutions. During the Dewan Perwakilan Daerah Republik Indonesia serve as co-legislator of Dewan Perwakilan Rakyat Republik Indonesia, but after the issuance of the decision Mahkamah Konstitusi Republic Indonesia Number 92/PUU-X/2012 has interpreted the constitutional authority of the Dewan Perwakilan Daerah Republik Indonesia to be involved in the discussion of the draft law is tripartite between the Dewan Perwakilan Rakyat Republik Indonesia, Dewan Perwakilan Daerah Republik Indonesia, and the President. The involvement of the Dewan Perwakilan Daerah Republik Indonesia in discussion with a bill limited to draft legislation relating to local autonomy, central and local relations, the establishment and expansion and merging of regions, management of natural resources and other economic resources, as well as relating to financial balance of central and local. In the discussion of a particular bill is constitutionally, Dewan Perwakilan Daerah Republik Indonesia doesn't have the right to give approval, only the Dewan Perwakilan Rakyat Republik Indonesia and the President that have authorized to give approval of any draft legislation., Indonesia is a *rechtstaat* that upholds the values of the rule of law, justice, and legal expediency. In order to fight for these values will be generated through the establishment of the rule of law involving legislative branches that the Dewan Perwakilan Rakyat Republik Indonesia and the Dewan Perwakilan Daerah Republik Indonesia. Dewan Perwakilan Rakyat Republik Indonesia in view as the political representative of the society, while the Dewan Perwakilan Daerah Republik Indonesia was inspired as a regional representative who will fight for the interests of the region in the national level. Dewan Perwakilan Rakyat Republik Indonesia and the Dewan Perwakilan Daerah Republik Indonesia has a role in carrying out the functions of legislation, oversight, and budgetary functions. However, these powers are not balanced with the principle of checks and balances between the two institutions. During the Dewan Perwakilan Daerah Republik Indonesia serve as co-legislator of Dewan Perwakilan Rakyat Republik Indonesia, but after the issuance of the decision Mahkamah Konstitusi Republic Indonesia Number 92/PUU-X/2012 has interpreted the constitutional authority of the Dewan Perwakilan Daerah Republik Indonesia to be involved in the discussion of the draft law is tripartite between the Dewan Perwakilan Rakyat Republik Indonesia,

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