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The Exercise of the Legislative Function of the DPD RI in Proposing the Teachers and Lecturers Bill: Perspectives from Article 22D of the 1945 Constitution and Constitutional Court Decision Number 92/PUU-X/2012

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Abstract

Article 22D(1) of Indonesia's 1945 Constitution, as reaffirmed by Constitutional Court Decision No. 92/PUU-X/2012, authorizes the Regional Representative Council (DPD RI) to propose bills in specified areas that do not explicitly include education. Education falls within its consideration and oversight functions under Article 22D(2) and (3). This study examines the DPD's initiative to amend Law No. 14 of 2005 on Teachers and Lecturers and the obstacles affecting its legislative role. A normative juridical method was employed using statutory, conceptual, and case approaches. The analysis identified three principal findings. First, a constitutional justification for the proposal can be constructed by connecting matters concerning teachers and lecturers to regional autonomy, central–regional relations, and central–regional fiscal balance, although this interpretation remains open to debate. Second, the initiative pursued by the DPD's Commission III since 2018 was absent from the reported lists of DPD-proposed priority bills for the 2018 and 2019 National Legislative Programs (Prolegnas). Third, the principal obstacles included lawmakers' disregard of Constitutional Court decisions, DPR dominance in the Prolegnas process, limited legislative drafting capacity, and a policy shift toward omnibus legislation. These findings indicate that the initiative faces both a debatable constitutional basis and institutional constraints on legislative agenda setting. The study contributes to understanding the DPD's role in education-related

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reform by connecting questions of constitutional competence with the procedural and institutional conditions affecting its legislative initiatives.

Keywords: Regional Representative Council; Legislative Authority; Constitutional Court Decisions; Teachers and Lecturers Bill; National Legislative Program

INTRODUCTION

The amendments to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) have brought fundamental changes to the structure of state institutions, particularly within the system of popular representation through the establishment of the Regional Representative Council of the Republic of Indonesia (*Dewan Perwakilan Daerah Republik Indonesia*/DPD RI) as an institution representing regional interests at the national level. The establishment of the DPD was intended to strengthen the principle of bicameralism within Indonesia's constitutional system while providing regions with opportunities to participate in the national policymaking process (Alkadri, 2017). However, since its establishment, the DPD has faced problems concerning the imbalance of authority between the DPD and the House of Representatives (*Dewan Perwakilan Rakyat*/DPR), particularly in the exercise of legislative functions. Although DPD members are directly elected by the people through general elections and therefore possess democratic legitimacy, their constitutional authority in the legislative process remains relatively limited compared to that of the DPR (Golap, 2017). Mahfud MD argues that the constitutional provisions governing the DPD's authority under the 1945 Constitution remain considerably limited when compared with the institutional position and recruitment process of its members, who possess democratic legitimacy. Similarly, Stephen Sherlock describes the DPD as a representative institution with strong political legitimacy but limited institutional authority. This situation indicates a fundamental problem in the design of Indonesia's representative system, namely the imbalance between the legitimacy of regional representation and the scope of authority granted in the national legislative process (MD, 2011).

The issue of authority is particularly evident in the implementation of Article 22D of the 1945 Constitution, which regulates the scope of the DPD's involvement in the legislative process. Under Article 22D paragraph (1), the DPD is authorized to submit bills to the DPR concerning regional autonomy; relations between the central and regional governments; the

establishment, expansion, and merger of regions; the management of natural resources and other economic resources; and the financial balance between the central and regional governments. Meanwhile, Article 22D paragraph (2) grants the DPD the authority to participate in deliberations on bills relating to these matters and to provide opinions on bills concerning the State Budget (APBN), taxation, education, and religion. Furthermore, Article 22D paragraph (3) grants the DPD supervisory authority over the implementation of certain laws, including those relating to education. This allocation of authority raises issues of constitutional interpretation concerning the limits of the DPD's involvement, particularly when a bill contains provisions relating to more than one regulatory field. The problem became increasingly apparent when the DPD reported that, out of 247 bills included in the 2010–2014 National Legislation Program (*Program Legislasi Nasional*/Prolegnas), not a single bill originated from the DPD's legislative initiative. Furthermore, between October 2004 and March 2013, the DPD had submitted 39 bills, most of which did not receive clear follow-up (Idami, 2014; Panjaitan et al., 2017). This situation demonstrates that the limitations of the DPD's legislative function are not merely related to the wording of constitutional provisions but also concern institutional practices and the distribution of authority among the DPD, the DPR, and the government in the legislative process.

An important development in addressing these issues was marked by the issuance of Constitutional Court Decision Number 92/PUU-X/2012, pronounced on March 27, 2013. Through this decision, the Constitutional Court affirmed that the DPD has a constitutional standing to propose bills within the scope of its authority, participate in deliberations on bills together with the DPR and the President, and take part in the preparation of the National Legislation Program (Prolegnas). The decision further strengthened the DPD's institutional position by establishing that it should not merely be regarded as an institution providing input into the legislative process, but rather as a state institution possessing constitutional rights to participate in specific stages of lawmaking. Nevertheless, the implementation of this decision encountered challenges when the provisions of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Councils (Law on the MPR, DPR, DPD, and DPRD) were considered not to have fully accommodated the clarification of the DPD's authority as stipulated in the Constitutional Court's decision. Aan Eko Widiarto argues that the failure of lawmakers to comply with Constitutional Court decisions may create legal uncertainty regarding the authority of state institutions in the

legislative process. In line with this argument, research conducted by Fajar Laksono and colleagues reveals problems in the implementation of Constitutional Court Decision Number 92/PUU-X/2012 in legislative practice. This indicates that strengthening the DPD's authority cannot stop at normative recognition but must also be reflected in consistent legislative mechanisms (Widiarto, 2015; Laksono et al., 2015). Accordingly, the decision provides an important legal foundation for assessing the extent to which the DPD's constitutional rights have been implemented in practice, including its right to propose bills concerning regional interests and matters falling within the scope of authority granted by the Constitution.

The existence of Law Number 14 of 2005 concerning Teachers and Lecturers provides an important context for examining the implementation of the DPD's legislative authority. This law regulates the status, functions, rights, obligations, competencies, certification, protection, and welfare of teachers and lecturers as professional personnel in the administration of national education. Along with the evolving needs of the education sector, the implementation of this law has encountered various challenges, including legal protection for the teaching profession, administrative burdens, disparities in welfare, issues concerning the recruitment and employment status of honorary teachers, and differences in educational conditions across regions. These issues are not exclusively related to education but are also connected to the division of authority between central and regional governments, the implementation of regional autonomy, and the distribution of educational resources and financing. In this context, Committee III of the DPD RI initiated empirical research activities through a seminar held at the State Islamic University of Raden Intan Lampung on May 3, 2018, as an effort to gather input and academic perspectives in preparation for an academic paper and a draft amendment to Law Number 14 of 2005 concerning Teachers and Lecturers. The issues addressed included legal protection for the teaching profession, administrative simplification, and improvements in the welfare of honorary teachers. These concerns were also reflected in the DPD's institutional attention to the problems faced by honorary teachers and educational personnel through the establishment of a special committee (detikNews, 2018; NU Online, 2018). These developments demonstrate the DPD's substantive interest in advocating for issues concerning teachers and lecturers, particularly when such issues are directly related to regional interests and the provision of education at the regional level.

Nevertheless, the DPD RI's proposal of a bill concerning Teachers and Lecturers raises a constitutional issue that requires careful examination, namely whether the substance of the proposed bill falls within the scope of the DPD's authority to introduce legislation as stipulated in Article 22D paragraph (1) of the 1945 Constitution. This issue arises because education is explicitly mentioned in Article 22D paragraph (2) as a field in which the DPD is entitled to provide opinions on the State Budget Bill and bills concerning taxation, education, and religion. Meanwhile, Article 22D paragraph (3) identifies education as one of the areas subject to the DPD's supervisory authority. Accordingly, the authority to provide opinions and exercise oversight in the field of education cannot automatically be interpreted as granting the DPD the authority to propose every bill whose primary subject matter concerns education. On the other hand, the substantive provisions governing teachers and lecturers potentially intersect with matters concerning regional autonomy, relations between central and regional governments, and the financial balance between central and regional governments, particularly with regard to the division of responsibilities for educational administration, the distribution of teaching personnel, educational financing, and teacher protection in regions with different characteristics. Therefore, the constitutional legitimacy of the DPD's proposal of a bill concerning Teachers and Lecturers must be analyzed based on the substance of the proposed legislation rather than solely on the broad significance of teachers and lecturers to society. This issue is important to ensure that the exercise of the DPD's legislative function remains consistent with the constitutional limits of its authority while, at the same time, safeguarding the right of regional representation to advocate for the needs of the national education system. Based on these circumstances, this study examines the constitutional and legal foundations of the DPD's legislative function following Constitutional Court Decision Number 92/PUU-X/2012, analyzes the process of proposing the Teachers and Lecturers Bill and its substantive legitimacy, and identifies the obstacles and strategies for strengthening the DPD's authority within Indonesia's legislative system. The objectives of this study are to explain the legal foundations and practices governing the DPD's submission of bills, examine the legitimacy of its proposal of the Teachers and Lecturers Bill within the framework of Article 22D of the 1945 Constitution, and formulate strategies for strengthening its legislative authority. Theoretically, this study is expected to contribute to the development of constitutional law scholarship, particularly concerning the implementation of bicameralism in Indonesia.

METHODS

This study employs normative juridical legal research, which focuses on examining positive legal norms, legal principles, legal doctrines, and judicial decisions relevant to the legal issues under investigation. This approach is used to analyze the implementation of the legislative function of the Regional Representative Council of the Republic of Indonesia (DPD RI) in proposing the Teachers and Lecturers Bill from the perspective of Article 22D of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) and Constitutional Court Decision Number 92/PUU-X/2012. This study adopts three approaches, namely the statute approach, which examines constitutional provisions and statutory regulations governing the legislative authority of the DPD; the conceptual approach, which analyzes the concepts of bicameralism, regional representation, legislative functions, and the constitutional limits of state institutions' authority; and the case approach, which examines the legal considerations and implications of Constitutional Court Decision Number 92/PUU-X/2012 for the implementation of the DPD's legislative function. The application of these three approaches is intended to provide a comprehensive legal understanding of the legal basis, scope, and constitutional legitimacy of the DPD's authority to propose the Teachers and Lecturers Bill (Marzuki, 2017).

The legal materials used in this study consist of primary legal materials, secondary legal materials, and non-legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, particularly Article 22D paragraphs (1), (2), and (3); Law Number 14 of 2005 concerning Teachers and Lecturers; Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Councils, together with its subsequent amendments; statutory regulations concerning the formation of laws and regulations; and Constitutional Court Decision Number 92/PUU-X/2012. Secondary legal materials comprise constitutional law books, legal research methodology books, scholarly journal articles, and previous research findings relevant to the DPD's legislative function, the bicameral system, and the distribution of authority among state institutions. Meanwhile, non-legal materials include mass media reports, institutional documents of the DPD RI, and information concerning activities related to the preparation of the Draft Amendment to the Law on Teachers and Lecturers. These materials serve as supporting sources to provide an overview of the context and developments surrounding the DPD's legislative initiative. All materials were collected through library research by identifying and examining relevant legal

sources and literature, which were subsequently classified according to their relevance to the research questions.

The legal materials were analyzed qualitatively using a descriptive-analytical method, which involves describing applicable legal provisions, interpreting legal norms, and examining the relationship between statutory regulations and the legal considerations set out in Constitutional Court Decision Number 92/PUU-X/2012. The analysis focuses on three main aspects: the constitutional and legal foundations of the DPD's legislative authority following the Constitutional Court's decision; the conformity of the substance of the proposed Teachers and Lecturers Bill with the scope of authority established under Article 22D of the 1945 Constitution; and the obstacles and strategies for strengthening the implementation of the DPD's legislative function. In examining the legitimacy of the proposed Teachers and Lecturers Bill, this study considers not only the relationship between education and regional interests but also whether the proposed legislative content has a constitutional connection with the fields explicitly falling within the DPD's authority to introduce bills under Article 22D paragraph (1). Conclusions are drawn through deductive reasoning, whereby legal provisions and constitutional principles are used as the basis for assessing specific issues concerning the implementation of the DPD's legislative function. This study has a limitation in that the complete academic paper and draft of the Amendment to Law Number 14 of 2005 concerning Teachers and Lecturers prepared by the DPD were not available. Consequently, the analysis of the substance, development, and formal status of the proposed bill is based on accessible institutional documents and information obtained from publicly available sources.

RESULTS

1. Constitutional and Legal Foundations of the DPD's Legislative Function

The constitutional basis for the legislative function of the Regional Representative Council of the Republic of Indonesia (DPD RI) is stipulated in Article 22D of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). This provision grants the DPD the authority to propose and participate in deliberations on draft laws (RUUs) concerning specific matters, provide recommendations, and exercise oversight over the implementation of laws. Nevertheless, legislative authority remains predominantly vested in the House of Representatives (DPR), as stipulated in Article 20 paragraph (1) of the UUD NRI 1945. This

situation demonstrates that although the DPD possesses representative legitimacy in representing regional interests, its legislative authority remains constitutionally limited.

A significant development occurred through Constitutional Court Decision No. 92/PUU-X/2012, which reaffirmed the DPD's right to propose draft laws, participate in deliberations from the First Level of discussion, and take part in the preparation of the National Legislation Program (Prolegnas) alongside the DPR and the President. However, the DPD does not possess the authority to grant final approval for the enactment of laws. The implementation of this decision continues to face challenges because several provisions of Law No. 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Council (MD3 Law) have been considered insufficiently accommodating of the DPD's institutional position as interpreted by the Constitutional Court.

Table 1. Constitutional Foundations of the DPD's Legislative Function

Legal Basis	Scope of Authority
Article 22D paragraph (1) of the UUD NRI 1945	Proposing draft laws in specific fields
Article 22D paragraph (2) of the UUD NRI 1945	Participating in draft law deliberations and providing recommendations
Article 22D paragraph (3) of the UUD NRI 1945	Exercising oversight
Constitutional Court Decision No. 92/PUU-X/2012	Strengthening the DPD's involvement in the legislative process
Article 20 paragraph (2) of the UUD NRI 1945	Joint approval by the DPR and the President

Source: Research Results

The table demonstrates that the DPD's legislative authority is limited to specific fields as stipulated by the Constitution. Constitutional Court Decision No. 92/PUU-X/2012 strengthened the DPD's position in the processes of proposing and deliberating draft laws; however, it did not grant the DPD final approval authority, which remains vested in the DPR and the President.

2. Mechanism for Proposing Draft Laws by the DPD

The process of proposing draft laws by the DPD involves several stages, beginning with the identification and inventory of legislative materials and culminating in the submission of draft laws to the DPR. The initial process is conducted through seminars, focus group discussions, university-based studies, and the involvement of experts to identify

public needs and emerging social issues. The findings of these studies serve as the basis for preparing academic papers and drafting the articles of the proposed legislation. Subsequently, the draft undergoes validation and public consultation to gather input from the community before being formally approved through a plenary session of the DPD.

Table 2. Stages of the DPD's Draft Law Proposal Process

Stages	Main Activities
1	Inventorying legislative materials and collecting public aspirations
2	Preparing the academic paper
3	Drafting the proposed legislation
4	Conducting validation and collecting feedback
5	Securing approval and submitting the draft to the DPR

Source: Research Results

Based on these stages, the initiative undertaken by the DPD's Committee III in 2018 through an academic seminar at the State Islamic University of Raden Intan Lampung demonstrated the implementation of the initial stage of the draft law proposal process. The activity aimed to gather input as material for preparing an academic paper and a draft amendment to the Law on Teachers and Lecturers. However, based on the available documents, it cannot yet be established whether this initiative had reached the stage of formal approval and submission to the DPR.

3. The Education Sector and the Construction of Legislative Legitimacy

The main issue concerning the proposal of the Draft Amendment to the Law on Teachers and Lecturers lies in the constitutional position of the education sector under Article 22D of the UUD NRI 1945. Education is explicitly mentioned in paragraph (2) as an area in which the DPD may provide recommendations and in paragraph (3) as an area subject to its oversight function. However, education is not included among the fields in which the DPD is authorized to propose draft laws under paragraph (1). Therefore, two approaches can be identified in assessing the constitutional legitimacy of the DPD's proposal of the Draft Amendment to the Law on Teachers and Lecturers.

Table 3. Perspectives on the Legitimacy of Proposing the Draft Amendment to the Law on Teachers and Lecturers

Perspective	Argument
Restrictive	Education is not included among the fields in which the DPD is authorized to propose draft laws under Article 22D paragraph (1).
Substantive-contextual	Matters concerning teachers and lecturers are related to regional governmental authority.

Source: Research Results

The restrictive perspective holds that the DPD's authority to propose draft laws must be determined based on the fields explicitly specified in Article 22D paragraph (1). Accordingly, draft laws that substantially regulate education do not automatically fall within the DPD's authority to propose legislation. Conversely, the substantive-contextual perspective assesses the subject matter of a proposed law based on its substantive content, particularly when it concerns relations between central and regional governments, regional autonomy, and fiscal relations between the central and regional governments.

This relationship can be observed through the distribution of educational responsibilities under Law No. 23 of 2014 concerning Regional Government, education financing through the State Budget (APBN) and Regional Budgets (APBD), as well as the distribution of teaching personnel across regions. The DPD also has experience in proposing a Draft Amendment to Law No. 20 of 2003 concerning the National Education System during the 2013–2014 period. Nevertheless, this practice does not automatically establish that all draft laws concerning education fall within the DPD's authority to propose legislation.

4. Substantive Urgency of the Draft Amendment to the Law on Teachers and Lecturers

The urgency of amending Law No. 14 of 2005 concerning Teachers and Lecturers is associated with persistent issues concerning professional protection, administrative burdens, and the welfare of educational personnel. In fact, the existing law has regulated teachers' rights to legal protection in carrying out their professional duties under Article 7 paragraph (1) letter h, the right to receive income under Article 15, as well as legal protection and occupational safety under Article 39. The DPD Committee III seminar in 2018 identified three major issues that required attention in the proposed amendment to the law.

Table 4. Urgency of Amending the Law on Teachers and Lecturers

Aspect	Issues
Professional protection	The legal protection afforded to teachers has not been optimally implemented
Administration	Administrative burdens imposed on educational personnel
Welfare	Issues concerning income and the welfare of honorary teachers

Source: Research Results

The table illustrates that the need to amend the law is not limited to improving the professionalism of teachers and lecturers but also encompasses their legal protection and welfare. These issues resurfaced in discussions concerning the Draft National Education System Law in 2022, particularly regarding the regulation of professional allowances and the

distribution of authority between central and regional governments. Accordingly, regulatory amendments concerning teachers and lecturers have substantive relevance to improving the quality of education and clarifying the distribution of governmental authority.

5. Legislative Proposal Practices and Their Position in the National Legislation Program

The implementation of the DPD's legislative function in proposing the Draft Amendment to the Law on Teachers and Lecturers needs to be examined in light of developments in the list of National Legislation Program priorities and the DPD's institutional activities. Based on the available data, the DPD's proposed priority legislation for the 2018 and 2019 National Legislation Programs did not include the Draft Amendment to the Law on Teachers and Lecturers. This indicates that the initiative to amend the law had not yet appeared as a priority legislative proposal in the lists examined.

Table 5. DPD's Proposed Draft Laws in the National Legislation Program

Year	Number of Proposed Draft Laws	Draft Amendment to the Law on Teachers and Lecturers
2018	9 draft laws	Not included
2019	6 draft laws	Not included

Source: Research Results

The data indicate that the initiative to amend the Law on Teachers and Lecturers had not attained the status of a DPD priority proposal in the 2018 and 2019 National Legislation Programs. On the other hand, the DPD's attention to issues concerning honorary teachers remained evident through the establishment of the Special Committee on Honorary Teachers and Educational Personnel (GTKH), which submitted recommendations to the President. As a broader illustration, during the 2009–2014 period, the DPD produced 38 draft laws, but only one was successfully enacted into law, namely the Law on Maritime Affairs. This situation indicates that the implementation of the DPD's legislative function continues to face obstacles in transforming legislative proposals into enacted laws.

6. Policy Dynamics: The Omnibus Model of the Draft National Education System Law

Developments in education policy through discussions on the omnibus model of the Draft National Education System Law (Sisdiknas Bill) have also influenced the relevance of the initiative to amend the Law on Teachers and Lecturers. In 2025, discussions concerning the Sisdiknas Bill once again became a focus of attention in the National Legislation Program.

The Chairperson of Commission X of the DPR, Hetifah Sjaifudian, stated that provisions concerning the income of teachers and lecturers, including basic salaries, professional allowances, functional allowances, special allowances, and additional benefits, were planned to be incorporated into Article 135 of the Sisdiknas Bill.

These developments have the potential to affect the scope for proposing an amendment to the Law on Teachers and Lecturers, as some of its regulatory provisions may be integrated into the Sisdiknas Bill. Under these circumstances, the DPD needs to optimize its authority to provide recommendations on draft laws concerning education, as stipulated in Article 22D paragraph (2) of the UUD NRI 1945. Accordingly, the DPD can continue to participate by submitting recommendations concerning professional protection, teachers' welfare, and the distribution of educational authority between central and regional governments.

7. Obstacles to the Implementation of the DPD's Legislative Function

Obstacles to the implementation of the DPD's legislative function in proposing the Draft Amendment to the Law on Teachers and Lecturers can be analyzed through Lawrence M. Friedman's three components of the legal system: legal substance, legal structure, and legal culture.

Table 6. Obstacles to the Implementation of the DPD's Legislative Function

Component	Main Obstacles
Legal substance	Limitations on authority under Article 22D of the UUD NRI 1945
Legal structure	Dependence on the National Legislation Program mechanism and the DPR
Legal culture	Insufficient compliance with Constitutional Court decisions and limited public understanding

Source: Research Results

In terms of legal substance, education is not explicitly included among the fields in which the DPD is authorized to propose draft laws under Article 22D paragraph (1). From the perspective of legal structure, the DPD's legislative process depends on the National Legislation Program mechanism and its institutional relations with the DPR and the President. Meanwhile, from the perspective of legal culture, the suboptimal implementation of Constitutional Court Decision No. 92/PUU-X/2012 and the public's limited understanding of the DPD's authority also affect the effectiveness of its legislative function.

8. Strategies for Strengthening the DPD's Legislative Function

Strengthening the DPD's legislative function in proposing the Draft Amendment to the Law on Teachers and Lecturers requires strategies that take into account both constitutional limitations and the educational needs of regional communities. First, the DPD needs to strengthen its academic papers by demonstrating the relationship between the regulatory substance concerning teachers and lecturers and regional autonomy, relations between central and regional governments, and fiscal relations between the central and regional governments. Second, the DPD needs to optimize its recommendation and oversight functions, as stipulated in Article 22D paragraphs (2) and (3), particularly in relation to the Sisdiknas Bill and the implementation of the Law on Teachers and Lecturers.

Third, the DPD needs to strengthen coordination with regional universities, teachers' professional organizations, and regional governments to collect public aspirations and academic support. Fourth, harmonization between the MD3 Law and the Law on the Formation of Legislation is necessary to ensure consistency with Constitutional Court Decision No. 92/PUU-X/2012 and prevent conflicting regulations concerning the DPD's institutional position in the legislative process.

Table 7. Strategies for Strengthening the DPD's Legislative Function

Strategy	Strengthening Measures
Strengthening substantive foundations	Preparing academic papers based on constitutional authority
Optimizing authority	Exercising recommendation and oversight functions in the education sector
Institutional strengthening	Collaborating with universities and teachers' organizations
Legal harmonization	Aligning the MD3 Law and the Law on the Formation of Legislation with Constitutional Court decisions

Source: Research Results

These strategies demonstrate that strengthening the DPD's legislative function should not be pursued solely through the submission of draft laws but also through the optimization of its recommendation and oversight functions and the strengthening of institutional relations. Accordingly, the DPD can continue to advocate for the protection and welfare of teachers and lecturers without exceeding the limits of authority established by the Constitution.

DISCUSSION

The implementation of the legislative function of the Regional Representative Council of the Republic of Indonesia (DPD RI) in proposing the Draft Law on Teachers and Lecturers needs to be understood in light of the DPD's constitutional position within Indonesia's legislative system. Article 22D paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) grants the DPD the authority to propose draft laws concerning regional autonomy, relations between central and regional governments, the establishment and division of regions, the management of natural resources and other economic resources, as well as fiscal relations between the central and regional governments. This provision indicates that the DPD's legislative authority is limited to the specific areas stipulated by the Constitution. Nevertheless, such limitations do not mean that the DPD merely serves as a supplementary institution in the legislative process, since it retains the constitutional right to propose and participate in deliberations on draft laws within the scope of its authority. Research (Arrsa, 2015) explains that Constitutional Court Decision No. 92/PUU-X/2012 strengthened the DPD's position in the legislative process, particularly in the preparation of the National Legislation Program (Prolegnas), the submission of draft laws, the presentation of views, and participation in legislative deliberations. Accordingly, the main issue concerning the proposal of the Draft Law on Teachers and Lecturers lies not merely in the institutional position of the DPD, but also in determining whether the substantive provisions governing teachers and lecturers fall within the areas of authority granted under Article 22D paragraph (1) of the UUD NRI 1945 (Arrsa, 2015).

Constitutional Court Decision No. 92/PUU-X/2012 constitutes an important legal foundation for clarifying the implementation of the DPD's legislative function. The decision affirmed that the DPD has the authority to propose draft laws within its designated areas of competence, participate in the preparation of the Prolegnas, and take part in deliberations on draft laws from the first stage of discussion. However, this authority does not extend to granting final approval for a draft law to become legislation, since such approval remains within the authority of the DPR and the President, as stipulated in Article 20 paragraph (2) of the UUD NRI 1945. This means that the strengthening of the DPD's authority through the Constitutional Court's decision did not transform Indonesia's legislative system into a fully equal bicameral system; rather, it expanded the DPD's involvement in the legislative process. Research by Laksono et al. (2015) also indicates that the implementation of this decision has encountered difficulties because statutory regulations and institutional practices

have not fully adjusted to the Constitutional Court's constitutional interpretation. Therefore, the implementation of the DPD's legislative function must be examined not only in terms of the existence of constitutional provisions but also in terms of the consistency of implementing regulations and institutional relations among the DPD, DPR, and the President (Laksono et al., 2015; Idami, 2014).

In the context of proposing the Draft Law on Teachers and Lecturers, an issue arises concerning the distinction between education as an area in which the DPD is authorized to provide recommendations and the fields that constitute the basis of its authority to propose draft laws. Article 22D paragraph (2) of the UUD NRI 1945 explicitly identifies education as one of the areas in which the DPD is required to provide recommendations to the DPR regarding the State Budget Bill (RUU APBN) and draft laws concerning taxation, education, and religion. Meanwhile, education is not explicitly listed in Article 22D paragraph (1) as an area in which the DPD may propose draft laws. Under a strict interpretation, the Draft Law on Teachers and Lecturers, which formally regulates the education sector, cannot automatically be categorized as a draft law that the DPD is authorized to propose. However, when examined from the perspective of its substantive provisions, several issues concerning teachers and lecturers are closely related to regional authority, relations between central and regional governments, and fiscal relations between the two levels of government. Such connections can be identified in matters concerning the distribution of educational management authority, teacher recruitment and placement, the equitable distribution of educational personnel, and the financing of teachers' salaries and allowances, which involve both central and regional governments. Accordingly, the legitimacy of the DPD's proposal of the Draft Law on Teachers and Lecturers must be established through legal arguments demonstrating a direct connection between the bill's substantive provisions and the DPD's constitutionally mandated areas of authority, rather than merely on the grounds that teachers and lecturers constitute professional groups that are important to national development.

The activities undertaken by Committee III of the DPD RI through a seminar and the collection of public input at Raden Intan State Islamic University on May 3, 2018, demonstrate the DPD's concern regarding issues of teachers' legal protection, the simplification of administrative burdens, and the welfare of honorary teachers. These activities can be regarded as an initial stage in identifying problems for the preparation of a draft law. However, holding seminars and collecting public aspirations cannot be equated with formally submitting a draft law to the DPR. Formal submission requires further stages,

including the preparation of an academic paper, the formulation of draft legal provisions, substantive review through public consultation, and institutional approval by the DPD before submission to the DPR (Reza, 2019). This distinction is important to ensure that the implementation of the DPD's legislative function is not assessed solely on the basis of discussion activities or the collection of public aspirations, but also on whether the required procedures for proposing draft laws have been fulfilled. Research by (Panjaitan et al., 2017) on the implementation of the DPD's legislative function during the 2009–2014 period demonstrates that although the DPD's legislative function had been exercised, its implementation had not yet been optimal. The identified obstacles included limited authority, inadequate human resource capacity in legislative affairs, and limited public understanding of the DPD's institutional position and authority. These findings are relevant to the proposed Draft Law on Teachers and Lecturers because the success of a legislative initiative depends not only on the aspirations collected but also on the readiness of academic documents, legislative drafting capacity, and institutional support (Nurbaningsih, 2015).

The urgency of amending Law No. 14 of 2005 concerning Teachers and Lecturers can be identified through persistent issues in the implementation of professional protection, welfare, and the governance of educational personnel. Normatively, the law has regulated the rights of teachers and lecturers to legal protection, professional protection, and adequate remuneration. Provisions concerning teacher protection are also stipulated in Article 39, while rights to income and welfare are regulated under Article 15. Nevertheless, the existence of these provisions does not automatically guarantee the effective fulfillment of all teachers' rights. Issues concerning legal protection, administrative burdens, uncertainty regarding the welfare of honorary teachers, and disparities in fiscal capacity among regions indicate a gap between normative regulation and its implementation (Triningsih, 2017). In this regard, amendments to the law should be directed toward strengthening professional protection mechanisms, clarifying the responsibilities of central and regional governments, and ensuring the fulfillment of teachers' and lecturers' rights. These substantive matters also provide an opportunity for the DPD to convey regional aspirations and identify problems arising from differences in educational policies and financing capacities across regions. Thus, the urgency of amending the Law on Teachers and Lecturers encompasses not only professional protection but also the distribution of governmental authority and financial responsibilities between central and regional governments.

The DPD's practice of proposing draft laws through the Prolegnas demonstrates that its involvement in legislative planning does not necessarily result in the enactment of proposed draft laws. The 2018 and 2019 Priority Prolegnas data used in this study indicate that several draft laws were proposed by the DPD; however, the Draft Amendment to the Law on Teachers and Lecturers was not included in the priority lists. This condition cannot immediately be interpreted as indicating that the DPD's initiative to amend the Law on Teachers and Lecturers had been discontinued. Rather, it indicates that there is no evidence that the proposal was included in the priority legislative lists during the period examined. This finding is consistent with the research of (Panjaitan et al., 2017), which found that the DPD's legislative function remained suboptimal despite being implemented in accordance with applicable procedures. Furthermore, Arrsa argues that the strengthening of the DPD's authority through Constitutional Court Decision No. 92/PUU-X/2012 has not been fully accompanied by an enhanced institutional position in the final decision-making process for lawmaking. Therefore, the success of the DPD's legislative function should not be measured solely by the number of draft laws proposed, but also by the extent to which the substance of these proposals receives adequate consideration and follow-up within the national legislative process (Triningsih & Mardiya, 2017).

Another issue affecting the implementation of the DPD's legislative function is the lack of regulatory alignment between Constitutional Court decisions and statutory provisions governing representative institutions. Constitutional Court Decision No. 92/PUU-X/2012 established a constitutional interpretation of the DPD's rights to propose and deliberate draft laws. However, the provisions of Law No. 17 of 2014 concerning the MD3 Law continue to raise implementation issues. Research (Widiarto, 2015; Siagian, 2020) explain that provisions in the MD3 Law that are inconsistent with the Constitutional Court's decision have created normative dualism concerning the authority of legislative institutions. This situation may generate legal uncertainty in practice because of the discrepancy between the authority affirmed through the Constitutional Court's decision and the statutory provisions applied in the legislative process. These findings demonstrate that obstacles to the DPD's legislative function do not arise solely from constitutional limitations but also from problems involving the harmonization of statutory regulations and institutional relations among state institutions. In the context of the Draft Law on Teachers and Lecturers, these issues become increasingly complex because the DPD must first establish the connection between the bill's substantive provisions and its constitutionally mandated areas of authority, while also ensuring that the

proposal and deliberation procedures provide opportunities consistent with the Constitutional Court's decision (Kafandi et al., 2024). Accordingly, strengthening the DPD's legislative function requires consistency between the MD3 Law and the legislation governing the formation of laws and regulations so that the DPD's constitutional rights do not remain merely a matter of formal legal recognition.

The dynamics surrounding the formulation of the Draft National Education System Law (Sisdiknas Bill) through an omnibus approach also need to be considered when examining the continuation of the initiative to amend the Law on Teachers and Lecturers. If provisions concerning the income, allowances, protection, and welfare of teachers and lecturers are incorporated into the Sisdiknas Bill, some of the substantive matters previously addressed in the proposed amendment to the Law on Teachers and Lecturers may be consolidated or regulated anew. This situation requires the DPD to adjust its institutional strategies to ensure that regional aspirations remain accommodated in the formulation of national education policies. One constitutional avenue that can be optimized is the DPD's recommendation function, as stipulated in Article 22D paragraph (2) of the UUD NRI 1945. Through this function, the DPD can submit recommendations concerning the regulation of teachers' professional protection, the distribution of educational personnel, the allocation of educational management authority, and education financing between central and regional governments. This strategy is relevant because education is explicitly identified as an area within the DPD's authority to provide recommendations. Accordingly, although the authority to propose education-related draft laws remains subject to constitutional limitations, the DPD still has an available avenue for participation through which it can advocate for regional interests in the formulation of education policies.

Based on the overall findings, strengthening the DPD's legislative function in proposing the Draft Law on Teachers and Lecturers requires legal, institutional, and substantive strategies. From a legal perspective, the DPD needs to develop arguments in its academic paper demonstrating the connection between the regulatory substance concerning teachers and lecturers and regional autonomy, relations between central and regional governments, and fiscal relations between the two levels of government. Institutionally, the DPD needs to strengthen the capacity of its expert staff, establish cooperation with universities, regional governments, and professional organizations representing teachers and lecturers, and improve the quality of legislative drafting. Furthermore, the DPD's recommendation and oversight functions should be optimized to monitor education policies

under deliberation and the implementation of the Law on Teachers and Lecturers. These institutional strengthening recommendations are consistent with the research of (Panjaitan et al., 2017; S. & Farida, 2007), which emphasize the importance of improving human resource capacity, developing institutional support, fostering academic cooperation, and disseminating information about the DPD's authority to the public. Ultimately, the DPD's proposal of the Draft Law on Teachers and Lecturers should be positioned within the broader framework of strengthening regional representation rather than merely expanding the institution's authority. The success of this initiative depends on the accuracy of its constitutional basis, the strength of the arguments supporting its substantive provisions, the completeness of the proposal procedures, and the DPD's ability to establish coordination with the DPR and the government.

CONCLUSION

Based on the research findings and discussion, it can be concluded that the legislative function of the Regional Representative Council of the Republic of Indonesia (DPD RI) in proposing draft laws has a strong constitutional foundation, as stipulated in Article 22D paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) and reinforced by Constitutional Court Decision No. 92/PUU-X/2012. This decision affirms the DPD's right to propose draft laws, participate in legislative deliberations, and take part in the preparation of the National Legislation Program (Prolegnas) within its constitutionally mandated areas of authority, although it does not possess the authority to grant final approval. In the context of the Draft Amendment to the Law on Teachers and Lecturers, education is not explicitly identified as an area in which the DPD is authorized to propose draft laws, as it is only designated as an area within the DPD's recommendation and oversight functions. Nevertheless, the legitimacy of such a proposal may be established through the substantive connection between the regulation of teachers and lecturers and regional autonomy, relations between central and regional governments, and fiscal relations between the central and regional governments. The initiative undertaken by Committee III of the DPD RI in 2018 demonstrated efforts to identify issues concerning legal protection, administrative burdens, and teachers' welfare. However, it cannot yet be classified as a formal legislative proposal because no evidence has been identified showing that the draft was included in the DPD's list of priority draft laws in the 2018 and 2019 National Legislation Programs. The implementation of this function also faces several obstacles, including

constitutional limitations on the DPD's authority, inconsistencies between the MD3 Law and the Law on the Formation of Legislation (UU P3) and Constitutional Court decisions, the DPR's dominant position in the Prolegnas process, limited capacity in legislative drafting, and insufficient public understanding of the DPD's institutional position. Accordingly, the implementation of the DPD's legislative function in proposing the Draft Law on Teachers and Lecturers requires stronger constitutional arguments, adequate academic documentation, and the optimization of the DPD's authority in the legislative process and in providing recommendations on national education policies.

This study contributes to the development of constitutional law scholarship, particularly concerning the implementation of the DPD's legislative function following Constitutional Court Decision No. 92/PUU-X/2012. Theoretically, this study clarifies the limits of the DPD's authority to propose draft laws by distinguishing between the areas in which it may propose legislation under Article 22D paragraph (1) of the UUD NRI 1945 and the areas covered by its recommendation and oversight functions under Article 22D paragraphs (2) and (3). This study also advances an argumentative framework demonstrating that regulatory matters concerning teachers and lecturers may be connected to regional authority, relations between central and regional governments, and fiscal relations, provided that such connections are systematically explained in the academic paper. Practically, this study provides an overview of the procedures, obstacles, and strategies that the DPD may employ to advocate for regional aspirations in the formulation of education policies, particularly those concerning legal protection, welfare, and the equitable distribution of educational personnel. Accordingly, this study is expected to serve as a consideration for the DPD, the DPR, and the government in strengthening institutional relations and ensuring that regional interests are adequately accommodated in the legislative process.

Future research is recommended to examine more comprehensively the implementation of the DPD's legislative function through an empirical approach involving DPD members, particularly members of Committee III and the DPD's Legislative Body, members of the DPR, legislative drafting experts, professional organizations representing teachers and lecturers, and regional governments. Such research should investigate official documents, including academic papers, draft amendments to the Law on Teachers and Lecturers, meeting minutes, formal proposal letters, and Prolegnas documents, to establish the extent to which the DPD's 2018 initiative developed into a formal legislative process. Furthermore, future studies could compare the implementation of the DPD's legislative

function in the education sector with its implementation in other sectors explicitly listed in Article 22D paragraph (1), thereby providing a clearer understanding of the limits and possibilities for a broader interpretation of the DPD's authority. Further studies should also evaluate the consistency of the MD3 Law and the Law on the Formation of Legislation with Constitutional Court Decision No. 92/PUU-X/2012 and assess the effectiveness of the DPD's recommendation and oversight functions in the formulation and implementation of national education policies.

REFERENCES

Alkadri, R. (2017). Role of the Regional Representatives Council on bicameral parliament system. *Journal of Indonesian Legal Studies, 1*(1), 3–12. https://journal.unnes.ac.id/sju/jils/article/view/16564

Arrsa, R. C. (2015). Konstruksi Yuridis Politik Legislasi DPD Pasca Putusan Mahkamah Konstitusi Nomor 92/PUU-X/2012. *Jurnal Konstitusi, 12*(4), 755–772. https://doi.org/10.31078/jk1245

Golap, M. (2017). Eksistensi Fungsi Dewan Perwakilan Daerah (DPD) dalam Sistem Ketatanegaraan Indonesia Menurut Undang-Undang Dasar Negara Republik Indonesia 1945. *Jurnal Noken: Ilmu-Ilmu Sosial, 2*(2), 50–67. https://doi.org/10.33506/jn.v2i2.32

Idami, Z. (2014). Kewenangan Dewan Perwakilan Daerah setelah Adanya Keputusan Mahkamah Konstitusi Nomor 92/PUU-X/2012. *Kanun Jurnal Ilmu Hukum, 16*(2), 303–327.

Indrati S., M. F. (2007). *Ilmu Perundang-Undangan 1: Jenis, Fungsi, dan Materi Muatan*. Kanisius.

Kafandi, M. A., Setiadi, W., & Thohari, A. A. (2024). Exercising the role and authority of Indonesia's Senate: Implications of Constitutional Court Decision 92/PUU-X/2012. *Research Horizon, 4*(5), 163–172. https://journal.lifescifi.com/index.php/RH/article/view/379

Laksono, F., Triningsih, A., Ramdan, A., & Karmadaniah, I. (2015). Implementasi Putusan Mahkamah Konstitusi Nomor 92/PUU-X/2012 Terkait Kewenangan Dewan Perwakilan Daerah dalam Pembentukan Undang-Undang. *Jurnal Konstitusi, 12*(3), 542–568. https://doi.org/10.31078/jk1236

Mahfud MD, M. (2011). *Perdebatan Hukum Tata Negara Pascaamandemen Konstitusi*. Rajawali Pers.

Marzuki, P. M. (2017). *Penelitian Hukum* (Edisi revisi). Kencana.

NU Online. (2018, May 3). *Perubahan UU 14/2005 Harus Lindungi Profesi Guru dan Dosen*. https://www.nu.or.id/daerah/perubahan-uu-142005-harus-lindungi-profesi-guru-dan-dosen-BuntS

Nurbaningsih, E. (2015). Implikasi Putusan Mahkamah Konstitusi Nomor 92/PUU-X/2012 dan Alternatif Model Hubungan Kelembagaan Terkait Pembentukan Undang-

Undang. *Mimbar Hukum, 27*(1), 219–236. https://journal.ugm.ac.id/jmh/article/view/15906

Panjaitan, E. K., Herawati, R., & Hardjanto, U. S. (2017). Pelaksanaan Fungsi Legislasi Dewan Perwakilan Daerah Republik Indonesia Periode 2009–2014. *Diponegoro Law Journal, 6*(2), 1–14. https://ejournal3.undip.ac.id/index.php/dlr/article/view/17357

Reza, F. (2019). DPD sebagai Pembentuk Undang-Undang dan Peranannya dalam Fungsi Legislasi Pascaputusan Mahkamah Konstitusi. *Media Syari'ah, 21*(1), 41–51.

Siagian, A. H. (2020). Penguatan Kewenangan DPD dalam Sistem Ketatanegaraan Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 92/PUU-X/2012. *DE LEGA LATA: Jurnal Ilmu Hukum, 5*(2), 99–108. https://doi.org/10.30596/dll.v5i2.4348

Triningsih, A. (2017). Politik Hukum Pendidikan Nasional: Analisis Politik Hukum dalam Masa Reformasi. *Jurnal Konstitusi, 14*(2), 332–350. https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/1425

Triningsih, A., & Mardiya, N. Q. (2017). Interpretasi Lembaga Negara dan Sengketa Lembaga Negara dalam Penyelesaian Sengketa Kewenangan Lembaga Negara. *Jurnal Konstitusi, 14*(4), 778–798. https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/1444

Widiarto, A. E. (2015). Ketidakpastian Hukum Kewenangan Lembaga Pembentuk Undang-Undang Akibat Pengabaian Putusan Mahkamah Konstitusi. *Jurnal Konstitusi, 12*(4), 735–754. https://doi.org/10.31078/jk1244

Zeitalini, N. (2021, December 16). *Sidang Paripurna DPD Bahas Hak Guru Honorer hingga Review UU Pemilu*. detikNews. https://news.detik.com/berita/d-5858659/sidang-paripurna-dpd-bahas-hak-guru-honorer-hingga-review-uu-pemilu