

Mochammad Farhan

An Analysis of Strengthening the Role of the Regional Representative Council in Indonesia's Constitutional System (...)

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An Analysis of Strengthening the Role of the Regional Representative Council in Indonesia's Constitutional System (a Comparative Study of the Spanish Senate)

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Abstrak

Disfungsi konstitusional Dewan Perwakilan Daerah Republik Indonesia yang mengakibatkan lemahnya representasi wilayah dalam kebijakan nasional. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual dan perbandingan hukum berdasarkan teori legal style Konrad Zweigert, penelitian ini menganalisis transformasi Dewan Perwakilan Daerah melalui refleksi model Senat Spanyol. Hasil penelitian menunjukkan Senat Spanyol memiliki procedural leverage yang otoritatif, sedangkan di Indonesia ketiadaan procedural leverage membuat aspirasi wilayah senantiasa di dominasi koalisi partai politik di Dewan Perwakilan Rakyat. Melalui penguatan ini, Dewan Perwakilan Daerah bertransformasi menjadi penyeimbang fungsional yang menjamin keadilan bagi seluruh wilayah Nusantara.

Kata Kunci: Dewan Perwakilan Daerah; Senat Spanyol; Partai Politik; Keadilan; Sistem Konstitusional

Abstract

The constitutional dysfunction of the Regional Representative Council of the Republic of Indonesia has resulted in weak regional representation in national policy. This study employs a normative legal methodology with a legislative. conceptual and comparative law approach based on Konrad Zweigert's theory of legal style; it analyzes the transformation of the Regional Representative Council by drawing on the model of the Spanish Senate. The results of the study indicate that the Spanish Senate possesses authoritative procedural leverage, whereas in Indonesia, the absence of such

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leverage results in regional aspirations being consistently dominated by political party coalitions within the People's Representative Council. Through this strengthening, the Regional Representative Council transforms into a functional counterbalance that ensures justice for all regions of the archipelago.

Keywords: Regional Representative Council; Spanish Senate; Political Parties; Justice; Constitutional System

INTRODUCTION

The establishment of the Regional Representative Council was a fundamental breakthrough following the amendment of the 1945 Constitution of the Republic of Indonesia, designed to accommodate regional interests through a democratic bicameral system.¹ Under Article 22D of the 1945 Constitution of the Republic of Indonesia (as intended), the Regional Representatives Council is granted a constitutional mandate to propose, participate in the discussion of, and provide input on draft laws related to regional autonomy and the relationship between the central government and the regions. However, in reality, this constitutional design actually limits the authority of the Regional Representative Council to merely that of a "proposer" without the authority to make final decisions, so that the

role of this institution is often sidelined in the national legislative process.²

Numerous studies on strengthening the Regional Representative Council have been conducted, including a study by Meylanti et al. in 2024, which proposes repositioning the council through constitutional conventions and amendments to shift its role toward becoming a pillar of democracy on par with the House of Representatives.³ In line with this, a study by Drahmasyfa et al. (2025) emphasizes the need to restructure the distribution of authority within Indonesia's soft bicameral system to ensure that regional representation is more meaningful, although the study remains largely normative in nature.⁴ Furthermore, a 2023 study by Firmansyah and Siregar analyzed the comparative roles of the Regional Representative Council and the French

¹ Desy Asneli, Meri Yarni, and Arfa'i Arfa'i, "Kewenangan Dewan Perwakilan Daerah Dalam Pemantauan Dan Evaluasi Peraturan Daerah," *Jurnal Penelitian Inovatif* 5, no. 3 (2025): 2270, <https://doi.org/10.54082/jupin.1752>.

² Rizal Fahmi Mustari and Ahmad Sholikhin Ruslie, "Penguatan Kewenangan Dewan Perwakilan Daerah (DPD) Sebagai Representasi Daerah Dalam Sistem Legislasi Nasional," *Media Hukum Indonesia (MHI)* 4, no. 1 (2026): 1006, <https://doi.org/10.5281/zenodo.18046701>.

³ Fidyia Rizka Meylanti et al., "Optimalisasi Fungsi Dewan Perwakilan Daerah (DPD) Sebagai Pilar Demokrasi," *Jurnal Review Pendidikan Dan Pengajaran (JRPP)* 7, no. 4 (2024): 18175, <https://doi.org/10.31004/jrpp.v7i4.39660>.

⁴ Deizan Azriel Drahmasyfa et al., "Rekonstruksi Kewenangan DPD Dalam Sistem Bikameral Lunak Indonesia: Memperkuat Representasi Daerah," *Jurnal Ilmu Pendidikan Pancasila, Kewarganegaraan, Dan Hukum* 2, no. 3 (2025): 17, <https://doi.org/10.70134/pakehum.v2i3.850>.

Senate in strengthening public participation; however, the scope of the comparison was limited to legislative mechanisms and did not address regional protection instruments more broadly.⁵ Although these studies have provided an important foundation, there remains an academic area that has not been thoroughly explored, particularly regarding a robust methodological justification through a comparison of equivalent legal systems within the Civil Law tradition. It is here that this study takes a distinct approach by presenting a comparative analysis grounded in Konrad Zweigert's theory of legal style as applied to the Spanish Senate (*Cámara de representación territorial*).⁶

The urgency of this research stems from the pressing need to address the dysfunction of Indonesia's bicameral system through a functional analysis of the Spanish Senate system, as a fellow adherent of the civil law tradition. The selection of Spain as the object of comparison is based on the characteristics of its constitutional system, which has successfully transformed regional representative

bodies into guardians of constitutional integrity through the mechanism of Article 155 of the Spanish Constitution.⁷ This is particularly relevant for Indonesia in mitigating disputes over central-local authority, such as those arising from the controversy surrounding Law No. 6 of 2023, which codified Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into law, thereby curtailing local regulatory authority. Without a comprehensive comparison with Senate models that have similar legal roots and structured divisions of authority, efforts to strengthen the Regional Representative Council in Indonesia will remain mired in political debate without a practical technical foundation to uphold national integration.⁸

The main focus of this study is the limited influence of the Regional Representative Council in the national political decision-making process compared to the Senate model in other countries. By comparison, the Spanish Senate has a strong institutional structure as a representative body of the regions,⁹ capable of vetoing bills from the

⁵ Adithya Tri Firmansyah and Amselnus Siregar, "Reposisi Kedudukan Dewan Perwakilan Daerah Dalam Fungsi Legislasi Untuk Memperkuat Partisipasi Masyarakat Yang Bermakna (Studi Perbandingan Antara Indonesia Dengan Perancis)," *Wijaya Putra Law Review* 2, no. 2 (2023): 159, <https://doi.org/10.38156/wplr.v2i2.170>.

⁶ Péter Cserne, "Conceptualising 'style' in Legal Scholarship: The Curious Case of Zweigert's 'style Doctrine'," *International Journal of Law in Context* 15, no. 3 (2019): 297, <https://doi.org/10.1017/S1744552319000296>.

⁷ Elviandri Elviandri et al., "Reposisi Eksistensi DPD RI: Meneguhkan Posisi Ideal Dalam Sistem Ketatanegaraan Indonesia," *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana* 5, no. 1 (2024): 403–404, <https://doi.org/10.46930/jurnalrectum.v5i1.4822>.

⁸ Mustari and Ruslie, "Penguatan Kewenangan Dewan Perwakilan Daerah (DPD) Sebagai Representasi Daerah Dalam Sistem Legislatif Nasional," 1007.

⁹ Senado de España, "The Senate Bicameral System in Spanish | Spanish Senate," in *Senado.Se*, 2025, <https://www.senado.es/web/conocersenado/temasclave/sistemabicameral/index.html?lang=en#>. accessed February 15, 2026.

Lower House, thereby forcing dignified inter-chamber negotiations. The role of the Spanish Senate as a guardian of stability in the autonomous regions demonstrates that the upper house can play a tangible role in safeguarding the constitution.¹⁰ This stark contrast raises the question of to what extent the effective elements of the Spanish system can be reflected in Indonesia's constitutional system.

This study employs a normative legal research method that focuses on the analysis of positive legal norms and legal doctrines related to the representative system.¹¹ The approach employed includes a statutory approach to conduct an in-depth analysis of the hierarchy and consistency of legal norms in the 1945 Constitution and the 1978 Spanish Constitution regarding the powers of the legislative branch. Furthermore, a conceptual approach was used, drawing on expert opinions and legal doctrine to analyze the pillars of territorial representation and the theory of bicameralism in order to establish a framework for institutional strengthening. A comparative legal approach was applied to identify functional similarities and differences between the Regional Representative Council of Indonesia and the Spanish Senate, in order to explore best practices that can be adapted into the Indonesian legal system. Primary legal materials were obtained from the national

regulations of both countries, while secondary legal materials were sourced from academic journals and relevant legal literature. All data was analyzed prescriptively using systematic interpretation techniques to generate concrete legal solutions to the problem of the dysfunctional role of the Regional Representative Council in Indonesia.

This study aims to formulate ideas for strengthening the Regional Representative Council in accordance with four main stages of discussion. The first stage involves establishing a comparative justification through legal style theory to validate the feasibility of a comparison between Indonesia and Spain. The second stage involves an in-depth analysis of the position and functions of the Regional Representative Council within the current constitutional system to identify existing obstacles. The third stage involves analyzing the structure of the Spanish Senate as a model of territorial representation (Cámara de representación territorial) to identify relevant variables for strengthening authority. The fourth stage involves developing a framework for strengthening the Indonesian Regional Representative Council through an adaptation of the Spanish model's mechanisms of state coercion and procedural leverage to achieve a system of strong bicameralism.

¹⁰ Pablo Castillo-Ortiz, "Constitutionalism and the Radical Right: The Case of the Spanish Party Vox," *International Journal of Constitutional Law* 20, no. 2 (2022): 745, <https://doi.org/10.1093/icon/moac038>.

¹¹ Wiwik Sri Widiarty, "Buku Ajar Metode Penelitian Hukum," Publika Global Media, 2024, 118.

RESULT AND DISCUSSION

Comparative Justification through the Theory of Legal Style (Konrad Zweigert)

Spain was selected as the comparative country to avoid a methodological flaw known as “incomparability.” In comparative law studies, researchers note that one cannot arbitrarily compare two legal systems without first ensuring that the two countries belong to the same or similar legal families. This is consistent with the views of *Konrad Zweigert* and *Hein Kötz* through the theory of “legal style,” a taxonomic instrument used to classify the world’s legal systems into coherent legal families. This doctrine aims to explore the deep-seated substance that shapes the unique character of a legal system, so that the process of adapting a model from one country to another can proceed logically and practically.

Zweigert and *Kötz* argue that effective comparison must focus on the relatively static elements within a legal system, rather than fixating on the volatile text of statutes.¹² This legal style is understood as a composite of heterogeneous elements that reflect the unity of form and the distinctiveness (*Eigenheit*) of a system. This doctrine offers five main classifications as indicators of legal style, namely:

historical origins, dominant legal thought, distinctive legal institutions, sources of law, and political ideology. Using these five indicators, this study will demonstrate that despite their geographical distance, Indonesia and Spain share legal similarities that facilitate the exchange of constitutional ideas.

Through this classification, it is clear that both Indonesia and Spain are rooted in European legal traditions. Indonesia has implemented a mixed legal system dominated by the Dutch colonial legacy (Civil Law), while Spain has a pure Civil Law system rooted in Roman law.¹³ Although there are minor differences in the integration of customary law in Indonesia, the modern legal systems of both countries remain rooted in a systematic codification model.¹⁴ This has fostered an almost identical legal mindset, in which legal practitioners in both Indonesia and Spain adopt a dogmatic approach focused on doctrinal analysis and logical interpretation of the law, without being entirely bound by precedent.¹⁵

Institutionally, this alignment of legal systems is evident in the tiered judicial structures that culminate in the Supreme Court and the Constitutional Court in both countries.

¹² Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law*, 3rd ed., trans. Tony Weir (Oxford: Oxford University Press, 1998), 68.

¹³ Dian Ekawati, “Model of the Indonesian Legal System,” *Jurnal Kewarganegaraan* 7, no. 2 (2023): 2041, <https://doi.org/https://doi.org/10.31316/jk.v7i2.5585>.

¹⁴ Dalia Perkumienė, Aidnas Perkumas, and Yanis Hafsaoui, “Concept And Essential Principles Of Spanish Business Law,” *HUMANITIES STUDIES* 97 (September 2024): 230, <https://doi.org/10.32782/hst-2024-20-97-26>.

¹⁵ Afga Samudera Erlangga and Ellyne Dwi Poespasari, “Comparison of Civil Law and Common Law Legal Systems in the Application of Jurisprudence,” *Journal of Law, Politic and Humanities* 4, no. 6 (2024): 2233, <https://doi.org/10.38035/jlph.v4i6.649>.

Although Indonesia has a more complex institutional framework, such as the Religious Courts, this functional specialization of the judiciary is also found in Spain through the authority of the Tribunal Supremo. Regarding sources of law and political ideology, both Indonesia and Spain place the constitution at the top of the hierarchy as the highest instrument protecting citizens' rights.¹⁶ It is this similarity in legal systems that is an absolute prerequisite for a valid comparison between the Regional **Representative Council of the Republic of Indonesia and the Spanish Senate**, as both operate within a similar legal framework, namely the supremacy of law and a systematic approach to regulation.

To conclude this justification, the use of a functional approach allows the research to transcend technical differences such as the form of government whether a republic or a monarchy.¹⁷ Both states face similar social challenges, namely how to accommodate

regional interests amid the dominance of central government policies. From a legal perspective, these differences actually serve as variables that enrich the analysis, since the focus of the research is no longer on the text itself, but rather on how these institutions function as solutions to the challenges of decentralization. Based on the findings of this analysis, it can be concluded that this section successfully demonstrates that Spain serves as an appropriate model for Indonesia to consider in its efforts to strengthen the role of the Regional Representative Council.

Based on the theoretical discussion outlined above, the alignment of legal systems between Indonesia and Spain can be classified into five determining factors of legal systems. This is useful for providing a more comprehensive comparative overview, as presented in Table 1 below:

Table 1
Classification of Legal Styles in Indonesia and Spain (Zweigert & Kötz)

No	Classification of Legal Systems	Conditions in Indonesia	Conditions in Spain
1	Historical Background	The Civil Law tradition (Dutch) that emphasizes post-colonial codification.	A tradition of Continental European civil law with a history of strong regional autonomy.
2	Modes of Legal Reasoning	A deductive-normative approach through written legislation.	A systematic, codified approach that prioritizes constitutional legal certainty.
3	Distinctive Legal Institutions	The Regional Representative Council of the Republic of Indonesia as the institution representing the	The Senate as the chamber of territorial representation within the parliamentary system.

¹⁶ Diya Ul Akmal, Dea Linta Arlianti, and others, "Dinamika Perlindungan Hak Konstitusional Warga Negara Dalam Implementasi Pengujian Undang-Undang Di Mahkamah Konstitusi," *Mulawarman Law Review* 7, no. 1 (2022): 55, <https://doi.org/10.30872/mulrev.v7i1.780>.

¹⁷ Aini Shalihah, Fahrizal Nur Mahalli, and others, "Perbandingan Constitutional Theory Dalam Doktrin Para Ahli Sebagai Bentuk Landasan Kelembagaan Negara," *Sosio Yustisia: Jurnal Hukum Dan Perubahan Sosial* 3, no. 1 (2023): 10, <https://doi.org/10.15642/sosyus.v3i1.360>.

		regions following the amendments to the 1945 Constitution.	
4	Sources of Law	The 1945 Constitution of the Republic of Indonesia and legislation as authoritative norms.	The 1978 Constitution and the codified laws as the primary sources of law.
5	Ideological Factors	A constitutional state (rechtsstaat) with a spirit of dynamic regional autonomy.	The 1978 Constitution and the codified laws as the primary sources of law.

Source: Analyzed by the author based on Konrad Zweigert & Hein Kötz (1998) and primary legal sources from Indonesia and Spain.

The table above confirms that there is significant alignment in legal style between Indonesia and Spain. This demonstrates that the comparison between the Regional Representative Council of the Republic of Indonesia and the Spanish Senate has a strong methodological foundation, making the proposal to strengthen the Regional Representative Council of the Republic of Indonesia by adapting mechanisms from the Spanish Senate systemically compatible.

The Role and Functions of the Regional Representative Council in Indonesia’s Constitutional System

As an integral part of the bicameral legislative system, alongside the People’s Representative Council, the Regional Representative Council of the Republic of Indonesia was established through the Third Amendment to the 1945 Constitution in 2001.¹⁸ This institution was established as a structural reform to replace the roles of regional representatives

and group representatives in The People’s Consultative Assembly with a membership system directly elected by the people through general elections.¹⁹ Philosophically, the Regional Representative council is intended to strengthen the foundations of democracy, ensure clean governance, and optimize the function of checks and balances within The Indonesian Government to prevent it from becoming trapped in a centralized power structure.

Constitutionally, the Regional Representative Council is positioned on an equal footing with the People’s Representative Council within the structure of the country’s highest institutions, though with a specific and limited mandate.²⁰ The functions of the Regional Representative Council include proposing certain draft laws, participating in legislative deliberations,²¹ providing recommendations, and overseeing the implementation of laws closely related to regional interests.

Thus, the Regional Representative Council of

¹⁸ Rahmat Mokodompit and others, “Telaah Karakteristik Sistem Bikameral Pasca Putusan Mahkamah Konstitusi Nomor. 92/Puu-X/2012,” *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 5 (2025): 6292, <https://doi.org/10.61104/alz.v3i5.2196>.
¹⁹ Mustari and Ruslie, “Penguatan Kewenangan Dewan Perwakilan Daerah (DPD) Sebagai Representasi Daerah Dalam Sistem Legislasi Nasional,” 1006.
²⁰ Mokodompit and others, “Telaah Karakteristik Sistem Bikameral Pasca Putusan Mahkamah Konstitusi Nomor. 92/Puu-X/2012,” 6292.
²¹ Deizan Azriel Drahmasyfa et al., “Rekonstruksi Kewenangan DPD Dalam Sistem Bikameral Lunak Indonesia: Memperkuat Representasi Daerah,” *Jurnal Ilmu Pendidikan Pancasila, Kewarganegaraan, Dan Hukum* 2, no. 3 (2025): 19, <https://doi.org/10.70134/pakehum.v2i3.850>.

the Republic of Indonesia is designed as the primary bridge for local aspirations to influence national policy, although in practice this legislative role is often viewed as complementary rather than determinative.²²

The legal basis for the Regional Representative Council of the Republic of Indonesia is rooted in Article 2, paragraph (1), and Article 22D of the 1945 Constitution, which are further elaborated in technical detail in Law No. 17 of 2014 on the Regional Representative Council. Based on these provisions, the Regional Representative Council carries out six strategic functions: legislative, oversight, budgetary (particularly regarding the allocation of fiscal equalization funds), strategic policy deliberation, the articulation of public aspirations, and political education.²³ These six functions are theoretically designed to ensure that regional autonomy proceeds in tandem with national integration. However, after two decades, a complex problem has emerged in the form of a sharp disconnect between the electoral mandate received by members of the Regional Representative Council and the constitutional authority they

possess a phenomenon experts refer to as extreme power asymmetry.²⁴

This anomaly in power is clearly evident when comparing individual legitimacy. Members of the Regional Representative Council are directly elected by the people through a province-based district system, which often results in individual vote totals that far exceed those of members of the People's Representative Council in the same electoral district. In a representative democracy, the degree of the people's mandate should correlate linearly with the degree of power to shape public policy.²⁵ However, in reality, even though a member of the Regional Representative Council receives massive support such as the phenomenon of Alfiansyah Komeng, who garnered over 5.3 million votes in the 2024 election they still lack the authority to grant final approval or independently pass a law.²⁶

This disparity creates what is known as the "glass ceiling" of authority, where the political independence of individually-elected Regional Representative Council members clashes with the dominance of collective

²² Rispalman, Yenny Sri Wahyuni, and Nora Aviza, *Kewenangan DPD RI Sebagai Lembaga Negara Legislatif*, ed. Siti Radhita (Banda Aceh: Bandar Publishing, 2024), 6.

²³ John Pieris and Aryanti Baramuli Putri, *Penguatan Dewan Perwakilan Daerah Republik Indonesia*, Ed. 1 (Jakarta: Pelangi Cendekia, 2009), 179.

²⁴ Elly Nurlia et al., "Reinforcement Of Indonesia's Regional Representatives Council For A Better Future Of The Indonesian People's Representative Institution," *CosmoGov: Jurnal Ilmu Pemerintahan* 10, no. 2 (2024): 285–286, <https://doi.org/10.24198/cosmogov.v10i2.57950>.

²⁵ Indra Bayu Nugroho, "Tinjauan Kritis Dewan Perwakilan Daerah Dalam Perspektif Penguatan Fungsi Kelembagaan Dalam Sistem Ketatanegaraan Indonesia," *Journal Inicio Legis* 5, no. 1 (2024): 48, <https://doi.org/10.21107/il.v5i1.25880>.

²⁶ Sussy Sartika Rumbo, "Alfiansyah Komeng, Anggota DPD RI Terpilih Jawa Barat Dengan Suara Terbanyak," Kompas Pedia, August 2024, <https://kompaspedia.kompas.id/baca/profil/tokoh/alfiansyah-komeng-anggota-dpd-ri-terpilih-jawa-barat-dengan-suara-terbanyak>, accessed February 15, 2026.

party representation in the House of Representatives.²⁷ The impact is evident in the low legislative productivity; research by the Center for Law and Policy Studies shows that during the 2017–2022 period, the Regional Representative Council’s independent legislative achievements were nearly nonexistent. The case study of the Customary Law Community Bill serves as clear evidence of this systemic failure, where a policy of urgent importance to the regions has stalled due to institutional resistance and a lack of political will on the part of the House of Representatives.²⁸

Given this representational dysfunction, efforts to establish a healthy system of strong bicameralism through the restructuring of the Regional Representative Council’s role have become an imperative necessity. Experts’ recommendations emphasize the importance of granting joint approval rights over regional sectoral laws through an amendment to Article 20, paragraph (2) of the 1945 Constitution, as well as strengthening the budget function to make it more substantive. This reform is essential not only to restore the dignity of the Regional Representative Council as a representative body, but also to ensure that the sovereignty of the people in the regions is no

longer marginalized in determining the direction of national policy.

The Structure of the Spanish Senate as a Chamber of Territorial Representation

The establishment of the Spanish Senate under the 1978 Constitution was a manifestation of the complex democratic transition following the end of the authoritarian regime. Historically, Spain has a long tradition of bicameralism, but it was only through the Political Reform Act of 1977 that this bicameral system was revived as a crucial agenda in restructuring state power.²⁹ The choice of this system was driven by the urgent need to create a “cooling mechanism” against policies that might be hastily decided by the lower house or the Congress of Deputies.³⁰ This was the result of a compromise between center-right groups seeking institutional stability and the left, which initially leaned toward a unicameral system reflecting the sovereignty of the people alone.

The result of this compromise is enshrined in Article 66 (1) of the 1978 Constitution, which stipulates that the Cortes Generales represents the Spanish people through two chambers: the Congress of Deputies (Congreso de los Diputados) and the Senate

²⁷ Pieris and Putri, *Penguatan Dewan Perwakilan Daerah Republik Indonesia*, 228.

²⁸ CR 34, “IOJI Dorong Pengesahan RUU Masyarakat Hukum Adat,” Hukumonline, March 2025, <https://www.hukumonline.com/berita/a/ioji-dorong-pengesahan-ruu-masyarakat-hukum-adat-lt67d8ca9176533/>. accessed February 15, 2026.

²⁹ Manuel Ortiz Heras, “The Meaning of the 1978 Constitution in the Spanish Transitional Process and the Post-Treatment,” *Hispania Nova. Primera Revista de Historia Contemporánea on-Line En Castellano. Segunda Época*, no. 24 (2026): 58–59, <https://doi.org/10.20318/hn.2026.8532>.

³⁰ Congreso de los Diputados, “Sinopsis Artículo 69,” Constitución Española, 2025, https://app.congreso.es/consti/constitucion/indice/imprimir/sinopsis_pr.jsp?art=69&tipo=2. accessed February 15, 2026.

(Senado). Although national sovereignty remains in the hands of the people, its distribution is regulated through different mechanisms of representation in each chamber. The affirmation in Article 69(1), which defines the Senate as the “Chamber of Territorial Representation,” reflects the constitutional framers’ deliberate effort to confer a distinct functional identity upon the upper house. This identity is significant given Spain’s transformation from a centralized state into one that recognizes the autonomy of the various regions and nationalities comprising it, as guaranteed by Article 2 of the Constitution.

The composition of the Spanish Senate is unique because it combines two methods of filling seats, reflecting the reality of provincial administrative divisions while accommodating the existence of autonomous communities (Comunidades Autónomas). The majority of Senate members about four-fifths are elected directly in provincial-level constituencies through free, direct, and secret elections.³¹ The use of provinces as electoral districts is a traditional administrative legacy aimed at providing equitable representation for rural areas—often referred to as “depopulated Spain” (España vaciada)—ensuring that smaller provinces have voting weight

equivalent to densely populated regions.³² In addition, the constitution grants special treatment to island territories and the autonomous cities of Ceuta and Melilla to ensure their political accessibility at the central level.³³

The dimension that most clearly reflects the region’s distinct character is the presence of senators directly appointed by the autonomous regional parliament under Article 69 (5). Each autonomous community is entitled to appoint one permanent senator, plus one additional senator for every one million residents in its territory. Although this method links regional political dynamics to the national stage, the mechanism of “adequate proportional representation” in these appointments sometimes brings national political polarization into the regional sphere.³⁴ Nevertheless, this mixed system affirms the Senate’s position as a space where the specific interests of autonomous regions can be voiced and formally integrated into national policy.

In its legislative function, the Spanish Senate serves as a second chamber with limited authority to propose amendments or veto bills sent by the Congress. Although this bicameral system is asymmetrical—in that the Congress can override a Senate veto with an absolute majority—this function remains

³¹ Daniel Casal Oubiña, “El Senador Designado Como Instrumento de Integración Territorial: Configuración, Elección y Rol En El Sistema Político Autonómico,” *Revista Derecho Del Estado* 58 (2024): 269, <https://doi.org/10.18601/01229893.n58.10>.

³² Congreso de los Diputados, “Sinopsis Artículo 69.” accessed February 15, 2026.

³³ The Spanish Constitution, Pub. L. No. Constitución Española, 311 BOE (Boletín Oficial del Estado) (1978).

³⁴ Ángel Luis Alonso de Antonio, “La Dimensión Territorial Del Senado,” *Asamblea. Revista Parlamentaria de La Asamblea de Madrid*, no. 49 (2025): 52–54, <https://doi.org/10.59991/rvam/2025/n.49/1032>.

vital as a forum for technical deliberation. The dominance of the Congress is also evident in budgetary matters and the process of swearing in the President of the Government. However, the Senate possesses strong political oversight tools, such as ministerial interpellations, as well as a role in the appointment of members of the Constitutional Court and the Judicial Council, which strengthens its role within the system of checks and balances.³⁵

The pinnacle of the Spanish Senate's territorial authority lies in its central role under Article 155 of the Constitution, a mechanism of "state coercion" (*coerción estatal*) invoked when an autonomous region violates its legal obligations or undermines Spain's public interest. In this context, the Senate acts as the primary guarantor of constitutional integrity and regional autonomy. The government cannot intervene in an autonomous region without the approval of an absolute majority of the Senate Plenary. The application of Article 155 to Catalonia in 2017 demonstrated that the Senate is the highest institution validating state intervention while simultaneously serving as the last bastion of stability for the autonomous regional order in Spain.³⁶

Ideas for Strengthening the Regional Representative Council through Reflection on the Adaptation of the Spanish Model

The existence of the Regional Representative Council of the Republic of Indonesia following the amendments to the 1945 Constitution has often been criticized as a "half-hearted design" within Indonesia's constitutional structure. This anomaly stems from a fundamental discrepancy between massive electoral legitimacy and minimal institutional authority. Article 22D of the 1945 Constitution effectively reduces the role of the Regional Representative Council to that of a mere advisory body, resulting in the individual mandates of its members often being hindered by a constitutional glass ceiling.³⁷ To address this dysfunction, the Spanish Senate (*Senado*) model offers a legal reflection on how a "Chamber of Territorial Representation" can retain exclusive procedural instruments even within an asymmetric bicameral system

The first step in restructuring the Regional Representative Council is to grant it procedural leverage in the legislative sphere to overcome legislative bottlenecks. Currently, bills proposed by the Regional Representative Council are often ignored due to the

³⁵ Pablo Gómez Perpinya, "El Senado: Renovado Escenario Para La Contienda Política. Comparecencias, Debates y Reforma," *Estudios de Deusto* 71, no. 1 (2023): 269–271, <https://doi.org/10.18543/ed.2794>.

³⁶ Francisco Miguel Benítez Cano, "El Artículo 155 de La Constitución Española," *Revista de Estudios Fronterizos Del Estrecho de Gibraltar: REFEG*, no. 11 (2023): 3, <https://doi.org/10.47919/FMGA.CM23.0202>.

³⁷ Oubiña, "El Senador Designado Como Instrumento de Integración Territorial: Configuración, Elección y Rol En El Sistema Político Autonómico."

lack of legal enforceability in Article 20, paragraph (2) of the 1945 Constitution. Adopting the Suspensive Veto model from the Spanish Senate could be a solution, but with modifications to the conflict resolution mechanism to make it more authoritative. In this model, the Regional Representative Council is granted the authority to veto bills proven to curtail regional autonomy or budgets through a decision by 50% plus one of the members of the Regional Representative Council's Plenary Session.

Unlike the Spanish system, where a veto can be overridden by the House of Representatives once the suspension period has expired, this veto cannot be unilaterally overridden by the House of Representatives; instead, it must be referred to a Joint Conference Committee composed of equal numbers of members from the House of Representatives and the Regional Representatives Council.³⁸ If this committee fails to reach an agreement within 60 days, the bill is deemed null and void by law. This mechanism will transform the Regional Representatives Council into an essential "cooling-off chamber" to prevent the tyranny of the political party majority in the House of Representatives, while ensuring that centralized national policies cannot be enacted

without substantive approval from regional representatives.³⁹

The shift toward a strong bicameral system in this study is not intended to grant entirely identical powers to the Regional Representative Council and the House of Representatives, but rather to create a balance of authoritative functions. The difference in representative mandates serves as the primary philosophical rationale, wherein the House of Representatives holds a mandate of popular sovereignty based on the overall population, while the Regional Representative Council holds sovereignty based on territorial representation. Granting exactly the same absolute authority across all legislative domains risks creating legislative gridlock that paralyzes the effectiveness of national governance. Therefore, the urgency of implementing strong bicameralism is realized through the granting of specific veto rights on issues of regional autonomy and the regional budget as an instrument of "procedural bargaining power" so that the voice of the regions is not merely a formal formality. This veto power is not intended to rival the political supremacy of the House of Representatives, but rather to ensure that national policies impacting regions possess legitimate territorial legitimacy. Thus, the Regional Representatives Council

³⁸ Fuad Putera Perdana Ginting, Novan Andreas Lumban Tobing, and Anwar Saragih, "Strengthening the DPD RI Institution: Strengthening Regional Independence and the Bicameral System in Indonesia," *Journal of Social and Policy Issues*, 2025, 236–239, <https://doi.org/10.58835/jspi.v5i3.481>.

³⁹ M. Laica Marzuki, *Berjalan-Jalan Di Ranah Hukum: Pikiran-Pikiran Lepas*, Edisi Revi (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, 2006), 107, 108.

transforms into an effective counterbalance within the framework of measured strong bicameralism, without undermining the decision-making hierarchy in Indonesia's presidential system.

In addition to legislative aspects, the strengthening of the Regional Representative Council must also address the institution's role as a guardian of territorial integrity through the adaptation of mechanisms of state coercion as stipulated in Article 155 of the Spanish Constitution. In the Spanish model, the Senate must grant authorization before the central government takes coercive action or intervenes against an autonomous region that violates the law. If applied to Indonesia, the Regional Representative Council could be granted the authority to provide formal approval for central government intervention policies or the declaration of a state of emergency in specific regions. By positioning the Regional Representative Council as a constitutional guarantor in central-regional conflicts, the Regional Representative Council is no longer merely an observer but a counterbalance to power that ensures that central government actions toward regions remain within legal boundaries and respect the principle of autonomy.

In Indonesia, the need for such functions is reflected in conflicts between central and local government policies, such as during the implementation of Law No. 6 of 2023 on the Enactment of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law that curtails regional authority in environmental permitting, or the potential for conflict in addressing the status of special regions, which is often decided unilaterally by the central government. In the context of the deliberations on Law No. 6 of 2023 on the Enactment of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into a Law, the Regional Representatives Council can effectively be considered absent in the sense that it played no decisive role.⁴⁰ This is reflected in the open opposition from within the Regional Representative Council, one of which was voiced by M. Rahman, who in 2020 called for the halt of deliberations on the Job Creation Bill because it was deemed to contradict the principle of regional autonomy, as well as a statement by the Vice Chair of the Regional Representatives Council of the Republic of Indonesia, who emphasized that the Regional Representatives Council had sought to champion regional aspirations but was hindered by limited authority.⁴¹

⁴⁰ Wahyu Nugroho and Erwin Syahrudin, "Politik Hukum Rancangan Undang-Undang Cipta Kerja Disektor Lingkungan Hidup Dan Kehutanan (Suatu Telaah Kritis)," *Jurnal Hukum & Pembangunan* 51, no. 3 (2021): 646, <https://doi.org/10.21143/jhp.vol51.no3.3127>.

⁴¹ Muhammad Zulfikar, "Komite III DPD-RI tolak dan minta DPR-RI hentikan pembahasan RUU Cipta Kerja," ANTARA News Sumatera Barat, April 18, 2020, <https://sumbar.antaranews.com/berita/348600/komite-iii-dpd-ri-tolak-dan-minta-dpr-ri-hentikan-pembahasan-ruu-cipta-kerja>, accessed April 3, 2026.

Although the Regional Representative Council had formed a Special Committee (Pansus) on the Job Creation Law in response to protests by regional heads to filter and channel regional aspirations, these efforts still had no significant impact on the legislative process because they were not accompanied by the authority to determine the final substance of the law. The fact that these various forms of intervention did not affect the passage or substance of Law No. 6 of 2023 on the Enactment of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law indicates that the Regional Representative Council lacks influence in the final decision-making process, as limited by Article 22D of the 1945 Constitution of the Republic of Indonesia.

This situation results in weak representation of regional interests and the emergence of various implementation issues at the regional level due to the tendency toward policy centralization. Therefore, if the Regional Representative Council is substantively involved from the discussion stage through to approval, there is a rational guarantee that regional aspirations will be incorporated into statutory norms, thereby minimizing the potential for implementation conflicts and making investment policies more adaptive and responsive to regional needs.

The third pillar is strengthening institutional connectivity through the integration of local executive and legislative branches. A

current weakness of the Regional Representative Council is the lack of coordination with local executive actors such as governors and regents. The Spanish Senate addresses this through the Comisión General de las Comunidades Autónomas, a standing committee that includes senators and official representatives of local governments. Indonesia could adapt this model by reforming the MD3 Law to establish an “Integrated Territorial Commission.” This forum would institutionalize dialogue between the Regional Representative Council and regional heads, ensuring that national policy formulation is no longer Jakarta-centric but reflects the real sociological needs of local communities.

Furthermore, the Regional Representative Council must be positioned as the guarantor of fiscal balance and the last bastion of autonomy. In budgetary matters, the Regional Representative Council needs to be granted more decisive approval authority regarding the allocation of Special Allocation Funds and disputes over the formation of new regions. This aligns with the Spanish Senate’s priority in managing the Inter-Territorial Compensation Fund (Fondo de Compensación Interterritorial) to correct national economic disparities. Furthermore, the full involvement of the Regional Representative Council in the selection of members of the State Audit Board (BPK) and Constitutional Court Justices—similar to the Spanish Senate’s role in appointing judges to the

Constitutional Court will ensure that state oversight institutions possess a strong regional perspective in upholding the rule of law.⁴²

Ultimately, all of these proposals for strengthening the Regional Representative Council require the political courage to undertake a comprehensive constitutional amendment. Without reforming the articles regarding its authority, the Regional Representative Council will remain a mere “accessory to democracy,” confined to a consultative role. Strengthening the Regional Representative Council is not merely a matter of legislative technicalities, but an effort to return to the philosophical ideals of the preamble to the 1945 Constitution of the Republic of Indonesia regarding social justice and

popular sovereignty. By revitalizing the Regional Representative Council as an institutional counterweight (institutional opposition) to the dominance of party coalitions in the House of Representatives, Indonesia can establish a healthy system of strong bicameralism to safeguard the integrity and justice for all regions of the archipelago.

To translate these strengthening measures into an operational legal framework, this study proposes revisions to key articles of the 1945 Constitution. The wording of these amendments incorporates procedural mechanisms and territorial protection functions tailored to the needs of Indonesia’s constitutional system, as presented in Table 2 below:

Table 2:
Proposed Amendments to the 1945 Constitution to Strengthen the Regional Representative Council

Article	Current Editorial Policy	Proposal New Editorial Policy (Adapted from the Spanish Model & Joint Committee)	Urgency and Purpose of the Changes
Article 20, Paragraph (2)	Every bill is reviewed by the House of Representatives and the President for mutual approval	“Every bill is deliberated by the People's Representative Council, the Regional Representative Council, and the President to obtain mutual approval.”	Eliminating the subordinate status of the Regional Representative Council and establishing its position as an equal co-decision-maker.
Article 22D, Paragraph (2)	“...participate in the discussion of draft legislation related to... and provide input to the House of Representatives...”	“...deliberate on and approve or impose a suspensive veto on bills relating to the regions.”	Granting legal bargaining power so that regional voices are not merely ignored considerations.
Article 22D (New Paragraph)	(Not yet available)	“In the event that the Regional Representative Council exercises its right to a suspensive veto against	Conflict Resolution Mechanism: Ensuring that the Regional Representative Council’s veto cannot be unilaterally

⁴² Pablo Gómez Perpinyà, “El Senado: Renovado Escenario Para La Contienda Política. Comparecencias, Debates y Reforma,” *Estudios de Deusto* 71, no. 1 (2023): 273–278, <https://doi.org/10.18543/ed.2794>.

		a bill, a Joint Conference Committee shall be formed with a balanced composition of members from the House of Representatives and the Regional Representative Council.”	overridden and mandating equal negotiations (50:50).
Article 22D (New Paragraph)	(Not yet available)	“If the Joint Conference Committee fails to reach an agreement within 60 days, the bill shall be deemed null and void by law.”	Procedural Enforcement: Giving the Regional Representative Council “teeth” so that regional aspirations cannot be unilaterally sidelined by the central government.
Article 22D (New Paragraph)	(Not yet available)	“The Central Government is required to obtain the absolute consent of the Regional Representative Council before enacting strategic policies that impact the management of natural resources, territorial boundaries, and the protection of the indigenous rights and cultural identity of regional communities.”	Integrated Territorial Protection: The Adaptation of State Coercion to Safeguard Regional Integrity from Exploitative Centralized Policies.

Sources: Analyzed by the author based on primary legal sources from Indonesia and Spain

CONCLUSION

This study finds that the current existence of the Regional Representative Council of the Republic of Indonesia represents a dysfunction of the bicameral system resulting from a constitutional design flaw that limits the institution’s authority to merely providing advice without decisive decision-making power. Through an analysis of Konrad Zweigert’s legal style theory, this study validates that the comparison between Indonesia and Spain has a strong methodological basis due to the alignment of continental legal traditions (Civil Law) and a commitment to the protection of autonomous regions.

The research findings identify that existing obstacles lie not only in the extreme asymmetry of legislative power but also in the structural dysfunction of task division, which

substantially hinders the effectiveness of regional representation in the national political decision-making process. The proposal to strengthen the Regional Representative Council toward a strong bicameral system through amendments to Articles 20 and 22D of the 1945 Constitution, which reflect the procedural leverage mechanisms of the Spanish Senate.

The main idea involves the implementation of a suspensive veto supported by a balanced Joint Conference Committee mechanism to ensure regional bargaining power in national legislation. Furthermore, adapting the function of *coerción estatal* as an instrument for authorizing regional protection is crucial to mitigating central-regional jurisdictional disputes, ensuring that national strategic policies continue to respect the principle of

autonomy and guarantee justice for all regions of the archipelago.

SUGGESTION

Based on the findings of this study, the author formulates strategic recommendations to the People's Consultative Assembly of the Republic of Indonesia to immediately initiate the Fifth Amendment to the 1945 Constitution of the Republic of Indonesia, focused on reconstructing the authority of the Regional Representative Council through a transition toward a strong bicameral system. The urgency of this amendment is based on the analysis that the current dysfunction of the Regional Representative Council is not merely a technical-administrative obstacle, but rather the result of a constitutional design flaw that leads to an imbalance in central-regional relations. The the People's Consultative Assembly needs to adopt procedural leverage mechanisms in the form of a suspension veto and a Joint Committee, as formulated in this study, to provide tangible legal bargaining power for regional representatives. This amendment is an absolute prerequisite for creating an Integrated Regional Correction function that ensures national strategic policies particularly those related to the management of natural resources and cultural identity are no longer centralistic and exploitative but instead possess strong territorial legitimacy to safeguard the integrity and stability of the Unitary State of the Republic of Indonesia.

AUTHOR CONTRIBUTIONS

Mochammad Farhan: Conceptualization, Formal Analysis, Data Curation, Writing-Original Draft, Writing-Review & Editing, Supervision. **Ende Hasbi Nassaruddin:** Formal Analysis, Supervision. **Wawan Kurniawan:** Methodology, Resources, data Curation.

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