

ABSTRAK

Bikameral merupakan istilah sistem perwakilan yang terdiri dari dua kamar (*cembers*), di Indonesia dikenal dengan istilah DPR RI dan DPD RI yang bertujuan untuk mencapai pemerintahan yang baik (*good government*) serta tercapainya *check and balances* antara lembaga negara khususnya di lembaga legislatif, yang merupakan salah satu unsur terpenting dalam penyelenggaraan Negara. Lembaga ini mempunyai fungsi utama dalam pengaturan, anggaran, dan pengawasan. Dengan adanya dua kamar dalam lembaga legislatif diharapkan tercapainya dua kontrol dalam setiap kebijakan yang dikeluarkan, sehingga cenderung berdampak positif bagi kemajuan negara dan pada akhirnya akan tercapai pemerintahan yang baik sebagai tujuan akhir dari sebuah negara. Namun dalam kenyataannya kedua kamar (DPR RI dan DPD RI) tidak diberi kewenangan yang sama.

Fokus studi dan permasalahan yaitu: **Pertama**, Bagaimana peran DPD RI sebagai Perwakilan Daerah Wujud Representasi Kebhinnekaan dalam NKRI?. **Kedua**, Mengapa diberikan Struktur dan Kewenangan yang tidak sama DPD RI dengan DPR RI setelah Perubahan UUD Tahun 1945?. **Ketiga**, Apa Rekonstruksi Peran DPD RI model yang ideal dalam ketatanegaraan setelah perubahan UUD Tahun 1945 dimasa yang akan datang?. Paradigma konstruktivisme, dengan *Grand Theory* Keadilan, *Middle Theory* Teori Kedaulatan dan Demokrasi serta Konstitusi, *Applied Theory* Pemisahan dan Pembagian Kekuasaan. Metode yang digunakan dalam penelitian ini adalah yuridis normatif dan konseptual untuk merumuskan DPD dimasa yang akan datang.

Hasil penelitian yang ditemukan **Pertama**, latar belakang ditetapkannya DPD sebagai kamar kedua di MPR setelah perubahan UUD Tahun 1945 yaitu Anggota DPR merupakan perwakilan partai politik yang dipilih secara langsung oleh rakyat melalui pemilihan umum; munculnya desakan karena tidak demokratis dan efektifnya DPD; Status Utusan Golongan tidak jelas; dicapai kata sepakat bahwa Utusan Golongan dihapus digantikan dengan Dewan Perwakilan Daerah (DPD). **Kedua**, keberagaman kewenangan kamar kedua di berbagai negara tidak berpengaruh terhadap Indonesia, sehingga lewat perdebatan yang panjang tetap sepakat DPR dan DPD kewenangannya tidak sama; gagasan awal para pakar tentang parlemen dengan sistem dua kamar mempunyai kewenangan yang sama, gagasan para pakar terakumulasi dalam usulan Tim Ahli PAH-I Badan Pekerja MPR yang menghendaki *strong bicameralisme*; DPD tidak diberi kewenangan yang sama dengan DPR karena kekuatan politik yang ada di MPR “tidak sepakat”; dalam UUD 1945 DPD diberi peran yang kurang penting hanya mempunyai hak usul RUU tertentu saja serta fungsi pertimbangan dan pengawasan sangat tergantung pihak lain terutama DPR untuk menindaklanjuti tanpa sanksi apapun. **Ketiga**, Usulan amandemen generasi kedua atau amandemen kelima terhadap UUD Tahun 1945 tentang perubahan sistem dua kamar dengan memperbaiki kewenangan legislasi antara kedua kamar selalu didesakkan oleh DPD secara terus-menerus tanpa henti; bila amandemen UUD Tahun 1945 generasi kedua tetap tidak terlaksana maka sistem dua kamar (bikameral) akan tetap seperti sekarang ini.

Kata kunci : Rekonstruksi, DPD RI, Sistem Ketatanegaraan, UUD Tahun 1945, Keadilan

ABSTRACT

Bicameral is a term of a representative system consisting of two chambers, in Indonesia known as the Indonesian House of Representatives and Indonesian Regional Representative Council which aims to achieve good governance and the achievement of checks and balances between state institutions, especially in the legislative body, which is one of the most important elements in administering the country. This institution has the main function in the regulation, budgeting and supervision. With the existence of two chambers in the legislative body, it is hoped that the achievement of two controls in each policy issued, so that it tends to have a positive impact on the progress of the country and ultimately good governance will be achieved as the ultimate goal of a country, but in reality both rooms are not given the same authority.

The focus of the study and the problems are: First, how does the role of the Indonesian Regional Representative Council as regional representatives realize the representation of diversity in the Unitary Republic of Indonesia? Second, why was the Indonesian Regional Representative Council and the Indonesian House of Representatives given different structures and powers after the amendment to the 1945 Constitution? Third, is the reconstruction of the role of the Indonesian Regional Representative Council an ideal model in the state administration after changes to the 1945 Constitution in the future? The constructivism paradigm, with the Grand Theory of justice, middle theory, the theory of sovereignty and democracy as well as the constitution, applied the theory of separation and division of power. The method used in this research is normative and conceptual juridical to formulate Indonesian Regional Representative Council in the future.

The results of the research found are: first, the background of the establishment of the Indonesian Regional Representative Council as the second chamber in the MPR after the amendment to the 1945 Constitution which is that members of the Indonesian House of Representatives are representatives of political parties that are elected directly by the people through general elections; the emergence of pressure because it is not democratic and effective; group status is not clear; Agreement was reached that the delegated delegates were replaced by the regional representative council. Second, the diversity of the authority of the second chamber in various countries has no effect on Indonesia, so that through a long debate it still agrees that the Indonesian House of Representatives and Indonesian Regional Representative Council do not have the same authority; the initial idea of the experts on parliament with a two-chamber system has the same authority, the ideas of the experts were accumulated in the proposal of the PAH-I Expert Team of the MPR Workers' Body who wanted strong bicameralism; The Indonesian Regional Representative Council is not given the same authority as the Indonesian House of Representatives because the political power in the MPR "does not agree"; In the 1945 Constitution, the Indonesian Regional Representative Council is given a less important role, that is, it only has the right to propose specific Draft Laws and the function of consideration and supervision is very dependent on other parties, especially the Indonesian House of Representatives, to follow up without any witnesses. Third, the proposed second generation amendment or the fifth amendment to the 1945 Constitution concerning changes to the two chamber system by improving the legislative authority between the two chambers is always urged by the Indonesian Regional Representative Council continuously without stopping; if the amendment to the second generation of the 1945 Constitution remains unfulfilled, the bicameral system will remain as it is today.

keywords: reconstruction, Indonesian Regional Representative Council, constitutional system, 1945 Constitution, Justice