

The Constitutional Status of Regional Representative Institutions in Decentralized Systems: A Case Study of Indonesia's Regional House of Representatives (DPRD)

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Abstract: This study examines the constitutionality of classifying members of Indonesia's Regional House of Representatives (DPRD) as regional officials under Articles 18 and 22E of the 1945 Constitution, analyzing its implications for representative democracy, institutional independence, and decentralized governance. Employing normative legal research, the study applies statutory, conceptual, and historical approaches to examine constitutional provisions, legislation, legal doctrines, judicial decisions, and scholarly literature, focusing on the evolution of the DPRD's institutional position under Laws No. 22/1999, 32/2004, and 23/2014. Findings demonstrate that subsequent legislative reforms have shifted the DPRD from a regional legislative body to an element of regional government administration, creating constitutional ambiguity regarding its institutional identity and weakening its representative status. This classification is inconsistent with constitutional principles, as DPRD members derive democratic legitimacy directly from general elections rather than executive authority. This study uniquely integrates constitutional analysis with the historical trajectory of DPRD positioning, an underexplored focus in Indonesian legal scholarship. Harmonization of the statutory framework is recommended by reaffirming the DPRD as a regional representative institution to promote legal certainty and democratic accountability. This research provides a constitutional critique and actionable recommendations for policymakers, contributing to the theoretical discourse on institutional positioning within Indonesia's decentralized governance system.

Keywords: Constitutional Status, Decentralized System, Regional House of Representatives (DPRD), Regional Officials

A. Introduction

The constitutional status of the Regional House of Representatives (Dewan Perwakilan Rakyat Daerah-DPRD) has become an increasingly important issue within Indonesia's decentralized constitutional system. Although the DPRD exercises legislative, budgeting, and oversight functions, its institutional position has generated continuing constitutional debate because statutory regulations classify it as an element

of regional government administration rather than as an independent representative institution. This legislative arrangement raises important constitutional questions regarding representative democracy, institutional independence, and the effective implementation of checks and balances, particularly in light of Articles 18 and 22E of the 1945 Constitution of the Republic of Indonesia, which establish the constitutional framework for regional government and representative institutions elected through general elections. Constitutional scholarship consistently recognizes that representative institutions must possess sufficient constitutional authority and institutional independence to ensure democratic accountability within decentralized systems of government (Putra & Lubis, 2024; Dixon, 2024).

Decentralization is widely regarded as a constitutional mechanism for improving democratic governance by bringing governmental authority closer to citizens while strengthening representative institutions at the regional level. Comparative constitutional studies demonstrate that successful decentralization depends not only on the distribution of governmental powers but also on institutional arrangements capable of preserving legislative autonomy, representative accountability, and effective oversight over executive authorities (Chandra, 2024). Within this framework, the constitutional position of regional representative institutions should remain consistent with the principles of constitutionalism, representative democracy, and the separation of powers.

Indonesia's post-Reform decentralization fundamentally transformed the institutional relationship between regional executives and representative institutions. Law No. 22 of 1999 on Regional Government initially recognized the DPRD as a regional legislative body with broad representative authority. However, this institutional arrangement was substantially modified by Law No. 32 of 2004 and subsequently maintained under Law No. 23 of 2014, which reclassified the DPRD as an element of regional government administration. Although the DPRD continues to perform legislative, budgeting, and oversight functions, this legislative redesign has generated constitutional ambiguity regarding whether its legal status remains consistent with its representative mandate under Articles 18 and 22E of the 1945 Constitution (Putra & Lubis, 2024; Aulia & Andhini, 2025).

Previous studies have examined Indonesia's decentralization framework from various perspectives. Analyze the constitutional relationship between regional autonomy and national unity (Putra & Lubis, 2024), Discusses the institutional transformation of the DPRD from a regional legislative body into an element of regional government administration (Suparto, 2021). Other studies emphasize institutional strengthening, democratic accountability, and constitutional governance within decentralized systems (Nurlia et al., 2024). Nevertheless, these studies primarily focus on decentralization policy, institutional functions, or regional governance without specifically evaluating whether the statutory classification of DPRD members as regional officials is constitutionally compatible with Articles 18

and 22E of the 1945 Constitution.

Accordingly, an important research gap remains regarding the constitutional implications of classifying DPRD members as regional officials. The issue extends beyond institutional administration because it directly concerns the constitutional identity of representative institutions, democratic legitimacy, and the constitutional balance between representative and executive powers within Indonesia's decentralized governance system. Despite the DPRD deriving democratic legitimacy directly from general elections, its statutory position raises uncertainty concerning its constitutional status and institutional independence, thereby creating potential tension between statutory legislation and constitutional principle (Kurniawan, 2025).

This study addresses that gap by examining the constitutionality of the legal status of DPRD members through statutory, conceptual, and historical approaches within the framework of normative legal research. Specifically, the study evaluates whether the legislative policy embodied in Law No. 23 of 2014, viewed in conjunction with the institutional changes introduced by Law No. 32 of 2004 and Law No. 22 of 1999, remains consistent with the constitutional principles established in Articles 18 and 22E of the 1945 Constitution of the Republic of Indonesia.

This study contributes to Indonesian constitutional law by providing a comprehensive constitutional analysis of the institutional status of the DPRD as a regional representative institution. Unlike previous studies that primarily discuss decentralization or regional governance, this research focuses on the constitutional compatibility of the current statutory framework with the principles of representative democracy, constitutional supremacy, and checks and balances. The findings are expected to provide both theoretical contributions to constitutional scholarship and practical recommendations for future legislative reform concerning the institutional position of the DPRD within Indonesia's decentralized constitutional system (Bone et al., 2025).

B. Methods

This study employs normative legal research, which positions law as a prescriptive normative system by examining legal norms, legal principles, legal doctrines, and statutory regulations to resolve legal issues through legal reasoning rather than empirical observation. Unlike empirical legal research, normative legal research focuses on the analysis of legal norms contained in constitutions, legislation, judicial decisions, and legal doctrines to assess the consistency, coherence, and validity of legal rules within the legal system. Normative legal research is not merely limited to textual analysis of legislation but also requires the integration of legal principles, legal interpretation, and doctrinal analysis to construct rational and scientifically accountable legal arguments (Wulandari, 2026).. Likewise, emphasizes that normative legal research seeks to identify legal norms and develop legal reasoning capable of

providing prescriptive solutions to legal problems through systematic legal analysis (Negara, 2023).

Considering that the principal issue examined in this study concerns the constitutionality of the legal status of members of the DPRD as regional officials, normative legal research constitutes the most appropriate methodological approach because the research primarily evaluates the consistency of statutory provisions with constitutional principles embodied in Articles 18 and 22E of the 1945 Constitution of the Republic of Indonesia. This method enables the researcher to examine legal norms hierarchically while identifying potential inconsistencies among constitutional provisions, statutory regulations, and legal doctrines. Furthermore, contemporary legal methodology emphasizes that normative legal research is particularly appropriate for studies involving constitutional interpretation, institutional design, and the development of legal doctrines because it prioritizes legal certainty, systematic interpretation, and doctrinal consistency in resolving constitutional issues (Negara, 2023).

This study adopts three complementary research approaches, namely the statutory approach, the conceptual approach, and the historical approach. The statutory approach is employed to examine the constitutional and statutory provisions governing the institutional position of the DPRD, particularly the 1945 Constitution of the Republic of Indonesia, Law No. 22 of 1999, Law No. 32 of 2004, Law No. 23 of 2014 on Regional Government, Law No. 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional House of Representatives, together with relevant Constitutional Court decisions. The conceptual approach is applied to examine constitutional doctrines concerning constitutionalism, representative democracy, decentralization, constitutional supremacy, and the principle of checks and balances. Meanwhile, the historical approach traces the evolution of the constitutional position of the DPRD by examining constitutional amendment records, legislative history, statutory developments, and scholarly literature discussing regional government reform. These complementary approaches are widely recognized as the principal doctrinal approaches in normative legal research for constitutional analysis (Negara, 2023).

The legal materials employed in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, statutory regulations, Constitutional Court decisions, and official legislative documents. Secondary legal materials comprise constitutional law textbooks, peer-reviewed journal articles, legal commentaries, and scholarly publications discussing constitutionalism, decentralization, representative institutions, and regional governance, while tertiary legal materials include legal dictionaries, legal encyclopedias, and official government publications. The collection of legal materials was conducted through library research involving the systematic

identification, selection, and examination of authoritative legal sources. As noted by Wulandari (2026), library research constitutes the principal method of collecting legal materials in normative legal research because it enables a comprehensive examination of legal norms through documentary sources.

The collected legal materials were analyzed using qualitative doctrinal analysis through four complementary methods of constitutional interpretation: grammatical interpretation to determine the ordinary meaning of constitutional and statutory provisions; systematic interpretation to examine the relationship between Articles 18 and 22E of the 1945 Constitution and the statutory provisions governing the DPRD; historical interpretation to identify the constitutional intent underlying the development of regional representative institutions through constitutional amendment records and legislative history; and teleological interpretation to evaluate whether the statutory framework remains consistent with the constitutional objectives of representative democracy, decentralization, and checks and balances. The use of multiple methods of constitutional interpretation is widely recognized as an effective approach for strengthening legal reasoning and doctrinal analysis in constitutional law research (Negara, 2023).

The analysis of the antinomy of constitutional norms was conducted by systematically comparing the constitutional provisions governing representative institutions with the statutory provisions regulating the legal status of DPRD members, particularly those contained in Law No. 23 of 2014, while considering the institutional evolution reflected in Law No. 22 of 1999 and Law No. 32 of 2004. Normative inconsistencies were identified by evaluating whether the statutory classification of DPRD members as regional officials remained compatible with the constitutional principles embodied in Articles 18 and 22E of the 1945 Constitution. The consistency between statutory provisions and constitutional principles was assessed through the hierarchy of legal norms, the doctrine of constitutional supremacy, and the principle of harmonious constitutional interpretation. To enhance the credibility and objectivity of the analysis, constitutional interpretation was conducted exclusively on the basis of authoritative legal sources, established constitutional doctrines, and recognized methods of legal interpretation rather than political or ideological considerations. The findings were derived through a systematic evaluation of the coherence between constitutional provisions, statutory regulations, legal doctrines, and scholarly opinions to ensure the consistency, transparency, and doctrinal validity of the legal analysis (Wulandari, 2026).

C. Results and Discussion

The Evolution of the Legal Position of the DPRD in Indonesia's Constitutional System

An examination of the legal position of the DPRD within Indonesia's constitutional

system through a historical approach demonstrates that the institutional architecture of the DPRD has undergone profound transformations as a consequence of changes in the national political landscape. These transformations reflect not only legislative amendments but also the evolution of Indonesia's constitutional philosophy concerning decentralization, democratic governance, and the distribution of governmental powers between the central and regional governments. In constitutional theory, institutional change within representative bodies generally occurs in response to political transition, constitutional reform, and the need to strengthen democratic accountability within a decentralized governance system. Consequently, understanding the historical development of the DPRD is essential for explaining the constitutional rationale underlying its present institutional position and for assessing whether subsequent legislative reforms remain consistent with the principles of representative democracy and constitutionalism. Based on the theory of the distribution of power, the evolution of the DPRD's legal position can be classified into three legislative regimes: (1) the Old Order; (2) the New Order; and (3) the Reform Era (Hadinatha, 2025).

There were four principal laws governing regional administration during the Old Order period. First, Law No. 1 of 1945, enacted as a transitional statute, positioned the DPRD as the successor to the Regional National Committee, although it was designated as the Regional Representative Body (*Badan Perwakilan Daerah*). The statute adopted a relatively simple institutional structure consisting of only a limited number of provisions and established two principal institutions, namely the Regional People's Representative Body (*Badan Perwakilan Rakyat Daerah*) and the Executive Body (*Badan Executive*). The Elucidation of the law expressly states that the Regional People's Representative Body functioned as the legislative institution, while the Executive Body was responsible for administering governmental affairs. This institutional arrangement reflected the constitutional aspiration of the newly independent Indonesian state to introduce representative institutions into regional governance despite the transitional political circumstances following independence. From a constitutional perspective, the establishment of the Regional Representative Body demonstrates that representative governance had already been recognized as an essential element of regional administration, although the institutional framework remained relatively limited due to the country's early constitutional development (Hadinatha, 2025).

The Old Order

Second, Law No. 22 of 1948 institutionally separated the DPRD from the Regional Head because Regional Heads frequently positioned themselves as the sole authority within their respective regions. The law also reflected the constitutional characteristics of a federal state, considering that it was enacted shortly before the implementation of the Constitution of the Republic of the United States of Indonesia (RIS Constitution) in 1949. Under this law, the DPRD was granted substantial authority, including the

power to nominate candidates for Regional Head, regulate and administer its own internal affairs, and enact regional regulations. From a constitutional perspective, this legislation represented a significant milestone in strengthening representative institutions at the regional level because it introduced a clearer separation between representative and executive institutions. The enhanced authority granted to the DPRD illustrates the legislature's intention to establish a more democratic regional governance structure by limiting the concentration of power in the hands of the Regional Head. Such institutional arrangements are consistent with contemporary constitutional theories, which emphasize that decentralization should strengthen representative institutions as mechanisms for democratic participation and accountability rather than merely redistribute administrative authority (Putra & Lubis, 2024).

Third, Law No. 1 of 1957 was enacted during the period of the 1950 Provisional Constitution. Through this legislation, the lawmaker sought to eliminate provisions contained in the previous legal framework that reflected federal characteristics while reinforcing the unitary constitutional structure of Indonesia. Although substantively similar to its predecessor, several important institutional reforms were introduced, including the standardization of DPRD membership based on population size, the authority of the DPRD to establish policy guidelines for the Regional Government Council (*Dewan Pemerintahan Daerah*), and the authority to dismiss Regional Heads. Consequently, this period has frequently been regarded as the golden era of local parliamentary supremacy because the DPRD exercised considerable influence over regional governance. From the standpoint of constitutional development, these provisions demonstrate that representative institutions were no longer viewed merely as consultative bodies but had evolved into institutions exercising meaningful constitutional authority over regional administration. This development further reflects the increasing recognition of representative democracy as an essential constitutional principle within Indonesia's regional government system.

Fourth, Law No. 18 of 1965 was enacted following the Presidential Decree of 5 July 1959, which marked Indonesia's return to the 1945 Constitution and the beginning of the Guided Democracy era. During this period, the constitutional position of the DPRD underwent a fundamental transformation as the Regional Head was placed above the DPRD within the governmental hierarchy. Article 8 of the Law explicitly stipulated that the leadership of the DPRD was accountable to the Regional Head in performing its institutional duties. This institutional arrangement reflected the broader political orientation of Guided Democracy, which emphasized centralized executive authority and reduced the autonomy of representative institutions. Consequently, the constitutional role of the DPRD shifted from an institution exercising representative and supervisory functions toward an institution operating under executive influence. Such institutional centralization weakened the effectiveness of democratic accountability and reduced the capacity of the DPRD to perform its constitutional oversight function independently. From the perspective of

constitutionalism, this period illustrates how political configuration can substantially reshape institutional design and alter the balance of power between representative and executive institutions within a unitary state (Putra & Lubis, 2024).

The New Order

The transition of national leadership from President Soekarno to President Soeharto brought substantial changes to Indonesia's constitutional and governmental system, including the enactment of Law No. 5 of 1974, which replaced Law No. 18 of 1965. This legislative reform also altered the institutional relationship between the Regional Head and the DPRD. While Law No. 18 of 1965 positioned the Regional Head above the DPRD, Law No. 5 of 1974 formally placed both institutions at the same hierarchical level, as stipulated in Article 13 paragraph (1). Nevertheless, this formal equality did not necessarily reflect the actual distribution of governmental power. In practice, the New Order administration maintained a highly centralized governance model in which regional institutions remained subject to extensive control by the central government. Consequently, the constitutional position of the DPRD during this period was largely symbolic because its institutional authority remained constrained by executive dominance and centralized political decision-making. This demonstrates that formal constitutional arrangements do not always correspond to the practical implementation of democratic governance when political power is concentrated within the executive branch.

Despite the formal recognition of institutional equality between the DPRD and the Regional Head under Law No. 5 of 1974, the practical implementation of regional governance remained highly centralized. Regional regulations that had been deliberated and approved by the DPRD were still subject to preventive and repressive supervision by the central government, thereby limiting the effective exercise of regional autonomy. In addition, the dual position of the Regional Head as both the head of the regional government and the representative of the central government reinforced executive dominance over regional governance. Consequently, the DPRD's constitutional role as a representative institution was unable to function optimally because its legislative and oversight functions were exercised within a governance framework that remained heavily influenced by central governmental control. From the perspective of constitutionalism, this institutional arrangement illustrates that decentralization during the New Order emphasized administrative delegation rather than the genuine distribution of political authority, resulting in limited democratic accountability at the regional level. Contemporary studies likewise emphasize that effective decentralization requires representative institutions to possess sufficient institutional autonomy in exercising oversight functions and balancing executive power within regional governance.

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The Reform Era

The Reform Movement of 1998, which culminated in the resignation of President Soeharto, marked a fundamental turning point in Indonesia's constitutional and political development. The transition from an authoritarian and centralized system toward a democratic constitutional order encouraged extensive institutional reforms, including amendments to the 1945 Constitution and the restructuring of regional government. One of the principal objectives of these reforms was to establish a system of regional autonomy that was broader, more democratic, and more accountable by strengthening representative institutions at the regional level. Within this constitutional context, the DPRD was expected to perform a more effective role in representing regional interests, supervising regional executives, and promoting democratic governance in accordance with the principles of decentralization. Consequently, the Reform Era not only transformed the legal framework governing regional government but also redefined the constitutional relationship between representative institutions and executive authorities within Indonesia's decentralized governance system.

First, Article 13 of Law No. 22 of 1999 normatively provides that Regional Government consists of the Regional Head and the DPRD. The distribution of governmental authority is further elaborated in Article 1 letters (b) and (c), which distinguish the Regional Head as the executive branch and the DPRD as the legislative branch by expressly recognizing the DPRD as the regional legislative body. This institutional arrangement represented one of the most significant constitutional reforms following the Reform Movement because it shifted regional governance away from the executive-dominated model of the New Order toward a governance structure that strengthened representative institutions. The recognition of the DPRD as a regional

legislative body reflected the legislature's intention to reinforce democratic accountability through a clearer separation between representative and executive functions. From the perspective of constitutional governance, this reform also demonstrated the state's commitment to implementing decentralization not merely as an administrative policy but as a constitutional mechanism for strengthening democracy and public participation at the regional level. Recent studies similarly argue that effective decentralization requires representative institutions to possess adequate constitutional authority to supervise executive power and ensure governmental accountability (Chandra, 2024).

Despite representing a major milestone in Indonesia's decentralization policy, the implementation of Law No. 22 of 1999 also revealed a number of institutional challenges. The transition from a centralized system to a decentralized model was not accompanied by the establishment of a balanced relationship between the Regional Head and the DPRD. Although the DPRD was granted broad legislative and supervisory powers, the law did not simultaneously strengthen its institutional capacity, accountability mechanisms, or governance standards. As a consequence, the extensive authority exercised by the DPRD was not always supported by an adequate institutional framework capable of ensuring transparency, professionalism, and effective oversight. This imbalance illustrates that decentralization requires not only the redistribution of governmental authority but also the development of institutional capacity capable of supporting democratic governance and constitutional accountability. Recent studies similarly emphasize that institutional strengthening should accompany decentralization reforms to ensure that representative institutions can effectively perform their constitutional functions without creating new governance challenges.

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Following the completion of the constitutional amendments, which resulted in the adoption of the amended 1945 Constitution of the Republic of Indonesia, the legislature enacted Law No. 32 of 2004 to harmonize regional government regulations with the new constitutional framework. One of the most significant institutional changes introduced by this law was the implementation of the direct election of Regional Heads, thereby abolishing the DPRD's authority to elect Governors, Regents, and Mayors. At the same time, the law fundamentally altered the constitutional position of the DPRD by removing its status as the Regional Legislative Body and redefining it as an element of regional government administration under Article 1 point (2). Although this reform was intended to strengthen democratic legitimacy through direct elections, it simultaneously generated constitutional questions regarding the institutional identity of the DPRD. As a representative institution elected directly by the people, the DPRD continued to perform legislative, budgeting, and oversight functions, yet its legal classification no longer reflected its representative character. This institutional shift demonstrates that democratic reforms do not always strengthen representative institutions, particularly when legislative policies redefine their constitutional position without corresponding adjustments to their institutional authority and independence (Amarh, 2022).

The historical evolution of the legal position of the DPRD demonstrates that its institutional status has never remained static but has continuously evolved in accordance with Indonesia's constitutional and political development. During the Old Order, the constitutional position of the DPRD fluctuated between institutional strengthening and executive domination, while the New Order emphasized centralized governance that significantly limited the DPRD's representative and oversight functions. In contrast, the Reform Era initially sought to strengthen the DPRD through Law No. 22 of 1999 by recognizing it as the Regional Legislative Body. However, subsequent legislative reforms under Law No. 32 of 2004 and Law No. 23 of 2014 gradually redefined the DPRD as an element of regional government administration rather than an independent representative institution. These legislative developments indicate that the institutional transformation of the DPRD has shifted from strengthening representative democracy toward creating constitutional ambiguity regarding its institutional identity. Consequently, this historical development provides the constitutional foundation for examining whether the current legislative framework has contributed to the institutional weakening of the DPRD and affected the effective implementation of the principles of representative democracy, decentralization, and checks and balances within Indonesia's constitutional system (Amarh, 2022).

Institutional Weakening of the DPRD

The legislative policy adopted through Law No. 32 of 2004, which was subsequently maintained under Law No. 23 of 2014, fundamentally altered the constitutional position of the DPRD by classifying it as an element of regional government

administration. This legislative policy represents a significant institutional departure from Law No. 22 of 1999, which explicitly recognized the DPRD as the Regional Legislative Body. Although the current statutory framework continues to assign the DPRD three principal constitutional functions namely the regional regulation-making function, the budgeting function, and the oversight function its institutional classification has generated constitutional debate concerning the consistency between its legal status and its representative functions. From the perspective of constitutional law, representative institutions derive democratic legitimacy directly from the people through general elections and therefore require institutional independence to perform legislative and oversight responsibilities effectively. Institutional ambiguity regarding the constitutional position of representative bodies may reduce their ability to exercise effective oversight over executive authorities and weaken democratic accountability within decentralized governance systems. In this regard, a coherent institutional design is essential to ensure that representative institutions can operate independently while maintaining an effective system of checks and balances within regional government. Contemporary studies likewise emphasize that democratic local governance depends not only on the formal allocation of governmental powers but also on institutional arrangements capable of preserving legislative autonomy and representative accountability (Amarh, 2022).

Positioning the DPRD as part of the regional government structure also creates institutional ambiguity in the exercise of its constitutional functions. Although the DPRD is democratically elected through general elections and constitutionally entrusted with legislative, budgeting, and oversight functions, its classification as an element of regional government administration potentially blurs the distinction between the institution responsible for oversight and the institution being supervised. Such an arrangement may reduce the effectiveness of legislative scrutiny because institutional independence constitutes a fundamental prerequisite for representative bodies to perform meaningful oversight over executive authorities. In comparative studies of local governance, effective council scrutiny depends not only on the legal authority conferred by legislation but also on institutional arrangements that ensure sufficient autonomy, transparency, and accountability in the relationship between legislative and executive institutions. Accordingly, the current institutional design of the DPRD raises constitutional concerns regarding the effective implementation of representative democracy and the checks and balances principle within Indonesia's decentralized governance system (Verhelst & Peters, 2024).

Positioning the DPRD as part of the regional government administration also creates broader constitutional implications concerning its institutional relationship with the executive branch. Although the DPRD is not structurally incorporated into the executive hierarchy, its statutory designation as an element of regional government administration may create the perception that its institutional position is closely associated with executive authority. In practice, this institutional arrangement has the potential to weaken the DPRD's independence in exercising its oversight function

because representative institutions are expected to supervise executive actions from an autonomous constitutional position. As a representative body directly elected through general elections, the DPRD derives its democratic legitimacy from the people rather than from executive appointment. Therefore, its institutional design should ensure sufficient constitutional autonomy to enable objective scrutiny of regional executive policies and governmental performance. Comparative constitutional scholarship likewise demonstrates that the effectiveness of legislative oversight is closely associated with institutional independence, clear constitutional mandates, and the absence of executive intervention in representative institutions. Accordingly, maintaining a clear constitutional distinction between representative institutions and executive authorities constitutes an essential requirement for strengthening democratic accountability and preserving the effectiveness of the checks and balances system within decentralized governance (Bíró-Nagy & Buzogány, 2024) .

From a historical perspective, the DPRD was formally recognized as the Regional Legislative Body under Law No. 22 of 1999, reflecting the legislature's commitment to strengthening representative democracy during the early Reform Era. This legislative framework placed the DPRD in a constitutional position comparable to representative institutions at the national level by emphasizing its legislative, budgeting, and oversight functions. However, subsequent legislative reforms gradually shifted this institutional orientation by redefining the DPRD as an element of regional government administration. Such changes demonstrate that the institutional development of the DPRD has not always followed a consistent constitutional trajectory. Rather, the evolution of its legal status reflects changing legislative policies concerning decentralization and regional governance. From the perspective of constitutional design, representative institutions should maintain institutional autonomy to ensure effective democratic representation and oversight. Therefore, the gradual transformation of the DPRD's legal position raises important constitutional questions regarding whether the current legislative framework remains consistent with the principles of representative democracy and constitutional accountability within Indonesia's decentralized governmental system (Jiang, 2024).

The Comprehensive Records of the Amendments to the 1945 Constitution further demonstrate that several members of the constitutional amendment process consistently viewed the DPRD as an integral component of Indonesia's representative institutional structure. The constitutional debates indicate that members of the DPRD derive democratic legitimacy directly from the people through general elections, similar to members of the House of Representatives (DPR) and the Regional Representative Council (DPD). Consequently, the constitutional foundation of the DPRD is closely associated with the principle of popular sovereignty rather than merely with the administrative organization of regional government. This historical interpretation reinforces the argument that the constitutional identity of the DPRD should primarily be understood as a representative institution rather than as an

administrative component of regional government. Contemporary constitutional scholarship similarly recognizes that representative institutions established through direct elections possess an independent constitutional mandate that should be protected through coherent institutional arrangements and clear constitutional recognition (Verdugo, 2023).

Accordingly, amendments to the statutory framework governing the DPRD are necessary to restore constitutional coherence between the legal status of the institution and the representative functions entrusted to it by the 1945 Constitution. Such reforms may be implemented through amendments to Law No. 17 of 2014 or Law No. 23 of 2014, particularly by reaffirming the DPRD's institutional position as the regional legislative body within Indonesia's constitutional system. Placing the DPRD within the same representative institutional framework as the DPR and the DPD would strengthen the constitutional relationship among representative institutions while facilitating the effective articulation of public aspirations from the regional to the national level. Furthermore, the governance and institutional affairs of the DPRD should primarily be regulated through statutory legislation rather than subordinate executive regulations in order to preserve institutional independence and reinforce the constitutional principle of representative democracy. Such legislative reforms would contribute to strengthening democratic accountability, improving legislative oversight, and ensuring a more effective implementation of the checks and balances principle within regional government.

Constitutionality of the Status of DPRD Members as Regional Officials

Antinomy of Constitutional Norms

The designation of DPRD members as regional officials warrants careful constitutional examination because it gives rise to a potential antinomy between statutory provisions and the constitutional framework established by the 1945 Constitution of the Republic of Indonesia. Although Law No. 23 of 2014 classifies the DPRD as an element of regional government administration, the constitutional design embodied in Articles 18 and 22E of the 1945 Constitution demonstrates that the DPRD derives its democratic legitimacy directly from general elections rather than from executive appointment. This distinction is constitutionally significant because institutions whose members are elected directly by the people possess an independent representative mandate that differs fundamentally from executive governmental offices. Consequently, the legal classification of DPRD members as regional officials raises constitutional concerns regarding the consistency of statutory law with the principles of representative democracy, constitutional supremacy, and the doctrine of popular sovereignty. From the perspective of constitutional interpretation, statutory provisions should always be interpreted harmoniously with constitutional norms in order to preserve legal certainty and institutional coherence.

Historical records of the formulation of the 1945 Constitution demonstrate that the establishment of representative institutions at the regional level was closely associated with the implementation of the principle of popular sovereignty. During the meetings of the Investigating Committee for Preparatory Work for Indonesian Independence (*Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan Indonesia*—BPUPKI), Soepomo emphasized that regional government should be organized on the basis of deliberation through the establishment of representative institutions capable of articulating the aspirations of local communities. This constitutional intention indicates that the DPRD was originally conceived as an institution representing the people rather than as an administrative component of regional government. Accordingly, interpreting the DPRD solely as an element of regional government administration risks narrowing the constitutional meaning attached to representative institutions under the 1945 Constitution. Contemporary constitutional scholarship similarly recognizes that the historical intention of constitutional framers constitutes an important interpretative method for understanding the constitutional identity and functions of representative institutions (Ramdani et al., 2025).

Applying a systematic interpretation of the 1945 Constitution further reinforces the constitutional distinction between regional government and the DPRD. Article 18 paragraph (1) regulates the organization of regional government, whereas Article 18 paragraph (3) separately recognizes the DPRD as a representative institution whose members are elected through general elections. Furthermore, Article 22E of the 1945 Constitution expressly places DPRD members within the constitutional framework governing elected representative institutions alongside members of the House of Representatives (DPR) and the Regional Representative Council (DPD). The deliberate separation of these constitutional provisions demonstrates that the Constitution differentiates representative institutions from executive governmental structures, despite both operating within the regional governance system. Consequently, statutory provisions that classify the DPRD solely as an element of regional government administration should be interpreted harmoniously with the Constitution to preserve institutional coherence and the constitutional principle of representative democracy. Contemporary constitutional scholarship likewise emphasizes that systematic constitutional interpretation is essential to maintain consistency between constitutional text, institutional design, and democratic legitimacy, particularly where constitutional provisions regulate the distribution of governmental powers and representative institutions (Kuo, 2021).

Subjecting the DPRD exclusively to the legal regime governing regional government substantially narrows the constitutional meaning of the institution as envisioned by the 1945 Constitution. Such an approach reduces the legal status of DPRD members to that of regional officials, despite the fact that their democratic legitimacy originates directly from general elections and their constitutional functions encompass legislation, budgeting, and oversight. Consequently, the DPRD should not merely be regarded as an administrative institution within regional government but rather as a

representative institution exercising constitutional authority on behalf of the people at the regional level. From the perspective of constitutionalism, the legal status of representative institutions should be determined primarily by their constitutional mandate rather than by statutory classifications that may alter their institutional identity. Therefore, reducing the DPRD to an administrative component of regional government risks weakening the constitutional principle of representative democracy and undermining the institutional balance envisioned by the Constitution. Contemporary constitutional scholarship similarly argues that institutional identity must remain consistent with constitutional design to ensure legal certainty, democratic legitimacy, and effective constitutional governance.

Article 22E of the 1945 Constitution explicitly provides that members of the DPR, DPD, and DPRD are elected through general elections, thereby distinguishing these representative offices from executive positions whose method of selection is regulated differently under the Constitution. This constitutional distinction reflects the intention of the constitutional framers to establish representative institutions whose democratic legitimacy derives directly from the electorate. Accordingly, the constitutional status of DPRD members cannot be equated with regional executive officials because both institutions originate from different constitutional foundations and perform fundamentally different constitutional functions. While regional heads exercise executive authority in administering regional government, DPRD members exercise representative authority by articulating public aspirations, enacting regional regulations, approving regional budgets, and supervising executive performance. Therefore, interpreting DPRD members merely as regional officials overlooks the constitutional significance attached to their status as elected representatives and may lead to inconsistencies between statutory law and constitutional principles governing representative democracy (Kuo, 2021).

The constitutional inconsistency becomes more apparent when the legal status of DPRD members is examined through the hierarchy of legal norms. As the supreme law of the land, the 1945 Constitution serves as the primary benchmark for assessing the validity of statutory provisions. Although Law No. 23 of 2014 classifies the DPRD as an element of regional government administration, Articles 18 and 22E of the Constitution emphasize that the DPRD is a representative institution whose members derive democratic legitimacy directly through general elections. Therefore, statutory provisions should be interpreted consistently with constitutional principles to avoid normative conflicts and to preserve the constitutional identity of representative institutions within Indonesia's democratic system (Barber, 2024).

Based on the foregoing analysis, the classification of DPRD members as regional officials under the prevailing statutory framework raises constitutional concerns regarding the consistency between legislative policy and the representative principles embodied in the 1945 Constitution. Although the DPRD continues to exercise legislative, budgeting, and oversight functions, its legal status should more accurately

reflect its constitutional mandate as a representative institution elected directly by the people. Accordingly, legislative reform is necessary to harmonize statutory provisions with constitutional principles, thereby strengthening legal certainty, representative democracy, and the effective implementation of the checks and balances system within Indonesia's regional governance (Amarh, 2022c).

D. Conclusions

This study conclusively establishes that the current legal framework governing the institutional position of the DPRD has created a fundamental constitutional inconsistency regarding the legal status of both the institution and its members within Indonesia's constitutional system. The shift under Law No. 32 of 2004, subsequently maintained by Law No. 23 of 2014, which reclassified the DPRD from a Regional Legislative Body to an element of regional government administration alongside the Regional Head, has significantly weakened its constitutional identity as a representative institution whose members derive democratic legitimacy directly from the people through general elections. This classification of DPRD members as regional officials raises serious constitutional concerns regarding compatibility with Article 18 paragraph (3) in conjunction with Article 22E paragraph (2) of the 1945 Constitution. As elected representatives, DPRD members possess a constitutional mandate fundamentally different from executive officials, and their designation as regional officials creates an institutional imbalance where Regional Heads recognized as state officials are supervised by representatives holding a lower legal status. Consequently, the existing statutory framework potentially undermines representative democracy, legal certainty, and the effective implementation of checks and balances within Indonesia's decentralized constitutional system. Practically, this study recommends that the constitutionality of relevant provisions in Law No. 23 of 2014 be reviewed through constitutional adjudication before the Constitutional Court to provide greater legal certainty regarding the DPRD's institutional position and the distinction between state and regional officials. Additionally, the House of Representatives (DPR RI) and the Government of Indonesia should consider revising Law No. 23 of 2014 to reaffirm the DPRD as a regional legislative institution and align the legal status of its members with their constitutional mandate as directly elected representatives. For future research, it is recommended to further examine the constitutional relationship between representative institutions and regional government to strengthen constitutional law development and legal certainty theory. Comparative studies with other decentralized countries could provide valuable insights into alternative institutional frameworks, while empirical research on the practical implications of the current legal status for DPRD effectiveness and accountability would enrich policy discourse and reform efforts.

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