Jurnal Penelitian Hukum De Jure
Published by The Law and Human Rights Policy Strategy Agency
Ministry of Law and Human Rights of the Republic of Indonesia
Volume 25, Number 1, March 2025 ISSN (Print) 1829-7706 ISSN (Online) 2548-1657
Journal Homepage: https://ejournal.balitbangham.go.id/index.php/dejure

CONCEPT OF CHECKS AND BALANCES IN THE LEGISLATION PROCESS: A COMPARATIVE STUDY BETWEEN UNITED STATES, RUSSIA, AND INDONESIA

Rianda Dirkareshza[1], Eka N.AM. Sihombing[2], Muhammad Fauzan[3]
[1,3]Faculty of Law, UPN "Veteran" Jakarta
[2]Faculty of Law, Universitas Muhammadiyah Sumatera Utara

Article Information

Corresponding Author. Email:
ekahombing@umsu.ac.id

History:
Submitted: 01-07-2024;
Accepted: 29-03-2025

Keywords:
Comparison; Law Establishment; Oversight; Reconstruction

http://dx.doi.org/10.30641/dejure.2025.V25.67-80

Copyright © 2025 by Jurnal Penelitian Hukum De Jure.

This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International (CC BY-NC 4.0)

All writings published in this journal are personal views of the authors and do not represent the views of the Policy Strategy Agency.

Cara Mengutip:
Dirkareshza, Rianda. NAM Sihombing, Eka. Fauzan, Muhammad. "Concept of Checks and Balances in the Legislation Process: A Comparative Study Between United States, Russia, and Indonesia". Jurnal Penelitian Hukum De Jure. Volume 25 Number 1, March 2025, 67-80. DOI. 10.30641/dejure.2025.v25.67-80

Abstract

In the framework of Indonesia's constitutional governance, the principle of checks and balances among constitutional institutions is an essential component of the legal system. Indonesia adopts a bicameral legislative system involving the House of Representatives (Dewan Perwakilan Rakyat; DPR) and the Regional Representative Council (Dewan Perwakilan Daerah; DPD). However, DPD possesses limited legislative authority, particularly in drafting laws. Additionally, judicial oversight is conducted by the Supreme Court (Mahkamah Agung/MA). This issue gives rise to research questions pertaining to raised in this study are about the oversight concept in the lawmaking process from the perspective of comparative constitutionalism and the reconstruction of the oversight concept to realize enhance checks and balances. This study employs a mixed -method approach, incorporating normative-juridical, comparative, and conceptual methodologies and legislative analysis. The findings indicate that Indonesia implements a soft bicameral concept characterized by an asymmetry of authority with in between the two both chambers in the lawmaking process, with the Constitutional Court acting as the primary a judicial oversight mechanism. In contrast, the United States and Russia maintain robust internal oversight within their legislative institutions, complemented judicial authority to oversee law implementation, thereby reinforcing checks and balances between the legislative and judicial branches. It is recommended that the oversight framework within Indonesia's legislative process be strengthened by reconstructing oversight mechanisms through the expansion of the DPD's role, particularly in reviewing, approving, or vetoing draft legislation. This expansion is advised to enhance internal legislative oversight and create a more balanced system of checks and balances between legislative bodies. Furthermore, the reconstruction of oversight concepts in the lawmaking process should be pursued by granting the DPD greater authority to accept or veto draft laws, thereby reinforcing internal oversight within the legislative process

1. Introduction

The Indonesian constitutional legal system is founded upon the principle of the separation of powers, as conceptualized by Montesquieu, which divides governmental authority into three (3) branches of power: law shaper branch (legislative), law enforcer branch (executive), and law interpreter branch (judicial).[1] This aims to ensure that no branch has greater authority and to avoid arbitrary actions since all branches of power monitor and balance each other.[2] Thus, in running the country, these three branches of power at an equal level,

1 Kelik Iswandi and Nanik Prasetyoningsih, "Kedudukan State Auxiliary Organ dalam Sistem Ketatanegaraan di Indonesia," *Jurnal Penegakan Hukum dan Keadilan* 1, no. 2 (2020), https://doi.org/10.18196/jphk.1208. **See also** Irmayadi Sastra and others, "Checks And Balances Kekuasaan Lembaga Negara Guna Menata Pemerintahan Yang Baik (Good Government)," *JHR (Jurnal Hukum Replik)* 5, no. 2 (2017): 184–99. **See also** Orien Effendi and others, "Pembatasan Kekuasaan Berdasarkan Paham Konstitusionalisme di Negara Demokrasi," *Politica: Jurnal Hukum Tata Negara dan Politik Islam* 7, no. 2 (2020): 111–33.

2 Faharudin Faharudin, "Prinsip Checks and Balances Ditinjau Dari Sisi dan Praktik," *Jurnal Hukum Volkgeist* 1, no. 2 (2017): 115–28.

balancing each other and not giving rise to arbitrariness that leads to abuse of power.

One of the functions of the constitution in achieving the understanding of constitutionalism is that the constitution needs to adopt several measures, one of which is the establishment of a system of separation of powers which is crucial in carrying out the functions of all branches of the government.[3] This concept is adopted by Indonesia, where the constitution divides a number of affairs into institutions spread across different powers. The arrangement of the authority of each institution in the 1945 Constitution of the Republic of Indonesia involves the design of balancing and monitoring systems between state institutions as a form of supervision at the horizontal level. Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia grants the Constitutional Court the authority to review draft laws based on the Constitution as a means of checks and balances between the legislative and judicial branches of government, ensuring that the legislative branch is not overly dominant in the lawmaking process.[4] Furthermore, the concept of checks and balances is not limited to one power, but also between powers to balance each other so that the concept of checks and balances can be carried out by institutions of one power or another power. Another example is the stipulation of a Government Regulation in Lieu of Law (*Peraturan Pemerintah Pengganti Undang-Undang*/Perppu) into a Law, which requires approval from the House of Representatives (*Dewan Perwakilan Rakyat*/DPR, hereinafter referred to as DPR), thus limiting the President's authority in establishing regulations and maximizing DPR's role in evaluating the regulation since the substance of Perppu is equated with the Constitution in the draft legislation.[5] Thus, the concept of checks and balances is essential in ensuring a profound horizontal equilibrium of state authority and preventing in arbitrary actions by state administrators. The doctrine of separation of powers, which finds its theoretical foundation in the philosophies of John Locke and Baron de Montesquieu, serves as the cornerstone of the theory of a balanced constitution.[6] The theory itself is a philosophical approach to drafting a government law.[7] The checks and balances design emphasizes the proportional distribution of power and mutual supervision of one institution with another.[8] According to M.J.C. Vile, checks and balances are correlated with the doctrine of separation of powers.[9] The draft of Perppu requires a checks and balances mechanism among state institutions spread across different branches of power. This principle upholds that constitutional-level state institutions should not wield overarching authority, ensuring that no single institution exercises arbitrary.

This context relates to the process of checks and balances between the DPR and the President as mentioned in Article 20 paragraph (2) of the 1945 Constitution of the Republic of Indonesia that states *"Each bill shall be discussed between the DPR and the President to reach joint agreement."* among state institutions spread across different branches of power. This principle upholds that constitutional-level state institutions should not wield overarching authority, ensuring that no single institution exercises arbitrary. However, a new representative institution that highlighted regional characteristics, namely the Regional Representative Council (*Dewan Perwakilan Daerah*; DPD, hereinafter referred to as DPD), was initiated since the third amendment to the 1945 Constitution of the Republic of Indonesia.[10] Following the

---

3 Asip Suyadi, "Pancasila Sebagai Paradigma Pembangunan Hukum," *Jurnal Surya Kencana Satu Dinamika Masalah Hukum dan Keadilan* 9, no. 1 (2018): 1–18. **See also** M Rifqi Ramadhaniyansyah, "Urgensi Penerapan Constitutional Complaint Dalam Rangka Perlindungan Hak Konstitusional Warga NegarA" (UIN KH Achmad Siddiq Jember, 2023).

4 Amien Ru'ati, Garciano Nirahua, and Ronny Soplantila, "Kekuatan Eksekutorial Putusan Mahkamah Konstitusi yang Bersifat Final dan Mengikat di Indonesia," *PATTIMURA Legal Journal* 1, no. 1 (2022): 15–29. **See also** Bambang Sutiyoso, "Pembentukan Mahkamah Konstitusi Sebagai Pelaku Kekuasaan Kehakiman di Indonesia," *Jurnal Konstitusi* 7, no. 6 (2010): 25–50. **See also** Abdul Rasyid Thalib and M Sh, *Wewenang Mahkamah Konstitusi dan Implikasinya dalam Sistem Ketatanegaraan Republik Indonesia* (PT Citra Aditya Bakti, 2018). **See also** Dixon Sanjaya, Rasji Rasji, and others, "Pengujian Formil Undang-Undang Cipta Kerja Dalam Putusan Mahkamah Konstitusi Nomor 91/Puu-Xviii/2020," *Jurnal Hukum Adigama* 4, No. 2 (2021): 3255–79.

5 Arrafi Bima Guswara and Ali Imran Nasution, "Dinamika Konstitusionalitas Undang-Undang Cipta Kerja Pasca Putusan Mahkamah Konstitusi Nomor 91/PUU-XVIII/2020 dan 54/PUU-XXI/2023," *Jurnal USM Law Review* 6, no. 3 (2023): 1052–72. **See also** Aprilian Sumodiningrat, "Constitutional Disobedience Putusan Mahkamah Konstitusi: Kajian Terhadap PERPPU Cipta Kerja: Constitutional Disobedience of Constitutional Court Decisions: A Study of Job Creation Government Regulation in Lieu of Law," *Constitutioni Journal* 2, no. 1 (2023): 59–84.

6 Ismiyanto Ismiyanto and Firstnandiar Glica Aini Suniaprily, "Tinjauan Hukum Negara Kesatuan yang Menganut Sistem Otonomi Daerah Berdasarkan Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah dalam Penerapan Mekanisme Checks and Balances," *Jurnal Penelitian Serambi Hukum* 16, no. 01 (2023): 128–37.

7 Abri Dealdi Pratama, "Oligarchy in State Management: A Study of Aristotle's Political Thoabri Dealdi Pratama, "Oligarki dalam Pengelolaan Negara: Telaah Pemikiran Politik Aristoteles" (Universitas Nasional, 2023).Ught" (National University, 2023).

8 Mohamad Hidayat Muhtar et al., *Teori & Hukum Konstitusi: Dasar Pengetahuan dan Pemahaman serta Wawasan Pemberlakuan Hukum Konstitusi di Indonesia* (Pt. Sonpedia Publishing Indonesia, 2023).

9 Ibnu Sina Chandranegara, "Penuangan Checks and Balances ke dalam Konstitusi," *Jurnal Konstitusi* 13, no. 3 (2016): 552–74. **See also** Maurice John Crawley Vile, *Constitutionalism and the Separation of Powers*, vol. 92 (Clarendon Press Oxford, 1967).

10 Hulman Panjaitan, "Dewan Perwakilan Daerah dan Kewenangannya dalam Sistem Ketatanegaraan Republik Indonesia" *Jurnal*

amendment, DPR, which represents the interests of the people, and DPD, which represents regional interests, become the 2 (two) representative institutions that are concerned with their constituents during the law-making process.

The formation of legislation has been specifically regulated in the positive law as stated in Law Number 12 of 2011 on Legislation Making (*Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan*, hereinafter referred to as the P3 Law), which requires 5 (five) internal processes, namely: 1) planning; 2) preparation; 3) discussion; 4) enactment or issuance; and 5) promulgation, as mentioned in Article 1 paragraph 1 of the P3 Law. These processes involve DPR, the President, and DPD as initiators in the submission of draft laws, with the note that DPD's authority in submitting draft laws is limited to the concept of autonomous regions or in accordance with the authority regulated in Article 22 D of the 1945 Constitution of the Republic of Indonesia.

The two legislative institutions (DPR and DPD) have an equal position as state bodies in the Indonesian constitutional system.[11] For example, while the DPR has the full authority to propose, discuss, and pass laws, the DPD can only submit draft laws related to specific regional matters without the power to formally approve or reject them. This limited role weakens the DPD's influence in shaping national legislation, making its function more consultative rather than authoritative. The DPD's role is inextricably linked to that of DPR and it neither establishes checks nor balances at the legislative institution level, leaving DPR and the President in full control over the formation of legislation. Although DPD has the authority to discuss draft laws, this authority is limited to those related to autonomous regions as regulated in Article 22D paragraph (2) of the 1945 Constitution of the Republic of Indonesia which reads that:

"The DPD is to participate in debates on bills dealing with regional autonomy; relations between the center and the regions; the establishment, growth, and merger of regions; the management of natural and other economic resources, and matters related to the financial balance between the center and the regions; and, moreover, give its recommendations to the DPR on bills dealing with the state budget as well as on bills dealing with taxation, education, and religion." The restrictive nature of DPD's authority makes this institution unable to freely submit draft laws. Therefore, it can be argued that the relationship between DPR and DPD tends towards soft bicameral rather than strong bicameral, as DPD has weaker authority than DPR.[12] This creates checks and balances in the House of Representatives, preventing it from having the absolute authority to pass draft laws into laws.

The concept of judicial or external oversight of the legislature by the Constitutional Court is also emphasized in the supervision of legislation as there is a possibility of low-quality laws being passed due to the absence of quality control in the preparation process at the legislative level. This issue is of critical urgency, as evidenced by the 1721 petitions for judicial review that have been submitted to the Constitutional Court to date, indicating a tendency that many draft laws that do not adequately represent the interests of the people to be deliberated upon and enacted by the DPR and the President without due emphasis on their substantive merit, . Consequently, the Constitutional Court has increasingly functioned as the "last resort" in examining the constitutionality of a law. Accordingly, legislative oversight, by the Constitutional Court as well as checks and balances at the legislative level can ensure quality draft laws before being enacted into laws.

The principle of checks and balances has been discussed previously in numerous studies. For example, published his journal article entitled "Checks and balances between legislative and executive institutions on international agreements after the Constitutional Court Decision No. 13/PUU-XVI/2018" in PROGRESIF: Jurnal Hukum. Pamungkas and Suputra discussed the implementation of the separation of powers in the principle of checks and balances according to the theory of constitutional law in Indonesia and the United States in their article published in Wijaya Putra Law Review. Furthermore, Chandranegara carried out his study on the incorporation of checks and balances into the Constitution, which is available in *Jurnal Konstitusi* Vol. 13 No. 3 (2016). Pulungan and Wardhani have also published a journal article entitled "Mechanisms for Implementing the Principles of Checks and Balances Between Legislative and Executive Institutions in the Formation of Laws in the Indonesian Constitutional System" in *Jurnal Pembangunan Hukum Indonesia***.** Another study by Lailam on the problems and solutions for arranging the checks and balances system in the process of making law and constitutional review in Indonesia has been published in *Negara Hukum* Journal. Lastly, Dameanti compared the mechanisms of checks and balances in the legislative process in Indonesia, the United

Hukum Tô-Râ 1, no. 3 (2015): 229–36. **See also** Pulungan and ALW, "Mekanisme Pelaksanaan Prinsip Checks and Balances antara Lembaga Legislatif dan Eksekutif dalam Pembentukan Undang-Undang dalam Sistem Ketatanegaraan Indonesia."

11 Adventus Toding, "DPD Dalam Struktur Parlemen Indonesia: Wacana Pemusnahan Versus Penguatan," *Jurnal Konstitusi* 14, no. 2 (2017): 295–314. **See also** Putri Noor Ilham and Denny Prihatmadja, "Kedudukan Dewan Perwakilan Daerah dalam Sistem Ketatanegaraan Indonesia," *Lex Jurnalica* 5, no. 2 (2008): 17965.

12 Muksalmina Muksalmina et al.,"Dinamika Kewenangan Dewan Perwakilan Daerah sebagai Lembaga Legislatif dalam Sistem Ketatanegaraan Indonesia"*Unes Journal of Swara Justisia* 7, no. 2 (2023): 764–73. **See also** Achmad Labib Chidqi, "Perluasan Kewenangan Dewan Perwakilan Daerah Ditinjau Dari Bikameral yang Ideal" *Jurnal Ilmu Hukum: ALETHEA* 4, no. 1 (2020): 75–94.

States, and South Korea. According to all of the published studies mentioned above, the principle of checks and balances in the Indonesian constitutional system still requires further improvement.

It is undeniable that issues of checks and balances still have to and will continue to be developed in Indonesia. Therefore, this study aims to fill the research gaps by addressing topics related to checks and balances that have not been discussed in previous studies. This study compares the principles of checks and balances in the legislative processes in Indonesia, the United States, and Russia, which can be used as a basis for enhancing the Indonesian constitutional system so that the principle of checks and balances can be applied in every institution within all branches of power that is constitutionally recognized by the state.

The state-of-the-art analysis presented in this paper underscores that the concept of checks and balances is fundamental in safeguarding the integrity, accountability, and democratic legitimacy of the legislative process the integrity, accountability, and democratic legitimacy of legislative processes. By drawing a comparative analysis with the United States, where the system of checks and balances is deeply entrenched in the separation of powers, and Russia, where legislative oversight is perceived to be weaker due to centralized authority, this study aims to highlight the strengths, weaknesses, and contextual adaptations of checks and balances in Indonesia. Through this comparative lens, the research seeks to provide insights into how Indonesia can enhance its legislative process to align more closely with democratic principles while accommodating its unique socio-political dynamics.

The issue of checks and balances remains critical in the Indonesian constitutional system and requires ongoing development. Therefore, this study offers new insights through a comparative approach, examining the implementation of checks and balances in the legislative processes of Indonesia, the United States, and Russia. These countries were chosen because they have a strong concept of checks and balances in their legislative power, especially in the law-making process. By comparing these systems, this study identifies potential improvements for Indonesia to enhance the balance of power among constitutionally recognized institutions.[13] Furthermore, this study advocates for the reconstruction of legislative oversight mechanisms to reinforce the system of checks and balances in the lawmaking process, ensuring that each institution operates within a framework that prevents arbitrariness and upholds constitutional principles.

2. Research Methods

This study employed a normative juridical method along with statutory regulatory, comparative, and conceptual approaches. Normative juridical research uses literature studies with library research materials or secondary data only.[14] The statutory regulatory approach was used to seek answers about the supervisory institution in the lawmaking process based on applicable laws, such as the P3 Law and the 1945 Constitution of the Republic of Indonesia.[15] The comparative approach was utilized to search for legal materials applicable in other countries (the United States and Russia) to examine draft law supervision institutions from a constitutional perspective of different countries.[16] The selection of these two countries emphasized the legal provisions and practices of checks and balances between chambers in the legislative power, which Indonesia should adopt in creating better quality laws. This is also related to institutional relations in the legislative power and the relationship of checks and balances in the legislative power. Lastly, the conceptual approach was employed to analyze problems using the theory of separation of powers (*trias politica*), the doctrine of checks and balances, and the theory of authority. The data collection technique used in this study was a literature search by gathering all materials relevant to the problems being studied.[17] Meanwhile, the data analysis technique used qualitative methods to find answers to the research questions raised. The analyzed data were presented in a descriptive-prescriptive manner.

3. Discussions

A. Draft Law Supervision in the Perspective of the Compared Constitutions

In the framework of the trias politica theory, the legislative institution is entrusted with a distinct function, namely making legal products or laws.[18] This theory is reflected in Indonesia constitutional system through Article 20 paragraph

13 Keith E Whittington, "Political Foundations of Judicial Supremacy: The President, the Supreme Court, and Constitutional Leadership in US History," Political Foundations of Judicial Supremacy, 2007. See also Alfred Marleku, "Mounk, Yascha: PEOPLE VS. DEMOCRACY – WHY OUR FREEDOM IS IN DANGER AND HOW TO SAVE IT," Politologický Časopis - Czech Journal of Political Science, 2020, https://doi.org/10.5817/pc2020-1-94.

14 Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Prenada Media, 2017).

15 Bahder Johan Nasution, "Metode Penelitian Ilmu Hukum, Mandar Maju, Cetakan Kesatu" (Bandung, 2008).

16 Jonaed Efendi and Johnny Ibrahim, "Metode Penelitian Hukum: NormatifiDan Empiris," 2018

17 Marzuki, *Penelitian Hukum: Edisi Revisi*.

18 Wahyu Nugroho, "Menyusun Undang-Undang yang Responsif dan Partisipatif Berdasarkan Cita Hukum Pancasila (Drafting Responsive and Participative Regulation Based on Pancasila Law Idealism)," *Jurnal Legislasi Indonesia* 10 (2013): 209–18.

(1) of the 1945 Constitution of the Republic of Indonesia which reads, "The DPR has the power to enact laws." In this regard, DPR shares legislative authority with the President in the lawmaking process from planning stages to enactment.[19] Under Indonesian constitutional law, the President has the authority to propose draft laws (vide Article 5 paragraph (1) of the 1945 Constitution of the Republic of Indonesia) and to engage in deliberation and approval of draft laws together with DPR.[20] This arrangement diverges from the classical trias politica theory that the President, as an executive, should not hold legislative the authority.[21] Nevertheless, according to Mahfud MD, the Indonesian constitutional system is a unique feature of the country, particularly with regard to the separation of powers between the legislative and executive branches of government.[22]

After amendments were made to the 1945 Constitution of the Republic of Indonesia, DPR is no longer the sole representative body of the people since another legislative institution, namely DPD, was established in the third amendment, as regulated in Articles 22C and 22D of the 1945 Constitution of the Republic of Indonesia. Therefore, in the event of a conflict of interest between the two institutions, the DPR's position becomes overpowering.[23]

As part of the legislative institution, the DPR holds the authority to approve the President's decision to make peace and conclude treaties with other countries, as regulated in Article 11 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The DPR is also empowered to grant approval to the President on international agreements that have broad and fundamental implications for the lives of the people, particularly when such agreements impose financial obligations on the state and/or necessitate the amendment or formation of laws (Article 11 paragraph (2) the 1945 Constitution of the Republic of Indonesia). Moreover, the DPR has the authority to propose 3 (three) constitutional judges to serve in the Constitutional Court (vide Article 24 C paragraph (3) of the 1945 Constitution of the Republic of Indonesia) to regulate other matters at the constitutional level. DPR can also provide considerations to the President on several matters, including: 1) in appointing ambassadors and consuls (vide Article 13 paragraphs (2) and (3) of the 1945 Constitution of the Republic of Indonesia); 2) in granting amnesty and abolition (vide Article 14 paragraph (2) of the 1945 Constitution of the Republic of Indonesia); and 3) in changing, separating, and merging ministries (see Articles 19 and 21 of the Law Number 39 of 2008 on State Ministries). This extensive range of functions demonstrates the DPR's broad influence in the Indonesian constitutional system, which should be restricted to prevent instances of abuse of power by this institution.

In the lawmaking process at the conceptual level, each member of the DPR can submit draft laws. This is regulated in Article 21 of the 1945 Constitution of the Republic of Indonesia which stated that "*The members of the DPR have the right to introduce bills*." The process of discussing draft laws typically only involves 2 (two) institutions: the President and the DPR.[24] However, as regulated in Article 22D of the 1945 Constitution of the Republic of Indonesia, the DPD has the authority to participate in the discussions of draft laws regarding autonomous regions or relations between the central and regional governments.[25]

Furthermore, Furthermore, in the construction of Article 22D of the 1945 Constitution of the Republic of Indonesia, explicitly delineates that the DPD's authority is limited to submitting, discussing, and supervising draft laws that fall within its authority. In addition, the results of DPD's supervision of laws related to regional autonomy, the formation, expansion, and merger of regions, central and regional relations, management of natural and other economic resources, the implementation of the state budget, taxation, education, and religion are not final. As seen in Article 22D paragraph (3) of the 1945 Constitution of the Republic of Indonesia, the results of the DPD's supervision are merely considerations to be followed up by the DPR. Therefore, the DPD's authority is very restrictive and not binding.

The construction of understanding of parliamentary doctrine, particularly in the design of bicameral legislatures, has seen developments that gave rise to 3 (three) concepts, namely strong bicameral, soft bicameral, and medium-strong bicameral. A strong bicameral system entails two chambers with equally dominant powers and responsibilities.[26]

---

19 Mira Fajriyah, "Refraksi Yuridis Penetapan Program Legislasi Nasional Di DPR RI," *Jurnal Konstitusi* 13, no. 1 (2016): 48–71.

20 Hananto Widodo, "Politik Hukum Hak Interpelasi Dewan Perwakilan Rakyat Republik Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 1, no. 3 (2012): 419–36.

21 Dewi Krisna Hardjanti, "Mengkaji Ulang Pembatasan Kekuasaan Presiden dan Penguatan Kekuasaan DPR dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *DIVERSI Jurnal Hukum* 8, no. 2 (2022): 380–405.

22 Ahmad Yani, "Sistem Pemerintahan Indonesia: Pendekatan Teori dan Praktek Konstitusi Undang-Undang Dasar 1945," *Jurnal Ilmiah Kebijakan Hukum* 12, no. 2 (2018): 119.

23 Ruliah Ruliah, "Penataan Kewenangan Dewan Perwakilan Daerah (DPD) Dalam Sistem dalam Ketatanegaraan di Indonesia," *Halu Oleo Law Review* 2, no. 1 (2018): 387–402.

24 I Gede Yusa and Bagus Hermanto, "Gagasan Rancangan Undang-Undang Lembaga Kepresidenan: Cerminan Penegasan dan Penguatan Sistem Presidensiil Indonesia," *Jurnal Lgislasi Indonesia* 14, no. 03 (2017): 313–24.

25 S H Ridwan and others, "Kewenangan Mahkamah Konstitusi Dalam Penyelesaian Sengketa Pemilihan Kepala Daerah" (Universitas Islam Indonesia, 2018).

26 Raden Muhammad Mihradi et al., "Kewenangan Dewan Perwakilan Daerah Republik Indonesia Melakukan Pemantuan dan

Both chambers play a crucial role in the legislative process, particularly in the enactment of laws. This system is tightly related to the form of a federal state, such as the United States, Germany, and Australia, as both chambers bring together the interests of the people and the state. Conversely, the *soft bicameral* concept holds that there is one chamber whose duties and authorities are extremely weak compared to the other chamber.[27] However, the soft bicameral system takes steps against the powers exercised by the weaker chamber, which need to be followed up by the stronger chamber in terms of authority, although both chambers are actually in an equal position in drafting laws. In contrast, the medium-strong bicameral system features, the first chamber with greater authority than the second chamber, yet without rendering the latter entirely subordinate. Although this system does not directly equate the authority of both chambers, it nonetheless seeks to maintain checks and balances between them. For example, under this model, if the second (weaker) chamber is unable to independently pass a draft law, the law may still be enacted with the approval of the first (stronger) chamber.[28] This type of system is consistently implemented by several countries such as France, Japan, Italy, and Spain. In Indonesia, the relationship between DPD and DPR tends to adopt the *soft bicameral* system, which often causes problems in the issuance of laws that do not represent regional interests.

Judicial supervision of the laws is also recognized by the Republic of Indonesia with the existence of the Constitutional Court to review laws against the Constitution as regulated in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia which reads that "The Constitutional Court shall have the authority to make final decisions in cases of first and last instance handling the review of laws against the Constitution, to decide on authority arguments among state institutions whose competence is enshrined in the Constitution, to decide on the dissolution of political parties, and to decide on disputes regarding general election results." Indonesia adheres to a system of judicial review in which the constitutionality of laws is examined only after their enactment. More detailed provisions regarding the Constitutional Court's authority to review laws are regulated in Law Number 24 of 2003 on the Constitutional Court and the Regulation of the Constitutional Court Number 2 of 2021 on Procedures in Law Review Cases. In its development, the Constitutional Court has the authority to review the form and substance of laws.[29] The formal review assesses the procedures and methods of making laws.[30] This is identical to holistic or comprehensive testing of a law, which means that if the application is approved, the entire law may be repealed. Meanwhile, material review examines the substance of an article of a law, meaning that the output of the decision is the cancellation of the article being reviewed only; it does not cover the entire law.[31]

1) The United States

In relation to the internal control of the legislative branch in terms of drafting laws, by looking at the construction of the setting in the United States which adhere to the *trias politica* theory, the legislative branch is given the absolute authority to make laws, while the executive branch does not have any powers in the lawmaking process.[32] This is emphasized in Article 1 Section 1 of the US Constitution which reads that "*All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives*." This means that both legislative institutions, namely the Senate and the House of Representatives, have joined forces to establish the Congress for the United States to maintain a strong bicameral government.[33] This is clarified in the *letterljik* of Article I Section 7 paragraph 2 of the U.S. Constitution which reads that "*Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States.*"

Bills in the United States are also supervised in a cross-border way by submitting the bill to the President to be accepted or vetoed.[34] This is confirmed in the continuation of Article 1 Section 7 paragraph 2 of the U.S. Constitution

---

Evaluasi Rancangan Peraturan Daerah dan Peraturan Daerah Pasca Putusan Mahkamah Konstitusi Nomor 56/PUU-XIV/2016," *PALAR (Pakuan Law Review)* 9, no. 1 (2023): 1–13.

27 Taufik Hidayat, Dodi Haryono, and Abdul Ghafur, "Penerapan Sistem Soft Bikameral dalam Parlemen di Indonesia" (Riau University, 2015).

28 Imelda Sapitri, "Eksistensi Kewenangan Dewan Perwakilan Daerah (DPD) dalam Melakukan Pemantauan dan Evaluasi Rancangan Peraturan Daerah dan Peraturan Daerah Berdasarkan Undang-Undang Nomor 2 Tahun 2018 Tentang MPR, DPR, DPD dan DPRD" (Universitas Islam Riau, 2019).

29 Sholahuddin Al-Fatih, "Model Pengujian Peraturan Perundang-Undangan Satu Atap Melalui Mahkamah Konstitusi," *Legality* 25, no. 2 (2018): 247–60.

30 Tanto Lailam, "Konstruksi Pertentangan Norma Hukum dalam Skema Pengujian Undang-Undang," *Jurnal Konstitusi* 11, no. 1 (2014): 18–42.

31 Thalib and Sh, *Wewenang Mahkamah Konstitusi dan Implikasinya dalam Sistem Ketatanegaraan Republik Indonesia*.

32 emilianus Afandi, "Pengaruh Amandemen Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Terhadap Perubahan Konfigurasi Kekuasaan Kehakiman" (UAJY, 2014).

33 Muchammad Ali Safa'at, *Parlemen Bikameral: Studi Perbandingan di Amerika Serikat, Perancis, Belanda, Inggris, Austria, dan Indonesia* (Universitas Brawijaya Press, 2010).

34 Desy Cristalia, "Politik Hukum Mekanisme Pengesahan Rancangan Undang-Undang di Indonesia," *Al-Balad: Journal of*

which reads:

> ***"… If he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it.*** *If after such Reconsideration two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law. But in all such Cases, the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law." (Article 1 Section 7 paragraph 2 of the U.S. Constitution)*

Following deliberation at the legislative level, the bill will be forwarded to the President for approval or rejection, included the budget bill. However, in the context of budget legislation, the Line Item Veto Act of 1996 initially granted the President the authority to veto specific budgetary expenditures within a bill rather than rejecting the bill in its entirety and returning it to Congress . In 1998, however, this law was overturned by the US Supreme Court in the case of Clinton v. City of New York (524 U.S. 417 (1998)) which ruled that any bill submitted to the President must be approved or rejected as a whole, not partially. Before this law was overturned by the US Supreme Court, Clinton had exercised his veto 82 times over the federal budget under this law. If the bill is approved, it will be signed and enacted. Therefore, draft laws must pass through the President, including budget bills. Conversely, if the bill is vetoed, the President can submit his veto regarding the substance of the bill to the Congress. In response, the Congress will hold a hearing to follow up on the President's veto. The United States established the concept of double-checking bills to ensure the quality of the bills that represent the interests of the people and the country itself. This double-checking process is done internally by the legislative institutions; the U.S. Senate and the House of Representatives discuss the substance of the subsequent bill to be proposed to the President for re-checking.

Articles III and VI of the U.S. Constitution grant the Supreme Court of the United States implied authority to exercise judicial or external oversight on the enactment of law.[35] This is as regulated in Article III Section 1 of the U.S. Constitution which reads that "*The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.*" Then, Article III Section 2 paragraph 1 of the U.S. Constitution states that "*The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority.*" In the United States, the Supreme Court can follow up with law on events recognized by the Constitution as barriers to its authority.[36] The interpretation of the testing of authority is contained in Article VI paragraph (2) of the U. S. Constitution which reads that "*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*" This article requires that all judges in the United States take an oath to the Constitution, including that of a Chief Justice of the United States. In the 1803 case of Marbury v. Madison, for example, the Chief Justice of the United States, John Marshall, overturned Section 13 of the Judiciary Act of 1789, which granted the Supreme Court more authority, by using his interpretation of Article VI of the Constitution.[37] John Marshall argued that Section 13 of the act was contradictory to Article III of the Constitution, and it was declared null and void by law. However, despite the context of the case, the Supreme Court has acted ultra petita authority, as its ruling extended beyond and deviated from the relief sought by the parties.

2) Russia

The concept of the medium-strong bicameral system can be seen in the Russian Constitution which places the

---

Constitutional Law 2, no. 1 (2020): 1-13.

35 Heru Setiawan and Fifiana Wisnaeni,"Rekonseptualisasi Kewenangan Mahkamah Konstitusi dalam Upaya Memaksimalkan Fungsi Mahkamah Konstitusi Sebagai the Guardian of Constitution" (Fakultas Hukum, 2017).

36 M Agus Maulidi, "Menyoal Kekuatan Eksekutorial Putusan Final dan Mengikat Mahkamah Konstitusi (Questioning the Executorial Force on Final and Binding Decision of the Constitutional Court)," *Jurnal Konstitusi* 16, no. 2 (2019). **See also** Janpatar Simamora,"Problematika Penyelesaian Sengketa Kewenangan Lembaga Negara oleh Mahkamah Konstitusi," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 28, no. 1 (2016): 77–92.

37 Muhammad Alim, "Perda Bernuansa Syariah dan Hubungannya dengan Konstitusi," *Jurnal Hukum Ius Quia Iustum* 17,no. 1 (2010): 119–42. **See also** Ahmadi Ahmadi,"Konstitusional Review: Suatu Perbandingan Praktek Ketatanegaraan," *Al-Izzah: Jurnal Hasil-Hasil Penelitian* 9, no. 1 (2014): 43–60. **See also** S H A DON SILALAHI and others, "Kewenangan Yudisial Review Mahkamah Agung Terhadap Peraturan Perundang-Undangan di Bawah Undang-Undang," *Jurnal Nestor Magister Hukum* 3, no. 3 (2016): 209848.

Federation Council as the upper house which has the authority to approve or reject existing bills discussed by the State Duma (Russia's House of Representatives).[38] A bill is approved if it receives the approval of more than half of the members of the Federation Council.[39] Conversely, the Federation Council also has the authority to reject a bill proposed by the State Duma. This is aligned with the provision of Article 105 Section 4 of the Constitution of the Russian Federation which reads that "*A federal law shall be deemed adopted by the Council of the Federation when passed by a majority of the total number of deputies or not examined by the Council of the Federation within 14 days. In case the Council of the Federation rejects a federal law, the two chambers may form a conciliatory commission to overcome differences, after which the federal law is subject to repeat examination of the State Duma.*" This decision is not final because a rejection may be reconsidered and even rejected by the State Duma based on Article 105 Section 5 of the Constitution of the Russian Federation which reads that "In the event of disagreement of the State Duma with the decision of the Council of the Federation, a federal law shall be deemed adopted if during a second vote, it is passed by no less than two-thirds of the total number of deputies of the State Duma." In this regard, if the State Duma disagrees with a veto of the Federation Council, it may conduct a vote on the matters, provided that the veto override it must be approved by 2/3 of its members. If the State Duma resolves not to adhere to the Federation Council's veto, the bill should be reconsidered for adoption. Subsequently, the billis submitted to the President to be signed and promulgated, as mentioned in Article 107 Section 1 of the Constitution of the Russian Federation which reads that "*After its adoption, federal law shall be submitted within five days to the President of the Russian Federation for signature and promulgation.*"The President of the Russian Federation not only holds the authority to sign and promulgate laws but also possesses the power to reject a bill prior to its enactment,[40] as stated in Article 107 Section 3 of the Constitution of the Russian Federation. If the bill is rejected by the President, the Federation Council and the State Duma should review the rejection. The bill is considered approved if it receives approval from the majority or 2/3 of the total members of the Federation Council and the State Duma combined. Then, the approved bill must be signed by the President in 7 (seven) days and promulgated. Russia upholds double-checking in its lawmaking process to ensure the quality of the laws adopted and to maintain a holistic and comprehensive representation of the people. However, despite its intent to enhance legislative scrutiny, this reexamination process does not always yield outcomes that are beneficial or relevant to the general public.

The Constitution of the Russian Federation requires the existence of the Constitutional Court to resolve issues of violation of citizens' constitutional rights at the enactment of certain laws produced by parliament and the President. The authority of the Constitutional Court is regulated in Article 125 Section 4 of the Constitution of the Russian Federation which reads that "The Constitutional Court of the Russian Federation, upon complaints about violations of the constitutional rights and freedoms of citizens and upon requests of the courts, shall verify the conformity with the Constitution of any law which is applied or shall be applied in a concrete case in a way established by federal law."

Based on this article, the Constitutional Court holds the authority to provide judicial supervision on a bill proposed by the parliament and the President if it is certain that there is an indication that the bill contravenes the Constitution. In such cases, the Constitutional Court may declare the bill null and void, as confirmed in paragraph 6 of the same article, which reads that "Acts and their provisions which are not in conformity with the Constitution shall lose validity. International treaties which are not in conformity with the Constitution of the Russian Federation shall not be implemented and applied." The lawmaking process in Russia is not solely related to the repressive supervision of laws; numerous stages of substantive examination must be done before a bill is enacted into law. In Russia, there is also a constitutional court for judges who are found to have violated the Constitution against applicable laws. This multi-layered supervision mechanism ensures the enactment of high-quality laws that genuinely reflect and uphold the the interest of the people.

38 L D Chulyukin and V V Guryanova, "Law Making Activity as a Type of Legal Process," *Russian Journal of Legal Studies (Moscow)* 5, no. 4 (2018): 38–44.

39 Moshe Haspel,Thomas F Remington, and Steven S Smith, "Lawmaking and Decree Making in the Russian Federation: Time, Space, and Rules in Russian National Policymaking," *Post-Soviet Affairs* 22, no. 3 (2006): 249–75.

40 Philipp Köker, "Why Dictators Veto: Legislation, Legitimation and Control in Kazakhstan and Russia," *Democratization* 27, no. 2 (2020): 204–23.

Table 1. Comparison of the supervision of draft laws in the lawmaking processes in Indonesia, the United States, and Russia.

No	Indicator	Indonesia	Russia	The United States
1	Internal Supervision of the Legislative Branch	Indonesian constitutional concept does not incorporate the legislative oversight between legislative institutions or a legislative discussion process that involves two chambers in a broad manner. Instead, such oversight is limited solely ; to draft laws related to the regional governance.	There is a checks and balances system for drafting laws in the lawmaking process in Russia, involving the State Duma which drafts the bill, and the Federation Council which accepts or vetoes the bill.	In the legislative branch of power, there is a concept of checks and balances in the process of drafting laws which includes the Senate and the House of Representatives.
2	Supervision between Branches of Power in Drafting Laws (Legislative-Executive)	In accordance with Article 20 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, Indonesia adheres to a process of discussing draft laws by two branches of power, namely DPR (legislative) and the President (executive).	The connection between the legislative and executive bodies in Russia requires the President to approve or reject draft laws. If the President approves a draft law, the legislative body has the authority to issue a reverse veto, in accordance with Article 107 paragraph 3 of the Russian Constitution.	The President and the legislative branch can act on or reject a veto by using a majority vote mechanism (2/3 of the total members of the Senate and the House of Representatives combined).
3	Post-Enactment Supervision of Law between Branches of Power (Legislative and/ or Executive-Judicial)	The Constitutional Court has the authority to review laws for their compliance with the Constitution, as stipulated in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia. In accordance with Article 51 of the Constitutional Court Law, the right to file a judicial review is granted to applicants whose constitutional rights have been violated by the enactment of such laws,	Judicial supervision of legislation in Russia is carried out by giving the Constitutional Court the authority to make a judicial review requested by the people when a complaint is filed to the court, based on Article 125 paragraph 4 of the Russian Constitution. In addition, the President, the State Duma, the Federation Council, the Government, the Supreme Court, and the High Court of Arbitration, may also issue a review of the application based on Article 125 paragraph (2) of the Russian Constitution.	In the United States, the review of authority is done by the Supreme Court, implied in Articles III and Article VI of the U. S. Constitution as the embodiment of *checks and balances* between the legislative and judicial branches.

Source: Authors' summary of the comparison between Indonesia, the United States, and Russia

B. Enhancement of Draft Law Supervision in the Lawmaking Process in Indonesia as a Manifestation of Strengthened Checks and Balances Between Branches of Government

The legislative branch of the Indonesian government still adheres to a soft bicameral system in which DPD occupies a chamber than DPR. Meanwhile, if viewed conceptually, DPD occupies the position of the upper house, whereas DPR is the lower house.[41] This is due to the imbalance of internal power within the legislative branch which causes the discussion of draft laws to tend to be stronger towards the DPR and the President, with the authority for lawmaking from the planning to the enactment. This system does not seek to have any internal checks and balances within the legislative branch[42] but instead includes cross-power checks and balances by involving the President in the discussion of draft laws.

The process of strengthening the supervision of the formation of laws in Indonesia is currently focused on achieving a balance of authority of DPD and DPR in the legislative drafting process.[43] A combination of the systems adopted by Russia and the United States is needed to establish a concept of double-checking in the lawmaking process in Indonesia, thus ensuring the enactment of higher-quality laws by strengthening the role of the DPD, whose members (senators) are elected by the people based on regional representation and are not bound by political party interests. This approach is distinctive because, in the context of the United States, members of the Senate are elected based on the proportion of each state with a total of 2 (two) senators for each state. However, a notable challenge in the United States system is the strong affiliation of the Senate with the major political parties, thus being prone to prioritizing political interests over the territorial interests of the state. In Indonesia, on the other hand, the election of DPD members is in accordance with Article 22E paragraph (4) of the 1945 Constitution of the Republic of Indonesia which reads that "The participants in the general elections to elect the members of DPD are individuals", making it a better concept than that of the United States.

DPD members who are independent individuals (unaffiliated with any political parties), have the potential to serve as neutral arbiters against DPR's political interests, provided that the DPD is given full and unrestricted authority in the legislative deliberation process. As a result, the President will be involved in additional processes of discussion during the second deliberation to establish checks and balances *among* between the branches of powers. As the executive branch, the President retains authority in the discussion, even though it is conducted twice. The second deliberation may also be conducted when the enactment of draft laws into laws is rejected. Furthermore, the approval/rejection process will also change with the involvement of DPD in the legislative discussion process.

The contextualization of authority for the reconstruction the issues surrounding legislative oversight in Indonesia is the strengthening of DPD's authority to create internal checks and balances within the legislative branch. If the concepts adopted in Russia and the United States are constructed in Indonesia, the President would retain the authority to submit and deliberate on draft laws together with the two chambers in the legislative branch to establish dialectics between DPD, DPR, and the President. To achieve this objective, DPD should be involved in every stage of the lawmaking process. Accordingly, a constitutional amendment is required to address fundamental constitutional provisions, specifically Article 20 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, to include provisions pertaining to the DPD's authority in terms of providing internal approval before a draft law is enacted. In addition, with the amendment to Article 20 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, DPD should also have equal authority to reject draft laws. Under this framework, any draft law rejected by the DPD would not be eligible for resubmission within the same legislative term.

This perspective provides space for the wider community in the lawmaking process in Indonesia and the improvement of the current draft laws which are viewed negatively by the people. DPR and the President currently hold political positions that give sufficient space for political parties to intervene in deciding certain policies or implications, including the enactment of draft laws into laws. By integrating DPD, whose members are elected by the people through independent or non-party mechanisms,[44] the approval or rejection of draft laws into laws can be processed by minimizing political considerations or internal interests of the incumbent parliament. Consequently, this framework would enhance the quality of enacted laws, as the legislative process would involve institutions with minimal political bias, ensuring that legislation better reflects the broader public interest. Furthermore, it is undeniable that judiciary supervision must play a crucial role in the enforcement of laws. However, within the constitutional legal framework of Indonesia, the

41 M M Achmad Kosasih, *Legislasi dan Perwakilan Politik* (Indigo Media, 2023). p. 14.

42 Soermudy A M Pesiwarissa, "Tinjauan Kewenangan Dewan Perwakilan Daerah Dalam Undang-Undang Dasar 1945," *Lex Administratum* 11, No. 5 (2023)

43 Sunardi Sunardi, "Rekonstruksi Dewan Perwakilan Daerah Sebagai Upaya Memperkuat Checks and Balances di Lingkup Legislatif," *Constitutional Law Review* 2, no. 2 (2023): 73–90.

44 Ismed Batubara et al., *Risalah Politik Al Washliyah: Doktrin dan Gerakan Politik Al Washliyah di Indonesia* (Centre For Al Washliyah Studies, 2023).

judiciary operates under the principle of passivity, meaning that it only follows up on cases or applications filed through formal legal proceeding.

According to Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the Constitutional Court of the Republic of Indonesia is an authorized institution to follow up on applications to review laws against the Constitution.[45] As a judicial institution, the Constitutional Court of the Republic of Indonesia is independent and its authority cannot be dictated by any other power, as mentioned in Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.[46] Therefore, the reinforcement of the lawmaking process must also be balanced by maintaining the existence of the judicial branch in passively overseeing the enforcement of laws.

The expansion of DPD's authority can be implemented by making amendments to the 1945 Constitution of the Republic of Indonesia, specifically the Article 20 paragraph (2), with the initiative of the People's Consultative Assembly (MPR) in accordance with the authority of this institution to amend the Constitution,. Such an amendment would enable the DPD to take part in the process of jointly approving the enactment of draft laws into laws. The deliberation process of draft laws is not solely a matter of authority; it is done by using a broad interpretation of Article 22D paragraph (2) of the 1945 Constitution of the Republic of Indonesia, not interpreting it literally (in a letterlijk manner) and narrowly for DPD to actively participate in the entire lawmaking process. In addition, conceptual interpretation of the DPD's authority can be carried out by reviewing the articles regulating the authority of DPD in Law Number 13 of 2019 on the Third Amendment to Law Number 17 of 2014 on the People's Consultative Assembly, the House of Representatives, Regional Representative Council, and the Regional House of Representatives (the MD3 Law) at the Constitutional Court for authentic and official interpretation, which is formal and binding. Accodingly, DPD could serve as a catalyst in the reconstruction and supervision of draft laws in Indonesia and the creation of checks and balances within the internal legislative branch of power to produce laws that are of higher quality and have minimal political needs.

4. Conclusion

The concept of legislation chamber in Indonesia in the formation of laws within the framework of legislative power is constructed as a soft bicamareal concept. One of the inherent weaknesses of this model is the limited supervisory authority exercised within the legislative branch, particularly , between the House of Representatives (DPR RI) and the Regional Representative Council (DPD RI). This concept is like balancing the institution of the House of Representatives and the House of Regional Representatives by emphasizing the authority of one chamber so that its authority is greater than the other chamber. Conversely, in the United States, both the House of Representatives and the Senate have equally crucial authority in passing a bill into federal law, in accordance with Article 1 Section 7 of the US Constitution. By giving the President the authority to veto bills and giving the Supreme Court the implied authority to review the constitutionality of laws, Indonesia continues to emphasize the need for checks and balances between the branches of power. Similar in Russia, the concept of lawmaking also provides checks and balances within the legislative power itself where the State Duma and the Federation Council function as counterweights to each other. In comparison to Russia and the United States, Indonesia needs to adopt strategic measures, such as strengthening the deliberation mechanism in legislative discussion by incorporating the role of DPD to minimize the political element.

References

Achmad Kosasih, M M. *Legislasi Dan Perwakilan Politik*. Indigo Media, 2023.

Afandi, Emilianus. "Pengaruh Amandemen Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Terhadap Perubahan Konfigurasi Kekuasaan Kehakiman." UAJY, 2014.

Ahmadi, Ahmadi. "Konstitusional Review: Suatu Perbandingan Praktek Ketatanegaraan." *Al-Izzah: Jurnal Hasil-Hasil Penelitian* 9, no. 1 (2014): 43–60.

Al-Fatih, Sholahuddin. "Model Pengujian Peraturan Perundang-Undangan Satu Atap Melalui Mahkamah KonstitusI." *Legality* 25, no. 2 (2018): 247–60.

45 Sutiyoso, "Pembentukan Mahkamah Konstitusi Sebagai Pelaku Kekuasaan Kehakiman di Indonesia". **See also** Rizki Wahyudi et al.,"Optimalisasi Pelaksanaan Putusan Mahkamah Konstitusi dalam Hal Pengujian Undang-Undang Terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Jurnal Mercatoria* 11, no. 2 (2018): 174–92. **See also** Muhammad Raihan and Ali Imran Nasution, "Beban Mahkamah Konstitusi dalam Memutus Perselisihan Tentang Hasil Pemilihan Umum Serentak 2024," *DIVERSI: Jurnal Hukum* 8, no. 2 (2022): 304–32, https://doi.org/https://doi.org/10.32503/diversi.v8i2.3024. **See also** Didi Nazmi, "Analisis Putusan Mahkamah Konstitusi Nomor 65/PUU-XXI/2023 Tentang Kampanye di Ranah Pendidikan dalam Perspektif Hak Asasi Manusia," *UNES Law Review* 6, no. 1 (2023): 53–62.

46 Dachran Busthami, "Kekuasaan Kehakiman Dalam Perspektif Negara Hukum di Indonesia,"*Masalah-Masalah Hukum* 46, no 4 (2017): 336–42. **See also** Rosita Indrayati, "Revitalisasi Peran Hakim Sebagai Pelaku Kekuasaan Kehakiman dalam Sistem Ketatanegaraan Indonesia," *Kertha Patrika* 38, no. 2 (2016): 117–30.

Alim, Muhammad. “Perda Bernuansa Syariah Dan Hubungannya Dengan Konstitusi.” *Jurnal Hukum Ius Quia Iustum* 17, no. 1 (2010): 119–42.

Batubara, Ismed, Ridwan Tanjung, Imam Yazid, Ahmad Khoirul Fata, Mardian Idris Harahap, Samsul Bahri, and others. *Risalah Politik Al Washliyah: Doktrin Dan Gerakan Politik Al Washliyah Di Indonesia*. Centre For Al Washliyah Studies, 2023.

Buana, Teuku Zulman Sangga, and Adwani Adwani. “Tinjauan Yuridis Terhadap Penggunaan Hak Veto Amerika Serikat Sebagai Anggota Tetap Dewan Keamanan Perserikatan Bangsa-Bangsa.” *Jurnal Ilmiah Mahasiswa Bidang Hukum Kenegaraan* 2, no. 3 (2018): 677–88.

Busthami, Dachran. “Kekuasaan Kehakiman Dalam Perspektif Negara Hukum Di Indonesia.” *Masalah-Masalah Hukum* 46, no. 4 (2017): 336–42.

Chandranegara, Ibnu Sina. “Penuangan Checks and Balances Kedalam Konstitusi.” *Jurnal Konstitusi* 13, no. 3 (2016): 552–74. https://doi.org/10.31078/jk1334.

Chidqi, Achmad Labib. “Perluasan Kewenangan Dewan Perwakilan Daerah Ditinjau Dari Bikameral Yang Ideal.” *Jurnal Ilmu Hukum: ALETHEA* 4, no. 1 (2020): 75–94.

Chulyukin, L D, and V V Guryanova. “Law-Making Activity as a Type of Legal Process.” *Russian Journal of Legal Studies (Moscow)* 5, no. 4 (2018): 38–44.

Cristalia, Desy. “Politik Hukum Mekanisme Pengesahan Rancangan Undang-Undang Di Indonesia.” *Al-Balad: Journal of Constitutional Law* 2, no. 1 (2020).

DONI SILALAHI, S H A, and others. “Kewenangan Yudisial Review Mahkamah Agung Terhadap Peraturan Perundang-Undangan Di Bawah Undang-Undang.” *Jurnal Nestor Magister Hukum* 3, no. 3 (2016): 209848.

Dry, Murray. “Separation of Powers in Practice.” *Perspectives on Politics* 3, no. 03 (2005). https://doi.org/10.1017/s1537592705390256.

Effendi, Orien, and others. “Pembatasan Kekuasaan Berdasarkan Paham Konstitusionalisme Di Negara Demokrasi.” *Politica: Jurnal Hukum Tata Negara Dan Politik Islam* 7, no. 2 (2020): 111–33.

Faharudin, Faharudin. “Prinsip Checks and Balances Ditinjau Dari Sisi Dan Praktik.” *Jurnal Hukum Volkgeist* 1, no. 2 (2017): 115–28.

Fajriyah, Mira. “Refraksi Yuridis Penetapan Program Legislasi Nasional Di DPR RI.” *Jurnal Konstitusi* 13, no. 1 (2016): 48–71.

Hamdi, M Adib Akmal, Xavier Nugraha, and Gio Arjuna Putra. “Konstruksi Kewenangan Majelis Permusyawaratan Rakyat Dalam Memberikan Keterangan Pada Perkara Pengujian Undang-Undang Di Mahkamah Konstitusi.” *Widya Yuridika: Jurnal Hukum* 6, no. 2 (2023): 297–310.

Hardjanti, Dewi Krisna. “Mengkaji Ulang Pembatasan Kekuasaan Presiden Dan Penguatan Kekuasaan DPR Dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.” *DIVERSI: Jurnal Hukum* 8, no. 2 (2022): 380–405.

Haspel, Moshe, Thomas F Remington, and Steven S Smith. “Lawmaking and Decree Making in the Russian Federation: Time, Space, and Rules in Russian National Policymaking.” *Post-Soviet Affairs* 22, no. 3 (2006): 249–75.

Hayati, Nyoman Nidia Sari. “Eksistensi Fungsi Dewan Perwakilan Daerah Sebagai Lembaga Perwakilan Daerah Dalam Sistem Bikameral.” *Rechtsvinding* 1, no. 1 (2023): 11–18.

Hidayat, Taufik, Dodi Haryono, and Abdul Ghafur. “Penerapan Sistem Soft Bikameral Dalam Parlemen Di Indonesia.” Riau University, 2015.

Ilham, Putri Noor, and Denny Prihatmadja. “Kedudukan Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Indonesia.” *Lex Jurnalica* 5, no. 2 (2008): 17965.

Indrayati, Rosita. “Revitalisasi Peran Hakim Sebagai Pelaku Kekuasaan Kehakiman Dalam Sistem Ketatanegaraan Indonesia.” *Kertha Patrika* 38, no. 2 (2016): 117–30.

Ismiyanto, Ismiyanto, and Firstnandiar Glica Aini Suniaprily. “Tinjauan Hukum Negara Kesatuan Yang Menganut Sistem Otonomi Daerah Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah Dalam Penerapan Mekanisme Checks and Balances.” *JURNAL PENELITIAN SERAMBI HUKUM* 16, no. 01 (2023): 128–37.

Iswandi, Kelik, and Nanik Prasetyoningsih. “Kedudukan State Auxiliary Organ Dalam Sistem Ketatanegaraan Di Indonesia.” *Jurnal Penegakan Hukum Dan Keadilan* 1, no. 2 (2020). https://doi.org/10.18196/jphk.1208.

Köker, Philipp. “Why Dictators Veto: Legislation, Legitimation and Control in Kazakhstan and Russia.” *Democratization* 27, no. 2 (2020): 204–23.

Krauss, Svenja, and Maria Thürk. “Stability of Minority Governments and the Role of Support Agreements.” *West European Politics* 45, no. 4 (2022): 767–92.

Lailam, Tanto. “Konstruksi Pertentangan Norma Hukum Dalam Skema Pengujian Undang-Undang.” *Jurnal Konstitusi* 11, no. 1 (2014): 18–42.

Latif, Abdul, and Hery Chariansyah. “Pengaturan Pelaksanaan Wewenang Majelis Permusyawaratan Rakyat (MPR) Dalam Perspektif Pembentukan Undang-Undang.” *UNES Law Review* 6, no. 1 (2023): 2444–55.

Madjid, Mario Agritama S W, and Anom Wahyu Asmorojati. “The Urgency of the Constitutional Question by the Constitutional Court and Its Relevance to the Indonesian Democracy Index during the COVID-19 Pandemic.” *Jurnal Penegakan Hukum Dan Keadilan* 4, no. 1 (2023): 59–74.

Marleku, Alfred. “Mounk, Yascha: PEOPLE VS. DEMOCRACY – WHY OUR FREEDOM IS IN DANGER AND HOW TO SAVE IT.” *Politologický Časopis - Czech Journal of Political Science*, 2020. https://doi.org/10.5817/pc2020-1-94.

Marzuki, Peter Mahmud. *Penelitian Hukum: Edisi Revisi*. Prenada Media, 2017.

Maulidi, M Agus. “Menyoal Kekuatan Eksekutorial Putusan Final Dan Mengikat Mahkamah Konstitusi Questioning the Executorial Force on Final and Binding Decision Of.” *Jurnal Konstitusi* 16, no. 2 (2019).

Mihradi, Raden Muhammad, Dinalara Dermawati Butar-Butar, Andi Muhammad Asrun, Bambang Heriyanto, Niki Susanti, and others. “KEWENANGAN DEWAN PERWAKILAN DAERAH REPUBLIK INDONESIA MELAKUKAN PEMANTUAN DAN EVALUASI RANCANGAN PERATURAN DAERAH DAN PERATURAN DAERAH PASCA PUTUSAN MAHKAMAH KONSTITUSI NOMOR 56/PUU-XIV/2016.” *PALAR (Pakuan Law Review)* 9, no. 1 (2023): 1–13.

Muhtar, Mohamad Hidayat, Abdul Kahar Maranjaya, Nur Arfiani, and Erman Rahim. *TEORI & HUKUM KONSTITUSI: Dasar Pengetahuan Dan Pemahaman Serta Wawasan Pemberlakuan Hukum Konstitusi Di Indonesia*. PT. Sonpedia Publishing Indonesia, 2023.

Muksalmina, Muksalmina, Tasyukur Tasyukur, Nabhani Yustisi, and others. “DINAMIKA KEWENANGAN DEWAN PERWAKILAN DAERAH SEBAGAI LEMBAGA LEGISLATIF DALAM SISTEM KETATANEGARAAN INDONESIA.” *Unes Journal of Swara Justisia* 7, no. 2 (2023): 764–73.

Nasution, Bahder Johan. “Metode Penelitian Ilmu Hukum, Mandar Maju, Cetakan Kesatu.” Bandung, 2008.

Nazmi, Didi. “Analisis Putusan Mahkamah Konstitusi Nomor 65/PUU-XXI/2023 Tentang Kampanye Di Ranah Pendidikan Dalam Perspektif Hak Asasi Manusia.” *UNES Law Review* 6, no. 1 (2023): 53–62.

Nugroho, Wahyu. “Menyusun Undang-Undang Yang Responsif Dan Partisipatif Berdasarkan Cita Hukum Pancasila (Drafting Responsive and Participative Regulation Based On Pancasila Law Idealism).” *Jurnal Legislasi Indonesia* 10 (2013): 209–18.

Panjaitan, Hulman. “Dewan Perwakilan Daerah Dan Kewenangannya Dalam Sistem Ketatanegaraan Republik Indonesia.” *Jurnal Hukum Tô-Râ* 1, no. 3 (2015): 229–36.

Pratama, Abri Dealdi. “OLIGARKI DALAM PENGELOLAAN NEGARA: TELAAH PEMIKIRAN POLITIK ARISTOTELES.” Universitas Nasional, 2023.

Pulungan, Rizky Andrian Ramadhan, and Lita Tyesta ALW. “Mekanisme Pelaksanaan Prinsip Checks And Balances Antara Lembaga Legislatif Dan Eksekutif Dalam Pembentukan Undang-Undang Dalam Sistem Ketatanegaraan Indonesia.” *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 280–93.

Raihan, Muhammad, and Ali Imran Nasution. “Beban Mahkamah Konstitusi Dalam Memutus Perselisihan Tentang Hasil Pemilihan Umum Serentak 2024.” *DIVERSI: Jurnal Hukum* 8, no. 2 (2022): 304–32. https://doi.org/https://doi.org/10.32503/diversi.v8i2.3024.

Ramadhaniyansyah, M Rifqi. “URGENSI PENERAPAN CONSTITUTIONAL COMPLAINT DALAM RANGKA PERLINDUNGAN HAK KONSTITUSIONAL WARGA NEGARA.” UIN KH Achmad Siddiq Jember, 2023.

Ridwan, S H, and others. “KEWENANGAN MAHKAMAH KONSTITUSI DALAM PENYELESAIAN SENGKETA PEMILIHAN KEPALA DAERAH.” UNIVERSITAS ISLAM INDONESIA, 2018.

Ru’ati, Amien, Garciano Nirahua, and Ronny Soplantila. “Kekuatan Eksekutorial Putusan Mahkamah Konstitusi Yang Bersifat Final Dan Mengikat Di Indonesia.” *PATTIMURA Legal Journal* 1, no. 1 (2022): 15–29.

Ruliah, Ruliah. “Penataan Kewenangan Dewan Perwakilan Daerah (DPD) Dalam Sistem Dalam Ketatanegaraan Di Indonesia.” *Halu Oleo Law Review* 2, no. 1 (2018): 387–402.

Safa’at, Muchammad Ali. *Parlemen Bikameral: Studi Perbandingan Di Amerika Serikat, Perancis, Belanda, Inggris, Austria, Dan Indonesia*. Universitas Brawijaya Press, 2010.

Samsonov, Nikolay V. “Acts of Constitutional Justice as Sources of Russian Civil Procedural Law.” *Law: J. Higher Sch. Econ.*, 2023, 70.

Sanjaya, Dixon, Rasji Rasji, and others. “PENGUJIAN FORMIL UNDANG-UNDANG CIPTA KERJA DALAM PUTUSAN MAHKAMAH KONSTITUSI NOMOR 91/PUU-XVIII/2020.” *Jurnal Hukum Adigama* 4, no. 2 (2021): 3255–79.

Sapitri, Imelda. “Eksistensi Kewenangan Dewan Perwakilan Daerah (DPD) Dalam Melakukan Pemantauan Dan Evaluasi Rancangan Peraturan Daerah Dan Peraturan Daerah Berdasarkan Undang-Undang Nomor 2 Tahun 2018 Tentang MPR, DPR, DPD Dan DPRD.” Universitas Islam Riau, 2019.

Sastra, Irmayadi, and others. “CHECK AND BALANCES KEKUASAAN LEMBAGA NEGARA GUNA MENATA PEMERINTAHAN YANG BAIK (GOOD GOVERNMENT).” *JHR (Jurnal Hukum Replik)* 5, no. 2 (2017): 184–99.

Schnatterer, Tinette. “Understudied and Underestimated? What Determines Scientific Attention on Second Chambers?” *French Politics* 13 (2015): 302–17.

Setiawan, Heru, and Fifiana Wisnaeni. “Rekonseptualisasi Kewenangan Mahkamah Konstitusi Dalam Upaya Memaksimalkan Fungsi Mahkamah Konstitusi Sebagai the Guardian of Constitution.” Fakultas Hukum, 2017.

Simamora, Janpatar. “Problematika Penyelesaian Sengketa Kewenangan Lembaga Negara Oleh Mahkamah Konstitusi.” *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 28, no. 1 (2016): 77–92.

Sunardi, Sunardi. “Rekonstruksi Dewan Perwakilan Daerah Sebagai Upaya Memperkuat Cheks and Balances Di Lingkup Legislatif.” *Constitutional Law Review* 2, no. 2 (2023): 73–90.

Sutiyoso, Bambang. “Pembentukan Mahkamah Konstitusi Sebagai Pelaku Kekuasaan Kehakiman Di Indonesia.” *Jurnal Konstitusi* 7, no. 6 (2010): 25–50.

Suyadi, Asip. “Pancasila Sebagai Paradigma Pembangunan Hukum.” *Jurnal Surya Kencana Satu Dinamika Masalah Hukum Dan Keadilan* 9, no. 1 (2018): 1–18.

Thalib, Abdul Rasyid, and M Sh. *Wewenang Mahkamah Konstitusi Dan Implikasinya Dalam Sistem Ketatanegaraan Republik Indonesia*. PT Citra Aditya Bakti, 2018.

Toding, Adventus. “DPD Dalam Struktur Parlemen Indonesia: Wacana Pemusnahan Versus Penguatan.” *Jurnal Konstitusi* 14, no. 2 (2017): 295–314.

Vile, Maurice John Crawley. *Constitutionalism and the Separation of Powers*. Vol. 92. Clarendon Press Oxford, 1967.

Wahyudi, Rizki, Muhammad Gaussyah, Darmawan Darmawan, and others. “Optimalisasi Pelaksanaan Putusan Mahkamah Konstitusi Dalam Hal Pengujian Undang-Undang Terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.” *Jurnal Mercatoria* 11, no. 2 (2018): 174–92.

Whittington, Keith E. “Political Foundations of Judicial Supremacy: The President, the Supreme Court, and Constitutional Leadership in US History.” *Political Foundations of Judicial Supremacy*, 2007.

Widodo, Hananto. “Politik Hukum Hak Interpelasi Dewan Perwakilan Rakyat Republik Indonesia.” *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 1, no. 3 (2012): 419–36.

Yani, Ahmad. “Sistem Pemerintahan Indonesia: Pendekatan Teori Dan Praktek Konstitusi Undang-Undang Dasar 1945.” *Jurnal Ilmiah Kebijakan Hukum* 12, no. 2 (2018): 119.

Yusa, I Gede, and Bagus Hermanto. “Gagasan Rancangan Undang-Undang Lembaga Kepresidenan: Cerminan Penegasan Dan Penguatan Sistem Presidensiil Indonesia.” *Jurnal Legislasi Indonesia* 14, no. 03 (2017): 313–24.