

## **THE IMPORTANT CONVERSATION AROUND REVISING THE DPR RULES OF PROCEDURE: UNDERSTANDING ITS IMPACT ON THE PRINCIPLE OF SEPARATION OF POWERS IN INDONESIA**

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### **Abstract**

The revision of the House of Representatives Rules of Procedure No. 1 of 2020 has sparked controversy because it grants the House of Representatives new authority to recommend the dismissal of state institution leaders who have undergone a fit and proper test. This is considered to exceed the House of Representatives' oversight function and potentially undermines the principle of separation of powers and the independence of state institutions as stipulated in the 1945 Constitution. This study employs a qualitative descriptive method to examine the impact of the revision from a legal-political perspective. The findings indicate that the DPR's rules of procedure should be internal and cannot serve as a legal basis for removing the leadership of independent institutions whose provisions are already regulated by separate laws. This revision is feared to create political conflicts of interest and undermine the system of checks and balances in state governance. Therefore, the DPR should not exceed its authority in performing its oversight function. This study also acknowledges the limitations of the data and recommends further research with a broader scope.

**Keywords:** DPR, rules of procedure, separation of powers, independent institutions, oversight function.

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## Introduction

The revision of House of Representatives Regulation No. 1 of 2020 has sparked controversy among various segments of society. The Rules of Procedure of the House of Representatives are regulations that govern the structure, position, functions, duties, authority, membership, rights, and obligations, as well as the responsibilities of the House of Representatives and its supporting bodies in carrying out democratic constitutional state affairs based on Pancasila and the 1945 Constitution of the Republic of Indonesia. The revision of the House of Representatives' Rules of Procedure No. 1 of 2020 has raised concerns that the House of Representatives' authority, as updated by the revision, may undermine the principle of separation of powers. Revising the DPR Rules of Procedure No. 1 of 2020 could enable the DPR to remove the heads of state institutions selected through a fit and proper test in the DPR. The DPR only needs to issue a recommendation letter for the removal of the head of a state institution to remove the head of a state institution deemed to be performing poorly. This exceeds the authority of the DPR over state institutions that function as supervisors of state institutions. If a state institution has problems, the DPR can carry out its supervisory function by summoning the institution. Additionally, the DPR's rules of procedure should only apply internally to the DPR and not externally.

The DPR's authority to remove the head of a state institution, as stipulated in the revision of the DPR's rules of procedure No. 1 of 2020, could undermine the independence of state institutions. The independence of state institutions is already regulated in Article 1, paragraph 2 of the 1945 Constitution, which states that "Sovereignty is in the hands of the people and is exercised fully by the People's Consultative Assembly." This phrase aims to guarantee the independence of institutions regulated by the Constitution. The 2020 Revision of House of Representatives Rules of Procedure No. 1 has caused damage to the state governance system, and the administrative law is not functioning.

According to state administrative law, the president who appointed them can only decide to dismiss state officials. Furthermore, the authority of the DPR as stipulated in the revision of the DPR's Rules of Procedure No. 1 of 2020 contradicts existing regulations above the DPR's Rules of Procedure, such as the KPK Law, the Police Law, the TNI Law, and the Judicial Power Law, each of which regulates the mechanisms for appointing and dismissing state officials. For example, Article 32 of Law No. 19 of 2019 on the Corruption Eradication Commission regulates the dismissal or resignation of the Corruption Eradication Commission leadership. As stated in Article 32, paragraph 1, the KPK leadership is dismissed or resigns due to death, completion of their term of office, committing a disgraceful act, and so on. Paragraph 4 of Article 32 also states that a presidential decree determines the dismissal referred to in Paragraphs 1 and 2.

Therefore, this study aims to analyse the legal and constitutional implications of the Revision of the House of Representatives' Rules of Procedure No. 1 of 2020 on the principle of separation of powers and the independence of state institutions in Indonesia. This research is important because it provides a critical review of the potential expansion of the DPR's authority, which is not in line with higher legal norms and has the potential to disrupt the system of checks and balances. The novelty of this research lies in its focus on the conflict of norms between the DPR Rules of Procedure and the laws and regulations above it, particularly in the context of state administrative law and the principle of constitutional supremacy.

## Methods

The method used is qualitative descriptive. Qualitative descriptive research is a method used to describe or depict a phenomenon, event, or condition in depth and comprehensively using data in words or descriptions. This method aims to understand a phenomenon comprehensively (Moleong, L. J., 2019). The object of observation in this study is the House of Representatives of the Republic of Indonesia. The main issue discussed is the revision of House of Representatives Regulation No. 1 of 2020, which has sparked societal controversy. This study will observe the impact of revising the House of Representatives' Rules of Procedure No. 1 of 2020 from a legal-political perspective.

All information in this study is sourced from previously published journals and prominent figures' opinions and perspectives, such as constitutional law experts, deans of law faculties, and others. The opinions of these prominent figures are quoted from reliable online news portals, university news portals, and legal journals (Mahfud MD, 2010). The data collection process in this study was conducted through indirect observation of various secondary sources. Observations were made on news content from credible online portals and previously published legal journals. Data was collected from January to June 2025, focusing on information relevant to the Revision of House of Representatives Regulation No. 1 of 2020. The online news sources observed were from national media verified by the Press Council, such as Kompas.com, Detik.com, and CNN Indonesia. The legal journals were obtained from scientific portals such as Google Scholar, Garuda Ristekbrin, and DOAJ. The scope of the observation was focused on issues discussing the impact of the revision of the rules of procedure on the constitutional system, the principle of checks and balances, and the independence of state institutions. Data analysis involved observing the internet through journals and online news portals. Additionally, while analysing the data, existing theories were considered, such as the theory of separation of powers proposed by Montesquieu. After the observation and theory results were linked, they became data that explained the issues discussed.

## Result and Discussion

Based on a review of Law No. 19 of 2019 concerning the Corruption Eradication Commission (KPK), it was found that the process of dismissing KPK leaders is regulated in detail in Article 32. Dismissal can only be carried out if the KPK leadership dies, resigns, becomes a serious criminal defendant, is permanently incapacitated for more than three months, or is dismissed based on legal provisions. In addition, Article 32, paragraph 4 states that the decision to dismiss can only be made through a Presidential Decree. This means that the DPR has no role in removing the leadership of this institution, even though they previously underwent a fit and proper test in the DPR. Other findings show that the revision of House of Representatives Regulation No. 1 of 2020 contains a provision that allows the House of Representatives to propose the dismissal of the leadership of state institutions solely through a recommendation letter. This contradicts the administrative law system, which stipulates that state officials can be dismissed only by the President who appointed them. The DPR Rules of Procedure, which should be internal, have been used as a legal basis to interfere in the institutional affairs of other institutions. This creates an overlap between the DPR's internal norms and higher laws.

Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD clearly states that the DPR has three main functions: legislation, budgeting, and oversight. This oversight function is implemented through the right of interpellation, the right of inquiry, and the right to express opinions. However, no part of the law mentions that the DPR can directly dismiss state officials. This means that the DPR's authority is limited to oversight, not administrative actions such as dismissal.

From a legal structure perspective, the DPR's rules of procedure should be subject to the hierarchy of laws and regulations. This means that the rules of procedure cannot contradict the laws above them. However, in this revision, the DPR wants to give itself powers that exceed the limits of regular oversight. If this continues, the DPR could intervene in independent institutions without going through the proper legal process. This finding was obtained from comparing the rules of procedure and the contents of several state institution laws, such as the KPK Law, the TNI Law, and the Polri Law.

This study also notes that the revision of the DPR's rules of procedure could undermine the independence of state institutions. In a democratic system, independent institutions such as the KPK, KPU, and Komnas HAM are designed to be free from political pressure. They have their own rules and working systems protected by law. However, if the DPR can recommend dismissal simply because it is dissatisfied with the performance of an agency leader, then that independence is threatened. This data was obtained from observations of articles regulating the structure of independent institutions and interviews with experts in online news. The observations also show that the revision process was done quickly without adequate public discussion. Meanwhile, many other important bills are on the DPR's Prolegnas list. This raises a big question from the public: why is the DPR rushing to revise internal regulations? Is there a specific political motive behind this process? These findings are based on national media reports highlighting the short timeframe for discussing the revision.

Another finding states that this revision could open the door to conflicts of interest within the DPR. If the leadership of state institutions is deemed inconsistent with the political desires or interests of some DPR members, recommendations for dismissal could be issued without a strong basis. In a healthy democratic system, evaluations of state institutions should be conducted collectively and objectively. An examination of political practices in the DPR shows that there is often a tug-of-war between factions and parties. Overall, the research findings indicate that the revision of DPR Rules of Procedure No. 1 of 2020 is problematic from a legal standpoint and disrupts the balance of power between state institutions. The Rules of Procedure should not be used to expand the DPR's power beyond what is stipulated in the 1945 Constitution and other sectoral laws. As a supervisory institution, the DPR must continue to perform its functions professionally and not interfere with the authority of the executive or independent institutions. The data collected indicates that this revision needs to be reviewed to ensure the democratic system continues functioning according to the constitution.

The main issue in this study is whether the Revision of House of Representatives Rules of Procedure No. 1 of 2020 has exceeded the authority of the House of Representatives in the Indonesian constitutional system. Based on the results of observation and data analysis, these rules of procedure have the potential to exceed the supervisory function of the House of Representatives. This is because, under the revision, the DPR can issue a recommendation for the dismissal of the head of a state institution, which should have its procedures laid out in the law. However, the DPR's oversight function should be limited to the right of interpellation, inquiry, and expressing opinions without interfering in the administrative authority of other institutions.

From a legal perspective, this revision contradicts the principle of the hierarchy of laws and regulations. The DPR's rules of procedure, as internal regulations, do not have a higher standing than laws such as the KPK Law, the TNI Law, and the Polri Law. These laws stipulate that the dismissal of heads of state institutions must follow specific mechanisms and be decided by the President. Therefore, the DPR's rules of procedure cannot be used as a legal basis for removing the leadership of state institutions, especially those that are independent. This shows that the revision creates inconsistencies between the DPR's internal and national legal norms.

This revision also raises questions about whether the DPR's actions reflect the principle of separation of powers adopted by Indonesia. In the concept of the Trias Politica, the legislative, executive, and judicial powers must operate separately but oversee each other. However, when the DPR attempts to interfere in the administrative affairs of other state institutions, it indicates a shift in the legislative function toward the executive. This contradicts the principle of checks and balances, which aims to maintain balance and prevent the dominance of one institution over another.

The impact of this revision to the rules of procedure could also undermine the independence of state institutions. Institutions such as the Corruption Eradication Commission (KPK) and the General Elections Commission (KPU) are independent bodies established to operate free from political pressure. If the DPR can arbitrarily issue recommendations to remove the leadership of these institutions, their independence is threatened. As a result, the performance of these institutions could be disrupted, and public trust in state institutions could decline. The DPR should use its supervisory function to summon and evaluate objectively, not to issue coercive or binding decisions. Furthermore, the urgency of this revision also needs to be questioned. Amidst the many important bills that the DPR has not discussed, the rules of procedure, which only regulate internal affairs, are being revised quickly.

This raises suspicions of conflicts of interest and particular political interests behind the revision. The rapid and minimally transparent discussion process further strengthens the suspicion that this revision is not a genuine effort to strengthen oversight but rather an attempt to expand the DPR's power quietly. Considering all the findings and analyses, the Revision of DPR Rules of Procedure Number 1 of 2020 raises various legal and constitutional issues. The DPR should maintain professionalism in carrying out its functions as a legislative body and not abuse its oversight authority to interfere in the affairs of other institutions. The oversight function is important, but must be carried out proportionally and in accordance with the law. Therefore, an evaluation of this revision is necessary to prevent it from undermining the constitutional order and the spirit of democracy that has been built.

## **Conclusion**

Based on the study's results, it can be concluded that the Revision of DPR Rules of Procedure Number 1 of 2020 has caused serious problems in the context of Indonesian state administration. The revision gives the DPR new authority to recommend the dismissal of state institution leaders, even though the mechanism for dismissal is already regulated in higher laws. Another important finding is that this action can potentially violate the principle of separation of powers, disrupt the independence of state institutions, and is not within the DPR's supervisory function as stipulated in Law No. 17 of 2014. This research contributes to the field of political law, particularly in understanding the limits of legislative authority in Indonesia. Using a qualitative descriptive approach, this study can illustrate how the DPR's rules of procedure can give rise to legal and political controversy if their content conflicts with higher regulations. This study also emphasises the importance of maintaining the principle of checks and balances to prevent the domination of power by a single state institution. It reinforces the urgency of protecting independent institutions in a democratic system. However, this study has several limitations. It only uses secondary data sources such as journals, online news, and expert opinions, without involving direct informants or field interviews. Additionally, the scope of the cases analysed focuses solely on the 2020 revision of the DPR's rules of procedure without comparing it to similar cases in the past. Therefore, further research with a broader approach involving more primary data is needed to make the results more in-depth and comprehensive.

## Reference

- Aurelia, S. (2024). Independence and Functions of Supporting State Institutions. *Journal of Constitutional Law*, 12(1), 45–60.
- Gunawan, W., Arifin, J., & Noor, Y. (2020). Implement supervision of the distribution of 3 kg LPG gas cylinders in Tabalong Regency. *JAPB*, 3.
- Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD.
- Law No. 19 of 2019 on the Corruption Eradication Commission.
- Mahfud MD. (2010). Building Legal Politics, Upholding the Constitution. Jakarta: Rajawali Pers.
- Mangar, I. (2022). Independent State Institutions in the Indonesian Constitutional System. Yogyakarta: FH UGM Press.
- Moleong, L. J. (2019). Qualitative Research Methodology (Revised Edition). Bandung: Remaja Rosdakarya.
- Mut, A. (2025, January 14). *According to experts*, the House of Representatives cannot remove the leadership of state institutions. *Hukumonline.com*. <https://www.hukumonline.com>
- Pangaribuan, R. R. F. (2023). Montesquieu's Thought and the Application of the Trias Politica in the Indonesian Context. Jakarta: Pustaka Ilmu.
- Sunardi. (2021). The Legislative and Supervisory Functions of the House of Representatives in the Indonesian Democratic System. Surabaya: Unair Press.
- The 1945 Constitution of the Republic of Indonesia.
- Thea, D. (February 2, 2025). Dean of the Faculty of Law, UB: The House of Representatives has no authority to remove the leadership of institutions. *Detik.com*. <https://www.detik.com>