

## CHAPTER FOUR

### FINDING AND ANALYSIS

#### A. The Historical Background of The House of Representatives

In accordance with the concept of *trias politica*, the DPR is part of the legislative power in the central government, while in the regional government is held by the Regional House of Representatives. During this time there are many changes both of the functions and authority of the DPR since the period of before independence, the Old Order, the New Order, until after the current reform continues to experience a very significant development. The history of DPR's development in Indonesia can be broadly divided into three periods:

- a. *Volksraad*;
- b. The period of the struggle for Independence; and
- c. The establishment of the Central Indonesian National Committee (KNIP).

The next period after the establishment of the House of Representatives is divided into seven periods:

- a. The Republic of the United States of Indonesia;
- b. The period of the Provisional House of Representatives;
- c. The House of Representatives Election results March 20<sup>th</sup> of 1956;

- d. The period of the House of Representatives by Presidential Decree 1959 based on the 1945 Constitution;
- e. The *Gotong Royong* Period without the Indonesian Communist Party;
- f. The New Order Period; and
- g. The 1999-present reform Period.

In the Dutch colonial period, there was an institution such as the formation of the Dutch colonial parliament called *Volksraad*. On 8<sup>th</sup> March 1942 the Netherlands ended the 350-year colonial period in Indonesia. The change of colonialism from the Dutch to Japan resulted in the existence of the *Volksraad* automatically no longer recognized, and the Indonesian nation entered the period of Independence struggle.<sup>27</sup>

The history of the House of Representatives started from the establishment of the Central Indonesian National Committee (KNIP) by the President on 29<sup>th</sup> August 1945 (12 days after the Proclamation of Independence of the Republic of Indonesia) at *Gedung Kesenian, Pasar Baru* Jakarta. The date of inauguration of KNIP (29<sup>th</sup> August 1945) was made as the date and day of birth of the House of Representatives. In the first KNIP Assembly has composed the leadership as follows:

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<sup>27</sup>See [www.dpr.go.id](http://www.dpr.go.id), 2016, <http://www.dpr.go.id/tentang/sejarah-dpr> Accessed on 27 February 2018 at 13.00

- a) Chairman: Mr. Kasman Singodimedjo;
- b) Vice Chairman I: Mr. Sutardjo Kartohadikusumo;
- c) Vice Chairman II: Mr. J. Latuharhary; and
- d) Vice Chairman III: Mr. Adam Malik.

**(1) In 1916, the *Volksraad* Period (Dutch Colonial Period)**

Article 53 to Article 80 of the Second Section of the *Indische Staatsregeling, wet op de Staatsinrichting van Nederlandsh-Indie (Indische Staatsrgeling)* stipulated on 16<sup>th</sup> December 1916 and published in the *Indies Staatsblad*, No. 114 of 1916 and valid on 1<sup>st</sup> August 1917 contains matters relating to the legislative power, namely the *Volksraad* (People's Council).<sup>28</sup>

Based on the Dutch-made *Indische Staatsrgeling* Constitution, on May 18<sup>th</sup> of 1918, Governor-General Graaf van Limburg Stirum on behalf of the Dutch colonial government formed and inaugurated the *Volksraad* (People's Council). For the membership of the *Volksraad* in 1918 divided into Chairman one person (appointed by the King) 38 members (20 persons of the *Bumi Putra*), in 1927 consisted of Chairman one person (appointed by the King) 55 members (25 from the *Bumi Putra*) while in 1930 the composition of the *Volksraad* membership was similar to that of 1927.

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<sup>28</sup>T.A. Legowo, *Lembaga Perwakilan Rakyat di Indonesia: Studi dan Analisis Sebelum dan Setelah Perubahan UUD 1945*, (Jakarta: FORMAPPI, 2005), p. 16.

In 1935 Moderate Nationalists were Mohammad Husni Thamrin, and others using the *Volksraad* as a way to achieve the ideals of Independence of Indonesia through the Parliament. Members proposals such as Petition Sutardjo in 1935 containing "an appeal to the Dutch Government for a joint discussion between Indonesia and the Netherlands in a negotiation on the fate of Indonesia in the future", or the Indonesian Parliamentary Movement from the Indonesian Political Association the real parliament as one step to go to Independence of Indonesia, but it was rejected by the Dutch East *Indies* Government.

In the beginning of World War II, *Volksraad* members proposed the formation of indigenous militias to help the Government deal with external enemies, the proposal was also rejected. On 8<sup>th</sup> December 1941 Japan launched an attack on Asia.<sup>29</sup>

## **(2) In 1942, the Period of Strive for Independence**

On 11<sup>th</sup> January 1942 Japanese Army first come on Indonesia that landed in Tarakan, East *Kalimantan*. The *Indies* was unable to resist and surrender to Japan on 8<sup>th</sup> March 1942, and the Netherlands ended a 350-year colonial period in Indonesia. The change of Dutch colonialism to Japan colonialism resulted that *Volksraad* is automatically not recognized anymore.

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<sup>29</sup>The House of Representatives (DPR), *Loc. Cit*, p. 2.

The Indonesian initially welcomed the army of *Nippon* (Japan), who is considered an elder brother who freed Indonesia from the shackles of colonialism. But the Japanese military government is not different with the Dutch East Indies government. All political activities are prohibited by Japan Government. The leaders who are willing to cooperate, try to use the Indonesian formed by Japan, such as the Three-A (*Nippon* Light Asia, Asian Patron, and Asian Leader) or People's Power Center, to awaken the people and instill the ideals of independence behind the Japanese military government.<sup>30</sup>

In 1943, the establishment of the *Tjuo Sangi-in*, a representative body to answer the question of Saiko Sikikan, as the Supreme Military Ruler on matters pertaining to winning the Greater East Asia war. Obviously that *Tjuo Sangi-in* is not Representative Body which represents the nation of Indonesia.

Furthermore, in 1945 Japan was bombed by the United States and the Soviet Union declared war on Japan. Thus, Japan lost in a short time, so the Proclamation must be implemented immediately. On 16 August 1945, young figures agreed to keep Soekarno-Hatta out of Jakarta to Rengasdengklok Karawang with the purpose of distancing

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<sup>30</sup>The House of Representatives (DPR), *Op. Cit*, p. 2.

from the Japanese intervention and urged Soekarno-Hatta to immediately proclaim the independence of Indonesia.<sup>31</sup>

**(3) In 1945, Period of the Central Indonesian National Committee (KNIP)**

The day after the Proclamation of Independence of Indonesia, the Committee for the Preparation of Indonesian Independence (PPKI) established the Constitution of the Republic of Indonesia, which we know as the 1945 Constitution. After that, the state organizers are based on the provisions of the 1945 Constitution.

In accordance with the provisions of the Transitional Rules, dated 29<sup>th</sup> August 1945, Central Indonesian National Committee or KNIP was composed of 137 members. The Central Indonesian National Committee is recognized as the forerunner of the Legislature in Indonesia, and the date of establishment of the KNIP of 29<sup>th</sup> August 1945 was inaugurated as the Celebration Day of the House of Representatives of the Republic of Indonesia.<sup>32</sup>

On 10<sup>th</sup> November 1945 there was a battle in Surabaya that caused many victims on the Indonesian side. In conjunction with that KNIP in the 3<sup>rd</sup> Plenary Session on 27<sup>th</sup> November 1945 issued a resolution expressing the protest to the British Army Chief in Indonesia over the

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<sup>31</sup>The House of Representatives (DPR), *Op. Cit*, p. 2.

<sup>32</sup>The House of Representatives (DPR), *Op. Cit*, p. 2.

attack of the Navy, Army and Air Force over people and regions of Indonesia.

In the early period, KNIP has been convened in the city of Solo in 1946, Malang in 1947, and Yogyakarta in 1949. The struggle for independence was held together in the battlefield and at the negotiating table.

The dynamics of this revolution are also reflected in KNIP meetings, between government and hard-line supporters opposed to negotiations. Indonesia and the Kingdom of the Netherlands have twice signed an agreement, namely Linggarjati and Renville. But, all the agreements were violated by the Kingdom of the Netherlands with military aggression into the Indonesian territory.<sup>33</sup>

Furthermore, the period after the establishment of the House of Representatives is divided into seven periods:

**(1) The Period of the Republic of the United States of Indonesia (1949-1950)**

In the period of the United States of Indonesia, the legislature was divided into two assemblies, namely the Senate with a total of 32 members, and the House of Representatives whose members

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<sup>33</sup>The House of Representatives (DPR) <http://www.dpr.go.id/tentang/sejarah-dpr> Accessed on 27 February 2018 at 13.00

numbered 146 people (49 of these members are the representatives of the Republic of Indonesia from Yogyakarta).

The rights of the House of Representatives are the right of budget, initiative and amendment, and the authority to draft the Bill with the government. In addition, the DPR also has the right to ask questions, the right of interpellation and the right of investigation, but has no right to broke the cabinet. In the period of work at least one year, successfully completed 7 Laws, which among them is Law no. 7 of 1950 on the amendment of the Provisional Constitution of the Republic of Indonesia (RIS) into the Provisional Constitution of the Republic of Indonesia; submitted 16 motions, and 1 interpellation, either by the Senate or DPR.<sup>34</sup>

**(2) The Period of the Provisional House of Representatives (1950-1956)**

In August 14 of 1950, the DPR and the RIS Senate approved the draft UUDS NKRI (Law No. 7/1850, LN No. 56/1950). On August 15 of 1950, the DPR and the RIS Senate held a meeting. At the meeting was read out a charter statement of the purpose of the establishment of NKRI:

a) The official dissolution of the federal RIS countries.

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<sup>34</sup>Miriam Budiarto, *Dasar-Dasar Ilmu Politik*, (Jakarta: Dian Rakyat, 1998), Cet. XIX, p, 24.



b) Establishment of NKRI covering all regions of Indonesia with UUDS which came into force on 17 August 1950.

In accordance with Article 77 of the Constitution, the total number of members of the DPRS is 236 people, namely 148 members of the DPR-RIS, 29 members of the RIS Senate, 46 members from the Central National Committee Working Committee, and 13 members from DPA RI Yogyakarta.<sup>35</sup>

**(3) The House of Representatives Period Election Results March 20, 1956 (1956-1959)**

The House of Representatives election result in 1956 resulted numbers of elected members as many as 272 people. The 1956 elections also voted for 542 constituent members. The duties and authority of the House of Representatives election result 1955 equal to the position of the DPRS as a whole, because the legal basis is the UUDS. The large number of factions in the House and the absence of a strong one-two party, has given the shadow that the government is the result of a coalition. In this period there are three cabinets, namely Cabinet Burhanuddin Harahap, Ali Sastroamidjojo cabinet, and Djuanda cabinet.<sup>36</sup>

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<sup>35</sup>The House of Representatives (DPR), *Loc. Cit*, p. 3.

<sup>36</sup>The House of Representatives (DPR), *Op. Cit*, p. 3.

**(4) The Period of DPR Result of Presidential Decree 1959 based on 1945 Constitution (1959-1965)**

The number of members as many as 262 people returned active after taking the oath. In the DPR there are 19 factions, dominated by PNI, Masjumi, NU, and PKI. By Presidential Regulation Number 3 of 1960, the President dismissed the House of Representatives because the House of Representatives only approved 36 billion-rupiahs APBN from 44 billion proposed. The President then issued the Presidential Decree no. 4 of 1960 which governs the composition of the DPR-GR (House of Representatives-Gotong Royong).<sup>37</sup>

DPR-GR has 283 members. All members of the DPR-GR were appointed by the President with Presidential Decree No. 156 of 1960. One of the obligations of the leadership of the DPR-GR is to report to the President at certain times. As the case may be, this is deviated from articles 5, 20, 21 of the 1945 Constitution. From 1960 to 1965, the DPR-GR produced 117 laws and 26 opinions.<sup>38</sup>

**(5) The Period DPR *Gotong Royong* without the Communist Party of Indonesia (1965-1966)**

After the G.30.S/PKI incident, DPR-GR purified and suspended 62 members of DPR-GR related to the PKI and its mass organizations.

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<sup>37</sup>*Ibid.* p. 4

<sup>38</sup>The House of Representatives (DPR), *Op. Cit*, p. 4.

The working period of DPR-GR without PKI is 1 year. Throughout that DPR-GR without the PKI has experienced four times the composition of the leadership, namely:

- a) The period of 15 November 1965-26 February 1966;
- b) The Period of 26 February 1966-2 May 1966;
- c) The Period of 2 May 1966-16 May 1966; and
- d) The Period of 17 May 1966-19 November 1966.

By law, the seat of the House of Representatives (DPR) is still an assistant to the President as long as Presidential Decree no. 32 of 1964 has not been revoked.<sup>39</sup> In order to respond to the transition situation, DPR-GR made a decision to form two committees:

- a) The political committee, functioning following developments in various political issues; and
- b) The committee of economy, finance and development, monitors the economic and financial situation and makes conceptions of the points of thought towards the solution.

#### **(6) The New Order Period (1966-1999)**

Based on MPRS Decree No. XX / MPRS / 1966 (later confirmed in Law No. 10/1966), the DPR-GR of the New Order period began its work by adjusting from the Old Order to the New Order. The

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<sup>39</sup>Miriam Budiarto, *Dasar-Dasar Ilmu Politik*, (Jakarta: Dian Rakyat, 1998), Cet. XIX, p. 338.

positions, duties and authorities of DPR-GR 1966-1971 are as follows:

- a) Together with the government to determine the State Budget in accordance with Article 23 paragraph 1 of the 1945 Constitution and its explanation;
- b) Together with the government to establish the law in accordance with Article 5 paragraph 1, Article 20, Article 21 paragraph 1 and Article 22 of the 1945 Constitution and its explanation; and
- c) Conduct oversight of government actions in accordance with the 1945 Constitution and its explanations, in particular the explanation of chapter 7.<sup>40</sup>

**(7) The period of reform (1999-present)**

Corruption became a very familiar stamp for the House of Representatives. This is a reality that the House of Representatives is no better than the previous one. The poor performance of the House of Representatives is the inability of the House of Representatives to criticize government policies that are not pro-people such as up and down oil prices, Lapindo mud case, and other cases.

The House of Representatives still leaves unresolved the duty of making several laws. The performance of the House of Representatives in the reform era made the people very dissatisfied

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<sup>40</sup>Miriam Budiarto, *Dasar-Dasar Ilmu Politik*, Op. Cit, p. 339

with the legislative members. Dissatisfaction of the people can be seen from the many demonstrations that oppose government policies that are not criticized by the House of Representatives.

### **B. The Historical Background of Investigation Right**

In the History of Indonesian Constitutional system. The Investigation Right was first used on the 1950. Starting from the proposed resolution of RM Margono Djojohadikusumo for the House of Representatives to use of the Investigation Right on the government's efforts to obtain and use foreign exchange. Then the committee of the Investigation Right was formed consisting of 13 members and Margono became Chairman of this committee, whose duties was to investigate the benefit and loss of maintaining the regime deviant under the 1940 Devisen Oversight Act and its amendments.<sup>41</sup>

The first Investigation Right regulation was enacted in the Article 70 on the Provisional Constitution of 1950, stated "The House of Representatives has the Investigation Right (*enquete*), according to the rules set by law. In the Constitution of the the Republic of the United States of Indonesia (UUD RIS 1949) is not found in relation to the provisions concerning the Investigation Right.

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<sup>41</sup>Subardjo," Penggunaan *Hak Angket oleh DPR RI Dalam Mengawasi Kebijakan Pemerintah*", Vol. 7 Number 1 February 2016, Novelty, Yogyakarta, p. 74

Then after the second amendment to the 1945 Constitution then the investigation right be included in the constitutional rights of the House of Representatives. The Investigation Right is included in article 20A Paragraph (2) of the 1945 Constitution stated "In performing its functions, other than the rights provided for in other articles of the Constitution, the DPR shall have the right of interpellation, the investigation right and the right to express an opinion". Furthermore, the investigation right is specified in Article 79 Paragraph (3) of Law no. 2 of 2018 on the People's Consultative Assembly, the House of Representatives, Regional Representatives Council and the Regional House of Representatives stated "The Investigation Right is the right of the House of Representatives to investigate the implementation of a law and/or Government policy related to important matters, strategic, and have broad impact on the life of society, nation and state that allegedly contrary to the laws and regulations".

These is the cases of the Investigation Right from the President Soekarno period until now:

- a. The Use of Foreign Exchange Cases.
- b. The Investigation Right of Pertamina.
- c. Bullog-gate and Brunei-gate cases.
- d. The Investigation Right of Tanker Sales of Pertamina.

- e. The Investigation Right of Settlement of Bank Indonesia Liquidity Assistance Case (BLBI).
- f. DPT Election 2009.
- g. The Investigation Right of Century Case.
- h. KPK Case.<sup>42</sup>

### C. The Causes of Investigation Right

Indonesia is constitutional state, which is a state regulated by Constitution. In the four classic characteristics of Continental Law State commonly called *rechtsstaat*, there are elements of limitation of powers as one of the fundamental characteristics of a state of law.<sup>43</sup> Montesquieu in the theory of *trias politica* – legislative, executive and judiciary state that there is no dominance in carrying out the government. The executive in carrying out its policy is always supervised by the legislative or in Indonesia called as the House of Representatives (DPR).<sup>44</sup>

Normatively, the Investigation Right is regulated in Article 20A Paragraph (2) of the 1945 Constitution on duty and function of the House of Representatives. Then affirmed in Article 27 letter b Law Number 22 of 2003 on Structure and Position of the People's Consultative Assembly, the House of Representatives, Regional Representative Council and

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<sup>42</sup>See <https://news.detik.com>, 2017, “Hak Angket DPR dari Zaman Bung Karno hingga Kini”. <https://news.detik.com/berita/d-3486903/hak-angket-dpr-dari-zaman-bung-karno-hingga-kini/2> Accessed on 6 March 2018 at 14.25

<sup>43</sup>Jimly Asshiddiqie, 2009, *Pengantar Ilmu Hukum Tata Negara*, Cet I, Rajawali Pers, Jakarta, p. 281.

<sup>44</sup>*Ibid*, p. 283.

Regional House of Representative which stipulates that the Investigation Right is the right of DPR to investigate the important and strategic government policy and have wide impact on the life of society and state which is allegedly contrary to the laws and regulations.

In the Law on the determination of the Investigation Right does not specify what the reason for raising Investigation Rights is. In the provision it is stipulated that the Investigation Rights are the right of the DPR to the implementation of laws and or government policies. Thus, Investigation Rights are carried out on government policy or legal application by the government.<sup>45</sup>

Law No. 2 of 2018 limits the Investigation Right by adding the provision that the policy or implementation of the law undertaken has important, strategic and broad-impact relationships on people's lives. Then there is the possibility of a violation of legislation, the latter being a provision that distinguishes between Investigation Rights and other DPR rights.

The matters pertaining to the reasons for the possibility of the holding of Investigative Rights shall be the terms of such policy implementation relating to an important, strategic and broad-impact.

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<sup>45</sup>Article 79 Paragraph 3 of Law No. 2 of 2018 on the People's Consultative Assembly, the House of Representatives, Regional Representatives Council and Regional House of Representatives



There is no limit on how important the policy or detailed benchmarks on whether or not a policy is subject to the Investigation Right.

Matters which may be used as the guidance on the reasons for filing an Investigation Right are as follows:

- a. When the policy is in direct contact with people.
- b. When the policy or enforcement of the Law allegedly violates the Law.

During the Reformation Era, the Amendment of the 1945 Constitution by the particularly on has a more influence on the constitutional system, the composition of the House of Representatives and the relationship between the House of Representatives and other institutions. This constitutional structure leads to strengthening of checks and balances system between state institutions, especially among the three institutions, namely the Executive, the Legislative, and the Judiciary.<sup>46</sup> The amendment of the 1945 Constitution has influenced the position of the Executive, Legislative and Judiciary. After the Political Reform separation function of legislative function, executive and judiciary looks clearer.<sup>47</sup> For example, before the reformation executive has more power than present, such as the president can choose the Indonesian Head Police immediately without the fit and proper test of

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<sup>46</sup>Jimly Asshiddiqie, 2010 *Pengantar ilmu Hukum Tata Negara*, Cet II, Rajawali Pers, Jakarta, p. 282.

<sup>47</sup>Jimly Asshiddiqie, 2004, *Format Kelembagaan Negara dan Pergeseran Kekuasaan Dalam UUD 1945*, Cet I, FH UII Press, Yogyakarta, p. 189.

DPR, yet nowadays the president has to propose the option of head of the Indonesian police to the DPR. This condition already changed the stigma of executive heavy to be legislative heavy.<sup>48</sup>

The role of the House of Representatives is more visible, because the Constitution and legislation has regulated move clearly the function of the DPR. The House of Representatives can optimize its functions and roles, in order to supervise the executive policies and to assist government to be good governance.

Article 20A Paragraph (1) of the Amendment of the 1945 Constitution stated that the DPR has three main functions namely the function of legislation, budgeting function and supervisory function. Article 20A Paragraph (2) of the 1945 Constitution<sup>49</sup> regulates further the right of the DPR in functioning supervision. It is also further regulated in Article 27 of the Law Number 22 of 2003 on Structure and Position of the People's Consultative Assembly, the House of Representatives, Regional Representative Council and Regional House of Representative.<sup>50</sup> relating to the Investigation Right, it is regulated in Article 79 Paragraph (3) of Law Number 2 of 2018 on the People's Consultative Assembly, the House of Representatives, Regional Representative Council and Regional

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<sup>48</sup>Ni'Matul Huda, 2003, *Politik Ketatanegaraan Indonesia, kajian terhadap dinamika perubahan UUD 1945*, Yogyakarta: FH UII Press, p. 32.

<sup>49</sup>Article 20A, Paragraph (1) and (2) on the 1945 Constitution.

<sup>50</sup>Article 27 Law Number 22 of 2003 on Structure and Position of the People's Consultative Assembly, the House of Representatives, Regional Representative Council and Regional House of Representative.

House of Representative<sup>51</sup> and Article 79 of Law Number 2 of 2018 on the People's Consultative Assembly, the House of Representatives, Regional Representative Council and Regional House of Representative that in exercising its rights and functions, the House of Representatives shall have the right of interpellation, investigation right, and expression of opinion.<sup>52</sup> On the basis of the above rules, the Investigation Right in relation to the DPR is an inherent right to the DPR as the Legislative body based on the Provisions of Constitutional and applicable laws and regulations.

The implementation of the Investigation Right is a form of check and balances system on state institutions and also is a form of intensive supervision and investigative DPR on the executive policy in this case the government.

#### **D. The Legal Basis of Investigation Right**

Normatively, the Investigation Rights stipulated in the 1945 Constitution Article 20A Paragraph (2) "In performing its functions, other than the rights provided for in other articles of the Constitution, the DPR shall have the right of interpellation, the investigation right and the right to express an opinion", then more specifically regulated in Article 79

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<sup>51</sup>Article 79 Paragraph 3 of Law Number 2 of 2018 on the People's Consultative Assembly, the House of Representatives, Regional Representative Council and Regional House of Representative

<sup>52</sup>Article 79 Law Number 2 of 2018 on the People's Consultative Assembly, the House of Representatives, Regional Representative Council and Regional House of Representative

Paragraph (3) of Law Number 2 of 2018 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council and the Regional Representatives Council "The Investigation Right is the right of the House of Representatives to investigate the implementation of a law and/or Government policy related to important matters, strategic, and have broad impact on the life of society, nation and state that allegedly contrary to the laws and regulations". Long before the two normative rules were born, in the old order namely the parliamentary period, has passed a law on the Investigation Right that is Law No. 6 of 1954 on the Investigation Right.<sup>53</sup>

Although this Law comes from the era of parliamentary government system under the Provisional Constitution of 1950, but until early 2011 still used. Finally, the Constitutional Court through the Chairman of the Constitutional Assembly Mahfud MD at that time read the verdict, dated Monday, 31<sup>th</sup> January 2011. Stating Law No. 6 of 1954 on Stipulation of the Investigation Right by DPR has no legal force remains.<sup>54</sup>

The Mechanism of Submission of Investigation Right based on Law No. 2 of 2018 on the People's Consultative Assembly, the House of

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<sup>53</sup>Subardjo, " *Penggunaan Hak Angket oleh DPR RI Dalam Mengawasi Kebijakan Pemerintah*", Vol.7 Number 1 February 2016, Novelty, Yogyakarta. P. 71

<sup>54</sup>See <https://nasional.tempo.co>, 2011, "Mahkamah Konstitusi Hak Angket DPR Tak Berlaku", <https://nasional.tempo.co/read/310268/mahkamah-konstitusi-hak-angket-dpr-tak-berlaku> Accessed on 6 March 2018 at 14.52

Representatives, Regional Representative Council and Regional House of Representative. The requirements and stages of filing an Investigation Right are regulated in detail in Article 199 and Article 200. Once the Investigation Right is received, DPR will form a special committee called the Committee of Investigation Right whose membership consists of all elements of the DPR faction. This is set out in article 201.

The House of Representatives must submit the Committee of Investigation Right to the president. The following are the rules on the Investigation Right mechanisms pursuant to Sections 199, 200, 201, 202, 203, 204, 205 and 208 as follows:

1. Investigation Right proposed by at least 25 (twenty-five) members of the House and more than 1 (one) fraction
2. Proposing the Investigation shall be accompanied by a document that contains at least:
  - a. Matter of policy and or implementation of legislation that will be investigated; and
  - b. The reason for the investigation
3. The proposal of Investigation Right if approved by the House of Representatives plenary meeting attended by more than  $\frac{1}{2}$  (one half) the number of members of Parliament and a decision was taken with the approval of more than  $\frac{1}{2}$  (one per two) the number of members of Parliament who attended

4. The recommendations of the investigation right submitted by the proposer to Chairman of the House of Representatives
5. The proposal shall be announced by the Chairman of the House of Representatives in plenary session of the parliament and distributed to all members
6. The Board Meeting to discuss and schedule a plenary session of Parliament on the proposal of the Investigation Right and can provide an opportunity for the applicant to provide an explanation for the origin of the Investigation Right briefly
7. During the proposed an Investigation Right has not been approved by the House of Representatives plenary session, the proposer has the right to make changes and draw its back
8. The change or withdrawal shall be signed by all of the proposer and submitted in writing to the Chairman of the House of Representatives and the Chairman shall be share to all members
9. In the event that the number of signatories to the proposal an Investigation Right that have not entered the first-level talks to be less than the amount, the addition of the signatory must be held so that the amount is sufficient.
10. If the before and or during the plenary meeting of the member states are participating as proposer an Investigation Right to sign the sheet

proposer, the chairman announced that the plenary meeting and the plenary session of Parliament

11. If up to two (2) times the number of signatories of the trial period is not met, the proposal becomes void
12. In the case of the House of Representatives accept the proposal of the Investigation Right, the Parliament formed a special committee called the committee whose membership consists of all the factions of Parliament
13. The committee established by decision of the House of Representatives and published in the Official Gazette.
14. The decision of the House of Representatives includes the determination of the cost of the committee.
15. The decision of the House of Representatives shall be submitted to the President

In article 203, the committee will then conduct an Investigation Right. In addition to requesting information from the government, the Investigation Right committee may request information from witnesses, experts, professional organizations and or other relevant parties. The duties stages conducted by the committee as follows:

1. In performing its duties, the committee may call the Indonesian citizens and or foreigners who reside in Indonesia for questioning

2. An Indonesian citizen and or foreign person referred to in Paragraph (1) shall meet the committee calls
3. In the case of Indonesian citizens and or foreign does not meet the call after being called 3 (three) times in a row without a valid reason, the committee can call forcibly with the help of the Indonesian National Police
4. Assistance Indonesian Police is based on demand-led the House of Representatives to the Chairman of the Indonesian National Police
5. Funding for the implementation of the Indonesian National Police assistance shall be charged to the budget of the House of Representatives.

The Investigation Right committee is entitled to ask state officials, government officials, legal entities, or citizens to provide information. This is set out in article 205 as follows:

1. In carrying out the investigation right, the special committee reserves the right to ask the state officials, government officials, legal entities, or citizens to provide information
2. Special Committee requested the presence of state officials, government officials, legal entities, or community request in writing within a period of time sufficient to mention the purpose of the request and its implementation schedule



3. The party referred to in subsection (1) must be present to provide information, including shows and or submit all necessary documents to the special committee.
4. A special committee may postpone the meeting due to the absence of the parties for a legitimate reason
5. In the case referred to in paragraph (1) is absent without a valid reason, or refuses to attend, a special committee may ask one more time concerned presence on schedule
6. In the case referred to in paragraph (1) does not meet the demand for the presence of a second without a legitimate reason or refuses to attend, call the concerned subject to forced by the Indonesian Police at the request of a special committee
7. In the case of a forced call referred to in subsection (5) is not fulfilled without a valid reason, the question may be held hostage more than 15 (fifteen) days by official's authorities, in accordance with the provisions of the legislation

The Investigation Right committee is required to report the execution of its duties to the plenary session of the House of Representatives no later than 60 days after the establishment of the special committee. In the plenary session, the House of Representatives will take a decision on the report of the Investigation Right Committee. The report is then shared to all members. Decision making on the

Investigation Right Committee report is preceded by a report of the results of the Investigation Right Committee and the final opinion of the faction. Then the next mechanism as follows:

1. If the plenary session of Parliament decided that the implementation of a law and or policy of the Government with regard to the important things, strategic, and have broad impact on society, nation, and state contrary to the provisions of legislation, Parliament can exercise their right to express opinions.
2. If the plenary session of decided that the implementation of a law and or policy of the Government with regard to the important things, strategic, and have broad impact on society, nation, and the state does not conflict with provisions of the legislation, proposed an Investigation Right is completed and the material cannot be resubmitted
3. The decision of the House of Representatives shall obtain the approval of the House of Representatives plenary meeting attended by more than  $\frac{1}{2}$  (one half) the number of members of Parliament and a decision was taken with the approval of more than  $\frac{1}{2}$  (one per two) the number of members of Parliament who attended.
4. The decision referred to in Paragraph (3) shall be submitted by the Chairman of the House of Representatives to the President not later

than 7 (seven) days since the decision was taken in a plenary session of the House of Representatives

5. The House of Representatives may follow the decision in accordance with the authority of the House of Representatives under the terms of the legislation.<sup>55</sup>

#### **E. The Implementation of Investigation Right by the House of Representatives (After the political reform)**

The Investigation Right is one of the Constitutional Rights of the House of Representatives (DPR). The implications of the fourth amendment of the 1945 Constitution, is the change of power of legislative body. It is believed that the amendment of the 1945 Constitution has shifted executive heavy to the legislative heavy. As the DPR strengthens its supervisory function, it is hoped that a balanced state of executive and legislative power will exist.<sup>56</sup>

Three elections after Soeharto Regime has resulted a more dynamic House of Representatives. Especially on how the House of Representatives implement their supervision function. This is in contrast with the DPR before the reformation. During the Soeharto era, it is noted

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<sup>55</sup>See [www.dpr.go.id](http://www.dpr.go.id), 2016, “Undang-undang No 2 Tahun 2018”, [http://www.dpr.go.id/dokjdih/document/uu/UU\\_2014\\_17.pdf](http://www.dpr.go.id/dokjdih/document/uu/UU_2014_17.pdf) Downloaded on 6 March 2018 at 15.15

<sup>56</sup>Abdul Bari Azed, *Percikan Pemikiran Tentang Hukum dan Demokrasi*, Pusat Kajian Hukum Tata Negara FH UI, Jakarta, 2001, p. 15.

that the DPR only submitted proposal of the Investigation Right once and it was eventually rejected.<sup>57</sup>

Stephen Sherlock explains the strengthening of the House of Representatives as one of the two largest shifts in the power of institutions after the New Order in Indonesia. Institutionally, the House of Representatives has three main rights in carrying out supervisory functions, namely the right to request information to the executive (Interpellation Right), the right to conduct an investigation (Investigation Right), and the right to express an opinion on executive policy.<sup>58</sup>

There are numbers of investigation right that used by the House of Representatives after the political reform. For example, in the era of President Abdurrahman Wahid, the House of Representatives rolled out three proposals for an Investigation Right, namely about the funds of Bulog-gate and Brunei-gate, Bulog Non-Bujeter fund (Akbar Tandjung case) and divestment of PT Indosat. From the three proposals, only one was approved by the House of Representatives, namely the Bulog-gate

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<sup>57</sup>Wawan Ichwanuddin, “*Pengawasan DPR dan Politik Kartel Era Reformasi: Studi Kasus Interpelasi dan Angket Tahun 1999–2011*”, Masyarakat Indonesia, Vol. 38, No. 2, December 2012, p. 251.

<sup>58</sup>Stephen Sherlock. 2010. “*The Parliament in Indonesia’s: Decade of Democracy: People’s Forum or Chamber of Crobies?*”, dalam Edward Aspinall and Marcus Mietzner (eds.). *Problems of Democratisation in Indonesia: Elections, Institutions and Society*. Singapore: ISEAS.

and Brunei-gate Cases. The dynamics of Bulog-gate and Brunei-gate finally lead President Abdurrahman Wahid to be impeached in 2001.<sup>59</sup>

In the era of President Megawati there are some proposals of an Investigation Right was rejected, the arise of some proposals of an Investigation Right along with political issues that occurred at that time. For example, Bulog-gate I and Brunei-gate cases arise when political conflict happened between the DPR and the President Abdurrahman Wahid. There are various reasons, including the President's decision to remove some of the ministers from the party and removable leaders of the military and police structures.

In the first period of President Susilo Bambang Yudhoyono, there are nine proposals that used an Investigation Right proposed by the House of Representatives at that time, namely, the rise of the price of fuel oil (BBM), the auction of sugar illegally, selling of Pertamina tanker, bad debts Bank, rice imports, block management Cepu, settlement of Bank Indonesia Liquidity Credit case or Bank Indonesia Liquidity Assistance of national energy policy, and violation of citizens Constitutional right to vote on Electoral Voters List (2009). Some proposals of the House of Representatives just approved the use of the Investigation Right in two

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<sup>59</sup>Wawan Ichwanuddin, *Loc. Cit.*, p. 260.

cases, namely selling Pertamina tanker (2005), and violation of citizens Constitutional right to vote on Electoral Voters List (2009).<sup>60</sup>

In the rejection of some issues of an Investigation Right of the House of Representatives proposed has many reasons, the first is failure of several proposals can not be separated from the role of lobbying by the government to parties in the DPR. The government held a closed meeting, represented by Vice President Jusuf Kalla and some ministers with leaders of related factions and commissions to discuss the Investigation Right being discussed in DPR. In addition to Vice President Jusuf Kalla and ministers holding a closed meeting with leaders of the factions and related commissions, President Susilo Bambang Yudhoyono also gathered a number of ministers from his coalition political parties to ask them loyalty to the government policy. The agreement generated by these lobbies was then "secured" as a party decision instructed to be obeyed by members of their faction in the DPR.

Secondly, the effort to cancel the proposed the Investigation Right of the DPR is also done by raising the proposed right of similar case, for example raising the proposed right of interpellation to break the vote in the process of submitting the proposal of the Investigation Right to the same problem. As a result, the initiators failed to gain majority support in the voting. The failure of the DPR's supervise appointment is usually also

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<sup>60</sup>Wawan Ichwanuddin, *Op. Cit*, p. 262

influenced by the issues being raised regarding the interests of the elite of the big parties.

Thirdly, not all the investigation right approved and accompanied improvement in certain policy. The right to increase fuel prices has pushed the government to issue a policy of reducing fuel prices three times. Meanwhile, the case of DPT recommended the dismissal of KPU members in the shortest time is unclear, even it never discussed in the DPR.<sup>61</sup>

Furthermore, in the second period of President Susilo Bambang Yudhoyono. Although supported by a big coalition after winning elections in 2009, the SBY-Boediono era remains confronted with the "disruption" of the Investigation Right in the DPR. Some of the Investigation Right Cases namely, First, the bails out Century Bank case. The proposal for the Investigation Right to the Bank Century was initiated by nine members of the DPR who suspected a scandal in the rescue of Bank Century, mainly because there were some issues in the policy that the government could not fully explain. Therefore, they are raising the support of other members of DPR to investigate the allegations by using the Investigation Right of DPR.

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<sup>61</sup>Luky Sandra Amalia. 2011. *"Fungsi Pengawasan DPR, 2004-2009: Antara Nurani dan Kehendak Fraksi"*, dalam Wawan Ichwanuddin (ed.). Pengawasan DPR Era Reformasi. Laporan Penelitian P2P LIPI, Jakarta, p. 123.

On 12<sup>th</sup> November 2009, an official the Investigation Right proposal was submitted by 139 members of the DPR from all factions, except the Democratic Party Faction. The proposal, which was then signed by 503 of a total of 560 members of the DPR, was finally approved in the plenary session of the DPR on 1<sup>st</sup> December 2009. After working for almost three months of the Special Committee ended its duties in March 2010.<sup>62</sup> However, until the end of 2012 Century case that has been decided by the DPR in March 2010 did not undergo much progress. The legal process involves only the owners and managers of banks, while state officials who make bail out policies have not been involved.

In November 2012, two officials of Bank Indonesia named as suspect by the Corruption Eradication Commission (KPK), Budi Mulia (BI Deputy Governor, Monetary and Foreign Exchange Management Division) and Siti Chalimah Fajriah (BI Deputy Governor for Supervision). In addition to legal proceedings against parties referred to as DPR responsible for bail outs, the improvement of the policy which is the main objective of the Investigation Right of DPR is not significant.<sup>63</sup>

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<sup>62</sup>Wawan Ichwanudin, 2011, "*Absennya Politik Pengawasan DPR Era Reformasi*" Vol 9, Number 2, 2012, Jurnal Penelitian Politik, Jakarta, p. 98.

<sup>63</sup>Wawan Ichwanudin, 2011, "*Absennya Politik Pengawasan DPR Era Reformasi*" Vol 9, Number 2, 2012, Jurnal Penelitian Politik, Jakarta, p. 99



Secondly, the Investigation Right of Taxation Mafia case. There are four factions that support the proposal of this, namely the Golkar Party Faction, PDIP Faction, PKS Faction, and Hanura Party Faction. In the voting, Golkar and PKS actually joined the PDIP and Hanura supported the proposal of the Investigation Right. Democrats, PPP, PAN and PKB, except Lily Wahid and Effendy Choirie who rebelled, rejected the proposed of the Investigation Right. The proposal failed after Gerindra who was outside the government refused.<sup>64</sup>

Thirdly, the case of oil prices plan. In the plenary session on 31 March 2012, the majority of members of Parliament (356 votes) approved the option of adding Paragraph (6A) in Article 7 of Law No. 22 of 2011 on the State Budget in 2012. This option gives the government an opportunity to raise oil prices but on condition that is, in terms of average crude oil prices in Indonesia during the period of six months of increasing or decreasing by more than 15%. In addition to the Democrats, the factions that agreed were Golkar, PAN, PKB and PPP. Meanwhile, only 82 members agreed on the first option which states that Article 7 Paragraph (6) has not changed so that there is no increase in oil prices. Support for this option is only from PKS and Gerindra, while PDIP and Hanura from the beginning refused not to vote because they chose to

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<sup>64</sup>Wawan Ichwanudin, *Op. Cit*, p. 99

walk out and did not follow voting. Thus, the PKS is the only coalition member party that rejects the raise of oil prices.<sup>65</sup>

Then continued in the era of President Joko Widodo until today, there is only one case of the Investigation Right that arise and the case until today is not clear. Started from a protest by some members of Commission III to the KPK related to the case of alleged corruption e-KTP case in the Corruption Court Jakarta. The reason, in the trial mentioned that Hanura Party politician Miryam S. Haryani under pressure from a number of members of Commission III. The Commission III urged the KPK to open a recording of the investigation of Miryam, who is now as a suspect of giving false information in the case of alleged corruption procurement e-KTP case.<sup>66</sup>

After that, the DPR held a hearing with the KPK in which members of Commission III requested the KPK to open the BAP and records related to the investigation of Miryam S Haryani. However, the KPK keep in the corridor refusing to open the BAP and the recording. Then on 27 April 2017 the DPR decided to form the Special Committee on the Investigation Right to the KPK.

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<sup>65</sup>*Ibid*, p. 100.

<sup>66</sup>See <https://nasional.kompas.com>, 2017, "Hak Angket DPR terhadap KPK dinilai Mencurigakan", <https://nasional.kompas.com/read/2017/04/29/22005341/hak.angket.dpr.terhadap.kpk.dinilai.mencurigakan> Accessed on 15 March 2018 at 13.40

The Investigation Right become a problem because DPR asked the recorded evidence Miryam S Haryani investigation in the case of E-KTP. The KPK spokesman said if the DPR asked for evidence it would certainly interfere with the process of handling cases, both in the investigation and the trial. Related to this issue many people who think that the Special Committee for the Investigation Right will only weaken the KPK which is currently handling the case of E-KTP that dragged a number of politicians senayan even former chairman of the DPR is Setya Novanto was arrested and the case is still running until today.

The tendency of supervision carried out by the House of Representatives after the political reform until now shows that the DPR does not have a clear framework, institutional pattern and measurable achievement targets on how supervision functions are managed and implemented. Therefore, the election of the DPR members each period can work effectively and produce clean and good governance. In fact, the DPR after the political reform looks quite diligent, may even look too diligent to use its Right to supervise the government policy. However, difficult to deny that the context of the implementation of these functions are still trapped on the motives and interests of short-term rather than a control that is designed to improve the quality of the resulting governance elections after the political reform. As a result, most of the use an Investigation Right was eventually stopped as the procession of the use of

a mere political right. Through their efforts to use their political rights, the DPR wants to show the public that they are really working, present as representatives of the people, and care about various problems of the nation. In other words, politicians of political parties in the DPR tend to make the momentum of the use of the Investigation Right as a political stage with various motives and political interests, both personal members of DPR and political parties that exist.

Supervision function especially of the Investigation Right which is not accompanied by clear scheme, objective, and measurable targets bring with it various consequences. First, the abandonment of the main function of the DPR as the legislator. For the DPR from 2004-2009, for example, the laws generated are far from being targeted. From 366 bills is targeted in the National Legislation Program for five years, the DPR bill only managed to complete 193 or about 52.7%. Most of the Law produced is 65 Laws related to the expansion of the region.<sup>67</sup>

Second, the government of post-reform democratic election results is imprisoned in the construction of presidential democracy which is economically and politically high but not productive and ineffective in realizing a clean government and justice and prosperity for the people. In such a situation, it seems that there is little public expectation from the

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<sup>67</sup>PSHK, 2009, *“Rekam Jejak Kuasa Mengatur: Catatan PSHK tentang Kinerja Legislasi DPR 2009”*, Jakarta; Formappi, 2005, *“Lembaga Perwakilan Rakyat di Indonesia: Studi dan Analisis Sebelum dan Setelah Perubahan UUD 1945”*, Jakarta.

supervisory function especially on the Investigation Right which is the constitutional right of the members of the DPR except the mere national political stage due to the behavior of political party politicians who tend to "trade" their constitutional authorities and rights the sole purpose of personal interest or political party.

**Table 1.**

**The Implementation of the Investigation Right After Political Reform.**

No.	Name of President	Legal Basis	The Investigation Right Cases
1.	Abdurrahman Wahid	Law No. 6 of 1954 on The Investigation Right  Law No. 4 of 1999 on Structure and Position of MPR, DPR and DPRD	Bulog-gate Case Brunei-gate Case
2.	Megawati Soekarno Putri	Law No. 6 of 1954 on The Investigation Right  Law No. 4 of 1999 on Structure and Position of MPR, DPR and DPRD	Non- Budgetary Funds Bulog-gate Case
3.	Susilo Bambang Yudhoyono	Law No. 6 of 1954 on The Investigation Right  Law No. 22 of 2003 on Structure and Position of MPR, DPR, DPD and DPRD  Law No. 27 of 2009 on MPR, DPR, DPD and DPRD	Selling Pertamina Tankers Case  Settlement of BLBI Case  DPT Election 2009 Case Century Case
4.	Joko Widodo*	Law No. 17 of 2014 on MPR, DPR, DPD and DPRD	KPK Case

\* President Joko Widodo Era Still Runs until today.<sup>68</sup>

#### **F. The Implication of using the Investigation Right by the House of Representatives (After the political reform)**

In the era of President Abdurrahman Wahid, the House of Representatives rolled out three proposals for an Investigation Right, namely about the funds of Bulog-gate and Brunei-gate, Bulog Non-Bujeter fund (Akbar Tandjung case) and divestment of PT Indosat. From the three proposals, only one was approved by the House of Representatives, namely the Bulog-gate and Brunei-gate Cases. The dynamics of Bulog-gate and Brunei-gate finally lead President Abdurrahman Wahid to be impeached in 2001.<sup>69</sup>

In the era of President Megawati, some proposals of an Investigation Right were rejected. There are some proposals of an Investigation Right along with political issues occurred at that time, for example, Bulog-gate and Brunei-gate cases arose when political conflict happened between the DPR and the President Abdurrahman Wahid. There are various reasons, including the President's decision to remove some of the ministers from the party and removable leaders of the military and police structures.

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<sup>68</sup>See <https://news.detik.com>, 2017, "Hak Angket DPR dari Zaman Bung Karno hingga kini", <https://news.detik.com/berita/d-3486903/hak-angket-dpr-dari-zaman-bung-karno-hingga-kini/2> Accessed on 6 March 2018 at 14.25

<sup>69</sup>Wawan Ichwanuddin, *Loc. Cit.*, p. 260.

In the era of President Susilo Bambang Yudhoyono, the implications of using the right of investigation occurred when the proposed use of the right of investigation to government policy raised the oil price at that time. The House of Representatives then asked the reason for the government to raise oil prices. Then because of the insistence of students at that time to the government finally the government reducing oil prices three times.

In the era of President Joko Widodo until today, there is only one case of the Investigation Right that arise, namely E-KTP Case. Related to this issue many people think that the Special Committee for the Investigation Right will only weaken the KPK which is currently handling the case of E-KTP that dragged a number of politicians senayan even former chairman of the DPR is Setya Novanto was arrested and the case is still running until today.

**Table 2.**  
**The Implication of the Investigation Right After Political Reform.**

No.	Name of President	The Investigation Right Cases	Implication
1.	Abdurrahman Wahid	Bulog-gate Case Brunei-gate Case	Impeachment
2.	Megawati Soekarno Putri	Non-Budgetary Funds Bulog-gate Case	-
3.	Susilo Bambang Yudhoyo	Selling Pertamina Tankers Case Settlement of BLBI Case DPT Election 2009 Case Century Case	The initiate of the Investigation Right on Oil prices Cases, because the pressure of members of the DPR finally encourage the government to issue a policy of reducing oil prices three times
4.	Joko Widodo*	KPK Case	-

\* President Joko Widodo Era Still Runs until today.<sup>70</sup>

### **G. The Future of Mechanism Regarding of Investigation Right.**

In order to improve the practice of State Constitutional System in the future, especially on the mechanism of use the Investigation Right, the DPR members who will use the Investigation Right need to change the way they have been. One of the ways is to elaborate deeply about the meaning of "important and strategic government policies and have broad

<sup>70</sup>Wawan Ichwanudin, 2011, "*Absennya Politik Pengawasan DPR Era Reformasi*" Vol 9, Number 2, 2012, Jurnal Penelitian Politik, Jakarta, p. 99



impact on the life of society and state which is allegedly contrary to the laws and regulations". If that can be done, the efforts of each initiators of the Investigation Right will get a place in public.

To find out the ideal model of future the Investigation Right that can be applied in Indonesia, one of the possible things that can be done is to make comparisons with other countries. In this case the United States and other countries. The US, for example, is the most consistent and ideal presidential state. The Investigation Right in the US is one of the most important authorities of Congress (the American Parliament). As Hugo Black,<sup>71</sup> US Senator who became Supreme Court Justice: "as among the most useful and fruitful functions of the national legislature".

The Investigation Right has uncovered the scandal of President Nixon because of the water-gate scandal. This shows that the Investigation Right in the US is effective. In contrast to general practice in many countries, the results of the Investigation Right in the US have strong binding power because law enforcement officials have an obligation to follow up on the findings of the Investigation Right when indicated that there are legal irregularities. The other interesting thing is the composition of those who become the Committee on the Investigation Right, not only members of Congress, but most of them are independent people who are known to have integrity and ability in the field of law and

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<sup>71</sup>Alphens Thomas Mason, American Constitutional Law, Prentice Hall, Newyork, 1995

those who have educational background related to the Investigation object. This is reflected, for example in the Financial Crisis Inquiry Commission which has the authority to conduct an investigation into the financial crisis that hit the US in 2014.<sup>72</sup>

Furthermore, the Government, the House of Representatives, and the people themselves are expected to play a more important role in advancing this state for the better. The government in making policies for the state always consider the interests of the people. However, the officials who now fill the government initially elected by the people. It should be whatever the government does for the benefit of all Indonesian people not for some people only. Policies concerning the livelihood of the people are more concerned in order not to become a polemic in the future.

While the House of Representatives, whether of any party, they are the embodiment of sovereignty of all Indonesian people. No more blue, red, white, yellow, green, orange, but they are red and white (Indonesia). There should be no more interest groups in Senayan even related to the use of the Investigation Right as the Constitutional Right of each member of the DPR. The opposition and the government must work together for the sake of the state and for the people. Get rid of political games when discussing the people. Performance is improved, the implementation of

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<sup>72</sup>Fitria, “Penguatan Fungsi Pengawasan DPR Melalui Perubahan Undang-Undang No. 10 Tahun 1954 Tentang Hak Angket”, *Jurnal Cita Hukum*, Vol. I No. 1 Juni 2014 p. 87.

the Act in becoming a government partner should be done on behalf of the people. Be harsh if the government misappropriates the implementation of the regulation, or when the government policies appear to the detriment of the people. The courage of the House of Representatives in controlling and supervising the government will arrive at the state that the people expect, namely a welfare, justice and dignified state.