

Legislative Oversight Mechanisms under the DPR Rules of Procedure: Implications for Checks and Balances in Indonesia

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Abstract

This study examines how the House of Representatives (DPR) exercises its legislative oversight function through its Rules of Procedure to strengthen the principle of checks and balances within Indonesia's constitutional system. This study employs a normative legal method using a juridical and conceptual approach, supported by relevant legal materials. The findings indicate that the DPR's Rules of Procedure, particularly the provisions on periodic evaluations of state officials appointed through parliamentary mechanisms, strengthen oversight by introducing an evaluation mechanism that produces binding recommendations. This framework enables a more structured assessment of officials' performance and accountability. However, several challenges remain, including the lack of clear, measurable evaluation criteria, the risk of political subjectivity, and limitations in ensuring institutional independence. These issues may undermine the effectiveness and credibility of the oversight process. Therefore, improvements are needed by establishing standardized evaluation parameters, increasing transparency, and strengthening institutional independence to ensure that the DPR's oversight functions operate effectively, objectively, and accountably.

Keywords

Legislative Oversight; DPR Rules of Procedure; Checks and Balances

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1. INTRODUCTION

In Indonesia's system of government, which applies the principle of the separation of powers, oversight mechanisms are a crucial element in preventing the abuse of authority by any branch of government. The Republic of Indonesia adopts a presidential system of government based on the principle of the separation of powers among institutions, commonly known as the Trias Politica (Alfarizi, S. F., & Nabawi, A., 2023). The concept of the separation of powers was first proposed by two prominent thinkers, John Locke and Montesquieu, both from England and France.

According to John Locke, power within a state is divided into three main branches: the legislative, executive, and federative branches (Ruhenda et al., 2020). The legislative institution plays a role in formulating and enacting laws and regulations as the foundation for the administration of government.



The executive branch is entrusted to execute the mandates of established laws, including the authority to enforce the law and adjudicate within certain limits. Finally, the federative branch is concerned with various efforts to maintain national security in its relations with other nations, such as the formation of alliances and international cooperation in foreign policy. Unlike Locke, Montesquieu introduced the concept of the separation of powers, comprising three branches: the legislative, executive, and judicial.

The legislative institution is responsible for enacting laws; the executive institution enforces laws, including managing foreign policy; and the judicial institution has the authority to adjudicate violations of the law. The concept put forward by Montesquieu later became the foundation for many modern systems of government, including Indonesia's. (Suparto, 2019)

Under Indonesia's constitutional system, the principle applied is more in line with Montesquieu's concept, namely the separation of powers among the legislative branch (such as the House of Representatives), the executive branch (the President), and the judicial branch (the Supreme Court, the Constitutional Court, and the Judicial Commission) (Saputra et al., 2023). However, its implementation does not entail an absolute separation but rather a division of powers that are interrelated and mutually oversee one another within the framework of checks and balances as stipulated by the 1945 Constitution of the Republic of Indonesia.

The principle of checks and balances refers to a mechanism for mutual oversight and balancing among state institutions according to their respective branches of power to prevent the dominance of any single institution (Ahirullah & Said, 2023). Checks and Balances is a principle of government that maintains the relationship between the branches of power and ensures that no single branch becomes too powerful by mutually monitoring and controlling one another. The goal is to prevent the abuse of authority and establish limits on each branch of power to achieve a balance. (Fahira, 2025)

As a legislative body, the People's Representative Council plays a vital role in maintaining the balance of power among the branches of government in Indonesia. As stated in Article 20A, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the DPR has three main functions: legislative, budgetary, and oversight. The DPR also plays a vital role in giving voice to the people and upholding democratic principles in every decision-making process. The DPR's crucial role is evident over the past five years, during which more than 225 laws have been passed, including the Job Creation Omnibus Law and other strategic bills. These developments demonstrate that the DPR indeed plays a central and crucial role in Indonesia's system of government.

The legislative function refers to the authority to draft, deliberate on, and enact laws as part of the exercise of popular sovereignty (Solihah et al., 2023). Constitutionally, this authority is mandated by relevant legislation, which stipulates that the process of enacting laws must involve the initiative, deliberation, and approval of the House of Representatives together with the President. This legislative

role encompasses activities such as drafting the National Legislation Program (Prolegnas), proposing bills, deliberating on bill content, and overseeing the implementation of enacted laws (Nugraha, 2018). As for the DPR's budgetary function, this refers to the DPR's role in debating, approving, and amending the Draft State Revenue and Expenditure Budget (RAPBN) in accordance with the Constitution and the law. The DPR has the capacity to influence allocations, increase or decrease proposed expenditures, and assess the budget's alignment with national priorities and public accountability. (Susanto, 2016)

From an oversight perspective, the House of Representatives carries out its duties to ensure that the government implements its policies in accordance with applicable laws and regulations and in the best interests of the people. This function serves as a crucial foundation enabling the legislative branch to exercise control over the executive branch and ensure that the implementation of laws, policies, and the budget proceeds in accordance with applicable regulations and the Constitution, and is carried out in the public interest. This oversight is not without political implications, as the DPR also possesses the right of interpellation, the right to conduct inquiries, and the right to express opinions—powers that enable the DPR to demand clarification, initiate investigations, and hold the executive accountable should issues arise from a particular policy. (Said & Ahmad, 2024)

Within the framework of the principle of checks and balances, this oversight function serves as a tool for the legislative branch to maintain stability among the branches of government, preventing the abuse of power, particularly against the executive branch. Oversight also serves as a corrective mechanism when government policies or actions do not align with the law's mandates (Rachman, 2016). The oversight function also aims to ensure that controls continue to operate in accordance with the principles of accountability, transparency, and the rule of law. Through its oversight function, the DPR serves as a balancing power against the government's authority.

To strengthen the implementation of these functions, the House of Representatives enacted House Regulation No. 1 of 2025, amending House Regulation No. 1 of 2020 on Rules of Procedure, on February 26, 2025 (Sutrisna & Prabowo, 2025). DPR Regulation No. 1 of 2025 on the Rules of Procedure of the DPR RI, hereinafter referred to as the DPR Rules of Procedure, was enacted through a DPR Decision and subsequently serves as an internal guideline for carrying out the duties, functions, and authorities of the DPR. These Rules of Procedure govern decision-making procedures, including mechanisms for granting approval or rejecting candidates or officials proposed by other institutions.

This provision is outlined in Article 228A of the 2025 DPR Rules of Procedure, which states that the DPR may conduct periodic evaluations, and the results of such evaluations are binding (Salam, 2025). Essentially, the 2025 DPR Rules of Procedure strengthen the DPR's oversight role regarding candidates for state institution officials who will undergo a political process within the DPR. These officials include Constitutional Court Justices, Supreme Court Justices, KPK leadership, the Governor,

and the Board of Governors of Bank Indonesia (Azzahra, 2025). Recent developments indicate that the DPR wields significant influence in determining the fate of officials in other state institutions. For instance, during the fitness and propriety test—also known as the fit and proper test—which can result in the rejection or dismissal of certain nominees.

Therefore, this study aims to conduct an in-depth analysis of the parameters governing the validity of the DPR Rules of Procedure as an internal legal instrument within Indonesia's constitutional system, as well as of their implementation in the exercise of legislative oversight functions. This analysis is not only focused on the normative aspects of the status and binding force of the DPR Rules of Procedure, but also on how various oversight mechanisms are regulated and operationalized in the DPR's institutional practice. Thus, this study seeks to provide a comprehensive understanding of the role of the DPR Rules of Procedure as a legal framework that integrates various oversight instruments to ensure the effective implementation of the principle of checks and balances within Indonesia's system of government.

2. METHOD

This study employs a legal-normative approach, involving a literature review of collected data, written regulations, or other legal materials (Soekanto & Marmudji, 2012). This study employs a normative legal approach, drawing on a literature review of legal materials, including legislation, legal doctrines, and scholarly works. This approach, also known as doctrinal research, focuses on analyzing law as a system of norms and rules governing human behavior. The analysis is conducted to identify relevant legal principles and develop arguments or concepts to address the issues examined in this study. Accordingly, this research relies on secondary data and does not involve field research. (Marzuki, 2017)

In addition to the normative legal approach, this study also employs statutory, conceptual, and case law interpretation. The statutory approach is used to examine relevant laws and regulations governing the DPR's oversight functions, specifically the DPR Rules of Procedure, Law No. 12 of 2011, and Law No. 17 of 2014. The conceptual approach is applied to analyze legal doctrines and theoretical frameworks, such as legislative oversight and the principle of checks and balances, to build a coherent analytical foundation. Furthermore, a case-based interpretation is utilized to understand how legal norms are applied in practice, particularly in relation to the implementation of oversight mechanisms within the DPR. Through these approaches, this study aims to provide a comprehensive and systematic legal analysis of the issues examined.

3. FINDINGS AND DISCUSSION

3.1. The Mechanism for Conducting Evaluations of Elected Officials According to the DPR Rules of Procedure and the Perspective of Oversight Theory

Within the framework of constitutional law theory, oversight can be understood as a legislative function inherent to the people's representative body to ensure government accountability and, certainly, to maintain the balance among the branches of government. Parliamentary oversight is a constitutional function that serves as an instrument of popular sovereignty to ensure the government implements laws and policies in accordance with the constitutional mandate. (Asshiddiqie, 2006)

Conceptually, oversight is the process of monitoring and ensuring that government policies and programs are implemented in accordance with applicable regulations and constitutional objectives. On the other hand, evaluation is the stage of assessing the outcomes of oversight, evaluating to what extent policies, programs, performance, or government officials carry out their functions and authorities effectively and in accordance with the constitutional mandate. Oversight cannot be separated from evaluation, because the essence of oversight is to assess and correct. The DPR not only oversees the government in a political sense but also serves as an assessor and evaluator of the government's institutional performance in carrying out its mandate. (Fauziah & Trisnawati, 2025)

The oversight function is an integral part of the implementation of the principle of checks and balances in Indonesia's system of government, to prevent the executive branch from abusing its power. Oversight is also viewed as the foundation for upholding the rule of law and good governance; specifically, the legislative branch, through its oversight mechanisms, can limit the executive branch's power to prevent arbitrariness and ensure transparency and accountability (Ratnasari et al., 2022). There are also several characteristics and theoretical relationships regarding oversight as an evaluative mechanism, whereby the House of Representatives (DPR) exercises oversight through three layers:

- a. Preventive Oversight - preventing policy deviations;
- b. Repressive Oversight - correcting and addressing violations;
- c. Evaluative Oversight - assessing the results, impacts, and effectiveness of policies or actions taken by officials.

Of these three layers, evaluative oversight plays a crucial role by providing feedback to improve government systems and governance. Without effective oversight, institutional evaluation remains merely administrative and lacks substance. The House of Representatives (DPR) possesses several forms of oversight, namely the right to interpellation, the right to inquiry, and the right to express an opinion. With these rights, closely tied to its oversight functions, the DPR can critique government policies holistically (Sihotang et al., 2024). In carrying out its oversight functions, the DPR has submitted 23 interpellations and 14 inquiries between 1999 and 2019. (Sunarto, 2018)

Regarding the oversight context, Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD (MD3 Law) also provides a strong legal basis for the view that evaluation is an inherent part of the DPR's oversight function. The DPR's oversight encompasses assessing the implementation of laws and government policies, monitoring the performance of institutions selected and supervised by the DPR—such as the State Audit Board (BPK), the General Elections Commission (KPU), the Ombudsman, and others—as well as making recommendations or political decisions as follow-up to evaluation results, for example through special committee recommendations, public hearings, or plenary reports (Antari, 2018). Through these mechanisms, the DPR can obtain data, information, and empirical findings that serve as the basis for institutional evaluation.

Based on this, the mechanism for the DPR's oversight function to conduct a fitness and propriety test—hereinafter referred to as the “fit and proper test”—derives from the principles of separation of powers and checks and balances, which form the foundation of Indonesia's system of government under the 1945 Constitution. In the Constitution, the DPR's authority to conduct fit and proper tests is derived from Article 20A(1) of the 1945 Constitution, which is further detailed in the MD3 Law, specifically Article 69(c), stating that one form of the oversight function is providing recommendations and approval regarding the appointment of public officials. In addition to the 1945 Constitution and the MD3 Law, other regulations stipulate that the DPR has the right to select candidates for public office through fit and proper tests, including:

| Law/Regulation | Content |
|--|--|
| Article 23F(1) of the 1945 Constitution | Members of the Supreme Audit Agency (BPK) are elected by the House of Representatives (DPR) with due regard to the recommendations of the Regional Representatives Council (DPD). |
| Articles 23-25 of Law No. 7 of 2017 on General Elections | Members of the General Elections Commission (KPU) and the Elections Supervisory Agency (Bawaslu) are appointed by the President upon approval of the House of Representatives (DPR). |

A concrete example of the House of Representatives conducting a fitness-for-office hearing is the hearing held by the House's Commission III for the candidates for the leadership and the Supervisory Board of the Corruption Eradication Commission (KPK) for the 2024–2029 term, which took place on November 18–21, 2024. The result of this fit-and-proper test was the selection of Setyo Budiyanto as KPK chairman, along with his team, and several members of the KPK Supervisory Board. This is an example of the DPR's oversight mechanism in selecting and appointing candidates for public office in certain institutions in Indonesia.

To strengthen the functions of the House of Representatives, particularly its oversight function, the DPR enacted Regulation No. 1 of 2020 on Rules of Procedure as an operational guideline for exercising its constitutional authority. This regulation reflects the principle of legislative self-regulation, allowing the DPR to organize its internal processes to ensure procedural order, effectiveness, and institutional accountability. Its existence is also recognized under Article 8 paragraphs (1) and (2) of Law No. 12 of 2011, although it is not part of the formal hierarchy of legislation.

However, from a legal perspective, the DPR's Rules of Procedure are classified as internal regulations, meaning they are binding only within the institution that adopts them and do not have an *erga omnes* effect (Amiruddin & Al-Fatih, 2025). This character limits their scope to internal procedures and institutional arrangements, without creating generally binding legal effects. In this context, concerns arise when such internal rules appear to extend beyond their intended scope, particularly in oversight that may affect other state institutions. This situation raises constitutional questions about the limits of the DPR's regulatory authority. It indicates a potential shift from internal governance toward external influence, which may ultimately challenge the balance of power within Indonesia's constitutional system of checks and balances.

Legally, the DPR's Rules of Procedure are internal regulations that do not form part of the DPR's formal legislative hierarchy. However, their existence is recognized as long as they are based on authority granted by higher laws. This is in line with Article 98(c) of the MD3 Law, which authorizes the DPR to establish its own rules to regulate the exercise of its functions, duties, and powers. In practice, the DPR's authority to oversee and evaluate public officials is often linked to its role in parliamentary selection mechanisms. The Rules of Procedure, particularly Article 174 of DPR Regulation No. 1 of 2020, provide the basis for oversight as mandated by Article 20A of the 1945 Constitution. However, the introduction of Article 228A under DPR Regulation No. 1 of 2025 marks a significant expansion, as it allows periodic evaluations of public officials with binding consequences.

This development raises important normative concerns. While it may strengthen accountability, using an internal regulation to produce binding effects beyond the DPR's internal sphere risks exceeding its legal limits. When such rules affect other state institutions, they indicate a shift from internal governance to external influence. This may blur constitutional boundaries and disrupt the balance of power within Indonesia's checks-and-balances framework. (Bahri & Agustin, 2022)

The House of Representatives' oversight of state officials—such as members of the Judicial Commission, the Information Commission, and the Supreme Audit Agency—is formally carried out through mechanisms outlined in the House Rules of Procedure. These mechanisms include working meetings, performance evaluations, and the issuance of institutional recommendations that may even lead to proposals for dismissal. Theoretically, this practice can be categorized as repressive-evaluative

oversight aimed at assessing the legality and performance of public officials. (Huda, 2019)

However, the expansion of these mechanisms raises further issues when considered in light of the DPR's Rules of Procedure as internal regulations. Although oversight is intended to ensure accountability, in practice, this function often faces challenges related to unclear jurisdictional boundaries and the potential influence of political interests. Legislative oversight does not always function as a neutral control mechanism; rather, it can be influenced by political configurations that impact its objectivity and effectiveness. (Fawwaz & Farabi, 2025)

If the ethical recommendations produced through the DPR's internal procedures result in binding consequences for other state institutions, this indicates a shift from an evaluative function toward a form of institutional dominance. Such a situation has the potential to blur the line between accountability and intervention and to challenge the balance of power within the constitutional system. Rather than strengthening the principle of checks and balances, this development indicates a tendency toward the concentration of influence within the legislative branch, which ultimately raises questions regarding the legitimacy and limits of parliamentary oversight in Indonesia.

3.2. Implementation of Rules of Procedure to Strengthen Oversight Functions and the Principle of Checks and Balances

3.2.1. Mechanism of Oversight Implementation

The principle of checks and balances is a crucial pillar for preventing the concentration of power in a single institution. Following the amendments to the 1945 Constitution, the division of power among the legislative, executive, and judicial branches has been balanced (Munaf, 2015). The House of Representatives (DPR) oversees executive policies. Institutional conflicts between the DPR and the President reflect the dynamics of power distribution, which are continuously maintained by the principle of checks and balances to prevent overlapping of authority among institutions (Rahmatullah, 2013). The existence of legislative authority, the DPR's oversight functions, and the separation of legislative and executive powers minimize the potential for abuse of power and uphold the rule of law. (Sunarto, 2016)

The DPR's oversight function, structurally, is a practical manifestation of the checks-and-balances strategy within a presidential system of government. Through oversight mechanisms such as working meetings, the right of interpellation, inquiries, and public hearings, the DPR not only exercises policy control but also provides political oversight of executive policies. The DPR's role as a controlling institution is integral to democratic stability, as the DPR balances the executive through systematic legislative oversight (Rusdian, 2025). The strengthening of the DPR following the constitutional amendments has further reinforced the system of checks and balances. The DPR acts as a counterweight

to the executive through its legislative, budgetary, and oversight functions to prevent the concentration of power in any single institution. In carrying out its functions, the House of Representatives also has the authority to establish legal regulations in the form of rules of procedure to serve as guidelines for all members of the House, ensuring that all activities are conducted in accordance with applicable protocols and do not exceed their boundaries. (Latief, 2026)

The DPR Rules of Procedure contain comprehensive provisions regarding the DPR’s oversight mechanisms. Substantively, several provisions outline how the DPR, through its functional bodies, exercises oversight over the government and state officials. The key articles governing these oversight mechanisms are as follows:

| Articles | Contents |
|--|---|
| Article 59 on the Duties of the Committees (Oversight of Partner Agencies) | House of Representatives committees are authorized to oversee partner ministries and agencies through working meetings, hearings, working visits, and the formation of Working Committees (Panja) and Special Committees (Pansus). This article outlines the committee's role as the primary pillar of oversight. |
| Articles 174–176 on the Exercise of Oversight Functions | These articles set forth the scope of the House of Representatives' oversight, including political oversight, program evaluations, and requests for clarification from government officials. In the context of parliamentary oversight theory, this scope represents oversight aimed at ensuring the performance of the executive branch. |
| Articles 227–228 on the Evaluation of Government Officials | The provisions in these articles require state officials appointed by the DPR to submit periodic performance reports to the DPR, which will then conduct assessments and evaluations. |
| Article 228A on Strengthening Periodic Evaluations | The addition of this article represents a significant strengthening. This regulation provides the DPR with the legal authority not only to receive performance reports but also to conduct routine, in-depth evaluations that may |

yield strategic recommendations for elected officials.

3.2.2. Legal Nature of DPR Rules of Procedure

The legal nature or character of the House of Representatives' rules of procedure can be examined through governing regulations, such as the MD3 Law, and the House's internal regulations. DPR regulations constitute a form of self-regulation by the legislative body, established to ensure that the DPR's functions, duties, and authorities are carried out in an orderly, effective, and constitutionally compliant manner. (Setiadi, 2022)

Legally, the DPR Rules of Procedure are merely an internal instrument that applies only within the institution and binds DPR members and all elements of the DPR's institutional structure. This characteristic does not negate its binding nature, as the DPR's Rules of Procedure are established through constitutional delegation under Article 20A(1) of the 1945 Constitution and further regulated by the MD3 Law, which grants the DPR the authority to regulate its working procedures and internal mechanisms. Self-regulation of state institutions is also a key feature of modern constitutional systems, which position institutions as entities authorized to regulate their internal operations, provided that such regulations do not conflict with constitutional norms or laws (Mochtar, 2016). Therefore, the DPR's Rules of Procedure possess full legal binding force for DPR members and all internal DPR officials as operational guidelines for their work.

3.2.3. Challenges and Risks in the Implementation of DPR Oversight

The implementation of the DPR's oversight function under the Rules of Procedure, particularly following the introduction of Article 228A, reveals several critical challenges. One of the main issues is the lack of clear, measurable evaluation criteria, which creates the risk of subjective interpretation when assessing the performance of state officials. Without standardized indicators, oversight may shift from a legal-administrative evaluation into a politically influenced process, thereby undermining legal certainty and accountability. In practice, legislative oversight in Indonesia is also closely tied to internal political dynamics, where coalition interests and party alignments may affect the objectivity of oversight mechanisms. This condition indicates that oversight does not always function as a neutral control instrument, but may instead reflect prevailing political configurations. (Syaidi, 2025)

Furthermore, the expansion of evaluative authority through internal regulations raises concerns regarding the potential overreach of legislative power. Although the Rules of Procedure are formally internal in nature, their application in evaluating officials of other state institutions may blur the boundaries between oversight and intervention, thereby challenging the balance of power within the checks-and-balances framework. In addition, empirical studies show that the implementation of

oversight instruments—such as the right of inquiry—often deviates from their original purpose and reflects internal political interests, thereby reducing their effectiveness as mechanisms for monitoring government policies. As a result, the DPR's oversight function risks becoming procedural rather than substantive, limiting its role in ensuring accountability and good governance. (Anam & Anwar, 2020)

3.2.4. Ideal Model of Oversight Strengthening

In theory, the DPR's rules of procedure should be established as internal regulations to ensure the DPR effectively carries out its oversight functions while upholding the principle of checks and balances within the presidential system. The rules of procedure must serve as operational guidelines that combine legal certainty, effectiveness, and transparency to ensure that every stage of the oversight process proceeds in a measurable and accountable manner. (Hamdi et al., 2025)

Ideal rules of procedure need to outline oversight mechanisms that are clear, measurable, and performance-based. This means that evaluations of public officials must be grounded in objective parameters and standardized procedures to prevent legal loopholes. Committees, the Legislative Body (Baleg), and Special Committees (Pansus) should also be granted effective authority to issue summonses, conduct examinations, and delve into the substance of reports. This is because the effectiveness of legislative oversight is largely determined by the capacity and scope of action of state institutions. (Setiadi et al., 2025)

The Rules of Procedure must also ensure the transparency of the oversight process, including open meetings, the publication of oversight reports, and public access to evaluation results (Lestari, 2025). The independence of oversight from internal political interference is also crucial, particularly from the interests of factions and coalitions. Legislative oversight risks losing its constitutional significance if it is overly influenced by practical political interests that hinder objective assessment. (Abdussalam, 2011)

4. CONCLUSION

The Rules of Procedure of the House of Representatives serve as an important internal legal instrument for strengthening legislative oversight within Indonesia's constitutional system. Normatively, oversight mechanisms—particularly through evaluative functions, such as periodic assessments of state officials—reflect the principle of checks and balances enshrined in the 1945 Constitution. Provisions such as Article 228A demonstrate institutional efforts to enhance accountability and strengthen the DPR's role as a counterbalance within the presidential system.

However, this study also found that such oversight remains constrained by several structural and normative challenges. The absence of clear and measurable evaluation parameters, the potential influence of political configurations within the House of Representatives, and the expansion of evaluation authority through internal regulations can undermine the objectivity of oversight and blur

the line between control and intervention. Consequently, rather than strengthening the system of checks and balances as a whole, these developments risk altering the balance of power among state institutions.

From a theoretical perspective, this study contributes to the discourse on constitutional law by highlighting the tension between legislative self-regulation and the principle of separation of powers. While internal regulations are necessary to ensure institutional effectiveness, their implementation must remain within constitutional limits to avoid overreach. Therefore, strengthening oversight requires not only formal regulatory frameworks but also the development of objective evaluation standards, greater transparency, and safeguards to ensure institutional independence. These measures are essential to ensure that legislative oversight functions as a substantive mechanism of accountability rather than merely a procedural formality.

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