

# The Legislative Function of the House of Representatives in Preparing and Formulating the Broadcasting Bill

M. Najib Ibrahim<sup>1</sup>, Evita Isretno Israhadi<sup>2</sup>

{abuwa\_dpr@yahoo.com<sup>1</sup>, evita\_isretno@borobudur.ac.id<sup>2</sup>}

Universitas Borobudur<sup>1,2</sup>

**Abstract.** The DPR's legislative process in compiling and formulating the Broadcasting Bill has a vital role in forming regulations governing the broadcasting sector in Indonesia. The process involves a series of complex stages that require cooperation between DPR members, the government, and other stakeholders. The DPR has a crucial role in the Broadcasting Bill legislative process, where they are responsible for drafting rules governing the broadcasting industry. Through a series of stages from initiative to ratification, the DPR seeks to create regulations that are quality, representative, and in line with the needs of society. However, in this process, the DPR encountered various obstacles such as multifarious interests, material complexity, limited time and resources, lack of public consultation and participation, differences of opinion, and the rapid impact of technology. To overcome these obstacles, the DPR needs to improve coordination between DPR members, involve related parties widely, and pay attention to the interests of society as a whole in formulating effective and inclusive broadcasting regulations. In this way, the DPR can construct regulations supporting the broadcasting industry development, protect people's rights, and maintain freedom of expression in the broadcasting sector.

**Keywords:** Function, Legislation, DPR, Broadcasting Bill.

## 1 Introduction

The 1945 Constitution of the Republic of Indonesia (UUD 1945) stands as the supreme legal framework within the nation, delineating the relationships between the government and the state, as well as among governmental institutions. It is fundamentally regarded as the constitutional bedrock of the Republic of Indonesia. A national constitution typically serves several key functions: a) delineating the boundaries of governmental powers, b) regulating the relationships between different state institutions, and [1] c) governing the power dynamics between the state and its citizens. Additionally, the constitution typically articulates the foundational objectives for the establishment of the nation. These objectives can vary, reflecting the diverse perspectives and ideologies of the populace. Each nation's goals in state governance are thus shaped by these unique views and underlying philosophical principles.[2]

In general, the objectives of a country are delineated within its constitution or fundamental law. Specifically, the objectives for the establishment of the Indonesian state are articulated in the preamble to the 1945 Constitution of the Republic of Indonesia (UUD 1945), particularly in its fourth paragraph. These objectives include: 1) protecting the entire Indonesian nation and its

territory; 2) promoting general welfare; 3) enlightening the nation's life; and 4) participating in the global need. In the 1945 Constitution, the scope and limits of legal regulation are not explicitly defined. Article 20 of the Constitution merely specifies the authority of the DPR (People's Representative Council) to legislate in conjunction with the government. Article 24C, paragraph (1), affirms that the Constitutional Court has the authority to review laws against the Constitution. [3] Consequently, to uphold the rule of law, the state must establish standardized regulations concerning the formulation of legal rules, procedures, and mechanisms for the development of legal norms. In Indonesia, several provisions govern the formation of legal norms, including TAP MPRS Number XX/MPRS/1966 concerning Sources of Legal Order, TAP MPR Number III/MPR/2000, and Regulation Number 10 of 2004 concerning the Formation of Official Regulations. Recognizing the inadequacy of previous regulations, the government enacted Regulation Number 12 of 2011 on August 12, 2011, to replace Regulation Number 10 of 2004, thereby refining the framework for the development of legislative regulations.[4]

Regulation Number 12 of 2011 introduces new provisions, specifically the reintroduction of the MPR TAP in the hierarchy of legal norms. Article 7, paragraph (1) states that the hierarchy of legal regulations includes the 1945 Constitution, TAP MPR, laws/government regulations in lieu of law (Perpu), government regulations, presidential regulations, provincial regulations, and regional regulations.[5] The House of Representatives (DPR), as a legislative body in Indonesia, plays a crucial role in the drafting and formulation of laws, including the Broadcasting Law. The legislative function of the DPR in drafting the Broadcasting Bill is a vital part of the efforts to regulate and oversee the broadcasting sector in Indonesia.

In the current digital and information era, broadcast media has an increasingly vital role in disseminating information, education, entertainment, and influencing public opinion. Therefore, appropriate and effective regulations are necessary to maintain the sustainability of the broadcasting industry, protect public interests, and ensure freedom of expression and fairness of information. In the Indonesian context, the DPR has the authority and responsibility to supervise and regulate the broadcasting sector through the process of drafting and ratifying the Broadcasting Bill. This process involves various stages involving various parties, such as broadcasting industry stakeholders, academics, community activists, as well as legal and information technology experts.

Drafting the Broadcasting Bill is not as easy as it seems. The DPR must consider various aspects, starting from industrial interests, and community needs, to legal and technological aspects. In addition, this process must also accommodate rapid developments in the digital world that affect the way broadcasting is carried out, content distribution, and interactions between broadcasters and viewers. The DPR must ensure that the principles of democracy, transparency, accountability, and public participation are upheld during the formulation of the Broadcasting Bill. It is hoped that the involvement of the community and various related parties can provide valuable input for formulating regulations that are in line with the needs and developments of the times.

To face the challenges and complexities in drafting the Broadcasting Bill, the DPR needs to maintain a balance between industry interests, community needs, and democratic principles. Cross-sector collaboration, open dialogue, and active involvement from all parties will be the key to success in formulating regulations that are progressive and adaptive to changing times. Thus, it is important for the DPR as a legislative institution to understand the role and function of legislation in preparing and formulating the Broadcasting Bill. Through this effort, it is hoped

that the resulting regulations can provide good protection for the broadcasting industry, meet the needs of the community, and maintain the principles of democracy and freedom of expression in the world of broadcasting in Indonesia.

The Bill on Broadcasting is a revision of Broadcasting Law No. 32 of 2002, which is a legislative product that contains the spirit of reform in its drafting. The Bill on Broadcasting was first proposed to become law during the 2009-2014 and 2014-2019 DPR-RI periods but always failed to become law. This was motivated by the debate about the digital migration of Indonesian broadcasting which will use single mux and/or multi mux. However, this debate ended when Law No. 11 of 2022 concerning Job Creation which regulates the Indonesian broadcasting system using multi-mux. The debate regarding digital migration is currently still unresolved, and this means that the Broadcasting Bill cannot be approved into law.

The legislative function of the DPR is very closely related to the Broadcasting Bill. As a legislative institution, the DPR has the main responsibility for drafting, discussing, and passing laws, including the Law on Broadcasting. The DPR is responsible for drafting the Broadcasting Bill which will become the legal basis for the broadcasting industry in Indonesia. This preparation process involves in-depth discussions related to various aspects such as industry regulations, rights and obligations of broadcasters, consumer protection, freedom of expression, as well as technical aspects related to broadcasting. Apart from that, the DPR also has a supervisory function over the process of drafting the Broadcasting Bill. DPR members are tasked with ensuring that the draft bill consider the interests of society, democratic principles, and the latest developments in the broadcasting industry. Apart from that, the DPR is also discussing the Broadcasting Bill to ensure that the regulations are in line with the needs and demands of the times. After going through a lengthy drafting and discussion process, the DPR has the authority to pass the Broadcasting Bill into applicable law. This ratification was carried out after going through the voting stages and approval from the majority of DPR members. The bill that has been passed is the main reference in organizing and regulating the broadcasting sector in Indonesia. Another role is that the DPR also has a role in monitoring the implementation of the Law on Broadcasting after it is passed. The DPR can evaluate the effectiveness of these regulations, correct deficiencies that arise, as well as adapt regulations to the latest developments in the broadcasting industry. Thus, the legislative function of the DPR is essential in the process of drafting the Broadcasting Bill because the DPR acts as a forum for accommodating various interests, protecting people's rights, and providing clear direction for the development of the broadcasting industry in Indonesia. The close relationship between the legislative function of the DPR and the Broadcasting Bill is the basis for regulations that are in line with the needs of the times and can maintain continuity and balance in the broadcasting industry.

## **2 Problem Formulation**

From the background of the problem above, a problem formulation can be found, namely; How is the DPR's Legislative Function Implemented in Preparing and Formulating the Broadcasting Bill?

### **3 Method**

This paper falls within the scope of qualitative research aligned with the research objectives of this investigation. The methodology adopted in this applied paper utilizes a descriptive-analytical approach, employing data that directly illustrate field-specific issues, followed by analysis, and culminating in conclusions aimed at addressing the problem [6]. According to Soerjowinoto et al., qualitative methods emphasize the researcher's interpretative process concerning problem formulation to develop a complex and comprehensive legal phenomenon. The data collection strategy encompasses observation and literature review to derive solutions pertinent to this paper's context. [7] [8] A normative juridical approach is specifically used to examine issues related to law and legal norms. It is applied to study principles that can serve as a foundation for addressing issues and their legal implications. In this context, the focus is on the 2023 Telecom Regulation Draft. The normative juridical approach is conducted on specific legal norms or written laws pertinent to the implementation of the DPR's legislative function in drafting and shaping the Telecom Bill. This research delineates the current state of the subject under study, particularly emphasizing regulation and the DPR's legislative function in drafting and shaping the Telecom Bill in practice.[8]

### **4 Result and Discussion**

#### **4.1 The implementation of the DPR's Legislative Functions Based on the Perspective of the 1945 Constitution of the Republic of Indonesia Post-Amendment**

The normative juridical procedure is conducted on specific legal norms or established regulations, which pertain to the execution of the DPR's legislative authority in drafting and shaping the Telecom Bill. This analysis elucidates the current situation of the subject under study, specifically concentrating on regulation and the exercise of the DPR's legislative authority in the practical aspects of drafting and shaping the Telecom Bill.[9]

There has been considerable debate regarding whether the 1945 Constitution should be amended or replaced.[10] Following the Reform Era, the 1945 Constitution ceased to be regarded as sacrosanct; conversely, discussions about the Constitution and various other issues became widely open. This shift is largely attributed to the significant impact the 1945 Constitution has had on the socio-economic conditions of the Indonesian state, contributing to the deteriorating economic climate and the decline in the quality of life for its citizens. Consequently, there are opportunities for the interpretation and implementation of the articles within the 1945 Constitution.[11]

The execution of amendments to the 1945 Constitution is delineated within its provisions, specifically in Part (2), where decisions necessitate the approval of at least two-thirds of the members present. This constitutional requirement implies that amendments are not overly complex, as they only require the consent of a two-thirds majority of the present members. The amendments are considered constitutional as long as these provisions are achieved legally. This process is in accordance with Article 37 of the 1945 Constitution, which was referenced by the MPR during the constitutional amendments conducted from 1999-2002. In addition to Article 37, the MPR also utilizes Article 92 of the MPR Rules and Guidelines concerning the discussion and decision-making process of MPR session materials.

The DPR RI (House of Representatives of the Republic of Indonesia) is tasked with legislative, budgetary, and supervisory functions. In fulfilling its roles, the DPR possesses the right of interpellation, inquiry, and the right to express opinions (Article 20A, paragraph (2) of the 1945 Constitution). The DPR is a principal state institution within Indonesia's democratic framework, and its role in managing state power has significantly evolved following the fourth amendment to the 1945 Constitution. According to the Constitution, "The House of Representatives holds the power to establish laws." Although the legislative authority resides with the DPR, any bill must be jointly deliberated with the government, as stipulated in Article 20, paragraph (2): "Every draft law shall be discussed by the House of Representatives and the President for mutual consent." Additionally, the DPR has the right to question, provide suggestions and opinions, and express objections (Article 20A, paragraph (3) of the 1945 Constitution). Further details regarding the rights of DPR members are regulated by law (Article 20A, paragraph (4) of the 1945 Constitution).

Further developing the DPR's administrative capability isn't just found in amount, in particular the quantity of regulative items (as regulations/arrangements/and so forth) that it produces, yet additionally in the nature of the authoritative items it produces, as the substance of regulations or strategies that ought to be all the more supportive of hardliner, in light of a legitimate concern for the broader community or in other words beneficial to individuals' arrangements. One sign of the strategies coming about because of the DPR's exhibition in favorable to individual's regulation is the Advancement Spending plan which endeavors to further develop individuals' government assistance contrasted with the Normal Financial plan which is expected for true travel for DPR individuals. After the correction, the DPR's capability as a regulative establishment was returned, and the DPR's position was as of now not an elastic stamp organization after the adjustment of expert in the 1945 Constitution Change. It is believed that the efficiency of the DPR will improve accordingly, supported by guidelines in various regulations, both in terms of power and specialization. For example, the presence of Prolegnas in the new regulation makes the role of the DPR clearer. Additionally, the capability of balanced governance between the Chief and the assembly is more noticeable, dissimilar to before the 1945 Constitution Correction where around then the President was extremely predominant in completing the administrative capability.

#### **4.2 Implementation of the Legislative Function of the DPR in Preparing and Formulating the Broadcasting Bill**

The Bill on Broadcasting is a revision of Broadcasting Law No. 32 of 2002, which is a legislative product that contains the spirit of reform in its drafting, but it always fails to be enacted into law. This was motivated by the debate about the digital migration of Indonesian broadcasting which will use single mux and/or multi mux. However, this controversy ended when Law No. 11 of 2022 concerning Job Creation which regulates the Indonesian broadcasting system using multi-mux.

Several crucial issues in this bill include:[12]

1. The Law on Broadcasting is no longer the Law on the Establishment of Legislative Regulations.

2. The Broadcasting Bill is a Replacement Bill due to 2 things, namely (a) the Broadcasting system in Indonesia has migrated from an Analog Broadcasting System to a Digital Broadcasting System (mandate of Article 60A of Law No. 11 of 2020 concerning Job Creation) and (b) this changes more than 50% of broadcasting regulations in Law no. 32 of 2002 concerning Broadcasting.
3. Regulation of Broadcasting Digital Platforms and Broadcasting Digital Platform Operators.
4. Adjustment of Broadcasting Institution regulations with Law No. 11 of 2020 concerning Job Creation.
5. Expanding the authority of the Indonesian Broadcasting Commission as Broadcasting Regulator.
6. Strengthening the institutions of Public Broadcasting Institutions.

The DPR's legislative strategy in outlining and composing the Broadcasting Bill involves a series of complex stages and involves various related parties. The following is an explanation of the legislative process:

1. Initiative.  
The legislative process began with an initiative to prepare a Broadcasting Bill. This initiative can come from members of the DPR, government, society, or related institutions who feel the need for better regulations in the broadcasting sector.
2. Preparation of the Initial Manuscript.  
After the initiative is accepted, a team of experts from the DPR will begin drafting the initial draft of the Broadcasting Bill. The text will cover various aspects related to broadcasting, such as industry regulation, consumer protection, freedom of expression, and other technical aspects.
3. Discussion and Consultation.  
The initial draft of the bill will be discussed in depth in relevant commission meetings in the DPR. Apart from that, the DPR can also hold consultations with various related parties, such as broadcasting industry stakeholders, academics, community activists, and legal and information technology experts.
4. Preparation of the Final Manuscript.  
Based on the results of discussions and consultations, the draft of the Broadcasting Bill will be refined into a final draft which is ready to be submitted to the DPR plenary session.
5. Endorsement.  
The final draft of the Broadcasting Bill will be brought to the DPR plenary session for approval and ratification. DPR members will vote to determine whether the bill is passed or not.
6. Preparation of Implementing Regulations.  
Once the Broadcasting Bill is passed, the government will be responsible for drafting more detailed implementing regulations to explain the provisions of the bill.
7. Implementation and Evaluation.  
Once passed, the Broadcasting Bill will be implemented by related parties, such as the relevant ministries and authorized institutions. The DPR also has a role in monitoring the implementation of the bill and evaluating the effectiveness of the regulations that have been made.

The DPR legislative process in compiling and formulating the Broadcasting Bill requires cooperation between DPR members, the government, and various other related parties. This process aims to create regulations that side with the interests of society, maintain the sustainability of the broadcasting industry, and ensure freedom of expression and fairness of information in the broadcasting sector in Indonesia.

In the DPR legislative process of drafting and formulating the Broadcasting Bill, several obstacles are often faced. Some of these obstacles include:

1. **Diverse Interests.**  
One of the main obstacles is the existence of various interests within the DPR and outside the DPR regarding the Broadcasting Bill. DPR members can have different views regarding broadcasting regulations, so the process of discussing and adapting the draft bill can be complicated.
2. **Technical and Material Complexity.**  
Materials related to the Broadcasting Bill are often technical and complex, such as matters related to industry regulation, broadcasting technology, copyright, and consumer protection. It can make it difficult for DPR members who do not have a technical background to understand and formulate the provisions in the bill.
3. **Limited Time and Resources.**  
The legislative process requires quite a long time to prepare and formulate the Broadcasting Bill carefully. Limited time and resources for DPR members and expert staff can become obstacles in this process.
4. **Public Consultation and Participation.**  
The significance of enhancing public input and engagement in the legislative process is frequently not fully achieved. Lack of participation from the community and other stakeholders can result in regulations that are less representative and less supportive of the interests of society at large.
5. **Differences of Opinion and Disputes.**  
In the process of discussing the Broadcasting Bill, differences of opinion and disputes between DPR members and external parties can slow down the legislative process. This dispute can be related to various aspects, starting from the substance of the bill to the procedures for discussing it.
6. **Impact of Technology and Rapid Change.**  
The broadcasting industry is very dynamic and is influenced by rapid technological developments. It could be an obstacle in formulating regulations that can keep up with the latest developments in the broadcasting industry.

Given these various obstacles, the DPR needs to be able to overcome these challenges by coordinating well between DPR members, involving the relevant parties widely, and paying attention to the interests of society as a whole in formulating a Broadcasting Bill that is of good quality and in line with the needs of the times.

## **5 Conclusion**

The regulative capability is completed as an exemplification of the DPR as the holder of the ability to shape regulations. This capability is the most prevailing and powerful in light of

the fact that through this capability the DPR can impact all parts of the Indonesian state. In any case, this capability doesn't work ideally. The DPR is considered less useful in light of the fact that couple of bills come from the chamber's drives. As a matter of fact, as delegates of individuals, the DPR ought to boost this capability to work on the government assistance of the Indonesian nation by one of the commitments of DPR individuals.

The DPR has a very important role in the process of drafting and formulating the Broadcasting Bill in Indonesia. As a legislative institution, the DPR is responsible for supervising, discussing, and expiring laws relating to the broadcasting sector. This legislative process involves a series of complex stages and requires cooperation between members of the DPR, the government, and various other related parties. The process began with an initiative to draft a Broadcasting Bill, from members of the DPR, the government, and the community. The initial draft of the bill was prepared based on the results of in-depth consultations and discussions, involving various stakeholders such as the broadcasting industry, academics, and community activists. After being refined into a final text, the Broadcasting Bill is submitted to the DPR plenary session for approval and ratification. Once passed, the government will prepare more detailed implementing regulations to explain the provisions in the bill. However, in this legislative process, the DPR often faces various obstacles. Some of the main obstacles include the diversity of interests within and outside the DPR, the technical complexity of the material, limited time and resources, lack of public consultation and participation, differences of opinion, and the rapid impact of technology. These obstacles can slow down the legislative process and prevent the achievement of effective and representative regulations.

To overcome these obstacles, the DPR needs to improve coordination between DPR members, pay attention to the interests of society at large, and proactively involve relevant parties in the process of drafting the Broadcasting Bill. In this way, the DPR can create regulations that support the development of the broadcasting industry, protect people's rights, and maintain freedom of expression in the broadcasting sector. A legislative process that is transparent, inclusive, and oriented towards the public interest will ensure that the resulting Broadcasting Bill becomes a strong foundation for the development of a sustainable and just broadcasting industry in Indonesia.

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