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The Constitutional Status of Functional Group Delegates in Representative Institutions: Historical Development and Prospects for the Restructuring of Indonesia's Constitutional System

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Abstract

The abolition of Utusan Golongan changed the People's Consultative Assembly's composition while leaving social participation in lawmaking relevant. This article examines the limits of Regional Representative Council (DPD) empowerment and non-electoral social representation. It employs doctrinal research through statutory, historical, case-law, and conceptual approaches, using sources published before 2026. The analysis distinguishes participation rights, customary-community protection, and reserved-seat entitlements. It finds that statutory reform can strengthen implementation of DPD powers, whereas final legislative consent requires constitutional amendment. It proposes ad hoc social deliberative panels for bills with substantial distributive effects. Recommendations would remain advisory, with mandatory hearings, consideration, and written responses. Its contribution is a procedural design for affected-group selection, organizational verification, conflict-of-interest controls, removal with due process, and remedies for omissions. The model develops meaningful participation through an auditable legislative response record, without restoring functional seats or conferring a veto. Pilot implementation should assess inclusion, costs, and protection against capture.

Keywords: *social representation; Utusan Golongan; Regional Representative Council; meaningful participation; deliberative democracy.*

Introduction

Indonesia's constitutional amendments of 1999–2002 transformed the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*, MPR). The Fourth Amendment replaced membership comprising the House of Representatives (*Dewan Perwakilan Rakyat*, DPR), regional delegates, and functional delegates (*Utusan Golongan*) with elected DPR and Regional Representative Council (*Dewan Perwakilan Daerah*, DPD) members. The removal of functional delegates therefore concerns the constitutional composition of the MPR, rather than the disappearance of every lawful form of social representation (Republic of Indonesia, 2002, art. 2(1)). Whether social perspectives receive adequate attention in legislative deliberation remains a separate question.

That question matters when legislation distributes burdens across communities with unequal resources for political advocacy. A professional association may have ready access to parliamentary hearings, while patients, informal workers, remote communities, and people with disabilities face practical barriers to participation. Neither electoral representation nor an invitation to submit comments necessarily ensures that these perspectives enter the reasons supporting a legislative decision. This article treats such exclusion as an institutional concern to be addressed through procedural design; it does not assume, without empirical evidence, that every existing hearing is ineffective.

Three forms of representation require distinction. Electoral representation derives authority from elections. Territorial representation, embodied by the DPD, links elected members to provinces. Functional representation assigns a representative role to occupational or social categories. Non-electoral social representation is broader: it

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allows persons or organizations to articulate affected interests without holding an elected legislative mandate. Deliberative participation describes the process through which participants examine evidence, exchange reasons, and formulate recommendations. These categories can interact, but they provide different grounds of authorization and accountability. Kuyper (2016) explains why non-electoral representatives should be assessed within the wider deliberative system, including their relationship with those whose interests they claim to advance.

Existing scholarship already connects institutional reform with deliberation. Marzuki (2022) examines the unequal lawmaking powers of the DPR and DPD and proposes a stronger bicameral arrangement. Taqwa et al. (2023) consider deliberative mechanisms and DPD empowerment in addressing conflicts of interest in legislation on political matters. The contribution of the present article is consequently more specific than combining these two ideas. It develops the legal interfaces among affected-group selection, an institutional duty to respond, member accountability, and remedies for procedural non-compliance. It also distinguishes reforms available under the existing Constitution from those requiring its amendment.

The article addresses three questions. First, what lessons do the historical arrangements for *Utusan Golongan* offer for social representation after constitutional amendment? Second, what do the Constitution, legislation, and Constitutional Court decisions permit concerning DPD empowerment and non-electoral participation? Third, how should a social deliberative panel be selected, held accountable, and integrated into lawmaking without acquiring a legislative mandate? The objective is to formulate a reviewable legal design, rather than to claim that the proposed model has already improved legislative outcomes.

Method

This study employs doctrinal legal research, combining statutory, historical, case-law, and conceptual approaches. The legal and bibliographic corpus is limited to materials issued or published before 1 January 2026. This cut-off defines the scope of the analysis; the article does not assess later legal developments.

The primary materials comprise the amended 1945 Constitution; Laws No. 16 of 1969 and No. 4 of 1999 on representative institutions; Law No. 17 of 2014 on the MPR, DPR, DPD, and regional legislatures (MD3), read with subsequent amendments including Law No. 13 of 2019; and Law No. 12 of 2011 on lawmaking (P3), as amended, particularly by Law No. 13 of 2022. The historical analysis uses BPUPK and PPKI proceedings reproduced in the State Secretariat compilation and published amendment records assembled in the Constitutional Court's *Naskah Komprehensif* (State Secretariat of the Republic of Indonesia, 1959; Mahkamah Konstitusi Republik Indonesia [MKRI], 2010). These published records are treated as documentary sources, with attention to the distinction between a participant's proposal and an adopted constitutional provision.

The case-law analysis focuses on Decisions No. 92/PUU-X/2012 and No. 79/PUU-XII/2014 concerning the DPD; No. 91/PUU-XVIII/2020 and No. 82/PUU-XXI/2023 concerning public participation; and the interlocutory Decision No. 47-81/PHPU.A-VII/2009 concerning collective voting in Yahukimo. The analysis separates the operative orders and the Court's own reasoning from statements made by petitioners, witnesses, or experts. Secondary materials address bicameralism, non-electoral representation, customary-law communities, and sectoral legislation with

distributive consequences.

Materials were located through official legal repositories, the Court's published records, Google Scholar-indexed publication listings, and publisher pages. Searches used the terms "Utusan Golongan," "DPD," "Pasal 22D," "meaningful participation," "non-electoral representation," and the relevant case numbers. Bibliographic metadata were checked against publisher records or article files. Inclusion depended on identifiable authorship, a pre-2026 publication year, and a proposition relevant to the argument. Scholar indexing serves discovery, not proof of legal authority or research quality; constitutional propositions are supported primarily by legal texts and judgments.

The analysis proceeds in three stages: reconstructing changes in institutional authorization; interpreting constitutional and statutory powers in light of the selected judgments; and evaluating a proposed panel against inclusion, independence, accountability, and institutional competence. The discussion of deliberative assemblies provides a conceptual comparison, rather than a comprehensive comparison of foreign legal systems. Panel size, quotas, terms, and procedural deadlines below are normative proposals requiring legislative assessment and pilot evaluation. No interviews, surveys, or claims of empirically demonstrated effectiveness are presented.

Results and Discussion

Historical lessons on inclusion and appointment

The founding debates help explain the inclusionary purpose attributed to the MPR without supplying an unrestricted justification for contemporary functional seats. In his BPUPK address of 31 May 1945, Soepomo discussed a state encompassing diverse social groups. During the PPKI proceedings of 18 August 1945, the institutional explanation and discussion of Article 2 placed regional and group delegates alongside DPR members in the MPR (State Secretariat of the Republic of Indonesia, 1959, pp. 25–37, 341–349). These records locate functional representation within the original constitutional architecture. They should be read historically, rather than as an exception to the amended Constitution's rules on elected membership.

The statutory arrangements also changed over time. Law No. 16 of 1969 authorized presidential appointment of specified non-military functional delegates on organizational proposals or presidential initiative. Law No. 4 of 1999 provided for 65 functional delegates within a 700-member MPR. Its general provisions assigned the determination of categories and numbers to the DPR, with nominations by the respective groups. For the 1999 membership, however, Article 45 specifically entrusted these functions to the General Elections Commission (KPU), followed by administrative formalization through a presidential decision (Republic of Indonesia, 1969, art. 1(4)(c); Republic of Indonesia, 1999, arts. 2, 45).

It would therefore be inaccurate to describe the former arrangement as wholly devoid of selection rules, numerical allocations, or replacement procedures. The more pertinent concern is the relationship between the selecting authority and the represented constituency. An organizational proposal identifies a route to appointment; it does not establish that members consulted a diverse constituency or remained answerable to it. Likewise, the 1999 shift towards KPU involvement altered the selection mechanism without turning functional delegates into directly elected members. The relevant lesson is to examine authorization and accountability

separately.

The published amendment records reveal disagreement about retaining functional delegates, including arguments that elections might leave some social groups insufficiently represented (MKRI, 2010, Book III, Parts 1–2). The eventual constitutional settlement established an elected composition. The creation of the DPD through the Third Amendment in 2001 and the final formulation of MPR membership through the Fourth Amendment in 2002 must also be distinguished (Republic of Indonesia, 2002). Territorial representation did not simply reproduce the former functional categories.

Two implications follow for the proposed reconstruction. First, social diversity warrants sustained attention, but the state should not assume that a selected organization speaks conclusively for everyone within a social category. Second, any contemporary mechanism must identify its purpose and powers under the amended constitutional order. The historical aspiration to include diverse communities can inform a participatory forum; it cannot itself restore membership that Article 2(1) no longer provides.

Participation rights and the limits of reserved seats

The constitutional basis for social participation consists of several distinct protections. Equality before the law, equal opportunity in government, collective advancement of rights, and freedom of association and expression support access to public decision-making. Article 18B(2) separately recognizes customary-law communities and their traditional rights subject to its constitutional conditions; Article 28I(3) protects cultural identity and the rights of traditional communities (Republic of Indonesia, 2002, arts. 27(1), 28C(2), 28D(3), 28E(3), 18B(2), 28I(3)). These provisions should not be collapsed into a general entitlement to occupational or customary seats in the national legislature.

Three claims have different consequences. A participation claim concerns an opportunity to contribute and receive a reasoned institutional response. A customary-rights claim concerns the recognition or protection of a community and its rights. A reserved-seat claim concerns membership and authority within a state institution. The first two can justify special efforts to overcome barriers to participation, but they do not automatically establish the third. Restoring functional delegates as MPR members would require reconsideration of Article 2(1) through the constitutional amendment procedure in Article 37. Ordinary legislation cannot achieve that result by renaming appointed delegates as a consultative component.

Rambe (2025) identifies a gap between normative recognition of indigenous peoples and implementation, including fragmented recognition arrangements. That analysis supports a narrower implication for panel design: access to a consultation should not depend exclusively on a prior administrative recognition instrument. A community may be directly affected by legislation while its legal recognition remains unresolved. Permitting it to participate does not prejudge land title, community status, or another substantive legal entitlement. The selection authority should expressly record this distinction.

The Noken analogy requires similar restraint. In the interlocutory Decision No. 47-81/PHPU.A-VII/2009, the Court accepted collective agreement or acclamation in the specific electoral context of Yahukimo, while finding serious failures in election administration and ordering corrective voting and counting measures (MKRI, 2009,

paras. 3.23–3.29). The judgment illustrates contextual accommodation within an electoral dispute. It does not establish a general power to appoint national representatives or authorize community leaders to replace the constitutional institutions of lawmaking.

For a deliberative panel, the defensible lesson is procedural sensitivity. Communities should be able to explain their preferred nomination practices and use appropriate languages and meeting formats. Yet internal disagreement must remain visible. A leader's endorsement cannot substitute for evidence that women, younger members, and dissenting participants had an opportunity to speak. This protection is proposed as a safeguard for the panel; it is not presented as a rule already established by the Yahukimo judgment.

Strengthening the DPD within its constitutional mandate

DPD empowerment begins with implementation of powers already conferred by Article 22D. These include proposing and participating in the discussion of bills within specified regional subject matters, providing considerations on the budget and bills concerning taxation, education, and religion, and conducting designated oversight. They do not include the DPR–President power of final joint legislative approval under Article 20(2) (Republic of Indonesia, 2002, arts. 20, 22D).

Decision No. 92/PUU-X/2012 clarified the DPD's position in bill initiation, the National Legislation Programme (Prolegnas), and discussion of bills within its constitutional remit. A DPD proposal cannot simply lose its institutional identity by being treated as a DPR proposal. The Court also distinguished participation in deliberation from final legislative consent (MKRI, 2013, paras. 3.18.1–3.18.5). Decision No. 79/PUU-XII/2014 subsequently addressed MD3 provisions, including the requirement to involve the DPD in discussing relevant bills before joint DPR–President approval (MKRI, 2015, operative order 3.1–3.4). These holdings concern constitutional participation in lawmaking, not an unrestricted DPD veto.

Reform should accordingly distinguish institutional compliance from redistribution of constitutional power. Under the former, the MD3 framework and parliamentary rules can specify simultaneous access to relevant draft texts, scheduling, the maintenance of DPD proposals as such, participation in Prolegnas within its remit, and an accessible record of DPD positions. Law No. 17 of 2014, read with its amendments including Law No. 13 of 2019, supplies the institutional framework in which these procedures must operate (Republic of Indonesia, 2014, 2019). A statutory rule may make existing constitutional participation practicable; it may not extend it to subject matters or approval powers beyond the constitutional mandate.

Granting the DPD a general right of final consent, a general veto, or equal lawmaking authority would require constitutional amendment, including examination of Articles 20 and 22D. Marzuki's (2022) proposal for balanced bicameralism is relevant to this longer-term choice. It should not be treated as a description of the present arrangement. Taqwa et al. (2023) likewise provide a basis for considering the DPD and deliberative mechanisms together, while the permissible role of each remains governed by distinct legal rules.

The territorial and social dimensions are complementary. In discussing changes to natural-resource governance after the Job Creation legislation, Rambe, Sari, and Sembiring (2024) examine a shift towards centralization. Their analysis identifies a policy setting in which provincial perspectives and the experience of affected

communities may both matter. It does not demonstrate that a deliberative panel would resolve the distributional dispute. A DPD intervention would articulate constitutionally authorized territorial representation; a social panel would contribute experiences and reasons under a participatory procedure. The panel must neither replace the DPD nor borrow its constitutional authority.

Meaningful participation and the legal authority of a panel

The proposal operates within an existing participation regime. Decision No. 91/PUU-XVIII/2020 articulated the rights to be heard, to have views considered, and to receive an explanation, emphasizing affected persons and groups in lawmaking (MKRI, 2021, paras. 3.17.8–3.17.9). Article 96 of the P3 Law, as amended by Law No. 13 of 2022, provides for public input, access to draft materials, consultation, consideration of consultation results, and further procedural regulation (Republic of Indonesia, 2022, art. I, amendment to art. 96).

Article 96 uses permissive language for certain modalities. This wording should not be taken to mean that meaningful participation as a whole is optional. Decision No. 82/PUU-XXI/2023 addressed the relationship between the mandatory protection of participation and flexibility in its implementation; it did not impose the petitioner's proposed uniform response deadline (MKRI, 2023, paras. 3.10.4–3.10.5). The deadlines proposed here are therefore legislative design choices. They are not attributed to that decision as existing judicial requirements.

An additional panel is justified only if it addresses a procedural deficiency that an ordinary consultation may leave unresolved. The proposed added value comprises transparent identification of affected constituencies, support for participants facing access barriers, sustained examination of evidence, protection of minority opinions, and a public link between recommendations and legislative responses. Convening another meeting without these features would add administrative work without a clear institutional benefit.

The proposed social deliberative panel would be an ad hoc participatory forum associated with a specified bill. Its report would be advisory in substance, while the duties to hear, consider, and answer it would be mandatory under the proposed statutory framework. Neither a majority recommendation nor a minority opinion would bind the substantive legislative outcome. The panel would have no final approval power, veto, or independent authority to suspend proceedings. The obligation would fall on the responsible legislative committee and government bill sponsor, within their respective roles; a relevant DPD position would remain separately identifiable.

Article 16 supplies no general constitutional basis for this arrangement. It concerns a council advising the President. A presidential advisory body could contribute advice to the executive, but that status alone would not integrate it as a compulsory participant in parliamentary deliberation. The appropriate route is legislation governing the formation of laws, supported by Article 22A's provision for statutory regulation of lawmaking procedure and Article 96's participation framework, with coordinated institutional rules (Republic of Indonesia, 2002, arts. 16, 22A; Republic of Indonesia, 2011, 2022).

The distinction also constrains reliance on constitutional adjudication. Tanjung et al. (2025) examine the limits of Constitutional Court interpretation in relation to legislative functions, emphasizing the need to assess the legitimacy of remedial

intervention. Their discussion supports treating the detailed panel model as a proposal for lawmakers. The selected judgments establish relevant constraints and participation principles; none is claimed here to have already created the panel, its membership quotas, or its removal procedure.

An operational design for accountable social deliberation

Scope and selection of affected constituencies

The panel should be used for bills with substantial effects on the rights, livelihoods, public services, or resource access of identifiable groups. The lead DPR committee should publish an impact screening at the planning or drafting stage, with the government's assessment and the DPD's observations where its remit is engaged. A decision not to convene a panel should state reasons. Affected persons should be able to request reconsideration with supporting information, including where significant amendments alter a bill's effects. This screening avoids establishing a permanent catalogue of legally privileged social categories.

For this purpose, a *golongan* means an identifiable affected constituency connected to a bill, rather than an organization automatically entitled to a seat. Relevant constituencies might include customary-law communities affected by resource regulation, workers facing changes in employment protections, or service users affected by health-financing rules. Rambe, Siregar, and Sembiring (2024a) examine the elimination of mandatory health spending and its policy implications. Their study supports including those who depend on services in a health-financing discussion, alongside providers and professional bodies. It does not confer a constitutional seat entitlement on any of these groups.

An initial statutory pilot could use 30 members: 20 affected individuals selected through a publicly audited, stratified lottery and 10 community or organizational nominees selected against published criteria. This combination gives organized constituencies a defined route to contribute while reserving a majority of places for affected individuals. At least half the members should be women. Geographic, disability, age, and relevant livelihood strata should follow the bill's published impact assessment. Each materially distinct affected constituency should have at least two places, with the reasons for any necessary adjustment disclosed before selection. These numbers are proposed starting points, not estimates of an empirically optimal composition.

The sampling procedure must address people missing from formal registers. It should combine available public records with open registration and outreach through local service points and community networks. Consent, data minimization, and independent auditing should govern the pool. Recruitment should include offline options, interpretation, disability access, travel costs, and reasonable compensation for time and care responsibilities. Financial support should be publicly budgeted and administered by the secretariat; bill sponsors, private firms, and nominating organizations should not provide undisclosed payments to members.

A five-person independent selection committee should conduct verification and allocation. Its members should be appointed after an open call by the DPR committee responsible for the bill, with the DPD consulted when the subject falls within Article 22D. Appointment reasons, relevant qualifications, and interest disclosures should be published. Current party executives, legislators, government bill sponsors, and paid advocates for an interested entity should be ineligible for this committee. Non-voting

DPR and DPD secretariat officers may provide technical support. The committee's independence would thus depend on defined incompatibilities, public reasons, review, and audit, rather than merely its institutional label.

Organizational verification should be specific to the bill and should not constitute permanent state accreditation of a community. A nominating body should disclose its governing arrangements, relevant activity, funding sources, constituency connection, and the process by which its nominee was chosen. Evidence of activity over the preceding 12 months should normally be requested, with a reasoned exception for newly affected or newly organized communities. Registration as a legal entity should not be the sole eligibility criterion. Meeting records, testimony from members, local activity, and independent corroboration can establish a genuine connection. The selection authority should check overlapping control or funding to prevent nominally separate organizations from multiplying their allocation.

Provisional eligibility decisions and allocations should be published for seven working days. Any affected person or competing applicant should be able to submit an evidenced objection without a minimum signature threshold. The selection committee should provide reasons within five further working days, after allowing the challenged applicant to respond. Sensitive personal information should be protected. An independent review officer, appointed through an open procedure before recruitment, should decide an internal appeal within seven working days. This proposed administrative review would address selection disputes; it should not be described as an existing route to judicial review without a separately established legal basis.

Terms of deliberation and legislative responses

Membership should last for the bill-specific process, ordinarily no more than 120 calendar days, with one publicly justified extension of up to 30 days. The panel should dissolve after completing the response stage, or at the expiry of its term. A subsequent legislative session requiring substantial further work should constitute a new panel under the same rules, with limited continuity through access to the earlier record. There should be no permanent functional seat and no automatic renewal for an organization.

The panel should receive the draft bill, academic paper, impact assessment, alternatives, and accessible summaries in sufficient time to prepare. It should hold an initial hearing during drafting and a second hearing after substantive committee discussion, before joint approval. Facilitators should enable participants to examine competing evidence and question government, community, and expert witnesses. Witnesses would contribute information without acquiring panel membership. Material late amendments should trigger targeted further consultation and an updated response record proportionate to their effects.

The report should identify recommendations, supporting reasons, disagreements, and the constituencies represented. Members should be able to append minority opinions without securing majority permission. The report should not claim to reproduce a single national popular will. Organizational nominees should disclose how they consulted their constituency; lottery-selected members should record their engagement with affected people without being assigned an invented organizational mandate. In this way, authorization, deliberative judgment, and continuing communication remain distinct.

Before joint approval, the DPR committee and government sponsor should publish a response matrix stating whether each substantive recommendation is accepted,

modified, or rejected, with reasons and the relevant draft provision. A target of 15 working days after receipt of the report is proposed, with a published explanation for any extension and completion before approval. Where the DPD has constitutional discussion powers, its views and response should appear in a separate, attributed part of the legislative record. The panel report should also be accessible to the wider public, whose Article 96 rights remain available independently of panel membership.

Conflicts of interest and member accountability

Members should disclose offices, employment, organizational roles, and financial relationships relevant to the bill. A disclosed interest based on being affected by legislation is expected and should not itself lead to exclusion. The concern is an undisclosed relationship or benefit that compromises the integrity of the member's role. Current party executives, legislators, and officials responsible for the bill should be excluded from membership. Members should refuse private payments, report attempted inducements, and recuse themselves from decisions concerning a specific undisclosed or disqualifying financial relationship. Legitimate livelihood interests and minority positions must remain open to deliberation.

Accountability requires a defined constituency and an identifiable decision-maker. The impact assessment and selection record should identify each organizational nominee's constituency. Any affected person, nominating body, or panel member should be permitted to lodge an evidenced complaint. A nominating organization may request withdrawal of its nominee after a documented constituency consultation, but its request should not itself remove that person. Removal should be decided by a three-person independent ethics board appointed before selection under published incompatibility and disclosure rules. Under the proposed statute, the DPR's Legislation Council (Badan Legislasi) should appoint the board and review officers through an open call, with published DPD input where its remit is engaged. No appointee may serve on the selection committee, and a reviewer must not sit on the ethics board. Board members must not have participated in selecting or nominating the member concerned.

Grounds should be limited to material fraud in selection, concealed disqualifying interests, bribery, coercion, serious confidentiality breaches, or repeated unjustified absence or refusal to perform a documented consultation obligation. Three consecutive unjustified absences may provide an initial indicator of non-performance, subject to reasonable accommodation. Changing one's view after deliberation, disagreeing with a community leader, or expressing a minority opinion should not amount to breach of mandate. For lottery-selected members, organizational recall is inapplicable; only the defined misconduct procedure should permit removal. This approach translates systemic accountability into observable obligations while preserving independent judgment (Kuyper, 2016).

A proposed removal procedure should provide written allegations and supporting evidence, seven working days for a response, an opportunity to be heard with assistance or interpretation, and a reasoned decision within ten working days after the hearing. Immediate suspension should be exceptional, confined to a documented threat to safety or evidence integrity, and promptly reviewed. A removal decision should be appealable within five working days to a different independent reviewer, who should decide within seven working days. Decisions should be published with necessary redactions. A replacement should come from the same selection pool and stratum, or from a renewed community nomination procedure where the pool is

exhausted.

These safeguards distinguish accountable representation from obedience enforced by an appointing body. They also prevent a complaint mechanism from becoming a device for silencing inconvenient testimony. Oversight should include annual publication of selection costs, attendance, accessibility arrangements, complaints, removals, and legislative response records. Such reporting would permit later evaluation of the model's burden and benefits without equating the number of accepted recommendations with the quality of deliberation.

Legal consequences and implementation pathways

The panel's advisory status does not make compliance with its statutory procedure discretionary. Under the proposed model, the responsible committee would certify completion of selection, hearings, reporting, and the response matrix before final approval. A documented omission should lead to a reasoned committee direction to complete the missing stage. This procedural direction would be administered by the legislative institution under statute; it would not be a suspensive power exercised by the panel. An initial corrective period of 15 working days could be provided, with extensions explained publicly and the required stage completed before approval.

After enactment, a panel cannot declare the law invalid. A qualifying procedural omission could be raised in constitutional review by a petitioner satisfying the applicable standing and filing requirements. Whether it constitutes a constitutional defect, and what remedy follows, would remain for the Constitutional Court. Decision No. 91/PUU-XVIII/2020 provides a relevant basis for examining meaningful participation, but it does not make every failure of a newly proposed panel automatically invalidating (MKRI, 2021). The article proposes clear statutory duties to make compliance assessable; it does not prescribe the outcome of future litigation.

Rambe, Siregar, and Sembiring (2024b) examine judicial examination of health-financing norms and the relationship between legal oversight and legislative action. Their discussion is relevant to the need for institutional follow-up. In the present model, however, legislative responses to panel recommendations and compliance with court judgments remain different duties. An advisory report should not acquire the legal force of a judgment merely because both call for a reasoned institutional response.

Table 1 summarizes the legal routes. The distinction prevents procedural reform from being used to transfer constitutional decision-making authority indirectly.

Table 1. Legal routes for the proposed reconstruction

Reform	Legal route	Limit on authority
Effective DPD participation	MD3 amendments and institutional rules	Implements Article 22D without granting final legislative consent.
Mandatory social panels	P3 amendment, aligned MD3 provisions, and procedural rules	Advisory recommendations; mandatory hearing, consideration, and reasoned response.
Functional MPR seats or DPD final consent	Constitutional amendment under Article 37	Requires reconsideration of Article 2(1) and/or Articles 20 and 22D.

Note. The panel procedure is proposed reform. The constitutional limits are derived from Articles 2, 20, 22D, and 37 (Republic of Indonesia, 2002).

Implementation should begin with selected bills and publish the criteria for inclusion. Existing consultation powers can support pilot deliberative forums, accessible information, and voluntary response records. A uniform, mandatory procedure across the DPR, government, and relevant DPD processes, including removal rules and consequences for omissions, should be established through amendment of the P3 Law and alignment of MD3 and institutional rules. Article 96(9) allows further regulation

of participation procedures, but isolated internal rules would provide a weaker basis for duties extending across institutions (Republic of Indonesia, 2022).

The model faces practical limits. A lottery cannot guarantee inclusion when the underlying recruitment pool excludes remote or unregistered residents. Organizational nominations can reproduce inequalities in funding and internal governance. Fixed terms and response deadlines may be difficult for unusually complex or urgent bills. These difficulties warrant accessible recruitment, independent verification, and publicly justified adaptations, rather than an assertion that the panel is inherently representative. Any urgency exception should preserve a proportionate opportunity for affected groups to contribute and require a documented explanation for compressed procedures.

Pilot evaluation should examine who participated, who declined or was excluded, whether minority views were recorded, whether legislators responded to substantive concerns, and the cost and delay associated with the process. It should also assess whether non-members retained meaningful access. The proposed design offers legal safeguards and criteria for evaluation. Its effectiveness in preventing capture or improving legislation remains a matter for subsequent empirical research.

Conclusion

The historical arrangements for *Utusan Golongan* show that the aspiration to include diverse social perspectives must be evaluated alongside the authority to select delegates and their accountability to constituencies. The amended Constitution adopts elected MPR membership. The historical inclusionary purpose therefore supports contemporary participatory design, while restoration of functional MPR seats requires constitutional amendment.

The existing constitutional and statutory framework permits stronger implementation of the DPD's proposal, deliberation, consideration, and oversight powers within Article 22D. Decisions No. 92/PUU-X/2012 and No. 79/PUU-XII/2014 are central to that task. Giving the DPD final approval powers would involve a different constitutional choice. Social participation should complement territorial representation without altering the DPD's mandate or the DPR–President approval structure through ordinary procedural rules.

The preferred non-electoral mechanism is an ad hoc social deliberative panel for bills with substantial effects on identifiable constituencies. Its contribution is a defined procedure for selecting affected participants, verifying organizational claims, protecting minority judgment, removing members only through due process, and recording legislative responses. Recommendations would be advisory, while hearings, consideration, and reasoned responses would be mandatory under the proposed legislation. Article 16 is not the basis for this legislative forum.

The immediate pathway is pilot implementation through existing participation mechanisms, followed by P3 reform and coordinated MD3 and institutional rules for a uniform statutory duty. Constitutional review of non-compliance would remain a judicial determination, without an automatic panel veto or annulment rule. The proposed numerical thresholds and deadlines require practical testing. This qualified reconstruction provides a specific basis for strengthening participation while keeping authorization and responsibility identifiable.

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