

Comparing the Constitutions of Indonesia and the Philippines: The Implications for Central Legislative Power

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ABSTRACT

This research studies the arrangements in the Indonesian and Philippine constitutions regarding the House of Representatives of both countries. As legislative bodies, both have similar functions but their position in the constitutional structure has significant differences. The comparison between the two legislative bodies is examined in terms of their authority, duties and functions, selection of representatives, composition and relationship with other branches of power. The conclusion of this study found that there are indeed differences in the regulation of legislative power in the Indonesian and Philippine constitutions.

Keywords: *House of Representative; Indonesia; Legislative; Philippines.*

Introduction

Both Indonesia and the Philippines are constitutional democracies and republics. As provided in Article 1 of the 1945 Indonesian Constitution and Article 1 of the 1987 Philippine Constitution, these nations have adopted a republican form of government based on the principles of democracy and the rule of law. This constitutional structure is designed to ensure the separation of powers, the protection of individual rights, and the effective governance of the state.¹

As ASEAN member states with similar constitutional frameworks, have embraced the Montesquieuan principle of the separation of powers. This fundamental principle divides governmental authority into three distinct branches: the legislature, which is responsible for lawmaking; the executive, which is tasked with law enforcement and administration; and the judiciary, which is vested with the power to interpret the law and resolve legal disputes. This comparative analysis reveals a common adherence to the principle of checks and balances within the constitutional systems of both nations.

Indonesia and the Philippines, as republics, have adopted a system of separation of powers. In Indonesia, legislative power is vested in three separate bodies: the People's

¹Undang-Undang Dasar Negara Republik Indonesia, (1945). Pasal 1 Angka (1). *Vide* The 1987 Constitution of the Republic of the Philippines, (1987). Article II Section 1.

Consultative Assembly (MPR), the House of Representatives (DPR), and the Regional Representative Council (DPD). Executive power is held by the President, while judicial power is exercised by the Supreme Court (MA) and the Constitutional Court (MK).² In contrast, the Philippines legislative power is concentrated in Congress, which consists of the Senate and the House of Representatives. The President serves as the chief executive, and the Supreme Court is the highest judicial body.³

Recognizing the shared governmental structures of Indonesia and the Philippines, this paper will undertake a comparative analysis of their respective legislative bodies. The Indonesian House of Representatives (DPR) and the Philippine House of Representatives (HOR) both serve as the primary lawmaking bodies of their respective nations. This study will examine the similarities and differences in their the primary function of lawmaking, composition, electoral systems, and the extent of their powers.

Within this framework, the study will conduct an in-depth analysis of four key dimensions that distinguish and unite the legislative systems of Indonesia and the Philippines. First, the research will dissect the constitutional foundations governing legislative authority in both nations, including how the 1945 Indonesian Constitution and the 1987 Philippine Constitution define the operational scope of the DPR and HOR in lawmaking, as well as their legal constraints. Second, the study will map the differences in legislative electoral systems, ranging from candidacy mechanisms and geographic representation through Indonesia's open-proportional system which contrasts sharply with the Philippines' district system, to the implications for legislative accountability. Third, the internal structures of both institutions will be unpacked, including a comparison of the role of Indonesia's DPD (Regional Representative Council) as a regional representative body versus the Philippine Senate's national mandate, as well as the composition of membership reflecting each country's sociopolitical diversity. Finally, the research will explore the dynamics of legislative relationships with other branches of power, such as collaborative lawmaking with the executive, budget oversight mechanisms, and judicial intervention through judicial review to assess the constitutionality of laws. Through this comparative approach, the study not only identifies technical distinctions but also reflects on how institutional designs, rooted in each nation's constitutional values, shape their responses to modern democratic challenges.

² Yulistyowati, E., Pujiastuti, E., & Mulyani, T. (2017). Penerapan Konsep Trias Politica Dalam Sistem Pemerintahan Republik Indonesia : Studi Komparatif Atas Undang– Undang Dasar Tahun 1945 Sebelum Dan Sesudah Amandemen. *Jurnal Dinamika Sosial Budaya*, 18(2), 328. <https://doi.org/10.26623/jdsb.v18i2.580>

³ Aparkenthon. (2024). *Sistem Pemerintahan Filipina*. Scribd. <https://www.scribd.com/doc/293305896/Sistem-Pemerintahan-Filipina>

Methods

This normative legal research aims to conduct a comparative analysis of the written constitutional provisions of Indonesia and the Philippines, with particular attention to the powers and functions of the central legislature. The research methodology involves a thorough review of primary legal texts, including the constitutions of both countries, as well as relevant secondary legal literature and empirical data derived from news articles and online sources.

Results and Analysis

The constitutional foundations of legislative power in Indonesia and the Philippines are established in Chapter VIII of the 1945 Indonesian Constitution and Article VI of the 1987 Philippine Constitution, respectively. These provisions provide a comprehensive framework for the composition, powers, duties, functions, qualifications and election process of the legislative bodies. A comparative analysis of these constitutional provisions is presented in the following sections.

A. Legislative powers, responsibilities, and roles of the DPR and the HOR

As the primary lawmaking bodies in their respective nations, the Indonesian DPR and the Philippine HOR share the common function of representing the people and enacting legislation. Both institutions are entrusted with the power to enact legislation, represent the citizenry, and exercise oversight over the executive branch. While their constitutional frameworks exhibit similarities, there are notable differences in the specific powers, procedures, and composition of these legislative bodies. has legislative, budgetary, and oversight functions.⁴ Specifically, the DPR's powers and responsibilities include.⁵

Legislation	Buget	Oversight
1. To formulate the National Legislation Program (Prolegnas)	1. To approve the bill on the state budget (proposed by the President)	1. To conduct oversight of the executive branch's adherence to laws, budgetary allocations, and policy implementation.
2. To draft and deliberate on bills	2. To consider the Regional Representative	
3. To receive bills initiated by the Regional		

⁴ Undang-Undang Dasar Negara Republik Indonesia, (1945). Pasal 20A ayat (1).

⁵ RI, S. D. (2016). Tentang DPR - Dewan Perwakilan Rakyat. [Www.dpr.go.id](http://www.dpr.go.id). <https://www.dpr.go.id/tentang/tugas-wewenang>. *Vide* Undang-Undang Nomor 17 Tahun 2014 tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah dan Dewan Perwakilan Rakyat Daerah, (2023). Pasal 70.

<p>Representative Council (DPD) on matters related to regional autonomy, central-local government relations, the formation, expansion, and merger of regions, the management of natural resources and other natural potentials, and fiscal balance between the central and regional governments.</p> <p>4. To deliberate on bills proposed by the President or the DPD.</p> <p>5. To enact laws jointly with the President.</p> <p>6. To approve or reject government regulations in lieu of laws (proposed by the President also known as PERPPU) for their enactment into law</p>	<p>Council's (DPD) recommendations on bills related to the state budget, taxes, education, and religion</p> <p>3. To follow up on the results of the audit of the management and accountability of state finances as presented by the Supreme Audit Agency (BPK)</p> <p>4. To approve the transfer of state assets and agreements that have a significant impact on the lives of the people and involve state finances.</p>	<p>2. To deliberate on and follow up on the oversight findings of the Regional Representative Council (DPD) regarding the implementation of laws on regional autonomy, the formation, expansion, and merger of regions, the management of natural resources and other natural potentials, the state budget, taxes, education, and religion.</p>
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The HOR, much like the DPR, possesses the legislative function of proposing, deliberating, and passing bills. Both houses also have the budgetary authority to draft legislation related to the national budget, revenue allocation, and public debt.⁶ However, a notable distinction lies in the HOR's lack of authority to grant national approval for presidential proposals, a power vested solely in the DPR.⁷ In terms of oversight, the HOR

⁶ The 1987 Constitution of the Republic of the Philippines, (1987). Article VI section 24.

⁷ The 1987 Constitution of the Republic of the Philippines, (1987). Article VIII Section 21. *Vide* Undang- Undang Nomor 17 Tahun 2014 tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah dan Dewan Perwakilan Rakyat Daerah, (2023). pasal 71 huruf h.

is empowered to conduct investigations into allegations of abuse of power and negligence in governance.⁸

A more detailed elaboration of the powers, duties, and functions of DPR and HOR can be found in their respective implementing laws. In Indonesia, Law No. 17 of 2014 (UU No.17 Tahun 2014 tentang MPR, DPR, DPD dan DPRD) provides a comprehensive framework, while in the Philippines, *the Rules of the House of Representatives (17th Congress)* offers specific guidelines. These subsidiary legislations further elucidate the powers and responsibilities of both legislative bodies as follows:

1. Law No. 17 of 2014 of Indonesia

- a. The DPR has three primary functions: legislation (enacting laws), budgeting (approving the national budget), and oversight (monitoring the implementation of laws and the budget).⁹
- b. The DPR is vested with fourteen powers which broadly encompass lawmaking, oversight of the government, foreign relations, and the appointment of certain officials.¹⁰
- c. The DPR has eight primary responsibilities, which generally involve lawmaking, government oversight, representing the interests of the people, and managing public finances.¹¹

2. Rules of House of Representative 17th Congress of Philippines

The Rules of the House of Representatives provide a detailed framework for the HOR's core functions, which encompass lawmaking, oversight of the executive branch, and representation of the citizenry. Specifically, Rule II, Section 7 outlines the HOR's duties, including

- a. To prepare, introduce, and advocate for legislation designed to effectively address social, political, and economic needs and concerns.
- b. To attend plenary sessions and committee meetings of which they are members, or where legislation they have introduced is under consideration.
- c. To actively participate in legislative deliberations.

⁸ None Ibnu Kuncoro, & None Ninuk Wijiningsih. (2024). Perbandingan Sistem Parlemen Bikameral Di Indonesia Dan Filipina. *Reformasi Hukum Trisakti*, 6(1), 351–363. <https://doi.org/10.25105/refor.v6i1.19180>

⁹ Undang-Undang Nomor 17 Tahun 2014 tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah dan Dewan Perwakilan Rakyat Daerah, (2023). Pasal 69-70.

¹⁰ *Ibid.* Pasal 71.

¹¹ *Ibid.* Pasal 71.

- d. To faithfully articulate the demands and interests of their constituents and other sectors affected by proposed legislation or by conditions, issues, and concerns requiring legislative action.
- e. To secure, by all lawful means, all relevant data and information necessary for determining and formulating appropriate legislative actions and measures on public issues and concerns.
- f. To provide information to the public regarding the performance of their legislative functions and the interests of their constituents.
- g. To carry out such other lawful functions and activities as may be necessary to ensure the expeditious enactment of legislation required to effectively address social, political, and economic needs, promote national development, and ensure efficient and timely legislative oversight.

Based on the foregoing analysis, it can be concluded that the DPR possesses a broader range of powers and functions compared to the HOR. While both institutions serve as legislative bodies that share the fundamental function of lawmaking, the DPR's constitutional mandate is more expansive. Although subsidiary legislation governing both houses may exhibit similarities, the HOR's powers are often circumscribed by the more dominant role of the Senate in the Philippine political system.

B. Electoral systems for the DPR and the HOR

The Indonesian Constitution adopts a more general approach to the qualifications of its legislators, merely requiring that members of the House of Representatives shall be elected through general elections.¹² The Philippine Constitution, however, imposes more exacting qualifications for senators, including specific requirements regarding citizenship, age, literacy, and residency.¹³ These distinct constitutional provisions highlight the varying degrees to which the two countries have chosen to delineate the qualifications for legislative office, likely reflecting differences in their historical and political developments.

While both the DPR and the HOR are elected bodies, their electoral systems differ significantly. The Indonesian DPR exclusively adopts an open-list proportional

¹² Undang-Undang Dasar Negara Republik Indonesia, (1945). Pasal 19 ayat (1).

¹³ The 1987 Constitution of the Republic of the Philippines, (1987). Article VI Section 6. This section elaborate that specific qualifications for senators, requiring them to be natural-born Filipino citizens, at least 25 years old, literate (except those belonging to a party), registered voters in their respective districts, and actual residents thereof for at least one year immediately preceding the election.

representation system, ensuring that all members are affiliated with political parties.¹⁴ The Philippine HOR, on the other hand, incorporates both party-list and district representation, allowing for a mix of party-affiliated and independent candidates.¹⁵ As a result, the DPR is strictly a party-based legislature, whereas the HOR offers a more nuanced form of representation that includes both party and sectoral interests.

C. Representative composition of the DPR and the HOR

The DPR comprises 580 members serving five-year terms, although this specific number is not explicitly stipulated in the constitution but rather in subordinate legislation.¹⁶ Conversely, the HOR consists of 250 members with a three-year term limit, allowing for a maximum of three consecutive terms.¹⁷ This term limit ensures a rotation of leadership and prevents the concentration of power in the hands of a few individuals. While dynastic politics remains prevalent in Philippine elections,¹⁸ the term limit serves as a mechanism to mitigate the accumulation of excessive power and to prevent the corruption often associated with absolute power.

D. Inter-branch relationships of the DPR and the HOR

The Indonesian system of government is characterized by a separation of powers among the legislative, executive, and judicial branches. The DPR, as the primary lawmaking body, interacts with the other branches in a dynamic interplay and complex system of checks and balances designed to ensure accountability and prevent the concentration of power. These interactions can be summarized as follows:

1. The relationship between the DPR and the executive is most evident in the legislative process. The DPR is responsible for lawmaking, while the president has the power to initiate legislation and to approve bills passed by the DPR.¹⁹ In the budgetary process, the DPR formulates and approves the national budget as proposed by the president, who

¹⁴ Sitohang, J. (2018). Pemilu dalam transisi demokrasi Indonesia: catatan isu dan kontroversi. Deepublish. dikutip dari Apa Itu Sistem Proporsional Terbuka dalam Pemilu? (2023, June 15). CNN Indonesia; [cnnindonesia.com. https://www.cnnindonesia.com/edukasi/20230615133854-561-962248/apa-itu-sistem-proporsional-terbuka-dalam-pemilu](https://www.cnnindonesia.com/edukasi/20230615133854-561-962248/apa-itu-sistem-proporsional-terbuka-dalam-pemilu). *Vide* Undang-Undang Nomor 17 Tahun 2014 tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah dan Dewan Perwakilan Rakyat Daerah, (2023). Pasal 67.

¹⁵ The 1987 Constitution of the Republic of the Philippines, (1987). Article VI Section 5.

¹⁶ Undang-Undang Nomor 17 Tahun 2014 tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah dan Dewan Perwakilan Rakyat Daerah, (2023). Pasal 76. *Vide* Peraturan KPU Nomor 6 Tahun 2023 tentang Daerah Pemilihan dan Alokasi Kursi Anggota Dewan Perwakilan Rakyat, Dewan Perwakilan Rakyat Daerah Provinsi dan Dewan Perwakilan Rakyat Daerah Kabupaten/Kota dalam Pemilihan Umum tahun 2024, (2023).

¹⁷ The 1987 Constitution of the Republic of the Philippines, (1987). Article VI Section 5.

¹⁸ Go, M. G. (2024, October 16). [OPINION] My problem with Vilma Santos endorsing her sons. RAPPLER. <https://www.rappler.com/philippines/elections/opinion-problem-vilma-santos-endorsing-sons-political-dynasties/>

¹⁹ Undang-Undang Dasar Negara Republik Indonesia, (1945). Pasal 5 ayat (1) dan Pasal 20.

then executes it.²⁰ Furthermore, the DPR exercises oversight over the executive branch and must approve various presidential initiatives, such as international treaties, declarations of war, and others.²¹

2. The relationship between the DPR and the judiciary is evident in the legislative process. The DPR is responsible for enacting laws that are consistent with the constitution, while the judiciary has the authority to review these laws for both substantive and procedural conformity.²² Additionally, judicial precedents can serve as a guide for the DPR in carrying out its legislative functions.

The HOR also interacts significantly with the other branches of government as outlined in the Philippine Constitution. In relation to the judiciary, the HOR, together with the Senate, has the authority to define the jurisdiction of the Supreme Court and lower courts, provided that such jurisdiction is not constitutionally prescribed.²³ Additionally, the HOR, in conjunction with the Senate, determines the qualifications for judges in lower courts.²⁴ Regarding the executive branch, bills passed by the HOR are subject to presidential approval or veto.²⁵ However, unlike the Indonesian legislative process, the Philippine President's role is limited to the final stages of the lawmaking process. Once a bill has been passed by both houses of Congress, it becomes law even without the president's signature after a specified period.²⁶

The analysis reveals that Indonesia operates under a system of shared powers, where the legislative, executive, and judicial branches enjoy a degree of parity. However, the Philippine system is characterized by a separation of powers that grants the presidency a more dominant role. The Philippine Constitution, unlike its Indonesian counterpart, appears to prioritize presidential authority over that of the legislature and judiciary.

Conclusion

Both the House of Representatives in Indonesia (DPR) and the House of Representatives in the Philippines (HOR) play a pivotal role in the legislative process, representing the interests of the people and exercising oversight over the government. A significant distinction lies in the DPR's unique authority to grant national approval for presidential initiatives, a power not

²⁰ *Ibid.* Pasal 23 ayat (2).

²¹ *Ibid.* Pasal 11.

²² *Ibid.* Pasal 24 ayat (1) dan Pasal 24C ayat (1).

²³ The 1987 Constitution of the Republic of the Philippines, (1987). Article VIII Section 2.

²⁴ *Ibid.* Article VIII Section 7 (2).

²⁵ *Ibid.* Article VII Section 27 (1).

²⁶ Undang-Undang Dasar Negara Republik Indonesia, (1945). Pasal 20 ayat (5).

vested in the HOR. Members of the Indonesian DPR and the Philippine HOR are both elected by their respective constituencies. However, the DPR is characterized by a more partisan representation, with members typically affiliated with political parties. In contrast, the HOR includes a greater proportion of non-partisan members who are elected based on their individual merits and may not be affiliated with a particular political party. The Indonesian Constitution establishes the DPR as a legislative body, but leaves the exact number of its members to be determined by subsequent legislation. Consequently, the current number of DPR members is 580, with a five-year term. In contrast, the Philippine Constitution directly specifies the size and term of the HOR, setting it at 250 members with a three-year term and a three-term limit. Indonesia's constitutional framework is grounded in the principle of the separation of powers, ensuring a horizontal distribution of authority among the legislative, executive, and judicial branches. In contrast, the Philippine system, while also adopting the principle of separation of powers, tends towards a presidential system that grants the executive branch greater authority and influence.

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