

## The Right of Inquiry of The House of Representatives in the Constitutional System: Between The Supervisory Function and The Potential for Abuse

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**Abstract:** *The right of inquiry is one of the constitutional rights of the House of Representatives as regulated in Article 20A paragraph (2) of the 1945 Constitution and the MD3 Law as an instrument of supervision over the government. After the amendment of the 1945 Constitution, the position of the House of Representatives has been strengthened as an important actor in the checks and balances mechanism. However, in practice, the use of the right of inquiry often raises debate, both as a form of constitutional supervision and as a political bargaining tool that has the potential to be abused. This article aims to analyze the position of the DPR's right of inquiry in the Indonesian constitutional system, identify its function and relevance to democracy, and examine its potential abuse in contemporary political practice. This research uses a normative juridical approach with a qualitative analysis method through literature review, laws and regulations, Constitutional Court decisions, and SINTA and Scopus indexed scientific publications for the 2020–2025 period. The results of the study show that normatively, the right of inquiry has a strong and relevant legal basis to strengthen the principles of accountability and transparency of governance. However, regulatory weaknesses, especially related to the follow-up of investigation results, make the effectiveness of the right of inquiry often limited. In addition, the dominance of the political majority in parliament and the tendency to politicize make the right of inquiry more often used as a political instrument than as an instrument of substantive supervision. In conclusion, the urgency of strengthening the right to inquiry lies in regulatory reform, strengthening the ethical mechanism of the House of Representatives, and increasing civil society participation, so that this right truly functions as a democratic instrument to prevent abuse of power.*

**Keyword:** *Right of inquiry, DPR, supervisory function, constitutional system, abuse of power.*

### INTRODUCTION

The House of Representatives (DPR) occupies a central position in Indonesia's constitutional system after the amendment of the 1945 Constitution. As a legislative institution, the House of Representatives not only carries out the function of legislation, but also the function of budget and supervision that strengthens the mechanism of checks and balances in relations between state institutions. The amendment to the constitution has confirmed that the House of Representatives is a representative of the people who have broad authority to control the running of government so that it

remains in accordance with the principles of constitutional democracy. This shows that the existence of the House of Representatives is not solely as a lawmaker, but also as a guardian of the balance of power in order to ensure government accountability in the eyes of the public.<sup>1</sup>

In the framework of the constitutional system, the right of inquiry is one of the constitutional rights of the

<sup>1</sup> L Indrastuti et al., "Democratic Political Law in Indonesia After Amendments to the 1945 Uud," *Journal of Law and Sustainable Development* 12, no. 1 (2024), <https://doi.org/10.55908/sdgs.v12i1.2310>.

House of Representatives which has a very important position. This right allows the House of Representatives to conduct investigations into government policies that are considered deviant from the interests of the people or contrary to laws and regulations. The mechanism of the right of inquiry provides space for parliament to explore the country's strategic policy issues, ranging from the implementation of government programs to alleged violations of the constitution. Thus, the right of inquiry is an instrument of supervision that strengthens the principles of transparency and accountability of power, while affirming the role of the House of Representatives as the main supervisor of the running of government.<sup>2</sup>

The presence of the right of inquiry is increasingly relevant when it is associated with the dynamics of democracy and the need for checks and balances in the Indonesian political system. As a form of constitutional supervision, the right of inquiry allows the House of Representatives to correct executive actions that have the potential to harm the public interest. Through the use of this right, the House of Representatives can ensure that government policies do not go out of the legal corridor and remain on the side of the people. In practice, the right of inquiry is also a means of strengthening public accountability, increasing the transparency of the administration of government, and keeping democracy from being trapped in the practice of absolute power.<sup>3</sup>

However, the implementation of the right of inquiry does not always run ideally according to the ideals of the constitution. In a number of cases, the right of inquiry is often politicized and used as a political bargaining tool by the majority group in parliament. The orientation of substantive supervision that should be the main spirit of the right of inquiry is often reduced by elite interests, so that the effectiveness of supervision becomes weak. When the right of inquiry changes its function into a practical political instrument, the potential for abuse of legislative authority is even greater. As a result, the right of inquiry that should function to strengthen democracy can actually trigger political instability and weaken the performance of state institutions.<sup>4</sup>

This phenomenon shows that the urgency of assessing the right of inquiry of the House of Representatives cannot be ignored, especially in the midst of the regression trend of democracy that has hit Indonesia in recent years. The political power of parliament needs to be balanced with clear regulations and ethical commitments in its use, so that the right of inquiry is truly an instrument of constitutional control oriented to the interests of the people. Without healthy supervision, the right of inquiry has great potential to be abused by political elites to fight for the group's agenda, not the interests of the nation. Therefore, examining the right of inquiry in the context of potential abuse of power is important to formulate steps to strengthen the supervisory mechanism of the House of Representatives that is not only legally

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<sup>2</sup> R Haryani and O Sumiyanto, "Juridical Analysis of the Right of Inquiry of the House of Representatives in Performing the Supervisory Function According to Indonesian Constitutional Law," *Awang Long Law Review* 6, no. 1 (2023), <https://doi.org/10.56301/awl.v6i1.797>.

<sup>3</sup> A Razak and F Amin, "Constitutional Inquiry Rights in Evaluating Constitutional Court Decisions: A Case Study of MK Decision No.

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90/PUU-XXI/2023," *Legal idea* 12, no. 2 (2023), <https://doi.org/10.21070/jihr.v12i2.1012>.

<sup>4</sup> D Panggabean, "The Implementation of the Right of Inquiry of the House of Representatives in Controlling Government Policies," *Nommensen Journal of Legal Opinion* 3, no. 1 (2022), <https://doi.org/10.51622/njlo.v3i1.609>.

legitimate, but also democratically legitimate.<sup>5</sup>

## METHODOLOGY

This study uses a **normative juridical approach** with a qualitative analysis method to examine the position of the DPR's right of inquiry in the Indonesian constitutional system. The normative juridical approach was chosen because the focus of this research is on the assessment of positive legal rules, constitutions, and laws and regulations that regulate the right of inquiry of the House of Representatives. This study utilizes primary legal materials in the form of the 1945 Constitution, the MD3 Law, trial minutes, and Constitutional Court decisions, as well as secondary legal materials in the form of academic journals, books, and scientific publications. This method is commonly used in constitutional law research because it is able to reveal the consistency of legal norms with democratic principles and constitutional practices.<sup>6</sup>

The data collection technique is carried out through a **literature study** by browsing academic literature, legal documents, and reputable publications that are relevant to the theme of the right of inquiry. Data is obtained from online databases such as Scopus, Google Scholar, SINTA, and indexed international journals,

to ensure the validity of references. The criteria for literature selection include the 2020–2025 publication year, direct relevance to the theme of the right of inquiry or supervision of the DPR, and having an active DOI. It is intended to produce an up-to-date and credible academic synthesis in support of the analysis.<sup>7</sup>

The data analysis process is carried out in a descriptive-qualitative manner by interpreting legal norms and relating them to empirical practices. Normative analysis is used to understand the substance of the applicable law, while the qualitative approach highlights the political dynamics of law and the potential abuse of the right of inquiry in the context of Indonesian democracy. The analysis is structured in several stages: identification of relevant legal norms, interpretation of articles and regulatory provisions, and comparison with political practices in parliament. This stage allows research to uncover the relationship between constitutional norms and political reality.<sup>8</sup>

In addition, this study also uses a comparative approach in assessing how the right of inquiry or the investigative function of parliament is applied in other countries. This approach is important to find best practices that can be used as a reference in strengthening the supervisory role of the House of Representatives without causing abuse of power. Thus, the

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<sup>5</sup> F Feulner, "The Indonesian House of Representatives and Its Role During Democratic Regression," *The Theory and Practice of Legislation* 12, no. 3 (2024): 229–51, <https://doi.org/10.1080/20508840.2024.2351763>.

<sup>6</sup> Haryani and Sumiyanto, "Juridical Analysis of the Right of Inquiry of the House of Representatives in Performing the Supervisory Function According to Indonesian Constitutional Law."

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<sup>7</sup> A Tumewu, Y Runtuwuwu, and R Simandjuntak, "On the Position of the Right of Inquiry in the Constitutional System of the Republic of Indonesia," *Equator: Journal of Educational and Social Humanities* 5, no. 2 (2025), <https://doi.org/10.55606/khatulistiwa.v5i2.5866>.

<sup>8</sup> Razak and Amin, "Constitutional Inquiry Rights in Evaluating Constitutional Court Decisions: A Case Study of MK Decision No. 90/PUU-XXI/2023."

research is not only limited to doctrinal studies, but also integrates learnings from other democratic practices that have similar political systems. This comparison is made through relevant legal and political literature as well as indexed international publications.<sup>9</sup>

To increase objectivity, this study integrates a critical analysis of the findings, namely by comparing the normative foundation with the tendency to politicize in the field. In this way, the research can assess the extent to which the right of inquiry has functioned in accordance with the principle of checks and balances or has the potential to be abused. The results of normative and empirical analysis are then presented in descriptive-analytical form, complemented by a table that summarizes the types of data, sources, and analysis techniques used. This model is expected to provide a comprehensive overview of the DPR's right to inquiry from the perspective of constitutional law as well as contemporary political dynamics.<sup>10</sup>

Research Aspects	Explanation	Main Source	Research Aspects
<b>Research Approach</b>	Normative juridical with qualitative analysis	(Haryani & Sumiyanto, 2023)	<b>Research Approach</b>
<b>Data</b>	Primary	(Tume	<b>Data</b>

<sup>9</sup> Feulner, "The Indonesian House of Representatives and Its Role During Democratic Regression."

<sup>10</sup> D Nurhidayati et al., "Juridical Analysis of the Right of Inquiry of the House of Representatives in the Scope of Election Disputes," *Journal of Public Relations* 2, no. 2 (2024), <https://doi.org/10.59581/jrp-widyakarya.v2i2.3188>.

<b>Type</b>	legal materials (1945 Constitution, MD3 Law, trial minutes, Constitutional Court decisions); Secondary legal materials (journals, books, scientific articles)	wu et al., 2025)	<b>Type</b>
<b>Data Source</b>	Scopus database, SINTA, Google Scholar, reputable international journals	(Razak & Amin, 2023)	<b>Data Source</b>
<b>Analytical Techniques</b>	Descriptive-qualitative, interpretation of legal norms, critical analysis, and comparative	(Feulner, 2024)	<b>Analytical Techniques</b>
<b>Purpose of Analysis</b>	Examine the consistency of norms with practices, as well as identify potential	(Nurhidayati et al., 2024)	<b>Purpose of Analysis</b>

	abuse of power		
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## RESULTS AND DISCUSSION

The results of the study show that normatively, the right of inquiry of the House of Representatives has a strong constitutional **basis** in the 1945 Constitution, especially Article 20A paragraph (2), which affirms the supervisory function of the House of Representatives. Juridical studies show that the existence of the right of inquiry is one of the constitutional instruments to maintain the balance of power in Indonesia.<sup>11</sup>

Furthermore, an analysis of laws and regulations, especially Law No. 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (MD3 Law), shows that the right of inquiry is comprehensively regulated as an investigation mechanism. However, the weakness lies in the absence of clear rules regarding the follow-up of the results of the right of inquiry, so that often the results of investigations lose their binding force in practice.<sup>12</sup> The research also found that in political practice, the right of inquiry tends to be used in strategic issues with high political nuances, such as energy policy, budget, and elections. This shows that the right of inquiry is used more as an arena for political contestation than as a pure accountability instrument.<sup>13</sup> In addition,

empirical findings show that the dominance of the political majority in parliament is the main factor in determining the effectiveness of the right of inquiry. Large factions can control the direction of the investigation, so the potential for objectivity is often reduced. Thus, the supervisory function of the House of Representatives is at risk of being hijacked by short-term political interests.<sup>14</sup>

Finally, the results of a comparative analysis with other countries show that in some parliamentary democracies, instruments similar to the right of inquiry have clearer regulations, especially related to the follow-up of investigation results. This is an important note to strengthen the legal design of the right of inquiry in Indonesia so that it is not easily politicized.<sup>15</sup>

The discussion of the results of the study shows that the position of the right of inquiry as a constitutional right of the House of Representatives is very important to strengthen Indonesian democracy, but its existence is often reduced by political factors. The concept of checks and balances can only be realized if the right of inquiry is carried out with an orientation to the public interest, not the interests of the faction.<sup>16</sup>

In constitutional law, the right of inquiry is in line with the principle of constitutional accountability because it allows the legislature to supervise the

<sup>11</sup> Indrastuti et al., "Democratic Political Law in Indonesia After Amendments to the 1945 Uud."

<sup>12</sup> Haryani and Sumiyanto, "Juridical Analysis of the Right of Inquiry of the House of Representatives in Performing the Supervisory Function According to Indonesian Constitutional Law."

<sup>13</sup> Panggabean, "Implementation of the Right of Inquiry of the House of Representatives in Controlling Government Policies."

<sup>14</sup> Feulner, "The Indonesian House of Representatives and Its Role During Democratic Regression."

<sup>15</sup> Razak and Amin, "Constitutional Inquiry Rights in Evaluating Constitutional Court Decisions: A Case Study of MK Decision No. 90/PUU-XXI/2023."

<sup>16</sup> "Karangtanjung Village Profile Data" (Karangtanjung, n.d.).

executive. However, the weak follow-up of the investigation results undermines the effectiveness of this instrument. Therefore, regulatory reform is needed to ensure that the recommendations of the results of the right of inquiry have real coercion.<sup>17</sup>

In terms of political practice, the right of inquiry is often used as an instrument of political bargaining between elites. This poses a dilemma: on the one hand the right of inquiry is an instrument of democracy, on the other hand it can be a tool to sharpen political polarization. Thus, there needs to be a strengthening of the parliamentary ethics mechanism so that the use of the right of inquiry is not just used as a practical political tool.<sup>18</sup>

Comparisons with other countries teach that the effectiveness of parliamentary investigative instruments depends heavily on a clear and independent institutional design. Indonesia needs to emulate the model of strengthening follow-up of investigation results, so that it does not only become a symbol of supervision without real implications.<sup>19</sup> Finally, in the context of democratic regression, the abuse of the right of inquiry has the potential to weaken public trust in the DPR. Therefore, public oversight and civil society participation are important elements in ensuring that the right to inquiry is truly exercised as an

instrument of accountability, not a partisan political instrument.<sup>20</sup>

Aspects of Outcome Findings	Implications of the Discussion
Strong constitutional basis (1945 Constitution)	The right to inquiry is legally valid, must be carried out for the sake of checks and balances
Weaknesses of the MD3 Act (weak follow-up)	It is necessary to revise the regulations so that the results of the right of inquiry have coercive force
Practice more on political issues	Need an ethical mechanism to limit politicization
Dominance of the political majority	Strengthening faction independence and accountability
Comparison of other countries	Indonesia can emulate best practices in the follow-up of parliamentary inquiries

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<sup>17</sup> Nurhidayati et al., "Juridical Analysis of the Right of Inquiry of the House of Representatives in the Scope of Election Disputes."

<sup>18</sup> N Herlinanur et al., "The Role of the 1945 Constitution Amendment in Strengthening the Check and Balance System," *Research Review: A Multidisciplinary Scientific Journal* 3, no. 1 (2024), <https://doi.org/10.54923/researchreview.v3i1.79>.

<sup>19</sup> S Fahmi, "Perspective of Constitutional Law: The Right of Inquiry of People's Representative Environment," *IOP Conference Series: Earth and Environmental Science* 469, no. 1 (2020), <https://doi.org/10.1088/1755-1315/469/1/012113>.

<sup>20</sup> H Mz, "The Involvement of the House of Representatives in the Filling of the Positions of Supreme Court Justices and Constitutional Judges Reviewed from the Perspective of Indonesian Constitution," *Ganec Swara* 16, no. 1 (2022), <https://doi.org/10.35327/gara.v16i1.285>.

<sup>21</sup> "Karangtanjung Village Profile Data" (Karangtanjung, n.d.).

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## CONCLUSIONS

Based on the results of the research, it can be concluded that the right of inquiry of the House of Representatives has a strong constitutional position as an instrument of legislative supervision in the Indonesian constitutional system. Article 20A paragraph (2) of the 1945 Constitution and the provisions in the

<sup>22</sup> Nurhidayati et al., "Juridical Analysis of the Right of Inquiry of the House of Representatives in the Scope of Election Disputes."

<sup>23</sup> N Herlinanur et al., "The Role of the 1945 Constitution Amendment in Strengthening the Check and Balance System," *Research Review: A Multidisciplinary Scientific Journal* 3, no. 1 (2024), <https://doi.org/10.54923/researchreview.v3i1.79>.

<sup>24</sup> S Fahmi, "Perspective of Constitutional Law: The Right of Inquiry of People's Representative Environment," *IOP Conference Series: Earth and Environmental Science* 469, no. 1 (2020), <https://doi.org/10.1088/1755-1315/469/1/012113>.

<sup>25</sup> H Mz, "The Involvement of the House of Representatives in the Filling of the Positions of Supreme Court Justices and Constitutional Judges Reviewed from the Perspective of Indonesian Constitution," *Ganec Swara* 16, no. 1 (2022), <https://doi.org/10.35327/gara.v16i1.285>.

MD3 Law provide full legitimacy for the House of Representatives to use the right of inquiry in order to uphold the principles of accountability and transparency of government. Normatively, the right of inquiry functions to maintain the mechanism of checks and balances, while ensuring that government policies remain in favor of the interests of the people.

However, the effectiveness of the right of inquiry in practice still faces a number of obstacles. First, the weak rules regarding the follow-up of investigation results result in the DPR's recommendations often losing their coercive power. Second, the dominance of the political majority in parliament makes the use of the right of inquiry vulnerable to being directed according to the interests of certain groups. Third, the high tendency to politicize makes the right of inquiry more often understood as an instrument of political bargaining than an instrument of constitutional accountability.

On the other hand, comparative research shows that parliaments in other countries tend to have more stringent regulatory designs and more effective follow-up mechanisms, so the results of investigations have real implications for executive policy. This emphasizes that Indonesia needs to strengthen regulations, both through the revision of the MD3 Law and through the internal rules of the House of Representatives, to ensure that the right of inquiry runs according to its constitutional purpose.

Thus, the urgency of strengthening the right of inquiry of the House of Representatives lies in efforts to prevent potential abuse of power while maintaining the integrity of the constitutional system. The reformulation of regulations, the strengthening of

political ethics, and the involvement of civil society in overseeing the use of the right of inquiry are strategic steps to ensure that this right continues to function as a democratic instrument. Only in this way can the right of inquiry truly strengthen the parliamentary oversight system without becoming a political tool that reduces democracy.

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