

***LEGISLATIVE OVERSIGHT THROUGH THE RIGHT OF INQUIRY IN  
INDONESIA'S CONSTITUTIONAL FRAMEWORK***

**PENGAWASAN LEGISLATIF MELALUI HAK PENYIDIKAN DALAM  
KERANGKA KONSTITUSI INDONESIA**

**Ridwan Syaidi**

**Universitas Pertiba Pangkalpinang**

Korespondensi Penulis : [syaidi.ridwan@gmail.com](mailto:syaidi.ridwan@gmail.com)

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**ABSTRAK**

Hak angket adalah hak konstitusional Dewan Perwakilan Rakyat (DPR) untuk melakukan penyelidikan terhadap pelaksanaan undang-undang dan/atau kebijakan pemerintah yang berkaitan dengan hal-hal yang penting dan strategis yang dapat berdampak signifikan terhadap kehidupan sosial, nasional, dan kenegaraan, terutama ketika diduga bertentangan dengan peraturan perundang-undangan. Urgensi penelitian ini terletak pada kenyataan bahwa Pemilu 2024 merupakan momen krusial dalam konsolidasi demokrasi Indonesia, di mana kebijakan pemerintah terkait penyelenggaraan pemilu telah menjadi bahan perdebatan publik dan kontestasi politik. Potensi penyalahgunaan kekuasaan atau penyimpangan dari peraturan perundang-undangan dalam konteks ini menekankan pentingnya menelaah peran pengawasan DPR melalui pelaksanaan hak angket. Penelitian ini bertujuan untuk menganalisis penggunaan hak angket DPR terhadap kebijakan pemerintah yang terkait dengan pelaksanaan Pemilu 2024. Penelitian ini menggunakan penelitian hukum normatif (penelitian kepustakaan), dengan merujuk pada peraturan perundang-undangan, literatur hukum, dan referensi relevan lainnya. Secara doktrinal, sistem pemerintahan menggambarkan hubungan antara pemegang kekuasaan eksekutif dan legislatif. Dalam melaksanakan perannya secara konstitusional, DPR diberikan tiga hak utama: interpelasi, penyelidikan, dan pendapat. Dalam sistem parlementer maupun presidensial, hak penyelidikan berfungsi sebagai wujud pengawasan legislatif terhadap eksekutif sebagai pemegang kekuasaan pemerintahan. Pengawasan ini diperlukan karena eksekutif bertanggung jawab atas pelaksanaan pemerintahan sehari-hari, baik yang berasal langsung dari mandat legislatif maupun dari kebijakan yang dirumuskan secara mandiri oleh eksekutif. Dalam konteks Pemilihan Umum 2024, pelaksanaan hak ini sangat penting untuk memastikan transparansi, akuntabilitas, dan perlindungan prinsip-prinsip demokrasi.

**Kata Kunci : Hak Pertanyaan, Dewan Perwakilan Rakyat (DPR), Lembaga Perwakilan, Kebijakan Pemerintah, Pemilihan Umum**

### **ABSTRACT**

*The right of inquiry (hak angket) is the constitutional right of the House of Representatives (DPR) to conduct investigations into the implementation of laws and/or government policies concerning important and strategic matters that may significantly affect social, national, and state life, especially when suspected of contradicting statutory regulations. The urgency of this research lies in the fact that the 2024 General Elections represent a crucial moment in Indonesia's democratic consolidation, where government policies related to election management have become the subject of public debate and political contestation. The potential misuse of power or deviation from statutory regulations in this context highlights the importance of examining the DPR's oversight role through the exercise of the right of inquiry. This study aims to analyze the use of the DPR's right of inquiry against government policies related to the implementation of the 2024 General Elections. The research employs normative legal research (library research), drawing upon statutory regulations, legal literature, and other relevant references. Doctrinally, the governmental system delineates the relationship between the holders of executive and legislative powers. In performing its constitutional role, the DPR is vested with three main rights: interpellation, inquiry, and opinion. In both parliamentary and presidential systems, the right of inquiry serves as a manifestation of legislative oversight of the executive as the holder of governmental authority. This oversight is necessary because the executive is responsible for the day-to-day implementation of governance, whether derived directly from legislative mandates or from policies formulated independently by the executive. In the context of the 2024 General Elections, the exercise of this right is essential to ensure transparency, accountability, and the protection of democratic principles.*

**Keywords: Right of Inquiry, House of Representatives (DPR), Representative Institution, Government Policy, General Elections**

### **A. PENDAHULUAN**

Indonesia is a constitutional state (*rechtstaat*), where governmental power is limited by the Constitution to prevent concentration and potential abuse of authority. In this framework, the House of Representatives (DPR) is entrusted with three core functions—legislation, budgeting, and oversight—which are mutually interconnected. The oversight function, as mandated in Article 20A of the 1945 Constitution and further elaborated in Law No. 17 of 2014 (MD3 Law), is implemented through three specific rights: the Right of Interpellation, the Right of Inquiry, and the Right to Express an Opinion. Among these, the *Right of Inquiry (hak angket)* serves as an important instrument for legislative oversight of executive power, enabling the DPR to investigate government policies suspected of conflicting with statutory regulations. Although historically its use was rare, in the

post-amendment era of the 1945 Constitution its application has become more significant, reflecting the dynamic of checks and balances in Indonesia's presidential system.

This study focuses on analyzing the implementation of the DPR's *Right of Inquiry* in relation to government policies concerning the **2024 General Elections**, a crucial democratic event with wide-ranging implications for governance, political accountability, and the preservation of constitutional principles. The research employs normative legal analysis, drawing on statutory regulations, constitutional doctrine, and relevant literature, to evaluate how the *Right of Inquiry* functions as a legislative oversight mechanism in safeguarding democratic integrity.

This study employs a normative legal research method, also known as doctrinal research. Normative legal research is characterized by its focus on legal documents, including statutory regulations, court decisions, legal theories, and the opinions of prominent scholars. It conceptualizes law as a system of norms and examines its structure with particular emphasis on the effectiveness of such norms when implemented in practice.

Normative legal research analyzes law as a normative framework applicable within society through the enactment of legislation. The legal materials or data in this study are organized systematically, examined thoroughly, and subsequently drawn into conclusions in relation to the issues under investigation.

Based on this approach, the research is descriptive-analytical in nature, meaning it seeks to describe and analyze the collected data systematically, factually, and accurately with regard to the implementation of the Right of Inquiry (*Hak Angket*) by the House of Representatives of the Republic of Indonesia, as part of efforts to realize good governance and a sound system of government.

## **B. PEMBAHASAN**

### **1. The Constitutional Basis of the Right of Inquiry**

The Right of Inquiry (*Hak Angket*) is explicitly recognized in **Article 20A paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945)**, which provides the DPR with three oversight instruments: the Right of Interpellation, the Right of Inquiry, and the Right to the Express an Opinion.

Further regulation is set forth in **Article 79 paragraph (3) of Law No. 17 of 2014 (the MD3 Law)**, which defines the Right of Inquiry as the authority of the DPR to investigate the implementation of laws and/or government policies concerning important and strategic matters with broad social, national, and state impact, which are suspected to contradict statutory regulations.

This legal basis affirms that the Right of Inquiry is not merely a political tool, but a constitutional mechanism intended to uphold the principle of *checks and balances* within Indonesia's presidential system. It serves to ensure that government policies remain consistent with laws and democratic principles.

## **2. Historical Use of the Right of Inquiry in Indonesia**

In practice, the DPR has rarely exercised the Right of Inquiry throughout Indonesian constitutional history. During the Old Order and New Order periods, its use was highly restricted due to the dominant power of the executive. Post-Reformasi, the Right of Inquiry has been utilized more actively, though still sparingly, in cases such as the **Bank Century bailout (2009)** and **fuel subsidy policies (2014)**.

These cases demonstrate that the Right of Inquiry is usually invoked when government policies are perceived to involve substantial public interest and raise suspicions of irregularities. However, they also reveal the political dimensions of its use, as the initiation and outcome of an inquiry often depend on the alignment of party interests within the DPR.

## **3. Relevance to the 2024 General Elections**

The 2024 General Elections marked the largest and most complex electoral process in Indonesian history, involving simultaneous elections for the President, Vice President, DPR, DPD, and Regional DPRD. Several controversial government policies raised concerns about neutrality and fairness, including:

- **Distribution of Social Assistance (Bansos)** during the election period, suspected of being used to benefit certain political actors.
- **Use of state apparatus and facilities** in ways that allegedly favored particular candidates.
- **Legal and regulatory ambiguities**, such as controversies surrounding the Constitutional Court's decision on presidential candidate eligibility.

- These issues highlight the urgency of parliamentary oversight. The Right of Inquiry becomes particularly relevant as it provides the DPR with the authority to investigate whether such policies were conducted in line with the law and whether they undermined the integrity of the electoral process.

#### **4. Doctrinal Analysis: Oversight and Checks and Balances**

Doctrinally, the Right of Inquiry is a manifestation of the legislative oversight function. In both parliamentary and presidential systems, legislative oversight is directed toward the executive branch, which implements day-to-day governance. In Indonesia's presidential system, this oversight is crucial given the strong position of the President as head of government.

The use of the Right of Inquiry in the context of the 2024 General Elections represents an effort to ensure **accountability, transparency, and neutrality** in electoral governance. By exercising this right, the DPR seeks to:

- a. Safeguard the integrity of electoral processes.
- b. Prevent the abuse of state resources for electoral gain.
- c. Reinforce public trust in democratic institutions.

#### **5. Challenges in Implementation**

Despite its constitutional foundation, the practical implementation of the Right of Inquiry faces several challenges:

**Political Fragmentation:** The DPR's composition, dominated by political parties with vested electoral interests, often hinders the formation of a unified stance on launching an inquiry.

**Executive-Legislative Relations:** In a presidential system, inquiries can strain relations between the DPR and the President, particularly when coalition parties dominate parliament.

**Public Perception:** There is often skepticism that inquiries serve partisan objectives rather than genuine oversight, which can undermine their legitimacy.

**Legal Limitations:** While the DPR may investigate, its recommendations are not legally binding, reducing the enforceability of inquiry outcomes.

## **6. Implications for Good Governance and Democracy**

The exercise of the Right of Inquiry in the context of the 2024 General Elections holds broader implications for the development of Indonesia's democracy. It demonstrates that oversight functions are not limited to abstract constitutional theory but play a direct role in protecting the **principle of free and fair elections**. The DPR's effective use of this mechanism can strengthen public confidence in the electoral process and in the democratic system as a whole. Conversely, failure to exercise the Right of Inquiry, or its misuse for political bargaining, risks eroding democratic accountability.

## **C. PENUTUP**

This study demonstrates that the Right of Inquiry (Hak Angket) is a constitutional mechanism that embodies the DPR's oversight function within the framework of checks and balances in Indonesia's presidential system. Historically, the use of this right has been limited, but when exercised, it has had significant political and legal implications.

In the context of the 2024 General Elections—the most complex electoral event in Indonesia's history—the Right of Inquiry gained renewed relevance. Controversies such as the distribution of social assistance, the neutrality of state apparatus, and regulatory ambiguities underscored the necessity of parliamentary oversight to safeguard electoral integrity. Doctrinally, the Right of Inquiry is directed toward ensuring accountability, transparency, and the prevention of abuse of power in electoral governance.

Nevertheless, challenges remain, particularly political fragmentation within the DPR, the dominance of coalition interests, and the non-binding nature of inquiry recommendations. These issues often limit the effectiveness of the Right of Inquiry as an oversight instrument.

Therefore, the significance of the Right of Inquiry lies not only in its legal foundation but also in its potential to reinforce democratic values. Its proper use during the 2024 General Elections reflects the DPR's responsibility to uphold free and fair elections, strengthen public trust, and contribute to the development of good governance in Indonesia.

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