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REPOSITIONING THE POSITION OF GROUP REPRESENTATIVES IN THE MPR-RI TO REALIZE DELIBERATIVE DEMOCRACY: A POLITICAL PERSPECTIVE ON PANCASILA LAW

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Abstract

This fundamental change is a manifestation of the will to reorganize the structure, mechanism and practice of statehood which during the reign of the New Order regime was considered to deviate from the constitutional mandate of the 1945 Constitution, and also deviate from the principles of the democratic rule of law. The main objective is to organize all state institutions to create a mechanism of mutual supervision and balance (*checks and balances*) among state institutions. As a result, on one side there are state institutions that have received significant additional authority, while on the other hand there are some state institutions that have reduced their authority. The method used depends on what concept is meant about the law. Changes in the position and authority of the People's Consultative Assembly of the Republic of Indonesia (MPR RI) due to changes to the 1945 Constitution carried out in 1999 - 2002 are not in accordance with the ideals of the law (*rechsidee*) and the ideals of the state (*staatsidee*) of Indonesia based on Pancasila as the basis of state philosophy (*philosophissche grondslag*) and as a fundamental norm of the state (*Staats Fundamental Norm)*

Keywords: Position; Democracy; Politics.

INTRODUCTION

Since the end of the New Order regime followed by political reforms in 1999, there has been a fundamental change in constitutional life in Indonesia. This fundamental change is a manifestation of the will to reorganize the structure, mechanism and practice of statehood which during the reign of the New Order regime was considered to deviate from the constitutional mandate of the 1945 Constitution, and also deviate from the principles of the democratic rule of law. This change is also part of the political transition process in Indonesia from an authoritarian repressive state to a democratic rule of law.

To realize fundamental changes as part of the process of political transition to a democratic state based on law, the People's Consultative Council of the Republic of Indonesia (MPR-RI) as the holder of the highest sovereignty since the beginning of the reform in 1999 amended or amended the Indonesian constitution, namely the 1945 Constitution. Constitutional amendments were carried out in stages four times between 1999 and 2002 (UUD RI 1945).

Fundamental changes as part of the process of political transition to a democratic state based on law began with changing the constitution of the 1945 Constitution because the constitution is the basic law that regulates the administration of a state in all aspects of its life. In every constitution there are basic norms that include the constitutional structure and relations between

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the state and its citizens, containing the basis for the formation of the state and the laying of the social values of a country.

According to Jimly Asshiddiqie, in the preparation of a written constitution, basic values and norms that live in society and in the practice of state administration also influence the formulation of norms into the text of a Basic Law. Therefore, the atmosphere of kebatinan (*geistichenhentergrund*) which is the philosophical, sociological, political, and historical background of the juridical formulation of a provision of the Basic Law needs to be understood carefully, to be able to understand as well as possible the provisions contained in the articles of the Basic Law. The Basic Law cannot be understood through its text alone. To truly understand, we must understand the philosophical, socio-historical, socio-political, socio-juridical, and even socio-economic context that influenced its formulation (Asshiddiqie, 2011).

In addition, each period in history also provides life conditions that shape and influence the frame of reference and field of experience with different interests, so that the process of understanding a provision of the Constitution can continue to develop in practice in the future. Therefore, the interpretation of the Constitution in the past, present and in the future, requires a standard reference that can be best accounted for so that the Basic Law does not become an instrument of power determined unilaterally by any party. Therefore, according to Jimly Asshiddiqie, in the preparation and formulation of the text of the Basic Law, it is necessary to have conceptual points of thought that underlie each formulation of articles of the Basic Law and their direct or indirect connection to the spirit of the Proclamation of Independence of August 17, 1945 and the Preamble to the 1945 Constitution (Asshiddiqie, 2011).

The 1945 Constitution is an official *political and legal document* of a country that contains the main agreement on the State, regulates state organizations, powers of state institutions, relations between state institutions, relations between state institutions and citizens, and protection of human rights, so it is important for the Indonesian nation in a *staatside* context State agreements are needed, namely Pancasila, the 1945 Constitution, the Unitary State of the Republic of Indonesia, and Bhineka Tunggal Ika (Yuhana, 2020).

But throughout its history, there have always been different interpretations of the philosophy and substance of the 1945 Constitution by the ruling political regime. This different interpretation then resulted in different constitutional practices, even in certain periods considered to deviate from the spirit, philosophy, and substance of the 1945 Constitution itself as intended by the *founding fathers* (fathers of the nation) who drafted the 1945 Constitution. This deviation occurred during the era of Guided Democracy (1959-1966) and especially during the New Order period (1966-1998) which showed more of its character as a state of power (*machstaat*), not as a democratic state of law (*rechtstaat*).

That is why with the end of the rule of the New Order regime in 1998 followed by the reform era, there was a strong desire to rearrange the structure, mechanism, and practice of statehood to be more in line with the spirit, philosophy and substance of the 1945 Constitution, as well as to be in accordance with the spirit of reform, namely the realization of a democratic state based on law.

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One of the fundamental demands of the reform agenda was to make changes to the 1945 Constitution considering that the 1945 Constitution at that time could not guarantee the realization of democratic governance, even tending to give birth to an authoritarian and centralized government, this was not in accordance with the concept of the Pancasila state. The authoritarian and centralized government order during the New Order regime has in fact undermined all aspects of democratic life, weak rule of law and respect for human rights. Then the implementation of the state is opposite from the principle of people's sovereignty, the principle of the state based on law, plus social, political and economic dynamics that develop in the opposite direction from the basic concepts stipulated in the 1945 Constitution (Yusdar et al., n.d).

As a constitution born from the struggle of the fathers of the nation that combines philosophies and thoughts that come from outside as well as those derived from philosophies and values in Indonesian society itself, the 1945 Constitution is also a constitution that will undoubtedly continue to develop according to the dynamics of society. Since the beginning of its drafting, the fathers and nations who drafted the 1945 Constitution have emphasized that the 1945 Constitution is *a living constitution*, so it is always open to changes according to the dynamics of the development of Indonesian society.

As Saldi Isra also pointed out, of all the reasons for changing the 1945 Constitution, one of the main objectives is to organize all state institutions in order to create a mechanism of mutual supervision and balance (*checks and balances*) among state institutions. As a result, on one side there are state institutions that have received significant additional authority, while on the other hand there are a number of state institutions that have reduced their authority. Not only adding and reducing authority, changes to the 1945 Constitution also gave rise to entirely new state institutions. Even because it is considered no longer relevant to needs, there are state institutions that are abolished in the Indonesian constitutional structure (Isra, 2013).

Furthermore, Bambang Soesatyo added, with the abolition of the position of Group Envoy, the ideal picture of participatory democracy that covers all interest groups has not been fully fulfilled. "The formation of the Group Envoy in the representative institution is actually a mandate that has been inherited since the initial ideals of independence. The presence of group representatives in principle accommodates the characteristics of the Indonesian people who are very plural and heterogeneous in all aspects. In the current context, the existence of group representatives can be seen as part of an effort to fulfill the justice of the overall political role, as well as being able to balance the role of political representation held by the DPR and regional representation in the hands of the DPD, "explained Bambang Soesatyo (Isra, 2013).

The opinions of leaders of major religious organizations such as NU, Muhammadiyah, KWI, PGI, Matakin and others as well as the opinions of the figures stated above show that there is a strong aspiration in the community to review the position and role of the People's Consultative Assembly as well as the position of the Group Envoy in it as one of the three channels of political participation within the framework of the realization of Indonesian democracy based on the principle of consensus.

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RESEARCH METHODS

The science of law has a distinctive character, namely its normative nature. Such a characteristic causes some people who do not understand the personality of legal science to begin to doubt the nature of legal science. The doubt is caused because with its normative nature, legal science is not an empirical science (Hadjon et al., 2014). In legal research, the method used depends on what concept is meant about the law. According to Soetandyo Wignyosoebroto throughout the history of historical development to the present, legal theorists recorded at least four legal concepts, namely (Wignjosoebroto, 2013):

1) Law is conceptualized as the norm of justice in the moral system (*The Ideal Law*).
2) Law in abstacto and amar judge's decision in concreto (*The Rational Law*).
3) Law in its manifestation as a pattern of social behavior (*The empirical law with structuralism approach*).
4) Law as meaning in the process of (inter-) action (inter-) citizens (*The empirical law with a post structuralism approach*).

This type of dissertation research is *normative legal research*, which is a legal research process carried out to produce arguments, theories, new concepts as prescriptions to answer legal issues carried out by reviewing and analyzing statutory provisions and other legal materials.

In this study, researchers used normative juridical research but in its implementation it was supported by empirical juridical research to obtain primary data. In normative juridical research, researchers used in this study because the object of research is the provisions of laws and regulations, especially those related to the formation of laws and the position of Group Envoys in the MPR-RI.

The legal materials needed in this type of research are in the form of legal materials, both primary legal materials, secudner legal materials, and tertiary legal materials, but in order for all problems that have been formulated to be solved properly, it is also necessary to have information, information, or opinions directly obtained from legal experts.

RESULTS AND DISCUSSION

Implications of the Abolition of Group Envoys in the Indonesian Constitutional System

Understanding how the implications of abolishing the Group Envoy proceed to the question *of the original intent* of the formation of the Group Envoy. The spirit of the *state founders* in formulating the existence of group representatives, regional representatives, and DPR in the composition of the MPR composition is to ensure that the MPR as an institution for the incarnation of the people truly represents the ideas, aspirations, interests of all people, all groups, and all regions. That is, when one of the three elements of the MPR is abolished, it means the loss of the struggle for the understanding of one element, in this case the functional group element. Moreover, with the fact both in design and praxis that positions DPD as a subordinate of the DPR due to the weak legislative function of DPD even though both have

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equal positions, it has the potential to make the MPR tend to be *politically heavy.*

On the one hand, *political representation* practiced by the DPR is clearly still far from the spirit of deliberative democratic values that are aspired to. This fact is very evident in the legislative process practiced by the House of Representatives in recent years. The imperfect model of legislation carried out by politicians in parliament cannot be separated from substantive discussions on the MPR. Furthermore, the MPR together with other state institutions are constructed as *checks and balances* with each other, including with the DPR. Moreover, the DPR together with the DPD are elements that make up the institutional composition of the MPR. This means that the practices of functions carried out by members of the DPR also have the potential to have implications for the implementation of state governance carried out by the MPR. For this reason, before analyzing further how the implications of the abolition of Group Envoys in the Indonesian constitutional system, it is also necessary to understand how the portrait of state administration carried out by members of the DPR as an element of the institutional structure of the MPR.

In the last 4 (four) years, the DPR has practiced a legislative process that still has very little *meaningful participation,* as described in the following table:

Discrimination against ethnic minorities is also evident in the case of the rejection of the New Autonomous Region (DOB) of Papua. The four bills concerning South Papua Province, Mountain Papua Province, Central Papua Province, and Southwest Papua Province that have been passed by the House of Representatives during the 2022 session are also full of discrimination and neglect of the voices of indigenous Papuans. The plan to establish DOB Papua did not involve the aspirations of indigenous Papuans as a whole, especially the Papuan People's Council (MRP) as a representative of indigenous Papuans and indigenous Papuans.

Constitution	Incident Facts
Law no. 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining (Minerba Law)	Starting with the Mineral and Coal Mining Law (UU Minerba), the Minerba Bill proposed as a DPR initiative in 2015 faced significant opposition. Besides compromising on substance in favor of oligarchy, particularly mining companies, its formation also lacked participation from the community, especially indigenous and other small communities. Unfortunately, after it was confirmed that it wouldn't be ratified and would become a carry-over bill for the next DPR period in the final Plenary Session of the 2014-2019 DPR in September 2019, the issue of revising the Minerba Law resurfaced shortly after when the Minister of Energy and Mineral Resources submitted the Revised Minerba Law Draft to the Indonesian DPR's VII Commission. The climax came on June 10, 2020, when the revised Minerba Law, which was one of the demands of the #ReformasiDikorupsi agenda, finally legally became Law No. 3 of 2020 and was published in the State Gazette. The substance leaned more towards the interests of mining oligarchy without considering the rights of indigenous communities and other potentially affected communities, leading to the inability of the DPR to exercise prudence in the Minerba Law formation process.
Law no. 7 of 2020 concerning the Third	The second portrait is the Constitutional Court Law (UU MK). The revision of the Constitutional Court Law, which eventually became Law

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Amendment to Law Number 24 of 2003 concerning the Constitutional Court (Constitutional Court Law)	No. 7 of 2020, lacked significant public involvement in its drafting process. Instead of engaging the public, the bill's discussion in the DPR was conducted behind closed doors in Working Committee (Panja) meetings, with discussions taking place for only three days.
Law no. 11 of 2020 concerning Job Creation (Job Creation Law)	A more serious note is also observed in the formation of the Omnibus Law on Job Creation. In fact, the task force structure in drafting the Omnibus Law was dominated by the government and business interests, while the concerns of laborers, who are directly affected by its articles, were largely overlooked. Various objections, ranging from criticism by academics to demonstrations by students and workers, were not taken into account, leading to the eventual ratification of the Omnibus Law in the DPR's plenary session on October 5, 2020, and its enactment as Law No. 11 of 2020.
Law no. 3 of 2022 concerning National Capital (UU IKN)	For example, the Omnibus Law on Job Creation (UU Cipta Kerja), besides being passed very quickly within 42 days, disregards the existence of indigenous communities living around the Job Creation Omnibus Law. Approximately 21 indigenous communities residing in the vicinity of the Job Creation Omnibus Law area, which are highly likely to be affected by the development of the Job Creation Omnibus Law, were not involved in the discussion process of the Job Creation Omnibus Law.
Law no. 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislative Regulations (UU PPP)	Similar to the Job Creation Omnibus Law (UU IKN), the process of forming the Second Revision of the Public-Private Partnership Law (UU PPP) was not entirely participatory. Various public consultations organized by the DPR in the process of the Second Revision of the PPP Law still inadequately involved experts in Legal Legislation or at least Constitutional Law. On the contrary, the experts present in these consultations were mostly from fields such as criminal law, business law, and agrarian law, rather than having expertise in Legal Legislation. The public consultations conducted by the DPR essentially did not embody the true meaning of meaningful participation.
Law no. 17 of 2022 concerning West Sumatra Province (West Sumatra Law)	The normative substance in the West Sumatra Provincial Law (UU Sumbar) still contains issues, especially regarding norms that tend to discredit the existence of the Mentawai ethnic group as part of West Sumatra Province due to the absence of a clause about the Mentawai ethnicity as an ethnic group in West Sumatra regulated in the West Sumatra Provincial Law. Consequently, besides institutionalizing discrimination against the Mentawai ethnic community, the omission of the Mentawai ethnicity in the West Sumatra Provincial Law strengthens the argument that the process of forming the West Sumatra Provincial Law still did not involve the Mentawai ethnic community, thus preventing the Mentawai community from providing input on the draft West Sumatra Provincial Law, ultimately leading to the West Sumatra Provincial Law lacking clauses acknowledging Mentawai customs and culture.
Law Number 14 of 2022 concerning the Establishment of South Papua Province Law Number 15 of 2022	Discrimination against ethnic minorities is also evident in the case of the rejection of New Autonomous Regions (DOB) in Papua. Four bills concerning the South Papua Province, Mountain Papua Province, Central Papua Province, and Southwest Papua Province, which were ratified by the DPR during the 2022 session, are also laden with discrimination and neglect of the voices of indigenous Papuan communities. The plan to

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concerning the Establishment of Central Papua Province Law Number 16 of 2022 concerning the Establishment of the Papua Mountain Province Law Number 29 of 2022 concerning the Establishment of Southwest Papua Province	establish DOBs in Papua apparently did not involve the aspirations of indigenous Papuan people comprehensively, especially the Papua People's Assembly (MRP) as a representation of Papuan indigenous peoples. However, the Special Autonomy Law for Papua Province mandates that the division of Papua into provinces must be approved by the MRP and DPRP. The ratification of the four new laws concerning Papua provinces reflects various reactions of rejection from the Papuan people regarding the establishment of DOBs, which were not further considered by the DPR and the Government as lawmakers. Instead, the addition of new provinces in Papua has become a concern for Papuan communities because it is feared to further marginalize indigenous Papuan populations from their land and livelihoods, as seen in several newly formed districts where, within less than 10 years of formation, some areas have become sites of armed conflict, leading to the displacement of civilians.

The series of legislative practices carried out by the House of Representatives and the Government above shows that the deliberative process carried out in the formation of a number of laws is still not optimal. If you draw a deeper line, this also cannot be separated from the implications of the absence of Group Envoys in the MPR. The People's Consultative Assembly (MPR) is not a law-forming institution. In the context of formulating rules, the MPR only has the authority to amend and enact the highest state rules, namely the Basic Law, in addition to the authority to form regulations and internal policies that regulate the MPR institution itself. However, in addition to these and other authorities as mentioned in the constitution, the MPR also has a strategic role in the tasks regulated in Law No. 2914 concerning MPR, DPR, DPD, and DPRD (MD3) and MPR Regulation No. 1 of 2019 concerning MPR RI Rules, which include:

1. Socializing MPR Decrees;
2. Socializing Pancasila, the NRI Constitution of 1945, the Republic of Indonesia and Bhinneka Tunggal Ika;
3. Reviewing the Indonesian constitutional system, the NRI Constitution of 1945 and its implementation; and;
4. Absorbing the aspirations of the community, regions, and state institutions related to the implementation of the 1945 NRI Constitution;
5. Organizing sessions in carrying out authority and duties;
6. Review and evaluate the implementation of MPR RI Decree Number I/MPR/2003 concerning Review of Material and Legal Status of MPRS Provisions and MPR RI Decrees from 1960 to 2002, especially Article 4 to be followed up by the DPR and the Government.

In relation to the legislative process carried out by the DPR, there is a relationship between the authority to form laws owned by the DPR and the MPR's duty in reviewing the implementation of the 1945 NRI Constitution and absorbing public aspirations related to the implementation of the 1945 NRI Constitution. That is, that when the MPR does not have the authority to form

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laws, it can basically take a role to contribute to efforts to form more inclusive laws resulting through the deliberative formation process. The non-involvement of groups such as indigenous peoples in the formation of the Mining Law and the IKN Law, constitutional law scholars in the Constitutional Court Law and PPP Law, workers and trade unions in the Job Creation Law, to Mentawai ethnicity in the West Sumatra Law and Papuan ethnicity in 4 (four) laws related to the establishment of 4 (four) new provinces in Papua, is not only still far from *meaningful participation,* but also still has not achieved an ideal deliberative process in accordance with the spirit of precepts 4 Pancasila. Popular values, wisdom, and consensus deliberation seem to have not been actualized in the political processes that are rolling in the DPR.

Referring to its duties, the MPR can actually review the implementation of the 1945 NRI Constitution while absorbing the aspirations of the community related to the implementation of the constitution by holding a session to discuss the aspirations of the community regarding the implementation of the constitution that is not optimal by the law-forming institution. The abandonment of deliberative process means a disregard for the constitutional mandate that guarantees equal rights to participate in government owned by every citizen. That is, when a law is made only prioritizing certain groups without opening the widest access to people who are directly affected or have concern for the draft law being discussed, then basically there has been a discrepancy in implementation with the constitutional mandate, especially Article 28D of the 1945 NRI Constitution. Such potential can actually be minimized when there is a Group Envoy in the composition of the MPR. That is, when there is a disregard for the constitutional mandate, including the law-making process that is far from the spirit of constitutional values and Pancasila, the Group Envoy through the MPR can create initiatives such as holding sessions to discuss people's aspirations related to the formation of laws that are not in accordance with the constitutional mandate. Thus, through the session, there was an evaluation within the DPR to truly actualize deliberative democracy in accordance with the spirit of Pancasila. In addition, such a mechanism is also a form of elaboration of the principle of *checks and balances* between the DPR and the People's Consultative Assembly (MPR) as state institutions.

Repositioning Group Envoys in the MPR-RI to Realize Deliberative Democracy

The sacredness of the authority of the People's Consultative Assembly (MPR) requires the principle of ethical and aspirational representation of all groups in it. The reincarnation of the class messenger in the MPR body will complete *the missing loophole* in the principle of representation that has been practiced. The absence of functional representation in the People's Consultative Assembly has implications for the unaccommodated aspirations and interests of groups in Indonesia. The repositioning of the Group Envoy in the People's Consultative Assembly (MPR) can certainly be one of the efforts in realizing deliberative democracy, as long as it must meet 3 (three) criteria as the pillars of deliberative democracy as stated by Carson and Karp, namely if it is associated with the Group Envoy, then this Group Envoy must be: (i) influential; (ii) inclusive; and (iii) deliberative.

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Figure 1: Pillars of Deliberative Democracy in Group Envoys

First, to be able to realize deliberative democracy, the Group Envoy must have the ability to influence policy and decision-making. That is, do not let the repositioning of the Group Envoy in the MPR later only make the Group Envoy an element with a weak function so as to make it a subordinate institution of other elements like the DPD and DPR that is happening today. The repositioning of the Group Envoy must be based on the spirit of reviving the spirit *of the state founders* to make the MPR a representative institution that represents the interests of all groups of society. This means that repositioning the position of the Group Envoy in the MPR is part of an effort to reposition and strengthen the position and role of the MPR in accordance with the initial spirit of the establishment of the institution.

Second, the Group Envoy must also be inclusive. This means that the Group Envoy must truly represent the population and be open to various values and points of view, and provide equal opportunities for all parties who participate. Utusan Golongan must be interpreted as an effort to crystallize the portrait of pluralism that becomes the identity of the Indonesian nation. The repositioning of the Group Envoy should be able to bridge the diverse interests of various groups of people, including through providing equal opportunities for all parties who participate. This means that the Faction Envoy must be able to guarantee that there is no intention of exclusivism or prioritizing certain groups over others.

Third, the repositioning of the Group Envoy must ensure a genuine deliberative process in the process of state administration. Open space for dialogue must be guaranteed and considered as a momentum for all groups of society to communicate ideas, aspirations, and interests of groups of society. Community involvement is not only used as a *checklist tool,* but the Group Envoy must be able to ensure that the resulting decisions have been produced through a series of deep and substantive argumentative-discursive processes.

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The three pillars, namely *influence, inclusive,* and *deliberative,* which are the main pillars in deliberative democracy, if actualized in the repositioning of Group Envoys in the People's Consultative Assembly (MPR), will certainly be a progressive step from the Group Envoys that existed before the constitutional amendment. However, lessons learned from the abolition of the Group Envoy also need to be considered to revive the Group Envoy, for example regarding the mechanism for appointing or selecting its members, determining who are the groups intended to be represented, to the extent of the authority and duties of the main functions possessed by the Group Envoy in the institutional structure of the MPR.

By repositioning the position of the Group Envoy in the People's Consultative Assembly (MPR) means at the same time repositioning the position and role of the People's Consultative Assembly in accordance with the initial spirit of its formation by the state formers, namely the MPR as the incarnation of people's sovereignty. Indeed, after the amendment of the 1945 Constitution, the position of the People's Consultative Assembly (MPR) was not as strong as before because there was a part of its authority that was eliminated. However, as stated by Jimly Asshiddiqie, parliaments in Indonesia have significant differences compared to parliaments in other countries. The People's Consultative Assembly which is a combination of members of the People's Representative Council (DPR) and the Regional Representative Council (DPD) is an institution that still has strong authority and strategy. The authority of the People's Consultative Assembly (MPR) is still quite strong and its strategic role is regulated in Article 3 of the 1945 Constitution after the amendment.

(1) The People's Consultative Assembly has the authority to amend and enact the Basic Law.

(2) The People's Consultative Assembly appoints the President and Vice President.

(3) The People's Consultative Assembly can only dismiss the President and/or Vice President during their term of office according to the Constitution.

In addition to the duties and authorities mentioned above, Article 7A of the 1945 Constitution affirms that:

"The President and Vice President may be removed from office by the People's Consultative Assembly on the proposal of the House of Representatives, either if they have been proven to have committed violations of the law in the form of treason against the state, corruption, bribery, other serious crimes, or reprehensible acts or if proven no longer qualified as President and/or Vice President.".

By looking at the provisions of Article 3 and Article 7A of the 1945 Constitution above, it can be said that in fact the MPR still has a considerable or strategic position and role in the structure and mechanism of the Indonesian constitution, although not as large and strategic as its position and role before the four amendments to the 1945 Constitution.

According to Jimly Asshiddique, as an institution that has its own authority such as amending and enacting the Constitution, electing the President and/or Vice President in the event of a vacancy in the office of President and/or Vice President, appointing the President and/or Vice President, and the authority to dismiss the President and/or Vice President according to the

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Constitution, it cannot be denied that the MPR is a separate institution besides the DPR and DPD. It's just that its position is no longer the highest institution, but equal and balanced with the DPR and DPD as well as state institutions that hold executive power (President) and judicial power. In essence, the sovereignty of the Indonesian people is properly channeled through parliamentary institutions consisting of the People's Consultative Assembly consisting of members of the People's Representative Council (DPR) and Regional Representative Council (DPD), and the DPR and DPD itself. In other words, after the 1945 Constitutional Amendment stage, in essence the People's Consultative Assembly (MPR) can still be called a separate institution, even though its position is no longer highest (Asshiddiqie, 2011).

Finding New Criteria for Group Envoys

The background of the thoughts and arguments for the existence of the Group Envoy in the MPR can be traced to the debates that occurred in BPUKPKI to PPKI sessions. After going through a long debate, especially after hearing the thoughts of Soepomo, M. Yamin and also Soekarno and other arguments, it was finally agreed that the Group Envoy became one of the elements in the MPR together with political parties and Regional Envoys (Article 2 Paragraph 1 of the 1945 Constitution).

The initial definition of Group Envoys as stated in BPUPKI/PPKI sessions is other groups outside political parties and especially economic groups, business entities, including cooperatives. In the official explanation of the Constitution issued in February 1946 and compiled by Soepomo, it was stated that:

The so-called "groups" are bodies such as cooperatives, trade unions and other collective bodies. Such rules are indeed in accordance with the flow of the times. In relation to the suggestion of establishing a cooperative system in the economy, this verse recalls the existence of groups within economic bodies." (Yamin, n.d.).

According to Jimly Asshiddiqie, initially the concept of Group Envoy was associated with the notion of economic groups such as the cooperative movement, because it was considered a reflection of people's sovereignty in the economic field or economic democracy. The assumption is that the interests of all people are not enough to be represented politically through elections that prioritize the role of political parties.

The drafters of the 1945 Constitution sought to integrate an incomplete understanding of popular sovereignty or democracy. In the Western liberal tradition, democracy tends to be viewed only in political terms, while in the socialist tradition, popular sovereignty tends to be understood to the extreme as an economic ideology. The 1945 Constitution seeks to adopt both views at once by accepting the principles of democracy and human rights on the one hand, but also accepting the principles of economic democracy and the notion of the welfare state (Asshiddiqie, 2011).

A comprehensive study by David Reeve shows that long before the debate in BPUPKI and PPKI in 1945, actually the initial thought about the need for a Group Envoy had been carried out by Sukarno since the 1930s. Sukarno's thought was also followed by several leaders of

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political parties and national movements in the 1930s. So since then there has actually been a recognition that these "groups" should receive special representation because of their special interests, as well as an implied recognition that there is a much broader national reality than political parties themselves (Revee, 2013).

The statement of a figure, Mohamad Said, in 1941 strengthened the above stance. In his opinion the future upper house should ensure that every "class" in society would be represented:

"*Every group or current in Indonesian society must have its representatives, for example groups of experts on religion, culture, economics, and so on..... They must be strictly skilled in all the work of the group they represent. From small farmers, merchants, factories, cerikta, religion, scholars, art, journalists, in short all groups in society must have representation*" (Said, 1941).

This initial thought was later reaffirmed by Soepomo in the BPUPKI/PPKI sessions in 1945 through his thoughts on the need for the existence of Group Envoys in the MPR, which later became known as the conception of an integralistic state (Simanjuntak, 1994). According to Reeve, Soepomo's notion of "integralistic" and "organic" state actually resembles the Western concept of "corporate state" or "corporative state" (Reeve, 2013).

From the historical records of Indonesian statehood after independence, it is known that although the existence of the Group Envoy has been stipulated in the constitution of the 1945 Constitution (Article 2 Paragraph 1), it cannot be determined because the People's Consultative Assembly (MPR) itself was not formed until the late 1950s due to political developments at that time. The MPR institution was unknown during the validity period of the Constitution of the United States of Indonesia (UUD RIS) in 1949-1950 and the Provisional Constitution (UUD S) in 1950-1959.

The Constituent Assembly of the results of the first General Election in Indonesia in 1955 failed to form a new Constitution, and it made Indonesia's political situation face serious problems and even face a constitutional crisis. In a situation of political and constitutional crisis, President Sukarno took a very important policy, namely the Presidential Decree of July 5, 1959. The Presidential Decree stipulated 1) the dissolution of the Constituent Assembly, 2) the repeal of the 1950 Provisional Constitution and the re-enactment of the 1945 Constitution; and 3) the establishment of the Provisional People's Consultative Assembly (MPR-S) and the Provisional Supreme Advisory Council (DPA-S). This Presidential Decree of 5 July 1959 also marked the end of the era of Parliamentary Democracy and Indonesia entered a new era of Guided Democracy which lasted until the fall of Sukarno in 1966 (Ithaca, 1968).

As a follow-up to the Presidential Decree of July 5, 1959, President Soekarno issued Presidential Decree (Penpres) Number 2 of 1959 concerning the Establishment of the MPRS consisting of members of the DPR Gotong Royong (DPR-GR) plus Regional Envoys and Group Envoys. Then based on Presidential Decree (Keppres) Number 199 of 1960, it was determined that the MPRS membership amounted to 616 people consisting of 257 members of the DPR-GR, 241 members of the Work Group Envoys, and 118 members of Regional Envoys.

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However, since the enactment of the Presidential Decree of July 5, 1959 which was followed by the formation of the MPR-S whose membership includes also Group Representatives, there has actually been no complete understanding or formulation of what a Group Envoy is, what are the criteria, who or what groups are included in the definition or formulation of Group Messengers. The understanding or formulation given by the government at that time was more of a political understanding that was not clear in criteria, and more a justification for the government's own political interests (Revee, 2013).

The vagueness of the understanding or criteria of the Group Envoy continued into the New Order era. Indeed, in government, the definition of Group Envoys is further expanded to include various functional groups, professions and associations in society, which are considered to have not been able to be represented in political parties sitting in parliament through the mechanism of general elections.

As stated by Jimly Asshiddiqie, the New Order government expanded the scope of the Envoy Group element consisting of various community groups such as religious groups, scholars, professional groups, women, workers, youth, educators (teachers), farmers. Fisherman. And others. In practice, these functional groups are associated with the existence of non-political party community organizations which are phenomenal and numerous in Indonesia (Asshiddiqie, 2011).

But Jimly Asshiddiqie also added that it must also be admitted that during the New Order era, the understanding of the Group Envoy had also been misused by developing the understanding of the group into three lines of "ABC". Line "A" is ABRI (Armed Forces, now TNI), line "B" is for Bureaucracy (Civil Service), and line "G" is for Golkar (Working Group). Thus, after the definition was expanded to include all group meanings, the meaning of the Group Envoy was narrowed down again only for the benefit of the New Order regime under the leadership of President Suharto in consolidating and mobilizing political support through the instrument of the Working Group (Golkar) for the continuous national political stage (Asshiddiqie, 2011).

After the New Order came to power, all the good thoughts and ideas of the founding fathers who drafted the 1945 Constitution that underpinned the existence of the Group Envoy as a form of inclusive political representation underwent a process of deconstruction. Faction envoys were manipulated into mere *electoral machines* in elections to give democratic legitimacy while perpetuating the power of the New Order government. This model group representative clearly deviates from what is meant in Article 2 Paragraph (1) of the 1945 Constitution (Kaisiepo, 2020). The scope of the Group Envoys in the New Order era were various groups that were deliberately formed to strengthen the New Order political system as a model *of state corporatism*. As Dwight Y. King points out, in New Order politics limited pluralism was maintained through the formation of a network of corporatist organizations, as well as to control and prevent the growth of opposition groups. Philippe Schmiter called state corporatism "the monopolization of the representation of interests by functional, officially supported, non-competitive, and fully controlled by the state". In this context, various functional groups were formed, ranging from farmers, fishermen, doctors, scholars, to scholars (Kaisiepo, 1987).

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What followed was the existence of the Group Envoy not as a representative, but rather as a tool of community mobilization, not as a form of participation. So in this sense the position of the Group Envoy and also other groups is not as a manifestation of the representation of *society corporatism*, but on the contrary as a representation of *state corporatism*, and all of it is a manifestation of the negatra (*state*) way of cooperating *society* (Kaisiepo, 1987).

With the end of the New Order rule in 1998, then continued the Reform Era in 1999 marked by the strong desire of all elements in Indonesian society to make changes in constitutional design towards a more democratic system. In order to respond to the strong desire in the community, the MPR-RI made changes or amendments to the constitution of the 1945 Constitution gradually four times from 1999 to 2002.

One of the subject matter of discussion by the MPR in the process of amending the 1945 Constitution is the position of the MPR itself, its role or authority, the composition of its membership, including the existence of Group Representatives in it. Before the final decision was determined, the membership of the People's Consultative Assembly of the Republic of Indonesia from 1999 -2002 was in accordance with the original 1945 Constitution, consisting of members of the DPR plus Regional Representatives and Group Representatives.

In accordance with Article 1 Paragraph (5) of Law Number 4 of 1999 concerning the Composition and Position of the MPR, DPR, and DPD, what is meant by Group Envoys is "those who come from organizations or bodies that are national, independent, and not part of a political party and who are less or not proportionally represented in the DPR and are envied by economic groups, religious, social, cultural, scientific, and other collective bodies".

The essence of this formulation is sufficient but it is still felt to be too broad. More specific formulations are needed, for example those concerning who is meant by groups that are "proportionally underrepresented in the DPR"; similarly, it has not specified the specific economic, religious, social, cultural and other collective bodies. But what is important about this provision is the recognition that the existence of a Group Envoy representing the various groups or groups above is proposed by each of these groups to the DPR to be determined, so not by the President or the government as in the past.

Through a long discussion process since the MPR Annual Session in 1999 regarding changes in the position and role of the MPR in the 1945 Constitution, finally a new agreement could be determined at the MPR Annual Session in 2002 through voting. The majority of MPR members at that time voted to abolish the position of Group Envoy in the MPR. With the new provision, the MPR consists of members of the People's Representative Council and Members of the Regional Representative Council elected through general elections, while the Group Envoy is abolished. Thus, the MPR only consists of DPR members as political *representations* and Regional Representative Councils (DPD) as regional/regional *representations*, while Group Representatives as functional *representations* are abolished.

After more than 25 years of reform, with the re-emergence of various thoughts among state planners, political science experts, thoughts and ideas from the leaders of various general and religious social organizations, as well as from the growing thoughts in society about the

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urgency of bringing back the position of Group Envoy in the MPR, one of the issues that needs to be discussed is understanding, new criteria or requirements regarding the Faction Envoy itself. The study conducted by Hendra Nurcahyo has proposed a general mapping of the criteria for who, organization, group or community is meant as a Group Envoy in the MPR, which is summarized as follows (Nurcahyo, (2002) in BP MPR-RI, 2020):

1. A group that includes organizations, groups or communities that have no political affiliation with certain political parties sitting in the DPR.
2. Groups that represent specific issues that require special attention that are outside outside the mainframe of political parties in general. For example, the disabled, the elderly, abandoned children, the urban poor, isolated tribes, and others.
3. A significant minority who guarantees their humanity as citizens. If the district system is implemented, their representation will disappear.
4. A significant majority that is not well articulated in its aspirations and interests. For example, the peasants and factory workers.
5. Professional groups who play a role in the economic-business and industrial fields, professional organizations, associations or associations that are needed by the community. For example, small business cooperatives, economic associations, advocate associations, doctor associations, and others.
6. Honorable people such as intellectuals who are valued by the community as national assets to carry justice, humanity and clarify political life. For example, philosophers/professors, former presidents or former ministers who have a good track record, academics, and others.

By studying various thoughts about the need for the presence of Group Envoys in the MPR and the need to formulate new definitions or new criteria about Group Envoys which later must be regulated by law or other legal provisions, the study proposes four new categories of Group Envoys in the MPR as follows:

1. Minorities and Marginalized Groups
2. Religious Groups and Beliefs
3. Artists, Culturalists and Scholars
4. Economic Functional Groups and Professional Associations

Of course, the proposal for a new category of Group Envoys in the MPR in the four groupings above still requires further study to determine which groups fall into the four categories. The study is expected to be able to map the development of society in general in terms of socio-cultural diversity, race/ethnicity and religion, and geographical distribution. The study is also primarily and also the most important is mapping the emergence of professional groups, associations and occupational groups as well as other new strategic groups due to the process of differentiation and specialization in society in line with the development of economy, science and technology.

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Faction Envoy and Discourse on Constitutional Amendment: *Ius Constituendum*

With the amendment of the 1945 Constitution, the Group Envoy was abolished in the MPR-RI. This is *the Ius constitutum* which stipulates that the MPR consists only of members of the DPR and DPD. However, seeing the dynamics of constitutional administration a few years after the reform until now actually raises hopes to revive the Group Envoy in the composition of the People's Consultative Assembly of the Republic of Indonesia in the future. Therefore, logical constitutional amendments are needed to improve and perfect all arrangements regarding the administration of statehood, especially in the context of representative institutions. Moreover, the constitution itself does open room for changes to be made to it through Article 3 and Article 37 of the 1945 NRI Constitution. Internally, the discourse on constitutional amendments has also been rolled out in the MPR institution and has been institutionalized in several regulations and internal policies of the MPR.

MPR Decree No. 4/MPR/2014 concerning MPR Recommendations 2009-2014 provides a mandate by affirming that in implementing the structuring of the Indonesian constitutional system through changes to the 1945 NRI Constitution while still based on the values of Pancasila as the source of all sources of state law and the Basic Agreement not to change the Preamble of the 1945 NRI Constitution, maintain the form of the Unitary State of the Republic of Indonesia, strengthen the presidential system of government and make changes by way addendum. This is also still in line even until the next MPR period, namely the MPR 2014-2019. Decree Number 8/MPR/2018 concerning MPR Recommendations for the 2014-2019 Term of Office relating to the arrangement of MPR Authority which includes increasing MPR membership from group delegation elements, increasing MPR authority to determine MPR provisions regarding the interpretation of articles and paragraphs of the 1945 NRI Constitution, affirming the MPR Tap in the Indonesian legal system and the MPR's duty in the context of holding annual sessions as a forum for accountability of the performance of state institutions to the Indonesian people.

Another argument is the philosophical foundation, where the *state founders* of the Indonesian state in a series of BPUPKI sessions until the preparation of the 1945 Constitution as the basis of the state did design that the MPR as the incarnation of the people was manifested in members of the DPR, regional representatives, and group representatives. For this reason, the idea of repositioning Utusan Golongan in the MPR essentially also revives the spirit and aspirations of the *state founders* in reconstructing representative institutions in Indonesia.

The argument that emerged during the process of discussing amendments to the 1945 Constitution in 1999-2000 that the role of representatives of Group Representatives could be represented to political parties (DPR) and regional representatives (DPD) elected through general elections, was not fully proven or implemented. *First*, the DPR as the first chamber in the Indonesian parliamentary system after the constitutional amendment of the 1945 Constitution which was filled by representatives of political parties in practice fought more for the interests of their own party, more concerned with the aspect of electability than the aspect of representation. *Second*, DPD as the second chamber in parliament does not have the same function and role as the DPR, even on the contrary its role in the legislative function and

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supervisory function is very limited. Even as stated by Kaelan, the supervision carried out by DPD has no legal or political imperative, so that if the results of the supervision are not used, it has no juridical or political consequences (Kaelan, 2017).

In addition to the limited position and authority compared to the DPR, it turns out that DPD is also not purely a regional representative, because many DPD members come from political parties. Thus, DPD shows a pattern of double *representation*.

Based on the reality of such a pattern of representation that does not reflect the representation of all groups and aspirations in society, the re-presence of the Group Envoy in the People's Consultative Assembly is precisely necessary to reposition the position and role of the People's Consultative Assembly as stated in the original 1945 Constitution, namely as a consultative institution for all groups and elements in society as a mirror of people's sovereignty.

The absence of the Group Envoy can actually be understood as long as the DPR as a *political representative* and DPD as a regional representative are able to carry out their functions properly as representatives of the people, especially in base representation. Publica Instutut Jakarta researcher, Syaiful Arif, defines base representation as a political representation based on community groups that have production units, cultural units, and certain group status. Thus, the representation of group representatives as representation based on the importance of work groups that have specific aspirations. In reality, programmatic aspirations through desired functional representation are different from those of the political representation that took place during this reform period. The image of political parties is more based on the ideological base and bland generalist political platform (Arif, 2016).

In fact, according to Andrew Refheld, political constituencies should be clarified based on specific social units, not crowds without clear representation. The fact is that political representation must be inductive, which departs from the reality of diverse social units to be accommodated in progressive political programs, not deductive ones that depart from empty political jargon, and dissertation basis assistance (Refheld, 2005).

The above thoughts and various other studies on the reality of constitutional practices after the amendment of the 1945 Constitution have shown many deviations from the basic values and spirit in the 1945 Constitution, especially those related to the reduction of the position and authority of the People's Consultative Assembly including the abolition of Group Representatives.

As stated by Yusril Ihza Mahendra, the change in the position of the People's Consultative Assembly which was originally the incarnation of all Indonesian people and the highest state institution that implements people's sovereignty then turned into an ordinary high state institution, has caused this nation to lose its identity as an independent nation in formulating its concept of statehood. The change also according to Yusril Ihza Mahendra, makes us not implement democracy in accordance with the 4th Precept of Pancasila, namely popular leadership led by wisdom in consultation/representation. The current position of the People's Consultative Assembly (MPR) is no longer in line with the 4th Precept of Pancasila so that it no longer reflects the original Indonesian idea of statehood. The original MPR consisted of

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DPR members plus representatives of regions and groups, so that all elements of the nation were reflected in the institution. Now the class delegation is abolished, and the MPR consists only of the DPR and DPD which are all elected through general elections.

Based on the opinions and studies mentioned above, there is now a thought to return the MPR to its original position according to the thoughts of the *founding fathers* who formed the 1945 Constitution, including restoring the position and role of the Group Envoy. Broadly speaking, there are several alternative models that can be considered to reposition group representatives in the composition of the MPR.

In his study on the existence of the Group Envoy, Hendra Nurtjahyo proposed four alternative models that could be considered to restore the position of the Group Envoy to parliament. Hendra Nurcahyo's study was then used as a reference by the MPR-RI Assessment Board Team in their study on the position of Group Envoys in the institutional arrangement of the MPR (Nurtjahyo, (2002) in BP MPR-RI, 2020).

The Group Envoy was put into the DPD room

The first alternative is for the Group Envoy to be included in the Regional Council (DPD). Thus, the Group Envoy becomes part of the regional representation that has been represented by DPD. The repositioning of the Group Envoy by such a mechanism requires that the members of the Group Envoy be elected through election by members of the DPR after selection by the KPU.

The opinion that Utusan Golongan can be merged with DPD was also expressed by Yudi Latif. In his opinion, the current weak position and role of the DPD is due to the absence of a strong support base in the public and community organizations (CSOs), in contrast to the DPR which is based on political parties. Therefore, the DPD must open itself in addition to its members from regional representatives, as well as representatives from group representatives who will strengthen its position in parliament. Yudi Latif proposed that if the DPD is directly elected through general elections, then the Group Envoy can be elected through the convention of the group or community concerned.

The same opinion was expressed by Professor and constitutional law expert John Pieriz, that the Group Envoy could be restored to its position and role in the People's Consultative Assembly by merging it into the chamber of the Regional Representative Council (DPD). The composition of each membership can be discussed together, for example DPD has 3 (three) members and Group 1 (one) member Representative for each province; or 2 (two) members each; or also DPD 3 (three members) while Group 2 (two) members are in the same room in the MPR.

However, the alternative of combining the Group Envoy with the Regional Representative Council (DPD) in one chamber in the MPR turned out to be refuted or criticized. The alternative merger is considered to raise the potential that the professional interests or *concerns* of the group representatives seem to be co-opted by and on behalf of regional interests.

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The Group Envoy was put into the chamber of the House of Representatives

This alternative allows the Group Envoy to be placed as part of political *representation* together with the DPR. The repositioning of the Group Envoy is carried out through election by members of the DPR after selection by the KPU. Automatically, after the members of the Group Envoy are indirectly elected by the newly formed DPR, the position of the Group Envoy becomes part of the first chamber, namely the DPR.

This alternative does open up challenges to perpetuate *political heavy* in the MPR. Members of parliament who are political party politicians have "ideological" contours and are full of party interests, which definitively, the movement of the party is a concrete struggle for power. While the faction envoy is intended more as a representation of purely functional interests that tend to deny the concrete struggle towards state government power. In responding to this challenge, it should be emphasized that the Group Envoy in this alternative should not represent any political party affiliation, but indeed represent the idealism of the interests of certain professional or functional groups.

Group Representatives in the MPR are not included in one of the rooms, Group Envoys are only momentual

In this alternative, the Group Envoy is included momentually only in each *MPR joint session.* Group Envoys as an element of the composition of participation in the plenary meeting on behalf of all Indonesian people. The selection of Group Envoys is filled through election by DPR members through the selection of the KPU. The challenge of this alternative is the emergence of uncertainty and inconsistency in the MPR. The intended Group Envoy appears only during the "important" plenary meeting conducted in the construction of the highest representative forum (*joint session*) implicating the non-inclusion of the Group Envoy as part of the MPR's institutional representation. In other words, the Group Envoy is not permanent which is institutionalized in the MPR institution, but only temporary during the *MPR joint session.* As a result, the Group Envoy in his daily life is considered non-existent and does not represent the functional people.

Faction delegates were institutionalized permanently in the Senate chamber together with the DPD

This fourth alternative is a prismatic concept, where the Group Envoy is institutionalized definitively within the MPR by combining the Group Envoy with the DPD into the same chamber called the Senate. Thus, if previously the MPR consisted of members of the DPR and DPD, through alternative 4, it was formulated that the MPR consisted of members of the DPR and Senate. The formulation of the Senate is intended to include elements of Group Envoys in addition to DPD in the MPR institution. Thus, the position of the Group Envoy is not only momentual as part of the *joint session,* but also exists definitely and permanently within the scope of the second chamber, namely the Senate, balancing the first chamber, namely the DPR in the institutional composition of the MPR.

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To accommodate this fourth alternative, the constitutional amendment became ius constituendum. Because, in the amended 1945 NRI Constitution, there is no known Senate as a representative element outside political representatives (DPR) and regional representatives (DPD). For this reason, in order to communicate the ideas and interests of professional functional groups, the Senate became a necessity to be formed through amendments to the 1945 NRI Constitution. If this is realized, it will certainly increase the atmosphere of deliberative democracy that is more substantive because the DPR and Senate (DPD and Group Envoys) are in an equal discursive forum even though on the one hand, this is also a challenge that can cause high political tension in the MPR because the three factions will face each other equally.

The repositioning of the Group Envoy in the Indonesian state system is not only about the position in the composition of the MPR, but also about the design of the Group Envoy membership itself. The Group Envoy during the New Order period who extended the scope of the Group Envoy was certainly a record to reposition the Group Envoy so that there would be no recurrence that made the Group Envoy a vehicle to increase political support for the ruler. In this case, there are several possible filling mechanisms regarding who is meant by Group Messengers, namely:

a. Groups, be it organizations, groups, or communities elected are groups that have no political affiliation with certain political parties sitting in the DPR.
b. Groups that represent the existence of special problems that require special attention that are outside *mainframe* political parties in general. For example, the disabled, the elderly, abandoned children, the urban poor, isolated tribes, and so on.
c. A significant minority that guarantees their human existence as citizens. If the district system is implemented, their representative existence will disappear completely. Therefore, it is necessary to represent as a form of recognition of their humanitarian existence as citizens. For example, the Baduy Tribe, the Asmat Tribe, Chinese, Buddhists, Hindus, and so on. This representation does not have to be physically involved, but it can also be a person who can be trusted to represent the ideas and aspirations of these groups.
d. A significant majority whose aspirations and interests are not well articulated. Farmers, fishermen, and factory workers, for example, constitute a large number but are not often well represented in party political policies.
e. Groups of professionals who play a role in the economic-business and industrial fields, professional organizations, associations or associations needed by society to express aspirations or even propose improvements. Groups in this case include small business cooperatives, economic associations, advocate associations, doctor associations, and so on.
f. A group of honorable people or intellectuals who are valued by the community as national assets to carry justice, humanity and clarify political life. Included among this group for example are philosophers, professors, constitutional experts, former presidents and/or former ministers who have experience that is considered good by the public, Nobel laureates, kalpataru, principal research experts, exemplary academics, and so on.

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A clearer and more detailed mechanism regarding the filling of members of this Group Envoy needs to be further regulated in the Law governing the People's Consultative Assembly, in this case the MD3 Law. The next arrangement that also needs to be considered is the mechanism for selecting members of the Group Messenger. To avoid a repeat during the New Order which expanded the potential for political collusion where the Group Envoy was appointed by the President without going through a general election, it was important to formulate an ideal selection mechanism for the Group Envoy. In this regard, several proposed recruitment mechanisms are ideally described for Group Envoys, namely:

a. The KPU determines qualifications that have been prepared objectively, rationally, and academic measures regarding the representation of non-political groups for further qualifications, the KPU determines the organizational platforms that are entitled and qualified to represent the interests of qualified groups. The determination of the qualifications of this group can change and be dynamic based on actual problems that are not yet adequately represented or for reasons of balancing the composition as fairly as possible.
b. From the organizational forums that have been determined to pass the qualifications, then the selection of representatives or representatives in communities, groups, or functional (professional) organizations as candidates for Group Envoy members is carried out. These community representatives are submitted to the community or similar organizations to be selected representatives from the community, then the names are submitted to the KPU for verification and selection before finally being selected.
c. Representatives from organizations or groups that have been qualified by the KPU are then submitted to the DPR for re-examination before finally being selected to get a position as a Group Envoy in the composition of the MPR.

The alternatives formulated to reposition the Group Envoy through the fifth amendment to the constitution are intended to strengthen and clarify the Group Envoy by maintaining the same spirit in accordance with the *original intent* of the formation of the Group Envoy by *the state founders,* namely making the MPR a representative institution that truly represents the interests of all people.

The arrangement of the Group Envoys needs to be arranged in more detail and concretely so that there is no recurrence of the Group Envoys who are confined as a certain political commodity to strengthen support for the ruler. The complexity of the popular identity of the Indonesian nation is not enough to be represented in the DPD and DPR as the status quo, but there needs to be a separate element, namely the Group Envoy to communicate the ideas and interests of other fragments of Indonesia besides regional identity and political parties.

The revival of the Group Envoy accompanied by efforts to improve both in terms of membership composition, election mechanism, to position in the MPR composition can certainly be interpreted as an effort to realize deliberative democracy imbued with the values of the spirit of Pancasila, especially the fourth precept. Moreover, the repositioning of Utusan Golongan is intended to revitalize the People's Consultative Assembly as a representative

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institution so that it is truly able to crystallize the aspirations, ideas, and interests of all people and groups in Indonesia, able to realize its main role as its name, the People's Consultative Assembly of the Republic of Indonesia (MPR RI).

CONCLUSION

Changes in the position and authority of the People's Consultative Assembly of the Republic of Indonesia (MPR RI) due to changes to the 1945 Constitution carried out in 1999 - 2002 are not in accordance with the ideals of the law (*rechsidee*) and state ideals (*staatsidee*) of Indonesia based on Pancasila as the basis of state philosophy (*philosophissche grondslag*) and as a fundamental norm of the state (*Staats Fundamental Norm).*

The position and role of the People's Consultative Assembly (MPR) as the incarnation of people's sovereignty and as a people's consultative institution is a manifestation of the Preamble to the 1945 Constitution and the 4th Precept of Pancasila, namely "*Peoplehood led by wisdom in consultation/representation*". This implies that in carrying out its role as the holder of people's sovereignty, the MPR is guided by the principle of wisdom and based on the principle of consensus as the essence of Pancasila Democracy. Unlike liberal democracy which is based on the principles of individual *rights* and majority votes, Pancasila democracy prioritizes consensus for the common good, which in political science literature is called deliberative democracy.

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