

Basic Principles of the Oversight Functions of the House of Representatives on Legislative Functions in Indonesia

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Abstract: *Legislative products have caused public disapproval, so a judicial review has to be submitted to the Constitutional Court (MK). Therefore, it is necessary to analyze the basic principles of the DPR's oversight function of the legislative function in Indonesia. This research aims to examines the basic principles of the duties and powers of the DPR in the oversight function of the legislative function. This research is qualitative research using secondary data. The literature study method was used in collecting data in this study. The data analysis was done using data reduction, displaying, and verification. The study results show that applying the basic principles of the DPR's oversight function to the legislative function in Indonesia is a way or an attempt to see whether the legislative function is carried out according to plan. Oversight by the DPR in forming laws is a preventive measure, such as efforts to prevent irregularities, mistakes, and confusion. The basic principle of the DPR's oversight function of the legislative function contains democratic values, the value of balance, the value of truth, and the value of expediency, which is reflected in the principle of people's sovereignty, the principle of legal certainty, and the principle of justice.*

Introduction

For the life of the state to run well in accordance with the ideals of Pancasila and the mandate of the 1945 Constitution, legal norms are needed as a basis for carrying out the state's life. Forming a law does not rule out the possibility that individuals, groups, and political interests will influence this. As a function of forming laws, legislation is a process (Isra, 2010). Calvin Mackenzie also stated that legislation is a process that includes comprehensive information gathering, long discussions, complex negotiations, and often challenging and political bargaining between powerful opponents. There are four forms of legislative function activities, 1) legislative initiatives, 2) discussion of draft laws (law-making process), 3) approval of the ratification of draft laws (law enactment approval), 4) granting international agreements and other binding legal documents (binding decisions making on

international law agreements and treaties or other legally binding documents) (Efriza, 2014).

The meaning contained in the legislative function is the function that belongs to the DPR in the context of making laws. Law in Indonesia must guarantee and uphold the values contained in the preamble to the 1945 Constitution, which is a reflection of Pancasila and the principles contained in the body of the 1945 Constitution and its explanation. Thus, these three elements are integral and cannot be separated from the 1945 Constitution. As a state based on the law (*staats recht*), not a state based solely on power (*macht staat*), it is appropriate that the implementation of state activities must be based on and based on applicable law, the state institutions are no exception, which was born out of the law, namely the basic law of the Indonesian state (*staats fundamental law*) of the 1945 Constitution.

It is hoped that the transfer of legislative authority from the President to the DPR will absorb people's aspirations by producing quality legislation that can accommodate the public interest and benefit the people's welfare. However, the reality is the opposite. The amount of authority possessed by the DPR in the legislative function is separate from an increase in the quality of the DPR in producing legislative products oriented to the public interest. The results of research conducted by the Indonesian Parliament Concerned Community Forum (Formappi - Forum Masyarakat Peduli Parlemen Indonesia) show that the performance of the DPR in each period of the legislative function has decreased. One of them in the period (2014-2019) was the worst performance of the DPR. It is based on an analysis of existing data. According to Formappi researcher Lucius Karus, from a legislative function, there were few bills produced by the DPR in the 2014-2019 period compared to the previous DPR period. Formappi noted that a total of 84 bills (prioritized and cumulative open bills) passed by the DPR in 2014-2019 (until 25 September 2019), fewer than the achievements of the 2009-2014 DPR, which reached 125 bills. In fact, according to Lucius, of the 35 priority bills that were passed, some laws were revised repeatedly. Several laws have been revised repeatedly, namely the MD3 Law, the Law on *Pilkada*, and the Law on Regional Government, as well as laws that were passed suddenly without being included in the priority National Legislative Program and were "accelerated" for their completion (Farisa, 2019).

The low implementation of the legislative function, with the benchmark being the low quantity of laws passed by the DPR, means that the legislative products produced by the DPR should be of excellent quality. On the other hand, many laws have been requested for judicial review by the Constitutional Court (MK). Several norms in substance have just been revised and canceled because they are considered to be contrary to the 1945 Constitution. It shows that the process of forming laws still needs to be done by the expectations of society so that the DPR can produce products legislature that reflects public aspirations and can accommodate the interests of society. One of the crucial materials in supporting the development of national law is carried out in a planned, integrated, and systematic manner. It begins at the planning stage in the National Legislation Program (Prolegnas - *Program Legislasi Nasional*), which is the guide and controller

for drafting laws binding on all institutions authorized to form them. The Republic of Indonesia's government constitution has confirmed Indonesia as a legal state based on the values and spirit of Pancasila, which is currently experiencing various kinds of problems and challenges both from inside and outside (Sofian & Riskiyono, 2019).

The existence of public rejection and ending in the cancellation of norms through the Constitutional Court shows that there are problems in the process of forming them, considering that the process of forming laws requires time, process, and high costs. However, the fact is that after legislative products are promulgated, there is public rejection. Of course, this impacts the ineffectiveness and inefficiency of the process of formulating laws, and the DPR's objectives in implementing the legislative function still need to be achieved. The various realities described previously show that the DPR's poor performance in the legislation field provides a lesson for all of us. Strengthening the role and legislative functions of the DPR can only sometimes change the quality of the DPR's performance into a better legislative institution (Malian, 2008).

It implements the legislative function as the main strength of the DPR to guarantee the people's interests through the formation of laws. The oversight function in the process of forming laws is an urgent thing to do. Two functions belong to it. For the DPR to be institutionally attached, the two functions must be able to run harmoniously and in balance to realize legal development based on Pancasila and the 1945 Constitution. Oversight of the DPR if referring to the opinion of Gaius Lumbun, then there are 4 (four) contexts of the DPR's oversight function, the oversight function of legislation, the oversight function over government policies, and the oversight function in order to accommodate and follow up on aspirations Public. The existence of an oversight function over legislation shows that the DPR as the people's representative carries out oversight of the substance of the law, which must prioritize the aspirations and interests of the people it represents in its various provisions (Yani, 2014).

By quoting the opinion of John Salmond, legislation is that source of law that consists of the declaration of legal rules by a competent authority. The Act (legislation) essentially reflects the method of giving shape to the law carried out by the state (Kusnadi, 2019). It is very relevant to what was stated by Montesquieu that in the formation of law, it should be appropriately considered, have practical benefits, and should not shake the foundations of fundamental considerations, justice, and the nature of the problem. Because weak and unfair laws will only bring the entire system of legislation to a lousy image and shake the state's authority.

The DPR's oversight function that has not been maximized in the process of forming laws is an interesting issue to study, given that the oversight and legislative functions are institutionally inherent functions of the DPR. Therefore, oversight in the legislative process reflects the embodiment of Pancasila values as a way of life and a state philosophy that philosophically understands that the value of people's sovereignty is a wall dividing the authority of state institutions (Yuliandri, 2009). The limitation of power in forming laws must be based on the legal ideals of Pancasila

democracy. To realize this, supervision of the process of forming laws should be carried out optimally by applying the basic principles of supervision. Thus the presence of oversight can minimize various errors and possible deviations in forming laws, and finally, legislation products can become of higher quality, able to accommodate the public interest. Thus, the main question in this research is how is the DPR's oversight function over the function of legislation in Indonesia? This research aims to examine the basic principles of the duties and powers of the DPR in the oversight function of the DPR's legislative function.

Research Method

This research was taken from the 1945 Constitution amendments, which strengthened the position of the DPR as a state institution. The constitutive strength of the position and the magnitude of the DPR's authority, especially its legislative power, at the level of its implementation has yet to be carried out as it should, causing many problems. Bearing in mind that in the process of forming laws, the stages and mechanisms have been passed as stipulated in the law, the legislative products produced by the DPR should be of higher quality, able to accommodate the public interest and benefit the interests of the people. Based on this, the authors view that there is a need for oversight in the legislative process. Legal research is research within the framework of know-how in law. The results achieved are to provide an accurate description of the issues raised. (Piter Mahmud Marzuki: 2010: 41) To answer these various legal issues, several approaches are used, namely the statute approach, conceptual approach, analytical approach, comparative approach, philosophical approach, and case approach (Ibrahim, 2008).

This research is qualitative. The data used is secondary data consisting of primary legal materials and secondary legal materials. Data collection was carried out using the literature study method. Data analysis was carried out through three stages: data reduction, data display, and data verification.

Discussion and Results

The basic principles of the DPR's oversight function on legislative functions in Indonesia (a review of the values and principles of the DPR's oversight function on legislative functions)

Theoretically, the functions of control or supervision by parliament as a people's representative institution can be differentiated: control of policy-making, control of policy executing, control of budget implementation, control of government performance, and control of political appointments of public officials in the form of approval or rejection, or even in the form of considering by the DPR. DPR oversight has more of a political function than a legal function. The political function of the DPR's oversight is because the DPR consists of people from political parties. Political oversight function is no less critical than legal oversight. Political oversight is more significant in the

DPR's check and balances function towards the Government (Hananto Widodo, 2019).

Philosophically, it is necessary to assess the nature of supervision, which can be done by analyzing the existence of supervision. It must begin with fundamental questions about supervision's meaning, basis, and elements. The nature of oversight must also be analyzed based on the values embodied in oversight embodied in the basic principles of oversight of the DPR. In order to find the values in supervision, a method of in-depth thinking is also needed by using reason to explain the main issues related to supervision values. In order to obtain these answers, a scientific way of thinking is used concerning specific criteria to arrive at scientific truth (Efendi et al., 2016) and, in the end, reach rational truths that can be accounted for scientifically (Ihsan, 2010).

Value is defined as the quality of something useful, something that people are looking for, something valuable. The existence of values is often visible, sometimes implied, sometimes invisible or hidden, sometimes tricky in existence, sometimes it must be explored, and sometimes hard to find (Achmadi, 2020). In Plato's view of value, putting forward the idea of good, this thought contains a concept of value but has not yet been confirmed as a theory. According to him, the idea of goodness is the culmination of all ideas, namely the highest idea. The source of value is moral issues, while morality is rooted in the human psyche, namely will. The human soul in nature includes reason, will, feeling, imagination, fantasy, etc. Some of these elements are the basis for humans to do good deeds.

Democratic Values

Democracy is an option from the perspective of legal philosophy used as a constitutional basis. For the Indonesian people, there are fundamental things where Pancasila is the state ideology contained in the Constitution. The 1945 Constitution is a concrete manifestation of democracy in the Indonesian constitutional system. The idea of a democratic state is not new to Indonesia because since this country was founded, the main ideas put forward in government administration and the pattern of government-people relations have been based on democracy. The difference is that the democratic model in question is a democratic model that is not liberal but related to national values (Ridlwani, 2015).

The seeding of democratic values in the Indonesian state structure, if linked to the authority of the DPR, then the source of power and presence of the DPR as a people's representative body originates from the people. Therefore it is necessary to link the DPR's supervisory function with democratic values. The value of democracy contains freedom and equal rights even though it is interpreted as freedom. However, in essence, freedom in a democracy is not freedom in the liberal sense. However, freedom is limited by regulation. As said by J.J Rousseau, '*Man is born free, and everywhere he is in chains*' statement. It has a fundamental meaning regarding freedom, not as accessible as possible but freedom but limited by a chain of bonds. As stated by Lincoln that individual rights and equality are not sufficient to characterize democracy but in a modern democracy between, freedom and

equal rights find their fulfillment in terms of citizens having the right to participate in the government of the people. In this modern state means that representatives consist of selected messengers. Thus democracy has laid a strong foundation for the formation of the concept of state power and government and popular sovereignty. The concept of representative government is that the people jointly form the state, fill state positions, and construct a system of government through a particular electoral mechanism.

Democracy brings freedom but remains within limits. Following the understanding contained in Article 28J paragraph (2) of the 1945 Constitution that in exercising his rights and freedoms, every person is obliged to comply with the restrictions determined by law. With the sole purpose of guaranteeing recognition and respect for the rights and freedoms of others and to fulfill just demands following moral considerations, religious values, security, and public order in a democratic society. In addition, the inculcation of moral education and a rational attitude must also be given more attention. With the support of a society that has a rational attitude and good morals, a free and responsible democracy can be realized. Democracy is interpreted as a people's government (Kurniawan, 2015) that all policies made by the state will involve people's participation. People's participation is, of course, carried out through several stages, namely, first, the people must know. Second, people have to think about it. Third, the people must participate in deliberations. Fourth, the people must participate in the decision.

In addition to the above, no less important is the people's participation that the people must actively participate in carrying out. Excavation is fundamental in the context of democratic values—the value of democracy as an ideal by sticking to the Pancasila philosophy. Departing from the values of Pancasila democracy, it can be understood that the state is based on the people, not based on groups, and not based on individuals. This shows that the state is supported by all the people, based on the power in the people's hands (people's sovereignty). Based on deliberation and cooperation, the interests and happiness of all people are guaranteed (Wreksosuhardjo, 2014). Thus, the essence of the fourth precept, which contains the necessity or demand to comply with the nature of the people, is a principle for democracy, both political democracy, and economic democracy employing deliberations or representatives who are wise and full of wisdom, trying to guarantee the interests and happiness of all the people.

Balance Value

After power is legitimized in a constitution based on the people's will, restrictions on power are carried out employing division of powers or separation of powers so that arbitrariness does not occur between state organizations. According to Lord Acton, "Power tends to corrupt, absolute power tends to corrupt absolute," which means that the greater the power, the greater the abuse.

Fundamentally, power is usually mapped into several functions related to one another—legislative power as a legislator, executive power to enforce laws, and power to judge or the judiciary. The concept of limiting the

power and controlling the authorities by separation of powers implies that each branch of executive, legislative and judicial power must be held by a different official and may not be concurrently held by another position.

After the division of powers, if examined through the theory of control and balance, which emphasizes that there is a principle of mutual supervision between one branch of power and another, each branch of power can be prevented from acting arbitrarily, the theory of balance supervision places supervision in a mechanism checks and balances. The value of balance is not only built in an institutional context related to the existence of a balance between state institutions that carry out the function of authority to form laws, but the value of balance in an oversight emphasizes that there is mutual oversight to create a balance. Although supervision is a control mechanism that provides space for participation in forming laws, the balance in supervision also means the role of the community in the space for participation to oversee the process of forming laws both substantively and procedurally.

Truth Value

Concerning the supervisory function, truth is limited to legal truth. It cannot be separated from the existence of transcendent humans. In other words, anxiety in seeking legal truth is closely related to the desire in humans who always want to seek the absolute truth. There are indications of transcendent truth from here, meaning that it does not stop at the truth of that law, but there is truth beyond human reach. Primarily to seek legal truth philosophically. In connection with the truth value in supervision to achieve the objectives of supervision, supervision should be carried out correctly, meaning that supervision is an effort to prevent errors, inaccuracies, and avoid irregularities in the legislative process.

The existence of supervision is carried out correctly following existing procedures and mechanisms. However, benefits will be achieved following the objectives to be achieved from supervision. If it is linked to Pancasila values, then the oversight function as an inherent institutional function is carried out correctly because it contains a responsibility towards the people it represents. It is following the intention that oversight is carried out as representatives of the people to oversee all policies and implementation of the law. , so that in carrying out its supervisory function, it must be appropriate, correct, honest, and responsible so that the purpose of supervision is to prevent errors, omissions, and deviations can be realized. To emphasize the importance of the truth value contained in the supervisory function based on pragmatic theory, the truth of a statement is measured by the criterion of whether the statement is functional in practical human life. In a sense, a statement is true if that statement or the consequences of that statement have a test of truth, namely utility, workability, or satisfactory consequences. Thus, pragmatism is a school that teaches that what is true is what proves itself to be confirmed through its practical consequences (Bakhtiar, 2012).

Benefit Value

The value that must exist in the supervisory function is the value of the benefit, which is related to the goal. In this case, the goal is value. The statement that something is a goal in the sense that the goal is the right thing, meaning the goal must be an objective thing. The goal does not just indicate what a particular individual is pursuing. However, the goal is valid, ultimately a value judgment (Kelsen, 2014). According to jurists, that law has three main objectives: (1) justice, certainty, and utility of justice commensurate with balances and propriety, as well as proportionality. At the same time, legal certainty is related to order and peace. At the same time, usefulness is expected to guarantee that all values are manifested in peace.

Departing from the legal objective if it is associated with the objective of supervision is to prevent deviations from occurring and achieve organizational goals as set out in the planning. Thus, supervision provides valuable benefits. By using Jeremy Bentham's theory of legal utilitarianism, only then can the law be recognized as law if it can benefit many people. Furthermore, John Stuart Mill, whose core teachings are related to the action for the attainment of happiness, is wrong if he produces something that is the opposite of happiness. Suppose the value of benefits is related to the purpose of legal protection (Sidharta, 2013). In that case, it can be argued that the purpose of law based on the ideals of Pancasila law is to create protection for humans, namely to protect humans passively by preventing arbitrary actions and actively by creating conditions in a humane society that enables social processes to take place. So, every human has equal and broad opportunities to develop all of his potential and humanity.

The purpose of supervision in the context of the value of benefits shows that there is responsibility for officials entrusted with duties and authority in carrying out work. It means that there is supervision as a form of prevention against deviations from what is planned. In addition, supervision is related to the five main functions of law: a. Directive, as a guide in building to form a society to be achieved following the goals of state life; b. Integrative, as a builder of national unity; c. Stable, as a custodian (including the results of development) and guardian of harmony, harmony, and balance in the life of the state and society; d. Perfective, as a complement to the actions of the state administration, as well as the attitudes of citizens in the life of the state and society; e. Corrective, both for citizens and state administration, in obtaining justice (Marbun, 2001).

The principles contained in the DPR's Oversight function

The legal order that operates in society is the embodiment of the legal ideals adhered to in the community concerned with various favorable legal rules, legal institutions, and processes (behavior of government and community bureaucracy). The idea of law contains *Recht idee*, which means that, in essence, the law as a rule of community behavior is rooted in the ideas, feelings, intentions, creativity, and thoughts of the people themselves. In the dynamics of society, the ideals of law will affect and function as general guiding principles (guide principles), norms of criticism (rules of evaluation), and motivating factors in the administration of law (formation, discovery, and

application of law). Formulating and understanding legal ideals will facilitate its elaboration. Various sets of rules of authority and rules of conduct facilitate the maintenance of consistency in the administration of law. The legal ideals of the Indonesian people are rooted in Pancasila, which is established as a philosophical foundation in organizing the framework and basic structure of state organizations as formulated in the 1945 Constitution.

The legal principles and norms influence each other when viewed from the way it is formed. The establishment of legal norms (also known as legal norms) not based on constitutive legal principles results in legal norms that materially are not legal norms. If the principles of regulative law are not paid attention to, the result is unfair legal norms. Meanwhile, according to A. Hamid S. Tamimi, there are differences between legal principles (*rechtsbeginsel*) and legal norms (*rechtsnorm*) due to differences in the nature and function of the two, which have a different influence on statutory regulations.

Furthermore, Bellefroid defines legal principles as basic norms translated from positive law, which are not considered by legal science to originate from more general rules. The legal principle is the deposition of positive law in society. Paul Scholten argues that legal principles are tendencies implied by our decency view of the law, which are general characteristics with all their limitations as a common trait but must not exist (Atamimi, 1990).

In the formation of proper laws and regulations in Indonesia, the legal principles that must be reflected in them are as follows: a) The ideals of Indonesian law, which is none other than Pancasila, which acts as a "guiding star"; b) The principle of a state based on law places laws as a unique regulatory tool within the primacy of law, and the principle of government based on a constitutional system places laws as the basis and limit for implementing government activities. c) Other principles, namely the principles of the state based on the law, which place laws as a specific regulatory tool, are in the primacy of law, and the principles of government based on a constitutional system which place laws as the basis and limits for carrying out activities government.

In connection with the description of legal principles, as explained in the formation of the Act, legal principles must precipitate in positive law. In addition to legal principles, there are other principles, namely the principles of the state based on the law, which place the Act as a means of specific arrangements in the primacy of law. There is a difference between principles and norms, observing Soerjono Soekanto's opinion that principles are an ideal law element. Legal principles consist of two types: (1) constitutive legal principles, ideal elements that must exist for the life of the law. (2) the principle of regulative law is an ideal element needed for the legal system to proceed. Furthermore, Paul Scholten's opinion is that a legal principle (*rechtsbeginsel*) is not the rule of law (*rechtsregule*). To be said as the rule of law, a legal principle is too general so that it is either nothing or says too much (*of niets of veel te rezeide*) (Soekanto, 2003).

As a rule, direct application of legal principles through arrangement or grouping is impossible because, for this, it is necessary to form more concrete

content first. In other words, legal principles are not laws, but laws cannot be understood without these principles. Departing from the understanding that to find legal principles, it is necessary to guide the legal principles contained in the constitution as basic norms in which some principles reflect the legal ideals of Pancasila. By using the theory of levels of state legal norms (die theorie vom Stufenaufbau der Rechtsordnung), besides being arranged in stages and layers in a hierarchical arrangement as proposed by Hans Kelsen, legal norms in a country can be grouped into four layers of group norms. The highest legal norm will be the basis for other norms. Staatsfundamental norms are the highest group of legal norms in the arrangement of state legal norms. As the highest norm, the state's fundamental norm is presupposed hypothetically by the people in a country. This norm is the fundamental philosophical foundation of a country which contains the basic principles for further regulations on the administration of the state.

Observing the theory of levels of norms, the principles contained in the fundamental norms must be a reference for formulating the norms of the laws and regulations under them. The constitution is the law that is considered the highest level, the purpose of the constitution as the highest law is also to achieve and realize the highest goals. The goals considered the highest are: justice, order, and the realization of ideal values such as independence or freedom and prosperity or shared prosperity, as formulated as the goals of the state by the founding fathers of the state. The principles that must be contained in the supervisory function can be described as follows:

The Principle of People's Sovereignty

In the Elucidation of the 1945 Constitution I1 point 3 concerning the Principle that Indonesia is a country with people's sovereignty, based on democracy and representative deliberations. Therefore, the state system formed in the Constitution must be based on people's sovereignty and representative deliberations because this flow follows the nature of Indonesian society. Based on the main ideas above, it shows that the principle contained in the Constitution is the principle of people's sovereignty.

The principle of people's sovereignty is defined as the highest power in the state, so sovereignty is a power that is not under any other power. Sovereignty comes from the people, so if it is associated with democratic values, the principle of people's sovereignty is a legal ideal in the supervisory function (Purnama, 2007). Quoting Dahlan Thaib's opinion, the principle of people's sovereignty or understanding of democracy is related to the system of government or how the people are included in government administration. Based on the previous description, the principle of people's sovereignty can be interpreted as the power exercised must be oriented to the people's interests, fulfill dignity, and be accountable to the people and morally to God Almighty. It means that the norms of supervision must contain the principle of people's sovereignty, which is based on the people, led by wisdom in representative deliberations.

The principle of legal certainty

In the value of truth, it contains the principle of legal certainty; the principle of legal certainty aims to guarantee that legal certainty is realized in society, including concerning the guarantee of the people's constitutionally guaranteed political rights to elect representatives of the people and guarantee the rights granted by the people to exercise power. Through representative bodies properly and provide benefits for the interests of society. If the supervisory norm contains the value of truth, it will reflect the existence of the principle of legal parties. Supervision that is carried out correctly following the objectives to be achieved, namely benefits and legal certainty, will be achieved (Sidharta, 2004).

The definition of certainty means that there is clarity and firmness toward enacting the law in society. It is to avoid many misinterpretations. Legal certainty, namely the existence of explicit scenarios of behavior that are general in nature and binding on all citizens, including the legal consequences. Legal certainty can be interpreted that someone will be able to obtain something that is expected in certain circumstances. Certainty is defined as the clarity of norms used as guidelines for the executors of power who will carry out the supervisory function. If the contained norms are explicit in implementing duties and authorities, it will lead to legal certainty. Therefore the norms contained in supervision must contain the value of truth. Truth means that the norms are clear and firm so that they can be implemented and provide legal certainty. The principle of legal certainty must be contained in the supervisory norm, which guarantees the public that supervision follows existing regulations. Legal certainty guarantees that the law is enforced, that those entitled according to the law can obtain their rights, and that decisions can be implemented. Legal certainty protects against arbitrary action, which means that someone can get something expected in certain circumstances. The law is tasked with creating legal certainty because it aims to create order in society.

Principle of Justice

Justice is a relative concept, and everyone is not the same. Fair according to one may not be fair to others, so it is not easy to give a meaning of justice that can fulfill the wishes of all parties. When someone asserts that they have done justice, it must be relevant to the condition of society where a standard of justice is recognized that the nature of justice is the assessment of treatment or action by examining it on a norm which, according to subjective views, exceeds other norms. The law is supposed to contain the value of justice, but the law itself is not synonymous with justice because legal norms do not contain the value of justice. If you look at the concept of justice, it shows that it is challenging to define justice from the same point of view or perspective concerning justice. There is no single stipulation related to the scale of justice, and this follows the concept of justice, which states that there is no stipulation because the scale of justice varies from one place to another, where each scale is defined and entirely determined by the community following the public order of the community (Santoso, 2014).

Principle of Benefit

Law is valuable everything for people. As part of the ideals of law (*idee des recht*), justice and legal certainty require a complement, namely expediency. Expediency can be interpreted as happiness (happiness). The good or bad of a law depends on whether the law gives happiness or not to humans. Good law is the law that can provide benefits to every legal subject. The law can be categorized as good if it can provide happiness to the most significant part of society. Communities expect benefits in implementing and enforcing the law. Law is for humans, so the implementation of law or law enforcement must provide benefits or uses for society. The success of the value of the benefits is if the purpose of supervision can be carried out correctly to prevent errors and irregularities.

Departing from the description of general principles in supervision, of course, if it is related to the supervision of legislative functions, the principles contained in supervision are sourced from democratic values, balance values, and benefit values. If related to the general principles of supervision, then in principle, there is a similarity in that the purpose of supervision is to prevent deviations from the planned objectives. supervision

Furthermore, the object of DPR oversight is the function of legislation or the formation of laws, so supervision of the formation of laws is, of course, still oriented toward the stages of law formation. If looking at the purpose of oversight is to prevent irregularities in the legislative function, then the presence of oversight as prevention is relevant to the principle of achieving objectives (Principle of Assurance of Objective), meaning that oversight must be directed towards achieving goals, namely oversight objectives, to avoid deviations from plan. Furthermore, the principle of efficiency of control (Principle of Efficiency of Control) means that supervision is efficient if it can avoid deviations from the plan so as not to cause other unexpected things. Based on the above review, according to the author, the principles of supervision must contain in the oversight function of the legislative function are the principles of democracy, the principle of limitation of power, the principle of balance, the principle of achieving goals, and the principle of supervisory efficiency.

A supervision concept intrinsically contains values and principles that can be concretized through the basic principles of supervision. The basic principles of supervision in general are: Supervision must take place continuously concurrently with the implementation of activities and work; Supervision must find, assess and analyze data on the implementation of work objectively; Supervision is not solely to find fault but also to find or find weaknesses in the execution of work; Supervision must provide guidance and direction to facilitate the implementation of work in achieving goals; Supervision does not impede the implementation of work but must create efficiency (effectiveness); Supervision must be flexible; Supervision must be oriented towards the plans and objectives that have been set; Supervision is carried out mainly at strategic places or activities that are very decisive; Supervision should lead and facilitate carrying out corrective actions.

Conclusion

The basic principle of the DPR's oversight function of the legislative function contains democratic values, the value of balance, the value of truth, and the value of expediency, which is reflected in the principle of people's sovereignty, the principle of legal certainty, and the principle of justice. With conformity and harmony between values and principles, it is hoped that the goal of forming a law will be achieved following the predetermined plan. Based on this, supervision of the process of forming laws minimizes deviant actions. In other words, oversight by the DPR in this legislative function guarantees the people's interests from making and implementing to accountability. Following the plan that has been determined together to achieve the goal of forming a law as a reflection of the ideals of Indonesian democracy.

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