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POLITIK

# LEGISLATURE

Cecep Hidayat  
Department of Political Science  
Faculty of Social and Political Sciences  
Universitas Indonesia





# **POINTS OF DISCUSSION**

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- Trias politica and legislative history of parliament.
- Parliamentary structure.
- The function of the legislature.
- The right of the legislature.



# TRIAS POLITICA

*Trias politica* is a functional power-sharing

Consisting of:

The Legislature, the rule making function, represented by the Parliament.

The Executive; the rule application function; represented by the Government.

The Judiciary; the rule adjudication function; represented by the Judiciary.



# HISTORY OF PARLIAMENT

In the year 900's, the king summoned council for advice related to taxes and war.

Members of the council are bishops, abbots, nobles, and knights.

Three labeling composition of parliament:



King



Lord (bishops and barons);



Commons (Knights and representation from the community).

In 1262, King John who first mentioned the term of parliament.



# SEPARATION OF POWERS

1

**John Locke**

- Legislative Powers (plus Judiciary);
- Federative powers (executive, foreign relations).

2

**Montesquieu: Trias Politica (Theory of Separation of Powers or the Distribution of Power)**

- Legislative;
- Judiciary;
- Executive.

3

**But *trias politica* in its application can not run pure. This happens because:**

- Multimember legislative nature;
- There is no hierarchy in the legislature;
- Characteristics of the legislative body is different each other.

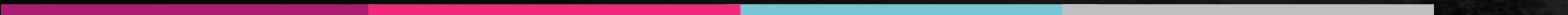


# IMPLEMENTATION OF THE CONSTITUTION:

## **The United States**

Has a checks and  
balances

## **The UK**





# STRUCTURE OF PARLIAMENT: UNICAMERAL (COMMISSION)

Countries with smaller sizes more like this system

In a socialist country, this system will be able to carry on the compilation-specific compilation. For example, delays and financing

The system is dominated in most of the new state

The system can be seen in Asia, for example in Vietnam, Singapore, Laos, Lebanon, Syria, and Kuwait

The function of the unicameral system centered on one's highest legislative body within the state structure



# STRUCTURE OF PARLIAMENT: BICAMERAL

## The rationale for this system

Check and balances, and repeated discussion in the field of legislation.

To establish a representative system that is not represented by one chamber.

Protect certain ethnic (Burmese), hereditary (UK), and Education (Irish).



# SOME CONCLUSIONS BASED ON RESEARCH CONDUCTED BY ANDREW S. ELLIS:

All federal countries have two chambers, except for Venezuela and the Comoros.

Most countries that have large populations have two assemblies, except Bangladesh and Mozambique.

Unitary state balanced, some wearing unicameral and the rest bicameral.

Most countries that adopt a presidential system of two chambers.



# THE LEGISLATURE FUNCTIONS AND RIGHTS

## 1. Rule Making Function or Legislation

Initiative: rights / obligations of submitting the draft legislation.

Amendment: the right to amend any draft bill proposed by the government. Even the Parliament are also entitled to refuse at all draft laws submitted by the Government.

Budget.



# THE LEGISLATURE FUNCTIONS AND RIGHTS

## 2. Supervision or Control

1

Asking questions.

2

Interpellation: the right to request information

3

Enquete or polls: the right to investigate

4

Resolution: the right to express an opinion

5

Memorandum: the right to warn in writing.

6

Impeachment: the right to demand accountability.

7

**Motion (in parliamentary systems)**

- Vote of support: the function of providing support.
- Vote of unsupported: a statement of distrust.



# THE LEGISLATURE FUNCTIONS AND RIGHTS

## 3. Budget

Entitled to submit the draft budget

The right to change or add to decrease of what the proposed budget by the government.

## 4. Political Education



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# SHORT BIO



Cecep Hidayat is a lecturer of Political Science at the Universitas Indonesia. He is also a researcher at the Universitas Indonesia. Prior to joining the Universitas Indonesia, he has been conducting some research towards Indonesian politics as well as politics in Southeast Asian countries, until now. Cecep Hidayat holds a Sarjana degree (equivalent with Bachelor degree)/B.Sc in Political Science from the Universitas Indonesia, Indonesia, as well as dual degree in IMRI (International Masters in Regional Integration) from the Asia-Europe Institute of Universiti Malaya, Kuala Lumpur, Malaysia and Centro Internacional Carlos V of Universidad Autonoma de Madrid, Spain.