

Navigating Constitutional Constraints: State Governance Practices of The Indonesian President

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Abstract: The focus of this study is to examine the substance of the president's authority restrictions in establishing constitutional governance in Indonesia. The president's limitation of power is connected to the president's restriction of authority. On the other hand, the president's power can be limited by the functional relationship between the president and the House of Representative Council (DPR), the Representative People Assembly (MPR), the Local Representative Council (DPD), and the Supreme Court (MA) and the Constitutional Court (MK). The study's findings indicate that the restricted content of the president's power can be viewed not only in terms of the president's time in office but also in terms of the content president's authority, i.e. restrictions on choosing state officers and restrictions on law-making and that the restricted content president power can be viewed in terms of the president's functional relationship with legislative and constitutive institutions.

Keywords: Limitation Power of President, Constitutional Governance, Checks and Balances system, Indonesia

Abstrak: Fokus penelitian ini adalah mengkaji substansi pembatasan kewenangan presiden dalam penyelenggaraan pemerintahan ketatanegaraan di Indonesia. Pembatasan kekuasaan presiden ada hubungannya dengan pembatasan kewenangan presiden. Di sisi lain, kekuasaan presiden dapat dibatasi oleh hubungan fungsional antara presiden dan Dewan Perwakilan Rakyat (DPR), Majelis Perwakilan Rakyat (MPR), Dewan Perwakilan Daerah (DPD), dan Mahkamah Agung (MA) dan Mahkamah Konstitusi (MK). Temuan penelitian ini menunjukkan bahwa pembatasan isi kekuasaan presiden dapat dilihat tidak hanya dari segi masa jabatan presiden, namun juga dari segi isi kewenangan presiden, yaitu pembatasan dalam memilih pejabat negara dan pembatasan dalam pembuatan undang-undang dan bahwa kekuasaan presiden dibatasi. konten terbatas Kekuasaan presiden dapat dilihat dari hubungan fungsional presiden dengan lembaga legislatif dan konstitutif.

Kata Kunci: Batasan Kekuasaan Presiden, Tata Kelola Konstitusi, Sistem Checks and Balances, Indonesia.

Introduction

Constitutional administration is a term in Indonesia that is synonymous with the constitution and basic norms.¹ Soekarno remarked at the inaugural meeting of the PPKI on August 18, 1945, that the 1945 Constitution (before the amendment) was flawed and that a new constitution was wanted to replace it. This happened during the early days of the Indonesian State when the 1945 Constitution went into force. Always up to date. The 1945 Constitutional revisions and alterations are

¹ Juang Intan Pratiwi, Neneng Salama, and Siti Ulfah, "Pembatasan Masa Jabatan Presiden Di Indonesia," *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 3, no. 1 (2021): 18–21.



seldom, if ever, applied in practice.² This is done to fit the industry's ever-changing demands and improvements. Consider Vice President's Decree No. X, issued on October 16, 1945, which elevated the KNIP from an advisory committee to the president to a legislative organisation.

On November 14, 1945, a Government Notice substituted the presidential system created by the 1945 Constitution with a legislative one. President Soeharto changed the Constitution, or it might be claimed that President Soeharto used the Constitution's faults to continue in power despite the fact that the Constitution was rigorously and continually enforced. MPR Decree No. 1 existed as a consequence of legislation even back then. I/MPR/1978 is a reference to the MPR Standing Rules, which indicate that the MPR members are devoted to upholding the Constitution and do not want to modify the 1945 Constitution.³

In the development of Indonesian law, there have been various periods. Different constitutional models arose at various junctures until the pain of history drove ideas of changing the 1945 Constitution, owing to the New Order's political practises' centralist and authoritarian inclinations. In Indonesia's political development, many periods may be distinguished. The first period covers the 1945 Constitution, the second covers the 1949 RIS Constitution, the third covers the 1950 Constitution, and the fourth covers the 1945 Constitution and its explanation. Following that, in 1999, 2000, 2001, and 2002, the 1945 Constitution was amended, using the language in effect on 5 July 1959 as a guide for making modifications to the remainder of the text, which was then made an organic supplement to the 1945 Constitution.⁴

In terms of Indonesia's constitutional history, Jimly Assidique⁵, the former first chief justice of Indonesia's Constitutional Court from 2003 to 2008, divides it into six distinct periods: 1) 18 August 1945-27 December 1949; 2) 27 December 1949-17 August 1950; 3) 17 August 1950-5 July 1959; 4) 19 October 1999-10 August 2002; and 5) 10 August 2002-present. During the first period, the Constitution of 1945 is in force, the Constitution of the RIS is in effect, the Provisional Constitution of 1950 is in effect, and the Constitution of 1945 and its Explanation is in effect during the fourth term.⁶ Following this, the 1945 Constitution was amended four times (in 1999, 2000, 2001, and 2002) with reference to the text in effect on 5 July 1959, which was then considered an organic supplement to the original Constitution.⁷

It is conceivable to interpret Article 7 of the pre-amendment Constitution of 1945, which states that the President and Vice President are elected for a five-year term and may be re-elected after that, as allowing the President the right to do anything he or she wants. (absolute). It was utilised as a basis by both the Soekarno and Suharto regimes to extend and sustain their control in state

² Pratiwi, Salama, and Ulfah; Beby Suryani Fithri, "Hubungan Antar Lembaga Negara Berdasarkan Uud 1945 Pasca Amendemen," Universitas Medan Area, 2020, <https://webcache.googleusercontent.com/search?q=cache:BDsuQOHoCi4J:https://media.neliti.com/media/publications/9138-ID-perlindungan-hukum-terhadap-anak-dari-konten-berbahaya-dalam-media-cetak-dan-ele.pdf+&cd=3&hl=id&ct=clnk&gl=id>.

³ Republik Indonesia, "Constitution of Indonesia 1945 (Amended in 2002)," MKRI (Jakarta, 2002), https://jdih.mkri.id/mg58ufsc89hrsg/UUD_1945_Perubahan.pdf.

⁴ Deden Rafi Syafiq Rabbani, Ali Abdurahman, and Mei Susanto, "The Preamble Of The Constitution As A Constitutional Touchstone: Indonesian Practices," *Arena Hukum* 15, no. 2 (2022): 353-79, <https://doi.org/10.21776/ub.arenahukum.2022.01502.7>.

⁵ Rabbani, Abdurahman, and Susanto.

⁶ Tanto Lailam, Putri Anggia, and Irwansyah Irwansyah, "The Proposal of Constitutional Complaint for the Indonesian Constitutional Court," *Jurnal Konstitusi* 19, no. 3 (2022): 693-719, <https://doi.org/10.31078/jk1939>.

⁷ Adityadarma Bagus Priasmoro Suryono, "Analisis Perkembangan Lembaga Negara Pasca Reformasi Ditinjau Dari Perspektif Politik Hukum," *Jurnal Hukum Lex Generalis* 1, no. 7 (2020): 20-39, <https://doi.org/10.56370/jhlgl.vii7.229>.

administration. Because the President's duties are inextricably linked to his or her tenure in office, the lack of a term limit in the 1945 Constitution meant that constitutionalism had not been fully implemented prior to the modification. Another measure that potentially expand the president's powers is Article 5 line (1) of the preamble to the 1945 Constitution, which states that the President has the ability to enact laws with the permission of the People's Representative Council. (DPR). The President exercises both executive and legislative authority.⁸

If this is the case, then constitutional reform is critical, since it is expected that by making changes to or revising the 1945 Constitution, a constitutional government may be constructed by reigning in the President's power. Article 7 of the 1945 Constitution, as modified, establishes a five-year term limit for the President, stating that neither the president nor the vice president may be re-elected to the same office more than once.⁹ The question therefore arises whether a term limit would immediately limit the President's power. Election limitations and explicit constraints on what the President may accomplish while in office are both examples of limits on the President's power. It is possible that the President will have unrestrained power throughout his presidency.¹⁰ This might happen if there are no checks and balances between the legislative, judicial, and administrative branches of government.

Method

This research uses a combination of two research methodologies, namely the case study research method and the normative method. This approach involves collecting data related to actual social phenomena, based on existing events, with a focus on in-depth and detailed investigations including the study of basic norms. In this study, the data management approach used a qualitative methodology, specifically using narratives and written materials that were sourced via many channels during the data collection process. The primary objective of this research is to ascertain and examine the governmental system in Indonesia, with a particular focus on the democratic framework used throughout the tenures of the sixth and seventh Indonesian presidents, namely President Susilo Bambang Yudhoyono and President Joko Widodo. This statement highlights the significance of examining the role and function of Indonesian democracy within the contemporary age, in alignment with the intended aims and principles. This study used the literature review approach to gather relevant data from many sources, including books, journals, electronic media, and Indonesian state legislation, pertaining to the governance system in Indonesia during the democratic period under President Susilo Bambang Yudhoyono (SBY). and President Joko Widodo.

Results and Discussion

Based on the 1945 Constitution, the President's authority is limited in several ways:

⁸ Warsito, "Kedudukan MPR Sebelum Dan Sesudah Amandemen UUD 1945," *Surya Kencana Dua* 9 (2022): 174–82, <https://doi.org/http://dx.doi.org/10.32493/SKD.v9i2.y2022.26276>.

⁹ Lutfi Hardiyanto et al., "Isu Presiden 3 Periode Dalam Kajian Konstitusi," *Jurnal Citizenship Virtues* 2, no. 2 (2022): 311–19, <https://doi.org/10.37640/jcv.v2i2.1532>.

¹⁰ Pratiwi, Salama, and Ulfah, "Pembatasan Masa Jabatan Presiden Di Indonesia"; Syauiid Alamsyah and Nurdin, "Lembaga Representatif Publik: Relasi Kekuasaan Dalam Perspektif Perbandingan Sistem Presidensial Vs Sistem Parlementer Studi Kasus Indonesia Dengan Inggris," *Jurnal Adhikari* 2, no. 3 (2023): 392–405, <https://doi.org/10.53968/ja.v2i3.78>.

1. Limitation of President's Authority

The President's powers are explained in Chapter III of the 1945 Constitution, including the authority of the State Government. The president and his organization are subject to a series of norms and restrictions set out in Chapter III of the 1945 Constitution, which includes seventeen articles. The President of the Republic of Indonesia is the head of state, according to Article 4 line (1) of the 1945 Constitution.¹¹ This means that while the President is in command, he governs in conformity with the law. The President is the commander-in-chief of the armed forces, according to Article 10 of the 1945 Constitution. Under this provision, the President of Indonesia has complete power over the country's military forces. (TNI). Articles 11, 12, 13, 14, and 15 of the 1945 Constitution reveal that the President's power is limited. This is shown by the following context clues:

- a. The President's ability to engage into combat or peace with another country, as well as to make accords with other countries, needs Congress' permission.¹² This section limits the President's power since he or her must get DPR consent before executing it.
- b. The President's authority is limited in making other international agreements that have broad and fundamental implications for people's lives, such as the burden on state finances and/or requiring changes to or the enactment of laws, because he must first obtain approval from the House of Representatives.¹³
- c. Because additional terms concerning international treaties are governed by law, the President's power in this area is limited.¹⁴ This section assures that international transactions may be controlled using current legal mechanisms.
- d. The President's ability to declare a state of emergency is limited, and the conditions and consequences of such a proclamation must be specified in law.¹⁵ Having a bill in place ahead of time implies that the President will meet with the DPR to discuss the proposed legislation.
- e. The President's capacity to choose diplomats is limited by the necessity to consider the House of Representatives' opinions.¹⁶ The President picks ambassadors and consuls without consulting the DPR, according to Article 13 clause (1) of the Constitution as it was before to its modification in 1945.
- f. Limiting the President's power when accepting foreign ambassador jobs and taking into consideration House of Representatives objections.¹⁷ Prior to the 1945 modification, Article 13 of the Constitution granted the President the authority to confer with foreign officials.

¹¹ Suryono, "Analisis Perkembangan Lembaga Negara Pasca Reformasi Ditinjau Dari Perspektif Politik Hukum."

¹² BAPPENAS RI, "Presiden Republik Indonesia Peraturan Presiden Republik Indonesia," *Demographic Research*, 2020.

¹³ RI.

¹⁴ RI.

¹⁵ RI.

¹⁶ RI.

¹⁷ RI.

- g. The President's authority is limited since he grants pardons and restoration in light of the Supreme Court's concerns.¹⁸ Prior to the modification, the article stated that only the President has the authority to grant pardon and restoration, regardless of the Supreme Court's objections (Article 14).
- h. The President's power will be limited if he grants pardons and executions while simultaneously taking-into account the views of the House of Representatives.¹⁹ Prior to the 1945 Constitutional Amendment, the President had exclusive authority over pardons and the abolition of criminal punishments (Article 14).
- i. The Act covers titles, medals, and other kinds of presidential honour. Article 15 of the 1945 Constitution stated that the President has the ability to grant prizes and titles without previous legislation control.²⁰

The president also has limited authority in selecting federal personnel. A number of provisions of the 1945 Constitution are proof of this, including:

- 1) The members of the Audit Board of the Republic of Indonesia are officially sworn in by the President of Indonesia after being selected by the House of Representatives with advice from the Regional Advisory Council (paragraph 1) of Article 23 F.²¹
- 2) After the Judicial Commission presents a proposal for confirmation as a Supreme Court judge to the House of Representatives, the President makes the ultimate decision on who will join the court (Article 24 A, section 3).²²
- 3) As constitutional justices, three members of the Supreme Court, three members of the House of Representatives, and three members of the President are appointed (Article 24 C section (3)).²³
- 4) According to Article 24 B, subsection (3), the President may appoint and dismiss members of the Judicial Commission with the approval of the House of Representatives.²⁴
- 5) Article 17(2) empowers the President to appoint and dismiss ministers, whereas Article 17(4) specifies that the establishment, reorganization, and termination of state ministries must follow legal requirements.²⁵
- 6) Under the law, the President is obligated to create a consultative group that will advise the President. (Article 16).²⁶

Apart from the verses above, the President's authority in the legal sector also limits the President's power. The People's Representative Council, not the President, has the authority to draught laws; (ii) the President has only the

¹⁸ RI.

¹⁹ RI.

²⁰ RI.

²¹ RI.

²² Cipto Prayitno, "Analisis Konstitusionalitas Batasan Kewenangan Presiden Dalam Penetapan Peraturan Pemerintah Pengganti Undang-Undang," *Jurnal Konstitusi* 17, no. 3 (2020): 513, <https://doi.org/10.31078/jk1733>.

²³ RI, "Presiden Republik Indonesia Peraturan Presiden Republik Indonesia."

²⁴ Prayitno, "Analisis Konstitusionalitas Batasan Kewenangan Presiden Dalam Penetapan Peraturan Pemerintah Pengganti Undang-Undang."

²⁵ Prayitno.

²⁶ Prayitno.

right of initiative to submit bills to the DPR; (iii) the President does not have the authority to reject a bill that has been mutually agreed upon; and (iv) the draught law will become law without the President's approval within thirty days of its approval.

Despite the President's authority to issue a Perpu, that authority is limited in two ways: (i) a Perpu is only valid until the next DPR session, and if it is not approved by the DPR, it must be revoked; and (ii) the DPR must have oversight over the Perpu's implementation to ensure that no victims of injustice are created as a result of its issuance. In addition, the President has the ability to issue Presidential Regulations in other areas of lawmaking. (Perpres). As part of operating the state government, the President takes this choice. Executive orders and executive regulations are used to carry out extra plans for legislation and government rules.

Regulations implementing the above regulations are required for the government to carry out its mandates, so the President's deputies (Ministers or other high-level officials such as the Governor of Bank Indonesia, the Attorney General, the Head of the State Police, and the Commander of the TNI) are empowered to create them.²⁷ Government regulations and Presidential Regulations, for example, provide the President the authority to make legislative rules.

2. President-Policy Institution Relations (including the DPR, DPD, and MPR)

The DPR is responsible for overseeing the implementation of laws and the use of money while exercising its supervision of the President's power. In other words, the legislative branch's oversight of executive branch acts may limit the President's power.²⁸ The DPR is in charge of overseeing the government to ensure that it is carrying out its responsibilities in accordance with the laws that it and the government have passed. The DPR's capacity to maintain tabs on the government's goals when it comes to establishing the APBN and putting those plans into reality is inextricably linked to the DPR's budget oversight.

The DPR's right to interpellation, right to inquiry, and right to express opinions are all inextricably linked to the DPR's monitoring role.²⁹ Interpellation is a technique used to make government officials responsible for their acts. Despite its close association to the DPR's monitoring duty, the privilege of interpellation is ineffective as a mechanism of DPR control over the President under Indonesia's presidential system. The DPD has the authority to supervise the President's implementation of laws pertaining to: regional autonomy; the formation, division, and merger of regions; central and regional relations; the management of natural resources and other economic resources; the implementation of the state revenue and expenditure budget; taxes; education; and religion, as specified in Article 22 D paragraph (3).

The DPD may supervise, but it cannot independently monitor the consequences of such supervision. The DPD transmits its oversight findings to

²⁷ Kuntana Magnar, "Hubungan Dewan Perwakilan Rakyat (DPR) Dengan Presiden Setelah Perubahan Undang-Undang Dasar (UUD) 1945: Pencarian Bentuk Dan Isi" (Graduate program Padjajaran University, 2006); Pratiwi, Salama, and Ulfah, "Pembatasan Masa Jabatan Presiden Di Indonesia."

²⁸ Beby Suryani Fithri, "Hubungan Antar Lembaga Negara Berdasarkan UUD 1945 Pasca Amendemen"; Suryono, "Analisis Perkembangan Lembaga Negara Pasca Reformasi Ditinjau Dari Perspektif Politik Hukum."

²⁹ RI, "Presiden Republik Indonesia Peraturan Presiden Republik Indonesia."

the DPR, who then decides whether or not to utilise them. This language provides more evidence that the DPD in the Third Amendment to the 1945 Constitution does not incorporate the notion of a representative body structure. (bicameral).³⁰ The DPD operates purely as an auxiliary to the DPR, assisting the DPR in carrying out its tasks and powers.

The authority of the People's Consultative Assembly, in addition to the DPR and DPD organizations, is another example of how the President's power is restrained. (MPR). According to Article 3, line 3 of the 1945 Constitution, the MPR cannot remove the President or Vice President from office before their terms expire. A link has been found between paragraph 3(3) and Article 7A of the 1945 Constitution. According to Article 7 A of the Constitution, the People's Consultative Assembly is the sole governmental organization having the authority to remove the President from office while he is in office. (MPR). The DPR oversees state administration on behalf of the President before it is decided by the MPR.

If it is found that the President has broken the law as a consequence of the DPR's monitoring, the DPR has the right to propose to the MPR that the President be removed from office. As a consequence, under Article 7 A of the 1945 Constitution, the President may be removed from office if it is shown that he has breached the law and is unable to carry out his responsibilities. Because the President, who is directly elected by the people, is not responsible to the MPR but rather to the people, accountability for government policy is not included in the offenses mentioned. In view of Article 7 B of the 1945 Constitution, fulfilling the MPR's statutory tasks is exceedingly difficult.

A meeting scheduled to consider potential censure of the President and/or Vice President cannot continue unless more than two-thirds of the complete MPR is present. Even if an assembly can be held with at least three-quarters of the MPR members present but is not authorized by at least two-thirds of the members present, it will be difficult to remove the President and/or Vice President.

3. President-Judicial Relations with the Constitutional Court and Supreme Court

The Constitutional Court and the Supreme Court's jurisdiction serve as a check on the executive branch, restricting the President's capacity to act unilaterally. When the House of Representatives files a complaint alleging that the President has broken the law or otherwise fails to meet the requirements for the office of President as outlined in the 1945 Constitution, the Constitutional Court has the authority to limit the President's powers by issuing a ruling. A solicitation that is illegal under the law.³¹

During the President's tenure, the Constitutional Court (MK) must decide if the DPR's evaluation of the President's censure charge is accurate.³² Because the Constitutional Court's impeachment process is centred on the DPR's point of view, it is apparent that the Court is not holding a trial for the President on censure allegations. The case must be reviewed by the Con-

³⁰ Umar Sholahudin Bambang Ariyanto, "Hubungan Presiden-DPR Dalam Pembentukan UU Dalam Rangka Memperkuat Prinsip Kedaulatan Rakyat," *Jurnal Majelis Media Aspirasi Konstitusi* 2, no. 2 (2022): 305, <https://repository.unair.ac.id/123847/1/9.A.pdf>.

³¹ Bawaslu RI., *No Title* (Desain Pegawai Pemilihan Serentak [PDF], 2020), <https://www.bawaslu.go.id/sites/default/files/publikasi/BUKU>; Syauid Alamsyah and Nurdin, "Lembaga Representatif Publik: Relasi Kekuasaan Dalam Perspektif Perbandingan Sistem Presidensial Vs Sistem Parlementer Studi Kasus Indonesia Dengan Inggris."

³² RI, "Presiden Republik Indonesia Peraturan Presiden Republik Indonesia."

stitutional Court, followed by a trial and a decision. The DPR's ultimate conclusion in the plenary assembly was guided by a more complicated political perspective. As a result, the Constitutional Court's censure mechanism is valid. Because the Constitutional Court is a court of law and a judicial power bearer, its decision on the DPR's stance must be justified by legislation.³³

If the Constitutional Court determines that either the President or Vice President has committed treason against the state, corruption, bribery, or other serious crimes or disgraceful acts, or if either the President or Vice President no longer meets the requirements as President or Vice President, the situation will be monitored. Furthermore, the House of Representatives met in full, as required by Article 7B subsection (5) of the 1945 Constitution, to vote on the resolution to remove the President and/or Vice President from the People's Consultative Assembly.³⁴

The Constitutional Court is required to notify the DPR of its judgment if it finds that the DPR's evaluation of the President's potential legal infractions and/or failure to perform the duties of his office was accurate. The motion to remove the President and/or Vice President will then be presented to the MPR by the DPR in a full assembly meeting. The MPR organization retains the right to remove the President and/or Vice President from office throughout their tenure in office. The President cannot be easily removed from his office as head of state as a consequence.

Under the presidential system created by the 1945 Constitution, stability of administration is crucial. This means that the President can avoid breaking the law because of the constitutional protections against impeachment, not because he is given additional power. One of the most important institutions for limiting the President's power is the Supreme Court. One of the Supreme Court of Massachusetts's functions in limiting the executive branch's authority is to review statutory regulations under the law where they conflict with the law. Article 24A, Clause 1 of the 1945 Constitution states that:

The Supreme Court may hear disputes at the cassation level, compare laws with legislative norms, and perform any other functions expressly granted to it by legislation.

When reviewing legislation for conformity with the Act, the Supreme Court may declare it illegal because it contradicts a higher statute or because it was not written in line with relevant rules.³⁵ Rules imposed by unlawful statutes are void and have no legal force or effect;³⁶ they may be contested at the cassation level of review or by submitting a petition to the Supreme Court.³⁷

Indonesia's Presidential System Has Challenges; Government Branch Power Unequal

The MPR, DPR, DPD, President, BPK, MA, and MK are the seven state institutions that comprise Indonesia's government structure, according to the post-amendment 1945 constitution. Actually, Indonesia's three tiers of governance are

³³ Muhammad Dafa Khairulloh, "Sejarah Dan Perkembangan Mahkamah Konstitusi Selaku Pemegang Kekuasaan Kehakiman Di Indonesia," *Sovereignty* 2, no. 1 (2023): 125–29.

³⁴ Khairulloh.

³⁵ RI, "Presiden Republik Indonesia Peraturan Presiden Republik Indonesia."

³⁶ RI.

³⁷ Beby Suryani Fithri, "HUBUNGAN ANTAR LEMBAGA NEGARA BERDASARKAN UUD 1945 PASCA AMENDEMEN."

not wholly separate from one another. The ability to perform audits of state finances is referred to as examiner power, and it is the topic of the fourth power structure. BPK now has the ability to administer exams in Indonesia, according to a revision to Article 23 of the 1945 Constitution. The problems in Indonesia's presidential system have not been rectified, nor has the government's non-triangular political power distribution. The president's power is waning while the DPR's is increasing, and this is reflected in the government's structure.³⁸

One recent example is the DPR's ratification of the MD3 Law without the signature of the president. The Indonesian government has regulations for the approval of legislation, according to Law No. 12/2011 on the Establishment of Legislative Regulations. The president has 30 days after a legislation is approved by the legislature to approve it, according to DPR legislation No. 12/2011 on the Formation of Legislation. If the measure is not approved by the president within that time range, it will nevertheless become law. This regulation renders the president much less successful than it might otherwise be.³⁹

The outcome of SBY and Joko Widodo on Indonesian Democracy

SBY was seen as inventive and bright but reluctant during his presidency, but Jusuf Kalla was regarded as a leader who was gutsy in making difficult decisions and taking calculated risks. Internal and international security, government personnel management, and policymaking need a clear division of duties between the president and vice president.

After SBY and his running partner Boediono won the president in 2009, they continued to rule the nation. During SBY's second term, the government's lack of transparency with the public, judicial uncertainty, inability to abolish KKN, and slow progress on bureaucratic reform all led to a red report. The next presidential election will be held once SBY's presidency ends in 2014. Joko Widodo and Jusuf Kalla, and Prabowo Subianto and Hatta Rajasa, are the two running mates. Joko Widodo and Jusuf Kalla, the candidates who ran, were victorious.⁴⁰

For five years, the Jokowi-Jusuf Kalla Administration prioritised the protection and sense of security of its citizens, the cleanliness of its government, the development of its rural and suburban areas, and the integrity of its legal system, as detailed in the book *Five Years Forward Together*, published by the Office of the President of the Republic of Indonesia. The Jokowi-Jusuf Kalla government has preserved internal political stability by cultivating an atmosphere of trust and openness to discussion, both of which are necessary for any democracy to thrive.

Indonesia's democratic life has remained stable during the last year, according to the Indonesian Democracy Index (IDI), which evaluates civil liberties, political rights, and democratic organisations. Indonesia received 73.04 points on the 2014 Democracy Index. The level in 2015 was 72.82 points lower. In 2016, the IDI was 69.97, in 2017 it was 63.39, and in 2018 it was 64.48. According to the government, there has been no major change in the Indonesian Democracy Index since 2014.

³⁸ Republik Indonesia, "Constitution of Indonesia 1945 (Amended in 2002)."

³⁹ Suparto Suparto, "Pelaksanaan Sistem Pemerintahan Presidensial Dengan Multi Partai Di Indonesia," *Sasi* 27, no. 4 (2021): 516, <https://doi.org/10.47268/sasi.v27i4.600>.

⁴⁰ N Lestari, A Ramadhani, and, "Dynamics of Development Democracy Indonesia in the Era of Jokowi Leadership," *Jurnal Netralitas Dan* 1, no. 1 (2022): 40–50, <https://doi.org/https://doi.org/10.55108/JNP.viii.179>; Irmaline Pakazeni and Cindy Nabilla, *Analisis Sistem Pemerintahan Di Indonesia Pada Demokrasi Di Era SBY Dan Jokowi*, *TheJournalish: Social and Government*, vol. 1 (Universitas Indo Global Mandiri, Palembang: Jurnal Ilmu Pemerintahan, 2020), <https://doi.org/10.55314/tsg.vii3.24>.

Voter participation in midterm elections, for example, is a valuable indicator of the health of democracies.⁴¹



Figure 1: Indonesia Democracy Index

President Jokowi may have looked to prioritize political life above democracy during his five years in government, but he continuously communicated the idea that political life was prioritized throughout his administration. President Jokowi emphasized the importance of press and speech freedom in maintaining a healthy society. According to President Joko Widodo, Indonesian legislation safeguards the country's ethnic, cultural, and religious diversity. All inhabitants have the same rights and privileges. And the SARA-style or large-population force paradigm is not democratic.

The fact that Jokowi's government is seen as unimportant in terms of strengthening democracy and democratic mechanisms after just one term demonstrates this. There have been no elections, no initiatives to reform the party system, and no democratic organizations have been established. However, this does not imply that President Jokowi has done nothing to improve democracy during his five years in government. President Jokowi's approach to increasing money for political parties is not horrible in terms of bolstering democratic institutions.⁴²

While the political organization and tasks may change dramatically during the transition, the political environment will remain essentially constant. As a consequence, Indonesia's governmental system has become contradictory. Because of the political culture's concentration on power struggles among political leaders, the structure of political democracy is defective. The media continues to cover KKN news on a regular basis. Every Indonesian president must study KKN extensively. The tendency towards democratization is accelerating as the government's dictatorial practices deteriorate.⁴³

The expansion of democracy in Indonesia, then, has repercussions for the country's political structure. The move to an executive form of government seems

⁴¹ Qonita Dina Latansa, "Konstitusionalitas Batasan Masa Jabatan Presiden Dan Wakil Presiden Di Indonesia," *Jurist-Diction* 2, no. 2 (2019): 595, <https://doi.org/10.20473/jd.v2i2.14254>; The Economist Intelligence Unit, "Democracy Index 2021- Economist Intelligence Unit," Eiu.Com, 2021, https://www.eiu.com/n/campaigns/democracy-index-2021/#mktoForm_anchor.

⁴² So Yoon Lee, "An Urban Explanation of Jokowi's Rise: Implications for Politics and Governance in Post-Suharto Indonesia," *Journal of Current Southeast Asian Affairs* 40, no. 2 (2021): 293-314, <https://doi.org/10.1177/1868103421990853>.

⁴³ Pakazeni and Cindy Nabilla, *Analisis Sistem Pemerintahan Di Indonesia Pada Demokrasi Di Era SBY Dan Jokowi.*; Lestari, Ramadhani, and ..., "Dynamics of Development Democracy Indonesia in the Era of Jokowi Leadership."

to be going well during this time of transition, albeit it is not.⁴⁴ The president has a tough choice: give in to parliament's demands or stick to executive objectives that aren't backed up by a viable political agenda. Compromises are unavoidable under the presidential system since the president's temperament and leadership style are often yielding and less powerful in making choices. It is critical to reinforce the president in order for government to work effectively. The inefficiencies of President Susilo Bambang Yudhoyono's two-term government showed us the significance of simplifying political party structures in order to better serve the president. True, establishing a strong executive administration is challenging.⁴⁵

Conclusion

Powers of the President in Indonesia are limited to ensure a legitimate government. The President's tenure is restricted, and their authority is constrained in various areas, such as appointing state officials and within the legislative domain. The President's power is also controlled by the legislative branch, which includes the DPR's supervisory role, the MPR's ability to impeach the President, and the DPD's monitoring function. Judicial bodies, like the Constitutional Court and the Supreme Court, also impose limits on the President's authority, particularly in impeachment proceedings and assessing the constitutionality of presidential regulations. These checks and balances between the executive, legislative, and judicial branches reinforce the presidential system.

Indonesia's political system is a presidential democracy, where the president serves as both head of state and government, elected directly by citizens. The president is accountable to the people and can only be removed via impeachment. During the presidencies of Susilo Bambang Yudhoyono and Joko Widodo, significant changes occurred. Yudhoyono's term saw economic growth, but also political issues like unfair lobbying. Widodo's administration, however, faced criticism for neglecting democratic reforms, leading to decreased public trust in the government. Despite this, the Indonesian Democracy Index has remained steady. To improve public confidence, the government must focus on strengthening the political system.

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⁴⁴ Hardiyanto et al., "Isu Presiden 3 Periode Dalam Kajian Konstitusi."

⁴⁵ Asrinaldi and Mohammad Agus Yusoff, "Power Consolidation and Its Impact on the Decline of Democracy in Indonesia under President Jokowi," *Cogent Social Sciences* 9, no. 1 (2023), <https://doi.org/10.1080/23311886.2023.2232579>.

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