

THE POSITION OF THE PRESIDENT IN INDONESIA'S CONSTITUTIONAL GOVERNMENT SYSTEM

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ABSTRACT

This study examines the constitutional position of the President within Indonesia's governmental system following the amendments to the 1945 Constitution of the Republic of Indonesia. The research aims to analyze the President's position as Head of State and Head of Government, examine presidential authority in the executive, legislative, judicial, and defense sectors, and evaluate the relationship between the President and other state institutions within the framework of checks and balances. This study employs normative legal research using statutory and conceptual approaches. The analysis is based on constitutionalism, separation of powers, and checks and balances theories through the examination of constitutional provisions, legislation, and relevant legal literature. The findings indicate that the constitutional amendments significantly transformed the position of the President within Indonesia's constitutional system. Although the President continues to hold extensive executive authority, presidential powers are constitutionally limited through legislative oversight, judicial review, and institutional accountability mechanisms. The President's relationship with the DPR, MPR, Supreme Court, and Constitutional Court reflects the implementation of checks and balances designed to prevent the concentration of power. Furthermore, post-reform developments, including direct presidential elections and the establishment of the Constitutional Court, have strengthened democratic legitimacy and constitutional supervision of executive authority. This study concludes that the post-amendment constitutional system seeks to balance effective presidential leadership with constitutional limitations and institutional oversight in order to uphold democracy, constitutionalism, and the rule of law.

ABSTRAK

Studi ini meneliti posisi konstitusional Presiden dalam sistem pemerintahan Indonesia setelah amandemen Konstitusi Republik Indonesia tahun 1945. Penelitian ini bertujuan untuk

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menganalisis posisi Presiden sebagai Kepala Negara dan Kepala Pemerintahan, meneliti kewenangan presiden di sektor eksekutif, legislatif, yudisial, dan pertahanan, serta mengevaluasi hubungan antara Presiden dan lembaga negara lainnya dalam kerangka checks and balances. Studi ini menggunakan penelitian hukum normatif dengan pendekatan hukum dan konseptual. Analisis didasarkan pada teori konstusionalisme, pemisahan kekuasaan, dan checks and balances melalui pemeriksaan ketentuan konstitusi, undang-undang, dan literatur hukum yang relevan. Temuan menunjukkan bahwa amandemen konstitusi secara signifikan mengubah posisi Presiden dalam sistem konstusional Indonesia. Meskipun Presiden terus memegang kewenangan eksekutif yang luas, kekuasaan presiden dibatasi secara konstusional melalui pengawasan legislatif, peninjauan yudisial, dan mekanisme akuntabilitas kelembagaan. Hubungan Presiden dengan DPR, MPR, Mahkamah Agung, dan Mahkamah Konstusional mencerminkan implementasi checks and balances yang dirancang untuk mencegah konsentrasi kekuasaan. Lebih lanjut, perkembangan pasca-reformasi, termasuk pemilihan presiden langsung dan pembentukan Mahkamah Konstusional, telah memperkuat legitimasi demokrasi dan pengawasan konstusional terhadap kewenangan eksekutif. Studi ini menyimpulkan bahwa sistem konstusional pasca-amandemen berupaya menyeimbangkan kepemimpinan presiden yang efektif dengan batasan konstusional dan pengawasan kelembagaan untuk menegakkan demokrasi, konstusionalisme, dan supremasi hukum.

Kata Kunci:

Presiden; Sistem Presidensial; Hukum Konstusional; Lembaga Negara; Pengawasan dan Keseimbangan; Konstitusi 1945

INTRODUCTION

The President is one of the most important state institutions within Indonesia's constitutional system. As both Head of State and Head of Government, the President exercises executive authority in administering the state and implementing public policies. The constitutional position of the President is regulated in the 1945 Constitution of the Republic of Indonesia (the 1945 Constitution), particularly after the constitutional amendments enacted between 1999 and 2002, which significantly transformed Indonesia's constitutional structure. These amendments strengthened the presidential system, introduced direct presidential elections, and established a stronger checks and balances mechanism to prevent the concentration of power in a single institution (Putra et al., 2026).

Prior to the amendments, the President occupied a highly dominant position within the constitutional structure because he or she was elected by and accountable to the People's Consultative Assembly (MPR), which at that time functioned as the highest state institution. This arrangement resulted in limited institutional control over executive authority and generated concerns regarding the concentration of power. Following the constitutional amendments, the President became directly elected by the people and obtained stronger democratic legitimacy. At the same time, presidential authority became subject to constitutional limitations and oversight by other state institutions, including the House of Representatives (DPR), the Supreme Court (MA), and the Constitutional Court (MK) (Fahira, 2025). These reforms reflect the principles of constitutionalism, separation of powers, and checks and balances that characterize modern democratic governance.

Studies concerning the position of the President in Indonesia's constitutional system have been widely conducted. (Putri & Damayanti, 2025) explain that the post-amendment presidential system strengthens the separation of functions among the executive, legislative, and judicial

branches. (Wardhana, 2018) analyzes the relationship between the President and state institutions from the perspective of checks and balances. Furthermore, constitutional scholars such as Jimly Asshiddiqie argue that the amendments to the 1945 Constitution were intended to reduce executive dominance and strengthen constitutional accountability through institutional supervision. Comparative constitutional law studies also emphasize that an effective presidential system requires a balance between executive authority, legislative oversight, and judicial control in order to maintain democratic governance and prevent abuses of power.

Empirical developments in post-reform Indonesia further demonstrate the significance of these constitutional changes. The implementation of direct presidential elections since 2004, the establishment of the Constitutional Court as a guardian of the Constitution, and the strengthening of the DPR's legislative and oversight functions have substantially altered the constitutional position of the President. These developments illustrate how constitutional principles are applied in practice and continue to shape debates concerning executive authority, institutional accountability, and the effectiveness of checks and balances within Indonesia's constitutional system.

Despite the growing body of literature, previous studies generally focus on specific aspects of presidential authority, such as executive power, legislative relations, judicial oversight, or the presidential system itself. Consequently, limited attention has been given to a comprehensive analysis that integrates the President's position as Head of State and Head of Government, presidential authority in various constitutional fields, the relationship between the President and major state institutions, and the operation of checks and balances mechanisms after the amendments to the 1945 Constitution. This gap remains important because constitutional reforms have significantly transformed the distribution of power among state institutions while continuing to generate constitutional debates regarding executive authority and democratic accountability in Indonesia.

This study aims to analyze the position of the President within Indonesia's governmental system based on the 1945 Constitution of the Republic of Indonesia, examine presidential authority in the executive, legislative, judicial, and defense and security fields, and analyze the relationship between the President and other state institutions within the framework of checks and balances. The study also seeks to explain how constitutional reforms have reshaped presidential authority and constitutional accountability in post-amendment Indonesia.

The novelty of this study lies in its integrated constitutional analysis of the President's position in post-amendment Indonesia. Unlike previous studies that generally discuss presidential authority, institutional relations, or checks and balances separately, this research combines the analysis of the presidential system, the President's position as Head of State and Head of Government, presidential authority in various constitutional fields, the relationship between the President and major state institutions, and the operation of checks and balances mechanisms within a single analytical framework. Therefore, this study contributes additional scholarly value by providing a comprehensive understanding of how constitutional reforms have transformed presidential authority, institutional relationships, and constitutional accountability within Indonesia's contemporary constitutional system.

METHOD

This study employs a normative legal research design with a qualitative approach. Normative legal research was selected because the object of analysis concerns legal norms governing the position of the President within Indonesia's constitutional system under the 1945 Constitution of the Republic of Indonesia. The study focuses on examining the President's position as Head of State and Head of Government, presidential authority in the executive, legislative,

judicial, and defense and security fields, as well as the President's relationship with other state institutions within the framework of checks and balances.

The research applies both the statute approach and the conceptual approach. The statute approach is conducted through an examination of constitutional provisions and relevant legislation governing presidential authority and state institutional relations. The conceptual approach is used to analyze constitutional law concepts and theories relevant to the study, including constitutionalism, separation of powers, the presidential system, and checks and balances. These theories serve as the analytical framework for assessing the constitutional position of the President and evaluating the distribution and limitation of governmental power within Indonesia's post-amendment constitutional system.

The data used in this study consist of secondary legal materials comprising primary and secondary legal sources. Primary legal materials include the 1945 Constitution of the Republic of Indonesia and other relevant laws and regulations related to presidential authority and constitutional governance. Secondary legal materials consist of constitutional law textbooks, academic journal articles, scholarly publications, and previous studies discussing presidential systems, constitutional law, and state institutional relations. The selection of legal sources is based on three criteria: relevance to the research topic, academic credibility, and consistency with Indonesia's post-amendment constitutional framework. Priority is given to authoritative legal sources, constitutional provisions, and peer-reviewed academic publications that directly address presidential authority, constitutional accountability, and institutional checks and balances.

Data collection is conducted through library research by reviewing constitutional provisions, legislation, academic literature, and relevant legal documents. The collected materials are subsequently organized and classified according to the main themes of the study, namely the presidential system, the constitutional position of the President, presidential authority, institutional relations, and checks and balances mechanisms.

The data interpretation process is carried out through qualitative descriptive-analytical analysis. First, constitutional provisions and legal materials are identified and categorized according to the relevant constitutional issues. Second, the legal materials are interpreted using constitutional law theories and concepts to explain the distribution of authority among state institutions. Third, the findings are analyzed by comparing constitutional norms with post-reform constitutional developments, including the implementation of direct presidential elections, the establishment of the Constitutional Court, and the strengthening of legislative oversight by the House of Representatives (DPR). Finally, the results are synthesized to evaluate how constitutional reforms have reshaped the position of the President and the operation of checks and balances within Indonesia's contemporary constitutional system.

Through this analytical framework, the study seeks to provide a comprehensive understanding of the President's constitutional position and authority while assessing the effectiveness of constitutional limitations and institutional oversight mechanisms in post-amendment Indonesia.

RESULTS AND DISCUSSION

GOVERNMENT SYSTEMS

Definition of Government System

A government system is a mechanism or procedure for organizing the state that regulates the relationship among state institutions in carrying out their functions and authorities. Terminologically, the term "government system" derives from the word system, meaning a unified whole consisting of interrelated parts that work in an orderly manner to achieve certain

objectives, and the word government, which refers to the process of exercising state power to achieve public welfare (Ahsanul Khuluqi & Muwahid, 2024).

In a broad sense, government encompasses all state institutions that exercise state power, namely the executive, legislative, and judicial branches. These three branches have different duties and authorities, yet they are interrelated in the administration of the state. The relationship among these institutions is regulated within a government system so that the exercise of state power can function effectively, orderly, and in accordance with national objectives. Thus, a government system can be understood as a set of rules and mechanisms that regulate the distribution of power and the working relationship among state institutions in carrying out governmental functions. Through a government system, each state institution can perform its duties and authorities proportionally so that state objectives as mandated by the constitution can be optimally achieved.

From a constitutional perspective, a government system serves not only as an institutional arrangement but also as a mechanism for limiting and controlling the exercise of state power. Constitutionalism requires that governmental authority be exercised in accordance with constitutional provisions and subject to institutional oversight. Therefore, the design of a government system is closely related to the principles of separation of powers, checks and balances, and the rule of law, which aim to prevent the concentration of power and ensure democratic accountability. In the Indonesian context, these principles have become increasingly important following the constitutional amendments to the 1945 Constitution, which restructured the relationship among state institutions and strengthened constitutional control mechanisms

Presidential Government System

A presidential system is a system of government that places the President as both head of state and head of government. In this system, the President holds executive power and runs the government based on a mandate granted by the constitution and the people. Indonesia constitutionally adopts a presidential system following the amendments to the 1945 Constitution of the Republic of Indonesia, which affirm the separation of powers among the executive, legislative, and judicial branches (Putri & Damayanti, 2025).

According to Jimly Asshiddiqie, the main characteristic of a presidential system is a clear separation between executive and legislative powers. The President is not accountable to the parliament, and likewise, the parliament cannot dismiss the President for purely political reasons (Fahira, 2025).

The characteristics of a presidential system include: the President serves as both head of state and head of government; the President is directly elected by the people for a fixed term; the President is not accountable to the parliament; ministers are appointed and dismissed by the President and are responsible to the President; there is a separation of powers between the executive, legislative, and judicial branches; there is a checks and balances mechanism among state institutions; and the President's term of office does not depend on parliamentary political support as long as constitutional provisions are not violated. In Indonesia's presidential system, the President's term of office is five years and may be re-elected for only one additional term as regulated in Article 7 of the 1945 Constitution of the Republic of Indonesia. To carry out executive functions, the President is assisted by ministers who are appointed and dismissed directly by the President (Putri & Damayanti, 2025).

Although the President holds significant authority, the exercise of such power is still limited by the checks and balances mechanism. The House of Representatives (DPR) performs an oversight function over government policies, while the Constitutional Court has the authority to review laws and plays a role in the impeachment process of the President as regulated in Articles 7A and 7B of the 1945 Constitution of the Republic of Indonesia.

Thus, Indonesia's presidential system upholds the principles of democracy, constitutional supremacy, and the rule of law.

From the perspective of constitutional law theory, Indonesia's presidential system reflects the principles of constitutionalism, separation of powers, and checks and balances. Montesquieu argued that the concentration of power in a single institution may lead to abuse of authority; therefore, governmental powers should be distributed among different branches of government. Similarly, constitutional scholars such as Jimly Asshiddiqie emphasize that constitutional democracy requires effective mechanisms to limit and supervise the exercise of state power. In this context, the constitutional amendments to the 1945 Constitution significantly transformed Indonesia's governmental structure by strengthening the roles of the DPR and judicial institutions while preserving the President's position as the holder of executive power. These developments demonstrate that Indonesia's presidential system is designed not only to ensure effective governance but also to maintain constitutional accountability and the rule of law.

Furthermore, the implementation of presidentialism in Indonesia continues to face contemporary challenges. Although the constitutional framework clearly separates executive and legislative powers, political realities often require the President to build broad coalitions within the DPR to secure support for governmental policies. This condition has generated scholarly debate regarding the effectiveness of checks and balances in Indonesia's multiparty political system. On the one hand, cooperation between the President and the DPR may contribute to political stability and policy effectiveness. On the other hand, dominant governing coalitions may weaken legislative oversight of executive actions. Empirical developments in post-reform Indonesia, including the establishment of the Constitutional Court, the implementation of direct presidential elections since 2004, and the strengthening of judicial review mechanisms, illustrate ongoing efforts to balance strong executive leadership with democratic accountability and constitutional control.

POSITION OF THE PRESIDENT UNDER THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA

The President as Head of Government

As the head of government, the President of the Republic of Indonesia holds the highest executive power as affirmed in Article 4 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that the President holds governmental power according to the Constitution. This position places the President as the main executor of state governance who has real authority in managing and directing the administration of government. The President does not only serve as a state symbol but also as the holder of governmental power responsible for the entire administration of the state. In carrying out his duties, the President is assisted by a Vice President and ministers who are appointed and dismissed by the President. These ministers function as assistants to the President in implementing various governmental affairs and are directly responsible to the President. As the holder of executive power, the President plays an important role in formulating and implementing state policies in various fields, such as politics, economy, social affairs, culture, defense, and security. In addition, the President also holds authority in the legislative field, such as proposing draft laws, issuing Government Regulations in Lieu of Law (Perppu) in certain circumstances, issuing Government Regulations, and issuing various decisions related to the administration of government. All of these powers are exercised in order to achieve the state objectives as mandated in the Preamble of the 1945 Constitution of the Republic of Indonesia, namely to protect the entire Indonesian nation and all of its territory, promote public welfare, educate the nation's life, and participate in maintaining world order based on independence, lasting peace, and social justice.

In practice, presidential authority is exercised through various constitutional and governmental actions. For example, the President formulates national development policies, appoints ministers to implement governmental programs, and may issue Government Regulations in Lieu of Law (Perppu) in urgent circumstances as provided by the Constitution. The implementation of direct presidential elections since 2004 has also strengthened the President's democratic legitimacy while increasing public accountability. However, the exercise of executive authority remains subject to constitutional oversight through the DPR's supervisory function and judicial review mechanisms conducted by the Constitutional Court.

The relationship between the President and the DPR reflects the implementation of the checks and balances principle within Indonesia's constitutional system. Following the amendments to the 1945 Constitution, the DPR was granted stronger legislative and oversight powers to prevent the excessive concentration of executive authority. Nevertheless, the balance of power between the President and the DPR remains a subject of scholarly debate. Some scholars argue that the strengthened role of the DPR has enhanced democratic accountability and constitutional control over executive power. Others contend that the dominance of governing coalitions in Indonesia's multiparty political system may reduce the effectiveness of legislative oversight, thereby weakening institutional checks on presidential authority. Therefore, maintaining an appropriate balance between effective executive leadership and legislative control remains an important constitutional challenge in post-reform Indonesia.

The President as Head of State

In addition to serving as head of government, the President of the Republic of Indonesia also holds the position of head of state, carrying out various state functions in accordance with constitutional provisions. In this capacity, the President acts as a symbol of state sovereignty as well as the official representative of the state in both national and international relations. According to Jimly Asshiddiqie, the President's position as head of state and head of government is essentially part of the executive branch of power, which makes the President's position very strong within Indonesia's constitutional system. Therefore, presidential authority is limited by the Constitution to prevent abuse of power. As head of state, the President holds several important constitutional powers, such as declaring a state of emergency as regulated in Article 12 of the 1945 Constitution of the Republic of Indonesia when the state faces conditions that threaten national security and safety. The President also has authority in the field of foreign relations, namely appointing and receiving ambassadors and establishing diplomatic relations with other countries as regulated in Article 13 of the 1945 Constitution of the Republic of Indonesia. In addition, the President has the authority to grant clemency and rehabilitation with the consideration of the Supreme Court as regulated in Article 14 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This authority is one form of presidential prerogative related to granting pardon or restoring a person's rights based on legal and humanitarian considerations. The President also has the authority to confer titles, decorations, and honors to citizens or other parties deemed to have contributed to the nation and state as regulated in Article 15 of the 1945 Constitution of the Republic of Indonesia.

Through these various powers, the President plays a role as the guardian of sovereignty, dignity, and national interests, both domestically and internationally.

Conceptually, it is important to distinguish between the President's symbolic and executive functions. As head of state, the President primarily performs symbolic, representative, and ceremonial functions that reflect national sovereignty, state continuity, and Indonesia's position in international relations. In contrast, as head of government, the President exercises executive authority by directing public administration, implementing state policies, and managing governmental affairs. Although both functions are vested in a single office under Indonesia's presidential system, this distinction is important for understanding the scope of presidential authority and the constitutional limitations attached to each function.

Thus, the President's position as head of state demonstrates a strategic role in maintaining state existence, strengthening diplomatic relations, and carrying out state functions mandated by the Constitution (Ainol fiqi, M. Nurman, 2024).

AUTHORITY OF THE PRESIDENT BASED ON THE CONSTITUTION

Authority in the Executive Field

In the executive field, the President is the holder of the highest governmental authority responsible for the administration of the state and the implementation of governmental policies. The President's authority in this area is regulated in various provisions of the 1945 Constitution of the Republic of Indonesia. Article 13 paragraph (1) states that the President appoints ambassadors and consuls as state representatives in diplomatic relations with other countries. This authority demonstrates the President's role as the main controller of Indonesia's foreign policy implementation.

In addition, Article 17 paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulates that ministers are appointed and dismissed by the President. This provision indicates that ministers are assistants to the President and are directly responsible to the President in the conduct of government administration. Furthermore, Article 17 paragraph (4) regulates that the establishment, alteration, and dissolution of ministries shall be governed by law; however, in practice, the President plays a central role in determining the cabinet structure and governmental organization that assists him.

Beyond the explicitly regulated constitutional powers, the President also holds authority to appoint high state officials in strategic positions, such as the Chairperson of the Audit Board of the Republic of Indonesia (BPK), the Chief of the Indonesian National Police (Polri), the Commander of the Indonesian National Armed Forces (TNI), and the Attorney General. These authorities demonstrate the President's position as the highest controller in the administration of government, defense, security, and law enforcement in Indonesia. (Riyadi1 et al., 2025)

Although the President possesses extensive executive authority under the 1945 Constitution of the Republic of Indonesia, such authority is not unlimited. From the perspective of constitutionalism, executive power must be exercised within constitutional boundaries and remain subject to institutional oversight to prevent the concentration and abuse of power. Following the constitutional amendments, various mechanisms were introduced to strengthen constitutional control over executive authority, including legislative oversight by the DPR, judicial review by the Constitutional Court, and constitutional procedures governing presidential accountability. These mechanisms reflect the principle of checks and balances, which seeks to ensure that no branch of government exercises power without effective supervision.

Nevertheless, the effectiveness of these constitutional limitations remains a subject of debate. While the constitutional framework provides formal safeguards against executive dominance, political realities may influence their practical implementation. In particular, strong governing coalitions within the DPR may reduce the intensity of legislative oversight, thereby affecting the operation of checks and balances. Therefore, the constitutional challenge in Indonesia is not merely defining presidential authority but ensuring that constitutional limitations function effectively in practice to preserve democratic accountability and the rule of law.

Authority in the Legislative Field

In the legislative field, the President of the Republic of Indonesia holds significant authority in the process of forming laws and regulations. Prior to the amendments to the 1945 Constitution, legislative power was not only vested in the House of Representatives (DPR) but also in the

President. In fact, the President's position in the legislative sphere was considered more dominant than that of the DPR, as Article 5 paragraph (1) of the 1945 Constitution (prior to amendment) stipulated that the President held the power to form laws with the approval of the DPR. This condition resulted in the DPR functioning largely as an institution that provided approval for bills proposed by the President. In addition, the President had the authority to reject bills that had been approved by the DPR, thereby strengthening presidential dominance in the legislative process. The President also had the authority to issue Government Regulations (Peraturan Pemerintah/PP) to implement laws and to issue Government Regulations in Lieu of Law (Perppu) in situations of urgent necessity. Furthermore, the President held a strong position in state budgeting. Under Article 23 paragraph (1) of the 1945 Constitution (prior to amendment), if the DPR did not approve the draft State Budget (APBN) proposed by the government, the government could implement the previous year's budget. This provision demonstrates the strong position of the President in state financial management.

Following the amendments to the 1945 Constitution, a fundamental shift in legislative authority occurred. Article 20 paragraph (1) of the 1945 Constitution of the Republic of Indonesia explicitly states that the DPR holds the power to enact laws. Meanwhile, Article 5 paragraph (1) repositions the President from the holder of legislative power to an institution entitled to propose bills to the DPR. This change aims to strengthen the legislative function of the DPR while reducing presidential dominance in the law-making process. Nevertheless, the President continues to play an important role in the legislative process, as every bill must be jointly discussed and approved by both the DPR and the President, as stipulated in Article 20 paragraph (2).

Article 20 paragraph (3) further provides that if a bill does not obtain joint approval, it cannot be reintroduced in the same legislative session. Article 20 paragraph (4) states that the President shall ratify a jointly approved bill into law. Moreover, if the President fails to ratify the bill within thirty days after joint approval, Article 20 paragraph (5) provides that the bill shall nevertheless become law and must be promulgated.

In addition, the President also holds legislative authority through the issuance of Government Regulations in Lieu of Law (Perppu), as regulated in Article 22 paragraph (1) of the 1945 Constitution. In cases of compelling urgency, the President may issue a Perppu without prior approval from the DPR. However, the Perppu must be submitted to the DPR in the following legislative session for approval. If the DPR rejects it, the Perppu must be revoked. The President is also authorized to issue Government Regulations under Article 5 paragraph (2) of the 1945 Constitution as implementing regulations of laws.

In the field of budgeting, the President maintains a strategic role because only the President has the authority to submit the draft State Budget (APBN) to the DPR for discussion and approval. Therefore, although after the amendments to the 1945 Constitution the formal legislative power to enact laws rests with the DPR, the President still holds a very important position in the legislative process through the right of legislative initiative, involvement in joint deliberation and approval, authority to issue Perppu and Government Regulations, and authority to propose the APBN. This relationship demonstrates the existence of a checks and balances mechanism between the President and the DPR in the exercise of legislative functions in Indonesia. (Santio & Nasution, 2021).

From the perspective of constitutional law theory, the redistribution of legislative authority following the amendments to the 1945 Constitution reflects the principles of separation of powers and checks and balances. Montesquieu argued that governmental powers should be distributed among different institutions to prevent the concentration of authority and potential abuse of power. In line with this principle, the constitutional amendments shifted legislative supremacy from the President to the DPR while preserving the President's participation in the legislative process through the right to propose bills and engage in joint deliberations. According to Jimly Asshiddiqie, the post-amendment constitutional structure seeks to establish a more balanced

relationship among state institutions, ensuring that executive power remains subject to democratic and constitutional control.

Nevertheless, the balance of power between the President and the DPR continues to be a subject of scholarly debate. Some scholars argue that the strengthened legislative authority of the DPR has enhanced democratic accountability and reduced executive dominance compared to the pre-amendment era. Others contend that the President continues to exercise considerable influence over the legislative process through political coalitions, control of governmental agendas, and authority in budgetary matters. Empirical developments in post-reform Indonesia demonstrate these dynamics. For example, the implementation of direct presidential elections since 2004 has strengthened the President's democratic legitimacy, while the multiparty political system often requires cooperation and negotiation between the President and the DPR in the enactment of legislation and approval of the State Budget (APBN). These developments indicate that the effectiveness of checks and balances depends not only on constitutional design but also on political practices and institutional dynamics in contemporary Indonesia.

Authority in the Judicial Field

In the judicial field, the President holds several powers related to the judiciary and the exercise of judicial functions, while still respecting the principle of judicial independence. One such authority is regulated in Article 24A paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that candidates for Supreme Court Justices are proposed by the Judicial Commission to the House of Representatives (DPR) for approval and are subsequently appointed as Supreme Court Justices by the President. This authority indicates that the President plays a role in the appointment process of the highest judicial institution.

In addition, Article 24C paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the Constitutional Court consists of nine constitutional justices appointed by the President, with each group of justices being nominated by the Supreme Court, the DPR, and the President. Through this mechanism, the President plays a role in maintaining the continuity of the constitutional judiciary as one of the pillars of the rule of law.

Furthermore, Article 14 paragraph (1) of the 1945 Constitution of the Republic of Indonesia grants the President the authority to grant clemency (*grasi*) and rehabilitation, taking into account the considerations of the Supreme Court. Clemency refers to the granting of pardon to a convicted person, while rehabilitation refers to the restoration of the rights of a person who has previously been subjected to certain legal measures. Article 14 paragraph (2) further grants the President the authority to grant amnesty and abolition, taking into account the considerations of the House of Representatives (DPR). Amnesty refers to forgiveness granted to a group of individuals who have committed certain criminal acts, while abolition refers to the termination of legal proceedings against an individual or group for the sake of national interest.

These authorities demonstrate that the President plays an important role within the judicial system, particularly in relation to humanitarian considerations, justice, and national interests. (Riyadi1 et al., 2025).

From a constitutional perspective, judicial independence constitutes one of the fundamental principles of the rule of law and democratic governance. Although the President participates in certain judicial appointment processes as provided by the 1945 Constitution of the Republic of Indonesia, such involvement does not imply executive control over the judiciary. Instead, the appointment mechanisms are designed to reflect the principle of checks and balances by involving multiple state institutions, including the Judicial Commission, the DPR, the Supreme Court, and the President. Through this arrangement, the Constitution seeks to balance democratic legitimacy with judicial independence.

Nevertheless, the constitutional implications of presidential involvement in judicial appointments remain a subject of scholarly debate. Some constitutional scholars argue that executive participation in the appointment process may strengthen institutional accountability and democratic legitimacy because judicial appointments are not determined solely by the judiciary itself. Others contend that excessive political influence in judicial appointments may create risks to judicial impartiality and public confidence in the independence of the courts. Therefore, maintaining transparent, merit-based, and constitutionally accountable appointment procedures is essential to ensuring that judicial independence is preserved while constitutional checks and balances continue to function effectively within Indonesia's constitutional system.

Authority in the Field of Defense and Security

In the field of defense and security, the President of the Republic of Indonesia holds a highly strategic position as the holder of the highest authority over the state's armed forces. Within Indonesia's constitutional system, the President acts as the Supreme Commander who possesses authority over all components of national defense, namely the Indonesian National Armed Forces, consisting of the Army, Navy, and Air Force. This position indicates that the President exercises the highest control over defense policy, strategy, and the use of military force in order to safeguard national sovereignty, maintain territorial integrity, and protect the Indonesian people from various threats originating both domestically and internationally. As the highest authority over the armed forces, the President has the power to direct, coordinate, and deploy national defense capabilities in accordance with national needs and interests (Naibaho, 2019).

In addition to serving as the supreme authority over the armed forces, the President is also granted a constitutional power to declare a state of emergency as stipulated in Article 12 of the 1945 Constitution of the Republic of Indonesia. This provision provides a legal basis for the President to take extraordinary measures when the state faces conditions that threaten national security, safety, or continuity. In a state of emergency, the President is authorized to mobilize all national defense and security resources to maintain national stability and preserve the integrity of the Unitary State of the Republic of Indonesia. However, this authority is not absolute, as the requirements and legal consequences of declaring a state of emergency must be regulated by law. Such regulation serves as a limitation of power as well as a supervisory mechanism to ensure that presidential authority is not misused for purposes beyond constitutional objectives.

Limitations on presidential authority in declaring a state of emergency are crucial in a democratic and constitutional state governed by the rule of law. This aims to prevent the potential abuse of power under the pretext of maintaining national security. Indonesia's constitutional history shows that the exercise of extensive powers in the field of security must always be balanced with clear oversight and accountability. The experience during the administration of President Soeharto leading up to the 1998 reform period is often cited as an example of the importance of controlling state authority in responding to political and social unrest. Therefore, although the President holds broad authority in the field of defense and security, its implementation must remain based on constitutional principles, respect for human rights, and mechanisms of checks and balances to prevent it from developing into authoritarian governance practices. Thus, presidential authority in defense and security is not only intended to safeguard sovereignty and territorial integrity but must also be exercised in a proportionate, accountable manner and in accordance with Indonesia's democratic principles. (Naibaho, 2019).

The constitutional practice of Indonesia provides several examples illustrating the exercise of presidential authority in the field of defense and security. During the COVID-19 pandemic, for instance, the government adopted extraordinary measures to address a national emergency situation while remaining subject to constitutional and legal scrutiny. Likewise, the constitutional framework governing states of emergency has been shaped by Indonesia's historical experience, particularly the concentration of executive power during the New Order era, which contributed

to the constitutional reforms adopted after 1998. These reforms emphasized the importance of limiting emergency powers through legal procedures and democratic oversight mechanisms.

Relevant constitutional practice also demonstrates that presidential authority in defense and security must operate within the framework of constitutional accountability. The involvement of the DPR in overseeing government policies, as well as judicial review conducted by the Constitutional Court regarding laws related to security and emergency governance, reflects the operation of checks and balances in practice. These examples indicate that while the President possesses broad constitutional authority in defense and security matters, the exercise of such authority remains subject to legal limitations designed to protect democratic governance, constitutional rights, and the rule of law.

RELATIONSHIP BETWEEN THE PRESIDENT AND STATE INSTITUTIONS

Relationship Between the President and the House of Representatives (DPR)

The relationship between the President and the House of Representatives (DPR) is one form of the implementation of the principle of checks and balances within Indonesia's governmental system. In the legislative field, the President and the DPR jointly discuss and approve draft laws as stipulated in Article 20 of the 1945 Constitution of the Republic of Indonesia. In addition, the President has the authority to issue Government Regulations in Lieu of Law (Perppu), but such regulations must obtain approval from the DPR in the subsequent legislative session. Their relationship is also reflected in the President's authority to declare war, make peace, and conclude international treaties, all of which require DPR approval. Furthermore, the President considers the DPR's recommendations in appointing ambassadors as well as in granting amnesty and abolition. These provisions demonstrate that presidential authority is not absolute, but is limited by constitutional mechanisms involving the DPR as a representative institution of the people (Wardhana, 2018).

Although the constitutional framework establishes a system of checks and balances between the President and the DPR, the effectiveness of this mechanism in practice remains subject to debate. Following the constitutional amendments, the DPR obtained stronger legislative and oversight powers intended to prevent the concentration of executive authority. However, the practical operation of these mechanisms is often influenced by political dynamics, particularly within Indonesia's multiparty presidential system. Broad governing coalitions in the DPR may strengthen governmental stability and facilitate policy implementation, but they may also reduce the intensity of legislative oversight over executive actions.

Empirical developments in post-reform Indonesia illustrate both the strengths and limitations of the checks and balances system. On the one hand, the DPR has exercised its constitutional powers through legislative review, budgetary approval, and oversight of government policies. On the other hand, scholars have noted that political alignments between the executive and legislative branches may weaken institutional control and reduce the effectiveness of accountability mechanisms. Therefore, the effectiveness of checks and balances depends not only on constitutional provisions but also on the independence of political institutions, the quality of democratic practices, and the commitment of state actors to constitutional governance.

Relationship Between the President and the People's Consultative Assembly (MPR)

Following the amendments to the 1945 Constitution of the Republic of Indonesia, the relationship between the President and the People's Consultative Assembly (MPR) underwent significant changes. Prior to the amendments, the MPR was the highest state institution that exercised the sovereignty of the people, and therefore the President was elected by and accountable to the MPR. However, after the amendments, the MPR no longer holds the status of

the highest state institution but instead stands on an equal footing with other state institutions. This is affirmed in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that sovereignty rests with the people and is exercised in accordance with the Constitution.

Under the current constitutional system, the relationship between the President and the MPR is constitutional in nature. The MPR has the authority to inaugurate the President and Vice President elected through general elections, as stipulated in Article 3 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Such inauguration serves as a form of constitutional confirmation of the election results determined by the General Elections Commission.

In addition, the MPR has the authority to remove the President and/or Vice President from office during their term of office pursuant to Articles 7A and 7B of the 1945 Constitution of the Republic of Indonesia. However, such removal cannot be carried out directly by the MPR; it must first proceed through a proposal from the House of Representatives (DPR) and examination by the Constitutional Court. This mechanism reflects the principle of checks and balances within Indonesia's presidential system of government.

Thus, following the amendments to the 1945 Constitution of the Republic of Indonesia, the relationship between the President and the MPR is no longer characterized by political accountability but rather by an institutional relationship based on the respective constitutional authorities of each institution. (Hapsoro et al., 2024)

Relationship Between the President and the Supreme Court (MA)

The Supreme Court is the institution that exercises independent judicial power as stipulated in the 1945 Constitution of the Republic of Indonesia. The relationship between the President and the Supreme Court takes place in several areas determined by the Constitution.

First, the Supreme Court has the authority to review regulations below the level of statutes against statutory law. Since some of these regulations may be issued by the President, the Supreme Court, through its power of judicial review, functions as a supervisory mechanism to ensure that presidential policies remain consistent with applicable laws.

Second, in granting clemency *grasi* and rehabilitation, the President is required to consider the opinion of the Supreme Court as provided in Article 14 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This provision demonstrates the existence of a constitutional relationship between the executive and judicial branches in the enforcement of law and justice.

Third, the relationship between the President and the Supreme Court is also reflected in the appointment process of Supreme Court Justices. Candidates for the position of Supreme Court Justice are selected by the Judicial Commission, approved by the House of Representatives (DPR), and subsequently appointed by the President.

Fourth, in certain circumstances where the inauguration of the President and Vice President cannot be conducted in a session of the People's Consultative Assembly (MPR) or the House of Representatives (DPR), the 1945 Constitution of the Republic of Indonesia provides that the oath of office may be administered before the leadership of the MPR in the presence of the leadership of the Supreme Court.

Thus, the relationship between the President and the Supreme Court reflects the principle of checks and balances within Indonesia's constitutional system, in which each institution exercises its authority in accordance with the mandate of the Constitution. (Wardhana, 2018)

Relationship Between the President and the Constitutional Court (MK)

The Constitutional Court is a state institution authorized to uphold the supremacy of the Constitution and enforce the principle of the rule of law. The relationship between the President and the Constitutional Court is reflected in several authorities granted by the 1945 Constitution of the Republic of Indonesia.

First, this relationship is evident in the judicial review of laws against the 1945 Constitution of the Republic of Indonesia. Although the authority to enact laws is vested in the House of Representatives (DPR) together with the President, the Constitutional Court has the authority to review the constitutionality of enacted laws. In this process, the President, through the government, may provide explanations in defense of the law being reviewed.

Second, the Constitutional Court has the authority to adjudicate disputes concerning the powers of state institutions whose authorities are granted by the 1945 Constitution of the Republic of Indonesia. If a dispute of authority arises involving the President and another state institution, its resolution is carried out through the Constitutional Court.

Third, the relationship between the President and the Constitutional Court also arises in cases concerning the dissolution of political parties. Based on statutory provisions, the government led by the President may submit a petition for the dissolution of a political party to the Constitutional Court when there are legally justified grounds for such action.

Fourth, the Constitutional Court plays an important role in the process of the impeachment of the President and/or Vice President. Pursuant to Article 7B of the 1945 Constitution of the Republic of Indonesia, the Constitutional Court has the authority to examine, hear, and decide upon the opinion of the DPR regarding alleged legal violations committed by the President and/or Vice President. The decision of the Constitutional Court serves as the basis for the DPR to forward the proposal for removal from office to the People's Consultative Assembly (MPR).

Thus, the relationship between the President and the Constitutional Court reflects the implementation of the principle of checks and balances within Indonesia's system of government, in which the Constitutional Court functions as the guardian of the Constitution as well as a constitutional overseer of the exercise of state power by the President (Wardhana, 2018)

CHECKS AND BALANCES MECHANISM ON PRESIDENTIAL POWER

Following the amendments to the 1945 Constitution of the Republic of Indonesia, Indonesia's constitutional system adopted the principle of checks and balances as a mechanism to prevent the concentration of power in the hands of the President. Unlike the period before the amendments, when the President held a highly dominant position in state administration, the President's powers after the amendments are limited and supervised by other state institutions.

In the legislative field, the President cannot enact laws unilaterally because such laws require the joint approval of the House of Representatives (DPR). In the judicial field, policies and legal products related to the President may be reviewed by the Supreme Court and the Constitutional Court in accordance with their respective authorities. In addition, the DPR exercises oversight over the administration of government through the right of interpellation, the right of inquiry, and the right to express opinions.

The checks and balances mechanism is also reflected in the process of presidential impeachment. If the President is alleged to have committed a violation as stipulated in Article 7A of the 1945 Constitution of the Republic of Indonesia, the DPR may propose the President's removal from office to the Constitutional Court for examination and adjudication. If the Constitutional Court upholds the DPR's opinion, the proposal may then be forwarded to the People's Consultative Assembly (MPR) for a decision in an MPR session.

Thus, the position of the President within Indonesia's constitutional system is not that of an unlimited holder of power, but rather that of a holder of governmental authority whose powers are restricted and supervised through the mechanism of checks and balances in order to ensure the implementation of the principles of the rule of law and democracy. (Fahira, 2025)

From the perspective of constitutional law theory, the checks and balances mechanism reflects the principles of constitutionalism and the separation of powers. Montesquieu argued that the concentration of power in a single institution poses a risk of arbitrary government and abuse of authority. Therefore, executive, legislative, and judicial powers must be distributed among different institutions that are capable of supervising one another. In line with this principle, the amendments to the 1945 Constitution transformed Indonesia's constitutional structure from a system characterized by strong executive dominance into a more balanced constitutional arrangement in which presidential authority is subject to legislative and judicial control.

Empirical developments in post-reform Indonesia demonstrate the practical implementation of these constitutional principles. The establishment of the Constitutional Court in 2003 strengthened constitutional oversight by providing a mechanism for judicial review and resolving disputes concerning constitutional authority among state institutions. In addition, the direct election of the President since 2004 has enhanced democratic legitimacy while simultaneously increasing public accountability. The DPR has also exercised its constitutional oversight powers through interpellation rights, inquiry rights, and budgetary review. Nevertheless, scholars continue to debate whether these mechanisms function effectively in practice, particularly within Indonesia's multiparty political system where broad governing coalitions may reduce the intensity of legislative oversight over executive actions. Consequently, the effectiveness of checks and balances depends not only on constitutional provisions but also on the independence of state institutions and the quality of democratic governance.

THE POSITION OF THE PRESIDENT AFTER THE AMENDMENTS TO THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA

The amendments to the 1945 Constitution of the Republic of Indonesia, carried out during the period 1999–2002, brought fundamental changes to the position of the President within Indonesia's constitutional system. Prior to the amendments, the President held a highly dominant position because he or she was elected by and accountable to the People's Consultative Assembly (MPR) as the highest state institution. This condition resulted in a significant concentration of power within the executive branch, causing oversight mechanisms over the President to function less effectively.

Following the amendments to the 1945 Constitution of the Republic of Indonesia, the position of the President was both strengthened and limited. The strengthening is reflected in the granting of direct legitimacy by the people through the general election mechanism. The President is no longer elected by the MPR but is elected directly by the people, thereby obtaining a stronger constitutional mandate in carrying out governmental functions. In addition, the President continues to serve as both Head of State and Head of Government, exercising executive power pursuant to Article 4 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (Putra et al., 2026)

On the other hand, the amendments to the 1945 Constitution of the Republic of Indonesia also reinforced limitations on presidential power through the implementation of the principle of checks and balances. The President is no longer the dominant institution in the legislative process, as legislative authority has been strengthened within the House of Representatives (DPR). The Constitutional Court has been granted the authority to review laws against the 1945 Constitution of the Republic of Indonesia and to examine the opinion of the DPR in the process of presidential impeachment. Furthermore, the Supreme Court and other judicial institutions play a role in

ensuring that the exercise of presidential power remains within the framework of law and the Constitution (Putra et al., 2026).

Another characteristic demonstrating the strengthening of the presidential system after the amendments is the establishment of a fixed presidential term of five years, with the possibility of being re-elected for only one additional term. The President also cannot be removed from office solely for political reasons but only through a constitutional mechanism as stipulated in Articles 7A and 7B of the 1945 Constitution of the Republic of Indonesia. This provision provides governmental stability while ensuring presidential accountability in the exercise of office.

Nevertheless, in the practice of Indonesian constitutional governance, the post-amendment presidential system continues to be influenced by the multiparty system, which requires the President to build political coalitions with parties in the DPR. This condition causes the relationship between the executive and legislative branches not to be entirely separated as envisioned in a pure presidential system. Therefore, Indonesia's presidential system is often referred to as an adapted presidential system, namely a presidential system that remains based on the principle of separation of powers while being adjusted to the dynamics of national politics (Putra et al., 2026).

Thus, following the amendments to the 1945 Constitution of the Republic of Indonesia, the position of the President within Indonesia's governmental system has become more democratic and constitutional. The President obtains direct legitimacy from the people as both Head of State and Head of Government; however, the exercise of presidential power is limited by the Constitution and supervised through a system of checks and balances involving the DPR, MPR, Supreme Court, and Constitutional Court. These changes demonstrate that Indonesia's post-reform constitutional system seeks to create a balance between governmental effectiveness and limitations on power in order to realize the principles of the rule of law and democracy.

ASPECT	BEFORE AMANDEMENT	AFTER AMANDEMENT
Presidential Election	Elected by MPR	Directly elected by the people
Position of MPR	Highest state institution	Constitutional institution equal to other state organs
Presidential Authority	Relatively dominant in the state structure	Constitutionally limited through checks and balances
Judicial Review	No Constitutional Court	Constitutional Court established with authority to review laws
Legislative Power	President played a dominant role in law-making	DPR holds legislative power, while the President participates in the legislative process
Checks and Balances	Relatively weak institutional oversight	Stronger oversight through the DPR, Constitutional Court, and Supreme Court
Presidential Accountability	Political accountability to the MPR	Constitutional accountability under Articles 7A and 7B of the 1945 Constitution
Presidential Term	Constitutional limitations were less clearly formulated	Fixed five-year term, renewable only once

The comparison demonstrates that the constitutional amendments fundamentally transformed the position of the President within Indonesia's constitutional system. Prior to the amendments, presidential power was characterized by a high degree of institutional dominance and limited constitutional oversight. In contrast, the post-amendment framework introduced stronger mechanisms of accountability through direct presidential elections, enhanced legislative oversight by the DPR, and judicial control exercised by the Constitutional Court. These changes reflect Indonesia's transition from a centralized constitutional structure toward a more democratic system based on constitutionalism, separation of powers, and checks and balances. Nevertheless, the operation of the presidential system continues to be influenced by multiparty political dynamics, which require ongoing efforts to maintain an effective balance between executive authority and constitutional accountability.

CONSTITUTIONAL ANALYSIS OF THE PRESIDENT'S POSITION IN POST-AMENDMENT INDONESIA

The amendments to the 1945 Constitution of the Republic of Indonesia marked a significant transformation in the structure of state power and the position of the President within Indonesia's constitutional system. From the perspective of constitutionalism, governmental authority must be exercised within constitutional limits to prevent the concentration of power and to ensure democratic accountability. Prior to the constitutional amendments, the President occupied a dominant position within the state structure due to the limited effectiveness of institutional oversight mechanisms and the President's accountability to the People's Consultative Assembly (MPR). Consequently, executive authority tended to be concentrated in a single institution.

Following the constitutional amendments between 1999 and 2002, Indonesia adopted a stronger system of checks and balances through the redistribution of powers among state institutions. The establishment of the Constitutional Court, the strengthening of the House of Representatives (DPR), and the introduction of direct presidential elections represent important constitutional reforms aimed at preventing excessive executive dominance. These developments reflect the principles of separation of powers and constitutional accountability, which are fundamental elements of democratic governance.

Nevertheless, the effectiveness of checks and balances in Indonesia remains a subject of scholarly debate. While constitutional reforms have strengthened formal oversight mechanisms, some scholars argue that the dominance of governing coalitions in the DPR may reduce the intensity of legislative scrutiny over executive actions. Consequently, the existence of constitutional safeguards does not automatically guarantee effective accountability in practice.

Empirical developments in post-reform Indonesia further illustrate these constitutional dynamics. The establishment of the Constitutional Court has significantly strengthened constitutional review and judicial oversight of legislative and executive actions. In addition, direct presidential elections since 2004 have enhanced the democratic legitimacy of the presidency while simultaneously increasing public accountability. These developments demonstrate that the post-amendment constitutional framework seeks to balance effective executive leadership with constitutional limitations and democratic control.

Therefore, the position of the President after the constitutional amendments should not be understood solely as a strengthening of executive authority. Rather, it represents a constitutional reconstruction designed to ensure that presidential power operates within a framework of constitutionalism, the rule of law, and democratic accountability.

CONCLUSION

The position of the President in the Indonesian governmental system based on the 1945 Constitution of the Republic of Indonesia places the President as both the Head of State and the Head of Government who exercises executive power. Following the amendments to the 1945

Constitution, the President obtains direct democratic legitimacy from the people; however, the exercise of presidential authority is constitutionally limited through the principles of constitutionalism, separation of powers, and checks and balances.

The President possesses authority in the executive, legislative, judicial, as well as defense and security sectors, which is exercised in accordance with constitutional provisions. In carrying out these powers, the President maintains constitutional relationships with the House of Representatives (DPR), the People's Consultative Assembly (MPR), the Supreme Court (MA), and the Constitutional Court (MK) as part of the institutional framework designed to prevent the concentration of power and ensure governmental accountability.

The findings of this study is limited to a normative legal analysis based on constitutional provisions, legislation, and legal literature. Therefore, it does not comprehensively examine the practical effectiveness of checks and balances through empirical or socio-legal approaches. The findings of this study imply the importance of strengthening institutional accountability and maintaining the independence of oversight institutions to ensure the effective implementation of constitutional principles.

Future research is recommended to adopt empirical or comparative approaches in order to examine the practical operation of presidential power, legislative oversight, judicial review, and checks and balances mechanisms in post-reform Indonesia. Such studies may provide a deeper understanding of the relationship between constitutional design and constitutional practice within Indonesia's contemporary presidential system.

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