



Finding a new direction for Indonesian democracy: analysis of limitations of the president's powers in the amendments to the constitution

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Abstract: The purpose of this study is to investigate the rationale and consequences of the strategy of reducing executive authority, particularly that of the president, that was incorporated into the Republic of Indonesia Constitution of 1945 (UUD 1945) via a series of modifications. To comprehend the modifications to the constitution, this study employs a normative or doctrinal approach, concentrating on the analysis of pertinent papers, reports, and literature. According to the findings, these amendments were implemented in reaction to calls for reform and democratization. They sought to build a more balanced system of government with strong principles of checks and balances among the executive, legislative, and judiciary, and they eliminated the sacred and static views of the 1945 Constitution during the New Order era. This embodies the shift in Indonesian governance from a top-down, autocratic system to a bottom-up, democratic one, where checks and balances on the presidency are put in place to forestall any return to autocracy and guarantee greater citizen input into policymaking.

Keywords: Limitation of Power, Amendment to the 1945 Constitution, Indonesian Democracy

1. Introduction

Basic issues in political thinking (state administration) include the re-emergence of democratic ideas in nineteenth-century Europe, people's political rights, and individual human rights (Pujayanti et al., 2024). Accordingly, the concept of a written or unwritten constitution as a means to limit governmental authority emerged. To ensure that the powers of parliament and legal institutions are balanced with those of the government, this constitution may be used to establish the boundaries of government authority and to secure the political rights of the people. In state administration, this concept evolved into constitutionalism (Budiardjo, 2003). According to constitutionalists, the document has a dual purpose: first, it establishes and limits the authority of the state; second, it ensures the rights of its inhabitants.

The Constitution of the Republic of Indonesia, which was ratified in 1945, is often understood as the "constitution" in Indonesia. By stating in article 1, paragraph (2) of the 1945 Constitution, "Sovereignty is in the hands of the people and is implemented according to the Constitution," the formal state constitution and highest source of law in

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Indonesia has chosen the concept of popular sovereignty in the administration of Indonesian state life.¹

On the other hand, according to historical evidence, undemocratic regimes have always followed the adoption of the 1945 Constitution. This is due to the fact that the document fails to fulfill the criteria outlined by constitutionalism, which aim to prevent authoritarian rule. An previous school of thought, constitutionalism, argues that leaders should exercise restraint and that the scope of government authority should be clearly defined (Budiardjo, 2003).

While the Republic of Indonesia Constitution from 1945 does recognize democracy as a concept, it has provisions that enable the central government to amass power without regulating the safeguarding of human rights or the limiting of authority via checks and balances (Muhtar, Khasanah, et al., 2024). The Indonesian political system underwent a radical transformation from centralized to decentralized, democratic, and more balanced, all thanks to four amendments. The establishment of the Regional Representative Council in 2004 was a major step in modernizing the legislative process, which included a transition to a more decentralized structure. The system of organizing political authority became more clear and organized as a result, with changes to the horizontal division of powers between the executive, legislature, and judicial.

Mahfud, MD thinks that revising the constitution should be the starting point for any reform effort (M. Mahfud, 2009). The time has come, in his opinion, to amend the Constitution of 1945. During the reform period, there was a push to change the Constitution of 1945, but no one seems to have kept track of who first proposed the proposal. It's merely that in 1998, a number of reform-minded student organizations had called for changes to the Constitution that had been ratified in 1945.

The notion of amending the Constitution of 1945 swiftly gained popularity and became a topic of debate in many groups. This is a positive change as the people of Indonesia have been unable to propose changes to the Republic of Indonesia Constitution from 1945 for at least 40 years.

Since its inception, the founders of the Republic of Indonesia were cognizant of the fact that its 1945 Constitution, drafted under intense time pressure, may be subject to revision. Even the Republic of Indonesia Constitution of 1945 was characterized by Bung Karno as provisional, with the hope that it would be improved upon in due course. Despite Article 37's provisions for amending processes, the Republic of Indonesia Constitution from 1945 has remained unchanged for the whole 45 years that it has been in effect (Widodo et al., 2023). A number of practical steps, however, such as the government's teacher's longing on November 14, 1945, and Vice Presidential Decree No. X dated October 16, 1945, informally altered the execution of the 1945 Constitution of the Republic of Indonesia (Amer et al., 2024). Change proposals gained traction during Habibie's administration, and a wide range of change materials resulted from the participation of many types of initiators. This procedure proves that the Republic of Indonesia Constitution from 1945 is still out of sync with modern society's knowledge

and beliefs. A number of groups and individuals in Indonesia are now committed to revising the Republic of Indonesia Constitution, which was ratified in 1945.

It must be acknowledged that the 1945 Republic of Indonesia Constitution was seen as less than ideal and more of an emergency document from its inception. When Indonesia became a unitary state without consulting any other nation, this was evident in the political decisions made about the national constitution. In the year 1950. A return to the Republic of Indonesia's 1945 Constitution was not employed in M. Natsir's integral motion to dissolve the Indonesian-Dutch Union and the United Republic of Indonesia into a Unitary State; rather, the Constitution in question was the Constitution of 1950 (MD Mahfud, 2011).

The decision to disregard the Republic of Indonesia Constitution of 1945 was based on the belief that it was the wrong option for Indonesia. Instead, a new Constitution was to be drafted, with the Interim Constitution serving as a stepping stone. This is not the Republic of Indonesia Constitution from 1945; it is from 1950 (MD Mahfud, 2011).

According to the legislative 1950 Provisional Constitution, a Constituent Assembly is to be elected and tasked with drafting a new constitution from the ground up. Indonesia has never shown a democratic political system, according to historical considerations, even though it has used the Republic of Indonesia Constitution since 1945.

It is well-known that the Republic of Indonesia Constitution of 1945 was in effect for three distinct time periods: 1945–1949, 1959–1966, and 1966–1999; when considered in conjunction with the political system as it is, this seems to have given rise to authoritarian politics characterized by the concentration of power and agenda. The president controls the political climate.

Following from the above definition, the research topic may be stated as follows: (1) Why was the policy of restricting executive authority in the modifications to the 1945 Constitution of the Republic of Indonesia adopted? To what extent can the rules that have emerged from revisions to the Republic of Indonesia's 1945 Constitution serve as a system of checks and balances?

2. Materials and Methods

Exploring, creating, and verifying the reality of science, phenomena, or hypotheses necessitates a systematic, rigorous, and consistent approach, which is best accomplished via the application of research methodologies. Finding the truth in an explicable and trustworthy manner is the goal of research, which employs a strategy grounded on experience and organized analysis. In order to do research that is both relevant and grounded in reality, particularly in the legal profession, one must have an in-depth familiarity with the fundamental concepts and methods of the relevant subject.

Documents, reports, and literature are the primary sources of secondary material used in legal research, which takes a normative or doctrinal approach. It takes a normative look at legislation and analyzes the reasoning and scientific concepts that support it. Findings from this study illuminate not only the ways in which the law influences social conduct and its symbolic expressions, but also its relationships with justice, standards, and judicial judgments.

An exhaustive search for sources pertinent to the legal problems under investigation, particularly those pertaining to constitutional amendments and the separation of powers between the legislature and the executive, was conducted in order to compile the data used in the literature review. By taking a qualitative tack, the data analysis method enables thorough data interpretation via deductive reasoning and historical contextualization, shedding light on the inner workings and philosophical development of legal institutions across time.

3. Results and Discussion

3.1. Reasons for the Policy of Limiting Executive Power in the Amendment to the 1945 Constitution

The original 1945 Constitution of the Republic of Indonesia's systemic weakness was laid bare in its failure to provide a solution to the political upheaval and crisis of trust caused by the monetary crisis in 1997. In order to maintain government stability, President Soeharto used political engineering to gain control of the People's Consultative Assembly. Although the Soeharto dictatorship was successful in advancing growth, it was also corrupt and caused the people to lose power, freedom, and faith in the government. If we want to establish more trustworthy governmental institutions and processes and ultimately attain independence, we must amend the constitution. These alterations must contribute to the betterment of the country's welfare in line with the hopes and dreams of the people and the progress of Indonesian national life. These amendments are based on the language of article 37 of the Republic of Indonesia's 1945 Constitution, which defines the People's Consultative Assembly's membership qualifications and the process for approving constitutional modifications.

There were five major flaws in the 1945 Constitution prior to its modification, according to research by President Habibie's Legal and Legislative Reform Working Group (Asshiddiqie & Manan, 2006): (a) The Constitution heavily favors the executive branch, (b) The presence of checks and balances is insufficient, (3) Section 3 is ambiguous and lacks specificity, (4) The courts are becoming too involved, and (5) The provisions of the 1945 Constitution and the Explanation of the same document have contradictory elements.

Beyond that, the Working Group said that the Republic of Indonesia Constitution from 1945 should be amended to fill many gaps, or *rech vacuums*. The Republic of Indonesia Constitution from 1945 is, in essence, authoritarian and weak on checks and balances. There is no getting around the fact that this is a direct result of the founders' desire to vest the executive branch with more authority without adequately defining its boundaries or instituting checks and balances, which ultimately gave the president an excessive amount of control. Although the president in a presidential system often has broad powers, the constitution's design should be able to foresee potential problems in order to prevent the president from becoming an autocratic ruler.

A lack of proper constitutional oversight has led to the vesting of excessive authority in Indonesia. When it comes to legislation, for instance, the president has far greater sway than the House of Representatives, even if it has been said before that both houses retain legislative authority. Article 21, paragraph (2) of the Republic of

Indonesia's original 1945 Constitution makes this clear: a bill that has passed the House of Representatives but has not been confirmed by the president cannot be resubmitted (Muhtar, Maranjaya, et al., 2023). Because of his absolute power, the president does not ratify legislation that has received legislative and governmental approval. As a further example, consider President Soekarno's decision to dissolve the People's Representative Council after its rejection of the government's proposed Draft State Revenue and Expenditure Budget.

It is very difficult to achieve a balance of power and checks and balances between the branches of government in Indonesia, according to the explanation of the 1945 Constitution of the Republic of Indonesia. Despite this, the government is not absolutist and Indonesia does not rely solely on power. "The President is the highest state administrator under the People's Consultative Assembly." This line of reasoning from the Republic of Indonesia's 1945 Constitution seems to be an attempt to justify the president's total power grab. Excessive consolidation of power occurs when the president assumes the role of state administrator and becomes their focal point. In addition, the Republic of Indonesia Constitution from 1945 lists several delegations to the law, explaining that the fundamental law just addresses the broad strokes and leaves the finer nuances to more amenable statutes. The essence of the constitution has been diminished as a consequence, with many matters that ought to be governed by fundamental law being instead delegated to statute. Finer, Bogdanor, and Rudden all agree that a constitution is a body of rules that governs how a government operates and how citizens interact with their government. But by delegating additional authority to the law, the Republic of Indonesia Constitution of 1945 becomes nothing more than a basic basic law. The makeup of the People's Representative Council is one area that has been delegated to the legislature, despite the fact that it ought to be a component of the fundamental legislation (Askari, 2023). In addition to the issue of delegation, the Republic of Indonesia Constitution from 1945 has a number of vague provisions that might be interpreted in a way that goes against the stated values of the state. President Soeharto, for instance, may spend up to five terms in office according to article 7, which specifies a five-year term with the option to be re-elected without a restriction on the number of terms.

At the same time, there are a number of factors to think about while deciding whether or not to alter the Republic of Indonesia Constitution from 1945. Experts in Indonesian law state that the following were among the motivations for revising the Constitution of 1945:

According to Sri Soemantri, several changes in the 1945 Constitution of the Republic of Indonesia are: Limiting the powers of the President, separation of powers, regulating regional government, then regarding Sovereignty being in the hands of the people and implemented according to the 1945 Constitution of the Republic of Indonesia, then stated explicitly that Indonesia is a State of Law, there are new State institutions such as the Regional Representative Council, the KY and the Constitutional Court, then the Supreme Advisory Council was abolished, and finally there is a provision that the education budget is at least 20% of the State Revenue and Expenditure Budget. As a result of the amendment to article 1 concerning sovereignty, the People's Consultative Assembly is no longer the highest state institution, thus the position of the People's

Consultative Assembly is equal to other institutions, such as the People's Representative Council, Regional Representative Council, President and Vice President, Supreme Court, Constitutional Court, Judicial Commission and Financial Audit Agency (Student, 2023).

A state based on a constitution, such as the establishment of a democratic order, a state based on laws that guarantee things such as Human Rights, independent judicial power, and social justice for all Indonesian people, is realized when the 1945 Constitution of the Republic of Indonesia is used as a weapon by etatism, authoritarianism, or dictatorship. This is why there is a push to renew and amend the Constitution of the Republic of Indonesia (Manan, 2003). At the same time, according to Bagir Manan, the purpose of the 1945 Amendment to the Constitution of the Republic of Indonesia is fourfold: first, to restore democracy in all spheres of society, the nation, and the state; second, to restore the principles of a law-based state; third, to empower the people in all spheres of society, including politics, economics, and social welfare; and fourth, to achieve ultimate prosperity and social justice for all Indonesians (Asshiddiqie, 2005).

According to Jimly Asshiddiqie, there are several things behind the amendment to the 1945 Constitution, one of which resulted in a shift in the state's institutional format, including (Al, 2023), First, on the question of delegating authority to draught legislation; second, on the subject of human rights article drafting; Thirdly, rules governing the temporary membership of POLRI and TNI components should be included. The fourth point is the incorporation of the RRC, Fifthly, an update on the progress of the vice president and presidential elections, Separation of Powers (Section7), Sixth, Judicial Independence Eighth, while proposing amendments to the Republic of Indonesia Constitution of 1945, there has to be an understanding of the significance of the paradigm of state conceptual thinking (Asshiddiqie, 2005).

In order to make Indonesia more democratic, the goal of modifying the Republic of Indonesia Constitution from 1945, according to Mahfud, is to make the connection between governmental institutions operate more like checks and balances. In a system where the President and the House of Representatives are seen as equals, neither chamber may exert undue influence on the other. Lawmakers must adhere to the letter of the law, since any attempt to skirt the rule might be overturned by the Constitutional Court. The Judicial Commission ensures that judges maintain their dignity (M. Mahfud, 2009). Improvements to the Republic of Indonesia Constitution from 1945 have mostly taken the shape of stricter rules governing the preservation of human rights and a more robust system of checks and balances within the judiciary (MD Mahfud, 2011).

Muktie Fadjar offered a number of justifications, including historical (the Republic of Indonesia Constitution of 1945 was intended to be temporary), philosophical (there were misunderstandings between, for example, the unitary state ideology and the idea of popular sovereignty), and theoretical (there were misunderstandings between the unitary state ideology and the idea of legal state). There are regulations regarding changes to the 1945 Constitution of the Republic of Indonesia as outlined in Article 37, but this does not reflect the idea that a constitution should exist to limit power so that it is not arbitrary. for reasons connected to politics In actuality, the Republic of Indonesia Constitution of 1945 often departed from the original wording prior to the political revisions, whether intentionally or unintentionally (Fadjar, 2006).

The 1945 Constitution of the Republic of Indonesia was amended for a number of reasons. Among these were the hopes of adapting the document to modern society and the needs of everyday life and the desire to dispel the idea that the document was inviolable, similar to the doctrine of the Order era. New (Widodo et al., 2023). With this shift, the People's Consultative Assembly has laid the groundwork for a more democratic Indonesia, and the country may grow in step with societal needs and goals. In addition to that, the amendment seeks to limit the president's term of office and power, promote political transparency, and encourage active community involvement in development; and diminish the centralized and authoritarian impression of the 1945 Constitution of the Republic of Indonesia. In philosophical and theoretical terms, amendments are seen as a way to bring the Constitution up-to-date with constitutional reality while also keeping its normative principles relevant to modern practice (Rauf, 2019). Although the original constitution's ideals have been preserved, it has been updated to reflect democratic state ideas.

Among the many justifications for these reforms is the need to restructure the state's many agencies in order to establish a system of checks and balances among them (Abqa et al., 2023). So, certain state institutions have gotten a lot more power, while others have gotten a lot less. Not only did the 1945 Constitution increase or remove powers, but it also created whole new governmental entities. Indeed, several governmental institutions were eliminated from Indonesia's constitutional framework due to concerns that they were no longer necessary.

3.2. Norms Resulting from Amendments to the 1945 Constitution in realizing Check and Balance in the Government System of the Republic of Indonesia.

Fundamental changes to the institutional framework of this republic have been brought about by the reform movement that has rocked Indonesia. The Republic of Indonesia's Constitution from 1945 was amended in one of these cases. That the "supreme state institution" designation is obsolete is a direct result of this shift. Both "state institutions" and state administrative institutions are now on an equal footing. No longer is there a vertical but a horizontal link between governmental entities.

Prior to revisions to the 1945 Constitution of the Republic of Indonesia, the People's Consultative Assembly was designated as the "supreme state institution." State institutions like the President, the People's Representative Council, the Advisory Council Supreme Court, the Supreme Court, and the Financial Audit Agency were designated as "high state institutions" below it. There has to be accountability between the highest state institutions and the highest state institutions. State institutions accountable to the People's Consultative Assembly carry out its implementation (distribution of power), which is based on the people's sovereignty maintained by the People's Consultative Assembly. For instance, the President is responsible to the People's Consultative Assembly for his actions as he is a mandated member of that body (Amin et al., 2023).

The Republic of Indonesia Constitution, first ratified in 1945, has been subject to several revisions throughout Indonesian history. The obvious goal in doing this was to strengthen the legislation so that it can better reflect modern times and serve as a solid foundation for future cases. As a result of this change, the government system is different

now than it was before the change. Among these distinctions are: (1) People's Consultative Assembly, Researchers have found that the People's Consultative Assembly's power has been diminished due to the fact that, contrary to what was stated in Article 1 paragraph (2) of the Republic of Indonesia's original 1945 Constitution, the People's Consultative Assembly is now considered a high state institution rather than the highest institution. in tandem with the President, the House of Representatives, and the Regional Representative Council; this ensures that the President is immune to political overthrow barring legal transgressions and that no one has the authority to bring the President to account. This is a fantastic chance for the president to implement his own development projects without worrying about answering to the People's Consultative Assembly when his presidency comes to a close.

Second, Authority of the House of Representatives. The President presents the State Revenue and Expenditure Budget Draft Law. Looking at the original 1945 Constitution of the Republic of Indonesia, article 23, paragraph (1), we can see that each share of revenue and spending is subject to the law; this is something that has to be addressed with the House of Representatives while also taking into consideration the concerns of the Regional Representative Council. If the government's planned budget is not approved by the House of Representatives, the previous year's budget will be implemented. In order for the budget to achieve the correct regional goals, it is necessary to contact the Regional Representative Council, as stated in article 23, paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This already demonstrates the balance of power in budget creation.

Following recommendations from the Regional Representative Council, members of the Financial Audit Agency are nominated by the People's Representative Council, who then inaugurate them. Researchers claim that the House of Representatives picks the right people to serve on the Financial Audit Agency because its members are expected to keep an eye on the money going out of the federal government and into the states, making the executive branch more vigilant in preventing waste and fraud.

Authority of the People's Representative Council article 24 paragraph (3). The Judicial Commission recommends potential justices to the House of Representatives for confirmation, and the President then appoints them to the Supreme Court. Experts agree that the Judicial Commission does a decent job of selecting impartial justices for the Supreme Court who are resistant to executive branch influence. Simply put, the Judicial Commission has administrative power and receives further approval from the House of Representatives. All eyes are on the highest judge to ensure he does his job fairly.

Then, Presidential Authority. First, The authority to formulate laws was originally vested in the president in an amendment to article 5 paragraph 1 of the 1945 Constitution of the Republic of Indonesia. However, according to article 20 paragraph 1 of the same Constitution, the power to do so was transferred to the Representative Council as a consequence of the amendment. Researchers have concluded that this places an undue burden on the House of Representatives, which lacks expert staff and is only responsible for approving and revising the contents of draft laws, along with the month in which they were drafted. Valid data and research findings were missing from the National Proleknas preparation. The majority of House of Representatives proleknas on

Draft Laws just suggest the title without providing any supporting academic concerns or prior research that demonstrate the Draft Law's significance for Indonesian living. Given the complexity of the proposed law, the president has a strong role throughout its formation; the order's draft is more orderly than the House of Representatives' (Legal Design, 2011, p. 11). Anything that the House of Representatives proposes that the President does not sign off on is meaningless and a complete waste of time (Muhtar, Tribakti, et al., 2023).

Second, Position of the president Article 73 of the 1945 Constitution of the Republic of Indonesia. The President is granted more power in government because the People's Consultative Assembly cannot remove the president immediately from office based on a House of Representatives proposal. Instead, such a removal must be preceded by a request to the Constitutional Court, which must investigate and rule on the House of Representatives' belief that the president or vice president has committed treason against the state, corruption, bribery, or other serious crimes, or that they no longer fulfill the duties of their office (7B paragraph 1) Law First paragraph of Article 7B (3). According to article 7B paragraph 5, in order for the House of Representatives to submit a request to the Constitutional Court, it must have the support of two-thirds of the total number of members present at the plenary session, which in turn requires the attendance of two-thirds of the total number of members. If the President and Vice President are found guilty of spending money from the state, corruption, bribery, or any other serious crime or shameful act, the House of Representatives will convene a plenary session to send the proposal to remove them to the People's Consultative Assembly as soon as the Constitutional Court makes its decision.

Paragraph 7 of Article 7B states that the People's Consultative Assembly must decide at a plenary meeting of the assembly, with the presence of three-quarters of the total members, on the grounds for dismissal of the president and vice president, following an opportunity for the president and vice president to explain at the same meeting. therefore bolstering the presidential system, academics included, as it is tough to depose the president. Without being beholden to the People's Consultative Assembly, but rather to the law, the President is free to manage the State Revenue and Expenditure Budget as he sees fit.

Third, Appointment and reception of Ambassadors. Paragraph 2 of Article 13 states that the President considers the House of Representatives' concerns when choosing ambassadors. While the President chooses ambassadors, the author argues that the House of Representatives should have a say in the matter. Because this contributes to the nation's interests, it is critical that the appointee be suitable. It seemed that those close to the president who were critical or who made errors but were still close by the president were removed from office via the appointment of ambassadors prior to the Reformation. because the House of Representatives did not even bother to examine it. After considering the recommendations of the House of Representatives, the president approves the posting of foreign ambassadors. This complicates matters for the president, since other nations may take offense if the House of Representatives offers reasons that basically reject, leading to diplomatic tensions. It is no longer entirely up to the president

to designate and accept ambassadors; the House of Representatives must now review the matter.

Fourth, Granting clemency and rehabilitation article 14 paragraph 1. Pardons and rehabilitation are granted by the President in accordance with the President's prerogative authority as outlined in Article 14, paragraph (1) of the Republic of Indonesia Constitution from 1945, as reviewed by the Supreme Court. Regretted by the factors that the Supreme Court takes into account. Scholars have determined that this is inappropriate since the president's role as head of state is to give pardons and rehabilitations, as outlined in article 13, paragraph (1) of the Republic of Indonesia Constitution from 1945. this is due to the fact that the Supreme Court has already addressed the convict case, and any further requests for their review by the president would inevitably lead to the revisitation of previously resolved cases.

Fifth, The President granted amnesty and abolition taking into account the considerations of the House of Representatives article 14 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Even though amnesty and abolition are rife with political issues, academics say that granting them must also restrict the president's perogative powers and take into consideration House of Representatives concerns. And six, With the President's consideration To relieve the president of some of the pressures associated with receiving recommendations from outside groups, the Supreme Advisory Council should be disbanded. Instead, the president should solicit advice from inside the administration.

The People's Consultative Assembly lost its position as the supreme state body after an amendment to the Constitution in 1945. The People's Consultative Assembly has evolved into a prominent governmental institution on par with others. The Republic of Indonesia's 1945 Constitution states: "Sovereignty is in the hands of the people and is implemented according to the Constitution" in Article 1, paragraph 2. There is a clear division of labor and authority among the several branches of the state. No two high-ranking state institutions are accountable to each other. Everyone can see how well the state's top agencies are doing their jobs.

This republic's implementation of the principle of separation of powers guarantees that each branch of government has a fair share of power. Legislative, executive, and judicial authority must coexist in a vacuum. There shouldn't be just one entity with the authority to run the state. Legislative power to create legislation rests with the House of Representatives. The House of Representatives and the President must confer and reach a consensus in order for this bill to become law. One of the House of Representatives' responsibilities is making the annual budget, another is passing laws, and a third is overseeing the executive branch. The right to interpellation, inquiry, expression of opinion, questioning, suggestion, and immunity is enjoyed by every member of the House of Representatives while they carry out their duties. Each candidate for the House of Representatives represents a political party in the electoral college. The central People's Representative Council and the Regional People's Representative Council I and II are functionally and structurally identical. While the second Regional People's Representative Council is responsible for the regency or city

level, the first Regional People's Representative Council is responsible for the province level.

Due to its centralization of the legislative role, the People's representational Council is an entity that performs political representational duties. Political party representatives make up its membership. Every issue is seen by members of the House of Representatives via a political lens. The democratic process ensures that the will of the people is reflected in the day-to-day running of a nation. Therefore, the caliber of the board members determines the level of interest accommodation.

The People's Representative Council appears in almost every sentence of David Easton's political system scheme: First, on the input line, the People's Representative Council handles daily complaints from the community in response to their interests. Second, the government and the People's Representative Council convert these concerns into policy. Third, the House of Representatives passes laws, which are state policies, and the presidential institution is obligated to implement them. In addition, Almond has outlined all the purposes that Easton's political system plan was meant to serve. According to Almond, the People's Representative Council is a hierarchical organization that acts as both an input (interest aggregation and political communication) and an output (legislation). The People's Representative Council confronts the President and the Regional Representative Council in its capacity as a legislative body. Although the House of Representatives retains legislative authority, all three institutions must work together in harmony.

The People's Representative Council, as confirmed in Article 20 of the 1945 Constitution, is a legislative body that, in conjunction with the President, has the power to formulate legislation. In the process of establishing laws, the President and the People's Representative Council work together; the former has the authority to interpellate, administer surveys, voice opinions, pose questions, and transmit recommendations and views. In addition to members' immunity and protocol rights, the House of Representatives has the authority to propose individual bill drafts. Members of the People's Representative Council have both rights and responsibilities. They are expected to uphold Pancasila, respect the law, keep the peace, and look out for the people's welfare.

There are many factions inside the People's Representative Council. The council members are grouped into fractions according to the party configuration that was determined during the general election. This separate group came together with the goal of making the most efficient use of the House of Representatives' powers and responsibilities. At least thirteen people are part of the group. When there are fewer than thirteen individuals from any one political party remaining after the general election, they may combine their forces to create a fraction. A member of each of the Factions is required of every council member. The people that make up each group vote for their leaders.

In order to fulfill their responsibilities and exercise their power as council members, members of the faction must work together. Every action taken by the House of Representatives reflects the fraction's responsibility to enhance the competence, self-control, efficacy, and efficiency with which members carry out their responsibilities.

Along with allocating resources and personnel, the House of Representatives ensures that each faction's responsibilities are carried out efficiently in accordance with the proportion of members assigned to each.

In order to fulfill its missions and exercise its powers, the People's Representative Council establishes the following committees: (1) Leadership of the People's Representative Council; (2) Deliberative Body; (3) Commission; (4) Legislative Body; (5) Budget Committee; (6) Household Affairs Agency; (7) Inter-Parliamentary Cooperation Agency; (8) Honorary Board; and (9) Special Committee. At the meanwhile, a number of things are happening at the Executive agency, such as: (a) Carried out by the executive branch, (b) In addition to being the head of state, he also serves as the head of government, (c) The people, not the victors in an election, choose the president and vice president, (d) Appointing cabinet members is within the purview of the president, and the Fifth, provide your stamp of approval to the proposed legislation.

In addition, the president and vice president may only serve a maximum of two terms in office, according to the revised 1945 Constitution of the Republic of Indonesia. The Constitution grants the President the authority to carry out the executive branch of government. The vice president provides assistance to the president in carrying out this responsibility. It is also within the President's purview to send the House of Representatives proposed legislation. The President also has the power to create government rules in order to carry out the laws (Muhtar, Yassine, et al., 2024). Instead of being nominated by the People's Consultative Assembly, Indonesia's president and vice president are chosen by the people in the General Election. Before the election, a political party or coalition of parties nominates candidates for the office of president and vice president. The first term for a president is five years, and after that he may only be re-elected once.

The President has the authority to declare war, make peace, and negotiate treaties with foreign nations, subject to the approval of the House of Representatives. It is necessary to get approval from the House of Representatives before entering into any additional foreign agreements that would significantly impact state finances, mandate new laws, or have far-reaching and essential effects on the lives of the people. It is also within the President's power to proclaim a state of emergency. The legal system establishes the parameters and outcomes of the scenario. Besides that, the President may consider the Supreme Court's recommendations while deciding whether to give clemency or rehabilitation. If the president decides to reduce, eliminate, or modify a criminal offense, this is called a pardon. When a person is wrongfully arrested, detained, prosecuted, or tried without legal justification or due to an error in interpreting the law, rehabilitation is the process by which their rights in capacity, position, honor, and dignity are restored during the investigation, prosecution, or trial.

Amnesty and abolition are also granted by the president once the House of Representatives has considered them. Amnesty is a blanket proclamation that, for particular crimes or groups of crimes, exonerates the guilty from any legal repercussions. This proclamation may be made public or formal via legislation. The abolition of the death penalty refers to the complete and total removal of all legal ramifications for a criminal defendant found guilty of a crime (Rs et al., 2024).

Per legal requirements, the President also bestows honors to persons and organizations in the form of titles, decorations, and the like. The President is authorized by law to establish an advisory council to assist him in the performance of his responsibilities by providing him with advice and recommendations.

State sovereignty was completely enforced by the People's Consultative Assembly, the highest state entity, under the pre-amendment constitution of this nation with regard to legislative and executive relations. The People's Consultative Assembly is the first rung on the ladder to vertical distribution of people's sovereignty inside the state. The distribution or division of power is the guiding concept that has been accepted.

In contrast, the post-amendment constitution establishes a horizontal distribution of people's sovereignty through the separation of powers into equal and mutually controlling state institutions in accordance with the principle of checks and balances.

In the post-amendment constitution, the president and vice president have equal positions to the legislature and the house of representatives. The legislature (MPR) now sits above the president (President), in contrast to the pre-amendment constitution; nonetheless, the president really controls and oversees the legislature. The post-amendment constitution's equal status also changes the interaction between the legislative and executive institutions, which was different before the amendment. One area where the legislature and the executive branch interact is in the realm of lawmaking, according to a cursory examination of the 1945 Constitution of the Republic of Indonesia. Art. 5, paragraph 1, states, "The President has the right to submit draft laws to the House of Representatives." Paragraph two of Article 20 "Every draft law is discussed by the House of Representatives and the President to obtain joint approval."

The two articles suggest that the President's authority to pass laws would be curtailed. The role of the President was recast as that of an executive executing existing laws rather than a legislative one, and the House of Representatives was reestablished as the legislative branch. The constitutional provision in Article 20, paragraph 5, which states: "In the event that a draft law that has been jointly approved is not ratified by the President within thirty days of the draft law being approved., the draft law becomes law and must be promulgated," further solidifies the House of Representatives' role as a lawmaker. The 1945 Constitution of the Republic of Indonesia, which was amended, accommodates the separation of powers in the realm of legislative authority.

Two, authority at the institutional and administrative levels. Article 7A states that "The President and/or Vice President can be dismissed during their term of office by the People's Consultative Assembly on the recommendation of the House of Representatives, whether they are proven to have committed a legal violation in the form of treason against the state, corruption, bribery, other serious criminal acts, or disgraceful acts. or if it is proven that he no longer meets the requirements as President and/or Vice President." It is prohibited for the President to suspend or dissolve the People's Representative Council, as stated in Article 7C (Muhtar, 2019)

Because the President cannot dissolve the House of Representatives, the House of Representatives controls the presidency and vice president via the impeachment process and has the same power as the president himself. Since the House of

Representatives has the ability to remove the president from office via impeachment, it seems that the House of Representatives holds more sway in this area than the president does. The notion of checks and balances, or mutual monitoring, is one-way and heavily influenced by legislation. The question then becomes how much influence the president has in the House of Representatives. The author has been unable to locate any reference to the President's authority over the People's Representative Council in the 1945 Constitution of the Republic of Indonesia, which is the post-amendment constitution. The article of impeachment, as the author sees it, stems from the New Order's historical acts, which bestowed immense power on the president. Accordingly, the term "selfish article" is appropriate for this document thirdly, the authority to command both the military and the diplomatic apparatus.

In paragraph one of Article 11, it states, "The President, with the approval of the House of Representatives, declares war, makes peace and agreements with other countries." Second sentence: "When the President makes other international agreements which have broad and fundamental consequences for the lives of the people related to the financial burden on the state, and/or require changes or formation of laws, this must be approved by the House of Representatives." The second paragraph of Article 13 states "In matters of appointing ambassadors, the President shall pay attention to the considerations of the House of Representatives." In paragraph (3), the President acknowledges the assignment of foreign ambassadors after considering the recommendations of the House of Representatives. When making ambassador appointments, the President solely considers the recommendations of the House of Representatives. Here, "paying attention" implies that it's optional. "Pay attention" serves as a check and balance between the legislative branch and the executive branch, according to the author.

Authority of the courts, the fourth part. Paragraph two of Article 14 states, "The President grants amnesty and abolition by taking into account the considerations of the House of Representatives." The essay lays out the concept of checks and balances between the executive branch and the legislative branch rather well.

The Republic of Indonesia's 1945 Constitution was amended to create a presidential system with more executive power, equalize executive and legislative power, and elevate the People's Representative Council to the status of holder of legislative power equal to the President. Ensuring that executive authority is wider to satisfy society's demands and welfare, these changes effect the formulation of laws, governance, and state administration systems. In addition to that, these adjustments mirror the development of democracy in Indonesia, reaffirming the division of power principles advocated by Montesquieu and adjusting the framework of governmental institutions to meet modern needs (Yudhanegara et al., 2024).

A goal of the reform movement is to revise the Republic of Indonesia Constitution from 1945, which was formerly deemed "sacred" and so impregnable. The agenda for revising the Republic of Indonesia's 1945 Constitution addresses the framework and system of the constitution. The 1945 Constitution of the Republic of Indonesia provided more precise regulations for the previously imprecise state institutions, including the executive branch (headed by the President), legislative branch,

and judiciary branch. These regulations were later to be further elaborated in subsequent legislation. This shift from a centralized, authoritarian system to a more consolidated democratic one is evidence that reform has brought democratic traits to the exercise of state authority. Several concepts form the basis of a consolidated democratic system. These include: a neutral and efficient bureaucracy; an autonomous civil society; an autonomous political society; and an independent economic society. Rechtsstaat refers to the practice of running a state based on law. There has been a shift in the fundamental agreement about the management of national and state life, as well as the political infrastructure, as a result of amendments to the Republic of Indonesia's 1945 Constitution.

Regarding the executive branch's authority, the 1945 Constitution of the Republic of Indonesia solidifies the nature of a presidential form of government by stating that the people directly elect the President and Vice President. In addition, the Supreme Advisory Council was disbanded as a separate state organization as part of the executive power reform. It is now crystal evident that this organization is an arm of the executive branch that helps put government authority into action, what with the Supreme Advisory Council being abolished and the President being ordered to establish a Presidential Advisory organization. The 1945 Constitution similarly highlights the role of ministers as aides to the President, who is chosen and fired by the President, similar to state ministries. An further feature of the 1945 Constitution that served to bolster state ministries was the directive to establish legislative regulations governing the establishment, alteration, and dissolution of state ministries. There is no political accountability for the president to the House of Representatives under this presidential system. When the impeachment process is initiated because the president has broken the law, he is legally responsible for his actions.

The Republic of Indonesia's 1945 Constitution creates the Supreme Court, the Constitutional Court, and the Judicial Commission as three branches of the judiciary that are responsible for carrying out the authority of the judiciary. Three distinct statutes govern the functions and powers of the state's judicial branches. The People's Representative Council (DPR RI) was repositioned and confirmed as the bearer of the right to draft laws, and a new state institution, the Regional Representative Council, was formed. This institutional structure was noticeable on the side of legislative power. Legislative, budgetary, and supervisory responsibilities are carried out by the People's Representative Council of the Republic of Indonesia, a governmental organization with the authority to design laws. Similarly, the Regional Representative Council is still considered a state organization with little legislative power despite its role in budgeting and monitoring.

4. Conclusions

According to this study, the Republic of Indonesia's 1945 Constitution was amended to remove the sacrosanct and static vision of the New Order period document and bring the rules of the state into line with social dynamics and growing democratic aspirations. The goal of this amendment is to create a government that is more open and democratic by limiting the authority of the president and enhancing the system of checks and

balances within the state. A more accountable and accommodating government system is the ultimate consequence of the amendments' new standards, which provide a more balanced relationship among the legislative, executive, and judicial branches. Although there are still obstacles, such as the House of Representatives' propensity to sometimes put party agendas ahead of public interest, the inference is that there have been major shifts in government leadership. To make the government more effective and responsive to community needs, this research primarily suggests following these steps: paying more attention to the technical and substantive aspects of lawmaking; continuously informing the public of amendments; and making adjustments to the processes for receiving ambassadors, making laws, and granting pardons.

Author Contribution

Author contributions for the research titled "Finding a New Direction for Indonesian Democracy: Analysis of Limitations of the President's Powers in the Amendments to the Constitution" by Enny Agustina, Mishnah Irvita, Saharuddin, Erman I Rahim, and Mohamad Hidayat Muhtar can be described as follows: Enny Agustina: (a) Conceptualization: Contributed to the conceptualization of the research idea, defining its scope, and framing the research questions. (b) Methodology: Participated in designing the research methodology, including data collection and analysis methods. (c) Writing – Original Draft Preparation: Responsible for drafting sections of the manuscript, particularly focusing on aspects related to the historical context of Indonesian democracy and the evolution of presidential powers.

Mishnah Irvita: (a) Literature Review: Conducted an extensive review of existing literature related to Indonesian democracy, constitutional law, and presidential powers. (b) Data Collection: Assisted in collecting relevant data and information necessary for the research, including legal documents and constitutional amendments. (c) Analysis: Participated in analyzing the collected data and interpreting its implications on the limitations of presidential powers.

Saharuddin: (a) Methodology: Contributed to refining the research methodology, ensuring its appropriateness for addressing the research objectives. (b) Data Analysis: Played a significant role in analyzing the data collected, particularly focusing on comparative analysis and identifying patterns or trends. (c) Writing – Review & Editing: Provided critical feedback on the manuscript drafts, suggesting revisions to improve clarity and coherence.

Erman I Rahim: (a) Data Interpretation: Engaged in interpreting the research findings, particularly focusing on the implications of constitutional amendments on the balance of power within the Indonesian political system. (b) Critical Evaluation: Contributed to critically evaluating the strengths and limitations of the research approach and findings. (c) Writing – Review & Editing: Reviewed drafts, offering insights to enhance the overall quality and rigor of the research manuscript.

Mohamad Hidayat Muhtar: (a) Project Administration: Assisted in coordinating various aspects of the research project, managing deadlines, and facilitating communication among team members. (b) Data Analysis: Participated in the analysis of empirical data, including quantitative data if applicable, and contributed to drawing conclusions based on the analysis. (c) Writing – Review & Editing: Provided constructive feedback on the manuscript drafts, ensuring coherence and consistency across different sections.

These contributions represent the collaborative effort of all authors in conducting the research and preparing the manuscript for publication.

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