

The Enhancement of the Vice President of Indonesia's Strategic Role and Constitutional Functions as Mandated by Article 4 of the 1945 Constitution

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Abstract

*This study explores the constitutional position and authority of the Vice President within the framework of Indonesia's presidential system, highlighting the persistent ambiguity and limited normative foundation of the office since the adoption of the 1945 Constitution and its subsequent amendments. Although Article 4(2) of the Constitution mentions that the President is assisted by a Vice President, it fails to define the division of responsibilities or to grant the Vice President independent public legal authority. As a result, the Vice President's functions are largely contingent upon delegation from the President, leading to a dependency that undermines institutional clarity and effectiveness. The absence of detailed regulation creates a legal vacuum (*recht vacuum*) and contributes to inefficiencies in governance. In response, this paper proposes a comprehensive reformulation of the Vice President's role and powers, including clearer constitutional authority, proportional task distribution, strengthened coordinative and representative functions, and the enactment of specific legislation governing the office. These reforms aim to reinforce the Vice President's contribution to state administration, enhance legal certainty, and promote good governance. Ultimately, a well-structured and constitutionally grounded relationship between the President and Vice President is essential to the development of a more effective and integrated executive leadership in Indonesia.*

I. Introduction

One of the key demands voiced by the public in promoting the reform agenda was the necessity to amend the 1945 Constitution, a process widely referred to as constitutional amendment. Although the procedure and its substance have been subject to criticism from various observers, constitutional reform began to be undertaken by the People's Consultative Assembly (MPR) between 1999 and 2000 (A.M. Fatwa, 2009). Among the most significant changes was the abolition of the MPR's status as the highest state institution. As a consequence, the principle of popular sovereignty is no longer manifested through the institutional structure of the MPR.

The position of the president is of such crucial importance that it must be explicitly enshrined in the 1945 Constitution, the highest written legal instrument in Indonesia. This is because the president holds the supreme role within the structure of state governance, serving concurrently as both head of state and head of government. The significance of this role was also emphasised by Bernard Schwartz, a British constitutional law scholar, who described the presidency as "the most powerful elected office in the world." Furthermore, Supomo argued that the president embodies the sovereignty of the people, rather than the People's Representative Council, and thus advocated for a strongly empowered presidential position (Alrasid, 1995).

Deliar Noer (Noer, 1999) observed that the issue concerning the position of the president in Indonesia remains unresolved, despite the country having adopted three different constitutions over time—namely the 1945 Constitution, the 1949 Federal Constitution (Konstitusi RIS), and the 1950 Provisional Constitution (UUDS). The core concern continues to centre on the scope of presidential authority and the mechanisms by which it is exercised. In general, the presidency may be filled either by appointment or by election. The 1945 Constitution explicitly stipulates that ministerial positions are appointed, whereas both the presidency and legislative bodies are filled through electoral processes, whether direct or indirect.

With regard to the role and position of the Vice President within Indonesia's constitutional system, both prior to and following the amendments to the 1945 Constitution, there remains a lack of clear and definitive regulation. At least three principal reasons contribute to this ambiguity (Tutik, 2010), namely:

1) The position of the Vice President is defined in Article 4(2) of the 1945 Constitution as the President's assistant. In this capacity, the Vice President is considered equivalent to the ministers, who also function as the President's aides. According to Wiryono Prodjodikoro, the term "assisted by" (*dibantu*) implies that

the President remains the primary figure (the first man), while the Vice President is the second in command (the second man). The Vice President only assumes the primary role if the President becomes permanently unable to carry out presidential duties. In such cases, the word "assisted" becomes irrelevant, as the Vice President steps in to serve as President until the end of the term.

The Vice President accompanies the President during state duties abroad or replaces the President if they resign, pass away, or are otherwise unable to perform their responsibilities. The Vice President assists in day-to-day governance, temporarily takes over presidential duties during periods of incapacity, and assumes the presidency if the office becomes vacant. However, supreme powers such as commanding the army, navy, and air force; declaring war; establishing international treaties; appointing or dismissing ambassadors—these prerogatives do not fall under the Vice President's authority, unless they are formally acting as President. In such instances—e.g. due to death, incapacitation, or legal delegation of powers—the Vice President may exercise these authorities in accordance with legal procedures, such as initiating legislation with parliamentary approval or issuing government regulations.

2) The Vice President does not bear direct responsibility to the President, unlike ministers who report directly and are formally accountable to the President as members of the executive cabinet. In Indonesia's constitutional practice, the Vice President does not formally submit any report of accountability to either the People's Consultative Assembly (MPR) or the public; such accountability lies solely with the President. As a result, the Vice President's role as a presidential assistant lacks substantial decision-making authority.

In terms of responsibilities, the Vice President supports the President in routine governance, carries out presidential duties during temporary absences, and assumes full presidential authority if the office becomes vacant. Nonetheless, in relation to the highest state powers—such as commanding the armed forces, declaring a state of emergency, entering into treaties, appointing or recalling ambassadors or consuls, accepting foreign diplomatic missions, or conferring honours and pardons—the Vice President may only exercise such powers when officially granted the authority. In other words, these powers may only be performed when the President has died, is gravely ill, or has legally delegated the authority, and even then, only within the bounds of applicable law—for instance, in enacting laws with parliamentary approval, issuing regulations, concluding international agreements, or exercising military command.

In other words, the position and authority of the Vice President are largely shaped by the policies and decisions of the President. The President may delegate specific

responsibilities to the Vice President, such as overseeing particular sectors of governance, representing the President in various activities or forums, or providing input in policy formulation. However, this division of duties is not explicitly regulated in the 1945 Constitution, and instead remains flexible, subject to the discretion of the sitting President. As a result, the practical role of the Vice President may vary significantly depending on the preferences and leadership style of each President. This situation illustrates the flexible nature of Indonesia's system of government, allowing for adaptation in response to evolving circumstances and national needs over time.

In practice, the duties and powers of the Vice President are largely dependent on assignments delegated by the President. There is currently no specific legislation governing the scope of authority and the working relationship between the President and the Vice President, despite the mandate in Article 4(2) of the 1945 Constitution. As such, a statutory framework is essential to clarify the Vice President's constitutional role and to ensure a more harmonious and effective governance structure. From the perspective of Article 4 of the 1945 Constitution, the urgency of expanding the position and functions of the Vice President lies in the need to institutionalise a clear, consistent division of responsibilities, rather than leaving them to the discretion of individual presidents. Such legal reinforcement would not only enhance the operational efficiency of the executive branch but also safeguard constitutional balance, accountability, and continuity of governance in situations where the President is unable to perform their duties.

2. Research Method

This research falls within the category of normative legal study, which is based on the analysis of positive legal norms, particularly those enshrined in the Constitution (the 1945 Constitution of the Republic of Indonesia), statutory regulations, and doctrinal writings in the field of constitutional law. The primary focus of this study is to examine the role and authority of the Vice President within the Indonesian constitutional framework, both prior to and following the amendments to the 1945 Constitution. The research employs a statutory approach, involving an in-depth examination of Article 4(2) of the Constitution and other relevant legal instruments governing the working relationship between the President and the Vice President.

The legal sources used are divided into primary and secondary materials. Primary sources include the original and amended versions of the 1945 Constitution, legislation related to the executive branch, and pertinent Constitutional Court decisions. Secondary sources consist of scholarly literature, expert opinions, academic journals, previous research findings, and other scientific publications. Data collection is conducted through a literature review, focusing on legal documents and academic sources. The collected data is analysed using a descriptive-qualitative method,

involving the interpretation of legal provisions and scholarly views to gain a deeper understanding of the Vice President's position and functions within the national system of governance. Furthermore, this study aims to assess the extent to which the role of the Vice President may require strengthening or adjustment in response to the evolving dynamics of Indonesia's constitutional system.

3. Results and Discussion

The Concept of Presidential and Vice-Presidential Responsibility in Indonesia

The constitutional framework of the Republic of Indonesia, as set out in the 1945 Constitution, outlines the position and functions of the President and Vice President in several key articles, namely Articles 4(1) and (2), 6(2), 7, 8, and 9. Out of the twelve constitutional provisions relating to the President as head of government, approximately five also directly involve the role of the Vice President. For instance, Article 4(1) stipulates that the President holds executive authority in accordance with the Constitution. However, the 1945 Constitution does not provide a clear explanation of the phrase "assisted by the Vice President" found in that provision. Constitutional law scholars, such as Tirto Prodjodikoro, interpret the term "assisted" as implying that the President retains primary control of executive power—the "first man"—while the Vice President holds a secondary role, the "second man", within the power structure (Prodjodikoro, 1989).

Based on the foregoing explanation, it can be concluded that the 1945 Constitution grants the Vice President relatively limited authority in comparison to that of the President. In general, the responsibilities and powers of the Vice President encompass several key functions, including:

- 1) Assisting the President in carrying out state duties;
- 2) Assuming the presidential role until the end of the term in the event of the President's death, resignation, or incapacity in accordance with applicable constitutional provisions;
- 3) Paying special attention to strategic issues concerning public welfare and conveying relevant matters that require government response;
- 4) Exercising oversight over the implementation of national development programmes at the operational level, with the support of various institutions, including ministerial inspectorates and relevant supervisory deputies from non-ministerial agencies.

However, the Constitution does not regulate the issue of accountability for the Vice President. In a democratic rule of law state (*demokratische rechtsstaat*), no office or office-holder is exempt from responsibility. Accountability may be categorised into political and legal forms. The amended 1945 Constitution

provides for two models of filling the office of Vice President. The first is through direct election by the people; the second is by appointment through the People's Consultative Assembly (MPR), in the event that the directly elected Vice President passes away, resigns, or becomes unable to carry out their duties during the term of office.

The process of appointing the Vice President gives rise to a distinct form of accountability within Indonesia's constitutional framework. From a legal standpoint, the Vice President may be held accountable under the law. However, in the political sphere, a Vice President elected directly by the people is not subject to political accountability in the conventional sense. This differs from a Vice President appointed by the People's Consultative Assembly (MPR), which gives rise to two prevailing views.

The first view holds that a Vice President chosen by the MPR may be held politically accountable—either broadly to the MPR or, in a more limited sense, to the President. In contrast, the second view asserts that the Vice President lacks independent policy-making authority due to their status as a delegate of the President. Within the framework of delegated authority (*mandaatsverlening*), the recipient of such a mandate is accountable only internally to the authority granting it. Accordingly, the Vice President is not externally politically accountable, as their actions are essentially an extension of the President's mandate.

Based on the foregoing explanation, it may be concluded that the status, selection mechanism, and form of accountability of the Vice President within Indonesia's constitutional system, as established by the 1945 Constitution, remain insufficiently regulated and lack clarity. This is primarily due to the Constitution's failure to provide a specific division of responsibilities for the Vice President, including the absence of any provision identifying to whom or to which state institution the Vice President is accountable. In other words, there is currently no clear institutional authority tasked with overseeing or demanding accountability from the Vice President. This ambiguity extends to the Vice President's duties, constitutional standing, and responsibility within the governmental structure. Moreover, to date, there exists no specific legislation that explicitly governs the presidency and vice presidency, thus highlighting the need for further study and legal formulation to clarify the institutional role of the Vice President within Indonesia's system of governance.

The Strategic Role of the Vice President in the Governmental System of the Republic of Indonesia

This discussion will centre on the role of the Vice President within a presidential system of government, with particular reference to the Unitary State of the Republic

of Indonesia. In brief, the Vice President occupies a governmental position immediately subordinate to that of the President. In carrying out their duties, the President is assisted by the Vice President. Pursuant to the provisions of Article 4(2) of the 1945 Constitution, it can be inferred that the Vice President holds authority parallel to that of the President. However, in practice, the scope and exercise of the Vice President's powers have varied and evolved over time.

The implementation of a system of government in any given country is shaped by its specific needs, historical background, and prevailing social and political conditions. A parliamentary system places the legislature at the centre of governmental authority, whereas a presidential system emphasises the role of the president as the chief executive in administering the state. These two systems originate from distinct historical and constitutional traditions, resulting in differing norms and procedures of governance. The defining feature of parliamentary government lies in the predominance of the legislature over the executive branch (Solly Lubis, 1993), while in a presidential system, executive power is largely concentrated in the hands of the president within a constitutional framework. Accordingly, the parliamentary and presidential systems represent two fundamentally different models of governance, rather than simply opposing concepts that can be synthesised.

In practice, however, Indonesia's system of government has historically displayed characteristics more closely aligned with a parliamentary model. Following the constitutional amendments to the 1945 Constitution, Indonesia adopted a purer form of presidentialism. The system is categorised as presidential on the basis that the President is not politically accountable to the People's Consultative Assembly (MPR) in the same manner as a cabinet is accountable to a parliament. In this regard, it has been argued that presidential accountability to the MPR should not be equated with ministerial responsibility to a parliamentary body (Zoelfa, 2005).

Upon closer examination, there is a notable difference in both the wording and substance of Article 4(2) and Article 17(1) of the 1945 Constitution. Article 4(2) begins with a distinct formulation that is absent from the opening of Article 17(1). Furthermore, Article 17(1) is structurally connected to the subsequent clauses, which provide the legal basis for the President's authority to appoint and dismiss ministers, as well as to determine the division of governmental affairs among them.

In general, the Vice President holds a significant role within the constitutional system, particularly in relation to the President. Firstly, the Vice President serves as a successor or holder of reserved powers, meaning they may assume presidential duties either temporarily or permanently until the President's term concludes. Secondly, the Vice President functions as the official representative of the President in carrying out state duties delegated to them. In this capacity, the Vice President acts on behalf of the President, and their actions carry equal

legal legitimacy and authority. For instance, if the Vice President signs an official legal document, the signature holds the same legal standing as that of the President (Asshiddiqie, 2004). Thirdly, the Vice President may also perform an assisting role, supporting the President in fulfilling a wide range of constitutional duties and responsibilities.

When examining Law Number 30 of 2014 on Government Administration, the concept of *attribution* refers to the conferral of authority upon government institutions or officials, derived directly from the Constitution (the 1945 Constitution of the Republic of Indonesia) or other statutory regulations. Article 4(2) of the 1945 Constitution stipulates that in performing their duties, the President is assisted by a Vice President. In the capacity of acting as the President's substitute, the Vice President holds the authority to act independently, without requiring prior instruction or approval from the President, unless otherwise stipulated by the President or applicable regulations.

Following the fall of the New Order regime and throughout the Reform Era, there has been a shift in the dynamic between the President and the Vice President. The Vice President's powers and responsibilities have become increasingly subject to the policies and division of duties unilaterally determined by the President, functioning as a form of *administrative delegation*.

When serving in their capacity as both a presidential aide and an independent state official, the Vice President does not necessarily require approval, instruction, or specific delegation from the President to perform their functions. The Vice President adjusts their actions only when required by explicit legal provisions or direct presidential instruction. In this role, the Vice President exercises a degree of autonomy—either accompanying the President or carrying out their duties independently within the bounds of their constitutional authority. Although the Vice President is structurally positioned as an assistant to the President, the office holds a higher status than that of ministers, who are accountable to the President and Vice President as a unified executive leadership.

With regard to the assisting function, there are several mechanisms through which such assistance may be provided:

- 1) assistance initiated at the Vice President's own discretion;
- 2) assistance rendered at the request of the President; and
- 3) assistance mandated through formal regulation, such as a Presidential Decree.

On the other hand, a clear distinction must be made between the Vice President's role as a representative and as a constitutional successor to the

President. To act as a representative of the President, the Vice President must receive a formal mandate—either legally conferred or informal and temporary in nature. Such mandates are flexible and may be withdrawn at any time. In contrast, the Vice President's position as the President's successor is permanent and constitutionally defined. The Vice President may only assume the presidency under two circumstances: when the President is temporarily unable to perform their duties, or when the office of the President becomes permanently vacant.

Towards a Reformulation of the Vice President's Role and Constitutional Powers in the Indonesian Government System

To prevent multiple interpretations of the term "assisting" as stated in Article 4(2) of the 1945 Constitution, and to dispel the negative perception of the Vice President's role—often viewed as merely a "spare tyre" or "second in command"—there is a pressing need for clear and comprehensive regulation. Such regulation should include:

1. Legislation that explicitly defines the scope of the Vice President's role in supporting the President, both as Head of State and Head of Government, in order to clarify the division of duties and authority between the two offices.
2. A legal framework detailing the forms and mechanisms of accountability applicable to the Vice President in the exercise of their functions.
3. Statutory provisions that firmly distinguish the roles and status of the Vice President from those of ministers, thereby avoiding any overlap or confusion in the execution of governmental responsibilities.

Based on a historical examination of the Vice President's authority over time, as outlined in the preceding discussion, this study finds that the Vice President does not possess constitutionally defined powers that are explicit or firmly established. This argument is supported by the view of Prajudi Atmosudirjo, who asserts that authority constitutes a form of formal power derived from legislative authority (through statute) or from executive/administrative power. In this context, authority is understood as the capacity to carry out acts of public law. Consequently, the Vice President's role within Indonesia's constitutional framework is largely that of an assistant to the President, with the execution of duties and functions heavily dependent on delegation or direct instruction from the President. This indicates that the Vice President acts only upon receiving a mandate or delegated authority from the President.

In line with the perspective of M. Hadjin, the term *authority* in public law is specifically used to signify the legitimacy required to perform functions of the state. However, within the Indonesian constitutional framework, the Vice President does

not possess clearly defined or constitutionally established public legal authority. This lack of specific regulation has resulted in a legal vacuum (*recht vacuum*), despite the Vice President's implicit presence within the executive structure as an integral part of the presidency. This situation is largely influenced by the governmental model adopted by Indonesia—a presidential system—in which the President simultaneously functions as both Head of State and Head of Government. As a consequence, the Constitution does not provide a detailed delineation of the Vice President's powers, thereby creating ambiguity in constitutional practice.

Therefore, in order to establish a robust legal framework, it is essential to undertake a comprehensive and proportionate reformulation of the Vice President's authority within the constitutional order. Clear and explicit regulation concerning the division of duties and powers between the President and Vice President is crucial for the future. Such provisions would provide the Vice President with a solid and unambiguous legal foundation for carrying out their functions as an integral component of the executive branch of the state.

As discussed above, the reformulation of the Vice President's role and authority has become an urgent necessity in order to strengthen Indonesia's constitutional system grounded in presidentialism. To date, the Vice President's role has lacked normative clarity within the Constitution, resulting in an overreliance on the President—both in terms of task allocation and delegated powers. This ambiguity risks creating a legal vacuum (*recht vacuum*) and inefficiencies in governmental administration. Several key directions for reformulating and reinforcing the role and powers of the Vice President may be considered:

- 1) **Clarification of Constitutional Authority:** The Constitution should either be revised or interpreted more explicitly to define the powers that the Vice President may exercise independently, without requiring delegation from the President. This clarification would help avoid multiple interpretations and affirm the Vice President as an institutional actor with legal legitimacy in performing executive functions.
- 2) **Proportional Distribution of Duties:** Reform should also include a structured division of responsibilities between the President and Vice President. This may involve assigning specific policy areas to the Vice President, such as oversight of national strategic programmes, inter-ministerial coordination, or monitoring public policies in key sectors. Such distribution would enhance governmental efficiency and optimise the Vice President's role as a working partner to the President.
- 3) **Strengthening Coordinative and Representative Functions:** The Vice President's role could be expanded in terms of coordination, particularly with regard to strategic issues requiring inter-agency collaboration. Additionally, the Vice President may be formally mandated to act as the state's representative in international forums, provided there is a clear legal foundation for such

responsibilities.

- 4) Enactment of a Law on the Vice Presidency: As a concrete step toward reform, a specific law should be enacted to regulate the office of the Vice President comprehensively. This law would address the scope of duties, powers, responsibilities, and accountability mechanisms. Such legislation would clarify the Vice President's institutional position and contribute to a more robust system of checks and balances.
- 5) Strengthening the Role in Leadership Transition: The Vice President should also be granted a clearly defined mandate during periods of leadership transition or in situations where the President is unable to discharge their duties. Although the current Constitution provides for the Vice President to assume the presidency in cases of permanent incapacity, a more detailed and systematic framework for managing power transitions is essential to ensure governmental stability.

The reformulation of the Vice President's role and authority constitutes an integral part of broader efforts to modernise the structure of government, with the aim of enhancing effectiveness, accountability, and legal certainty within Indonesia's presidential system. Through more detailed regulation grounded in the principles of good governance, the Vice President can contribute more optimally to the administration of state affairs.

4. Conclusion

Historically, and even following the fourth amendment to the 1945 Constitution, the position and authority of the Vice President of the Republic of Indonesia remain without a clear and firm constitutional foundation in the execution of their duties as both the representative and assistant to the President. Although Indonesia adopts a presidential system of government, Article 4(2) of the 1945 Constitution does not provide a specific delineation of responsibilities between the President and the Vice President. As a consequence, the Vice President lacks the direct authority to engage or coordinate with other state institutions independently, without a formal delegation from the President.

This ambiguity highlights the urgent need for legal reform aimed at clarifying and expanding the Vice President's functions, in order to support a more effective and integrated system of governance. It is therefore necessary to develop a legal framework and restructure both constitutional and statutory provisions to ensure that the distribution of powers and responsibilities between the President and the Vice President is proportional, harmonious, and constitutionally grounded. Such reform is essential for establishing an effective working relationship between the two offices, in accordance with the mandate of Article 4(2) of the 1945 Constitution.

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