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Abstract
This study delves into an examination of how the 1945 Constitution establishes multiple constraints on the President's authority while bolstering the influence of the DPR (People's Consultative Assembly). The research aims to comprehensively analyze the scope of powers granted by the 1945 Constitution to both the President and the DPR. Employing a normative research methodology, this investigation reveals that the 1945 Constitution places specific limitations on the President while strengthening the authority of the DPR through various means. Notably, the Constitution imposes term limits solely on the President, not on the DPR. Although the President participates in the legislative process, certain restrictions apply, and certain powers are granted to the President as the head of state, but they necessitate the involvement of the DPR. In contrast, specific rights exclusively pertain to the DPR in support of its duties, without extending these same rights to the President. Such a scenario underscores the imperative of establishing a constitutional balance of power between the executive authority of the President and the legislative authority of the DPR.

1. Introduction

A constitution is an essential aspect that every country possesses. It is drafted by a nation with the purpose of serving as the supreme law, from which all other legislation derives. The constitution also serves as the foundation for the establishment of various state institutions, along with their functions, duties, authorities, positions, and powers.¹ Additionally, it determines the limitations of power within these institutions. Each country's constitution is typically designed for a long-term duration, although amendments to the constitution are not out of the question. The 1945 Constitution of the Republic of Indonesia (referred to as

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the 1945 Constitution) has undergone amendments, which began during the period of reform.²

The amendments to the 1945 Constitution were made because society recognized the dominance of presidential power in past administrations. The 1945 Constitution is an "executive-heavy" constitution, meaning it grants significant authority to the executive branch without adequate constitutional checks and balances. Under this constitution, the President serves as both the head of government and the head of state.³ In practice, this broad and largely unchecked presidential power was utilized by President Soeharto as a legal foundation to place his preferred individuals in strategic positions. Consequently, President Soeharto managed to control the bureaucracy, the military, legislative institutions, and the judiciary.⁴ This resulted in an overwhelmingly strong executive power without the presence of mechanisms for checks and balances by other state institutions. As a result, the extraordinary executive authority became known among the Indonesian society as "executive heavy."⁵

The phenomenon of executive-heavy governance in Indonesia served as a strong rationale for amending the 1945 Constitution to reduce executive authority. However, the reduction of executive authority was carried out in such a way that the balance of power, which was initially heavily concentrated in the hands of the executive branch, shifted towards the legislative branch. Consequently, after the amendments, the 1945 Constitution came to be known as a "legislative-heavy" constitution.⁶

For example, prior to the amendments, the President played a strategic role in the process of law formation. The President was granted the power to enact laws as stated in Article 5, paragraph (1) of the original 1945 Constitution, which reads: "The President holds the authority to enact laws with the approval of the House of Representative (Dewan Perwakilan Rakyat or DPR)." Based on

this provision, the role of the DPR as the legislative body was severely limited, as it only provided approval for the drafts of laws proposed by the President. Thus, before the amendments, the legislative authority was held and dominated by the President, implying that all laws at that time were crafted solely by the executive authority.\(^7\)

This concentration of power made President Soeharto's authority even stronger, while the power of the DPR weakened significantly, to the point of being practically non-existent. Such a situation was undesirable for the Indonesian society. The people of Indonesia sought a constitutional reform that would restore the proper roles of the President and the DPR.\(^8\)

Following the amendments to the 1945 Constitution, a shift in power occurred, with the role of the DPR being restored to its rightful place and even further strengthened. The DPR, which previously had only been granted the authority to approve draft laws proposed by the President, now began to wield the power to enact laws.\(^9\)

This situation has persisted for approximately two decades, where political control currently lies in the hands of the DPR. Over the course of these twenty years since the amendments to the 1945 Constitution, the President's authority has been increasingly limited, while the power of the DPR has grown stronger.\(^10\) However, ideally, both institutions should be state bodies with their respective tasks, functions, and authorities, and they should have equal and balanced positions. There should be no dominance or higher authority between the two.\(^11\)

Such a political situation requires further consideration to determine whether it is truly what the Indonesian society desires, especially considering that both state institutions are now directly elected by the people. The

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\(^7\) Siti Hidayati, “Partisipasi Masyarakat Dalam Pembentukan Undang-Undang (Studi Perbandingan Indonesia Dengan Afrika Selatan),” *Jurnal Bina Mulia Hukum* 3, no. 2 (March 30, 2019): 224–41, https://doi.org/10.23920/jbmh.v3n2.18.


constitution, as the supreme law,\textsuperscript{12} should rightfully provide proportional legitimacy to both state institutions. This would ensure that, over time, the people have no concerns about a recurrence of power dominance in Indonesia's governance, whether it be legislative dominance, known as "legislative heavy," as implicitly given by the current constitution.

Based on the description provided in the background, the formulation of the problem that can be raised is how the 1945 Constitution establishes constraints on the President's authority and enhances the power of the DPR. The purpose of this research is to analyze the limitations imposed on the President's authority and the strengthening of the DPR's power as granted by the 1945 Constitution. Previous researchers have already conducted studies on the limitations of the President's authority and the enhancement of the DPR's power. In the course of this investigation, at least two relevant pieces of literature have been found.

The first literature is a journal written by Helmi Ibrahim in 2009, titled "Strengthening the Institutional Functions of the DPR after the Amendments to the 1945 Constitution in a Presidential System of Government." In this study, Helmi Ibrahim elaborates that after the amendments to the 1945 Constitution, a new paradigm emerged, resulting in a shift of power from the President to the DPR in the legislative process. This means that the constitutional changes established the DPR as the state institution holding legislative power, while simultaneously restoring the President's true position as the representative of the people's sovereignty in the executive branch. Thus, paradigmatically, the amendments to the 1945 Constitution restored the balance of power between the DPR and the President. However, a difference in findings between Helmi Ibrahim's study and the present research is that, according to the current investigation, the amendments to the 1945 Constitution have not yet achieved a balance of power between the President and the DPR. Various articles indicate that the amendments have, in fact, placed several constraints on the President's authority while strengthening the DPR's power, leading to the perception that the DPR's power surpasses that of the President.\textsuperscript{13}

The second literature is a journal written by Saldi Isra in 2013, titled "The Relationship Between the President and the DPR." In this article, Saldi Isra discusses the relationship between the President and the DPR in Indonesia's current system of governance, which has experienced increasing tension between the executive and legislative branches in recent years. One of the reasons behind


this is the failure of the DPR to maintain a balance, particularly between its legislative and oversight functions. The oversight function tends to outpace the legislative function.\(^{14}\)

However, the difference in the present research lies in the focus. The current investigation does not concentrate on the individual execution of the DPR's functions but rather on whether the 1945 Constitution has provided a balanced distribution of power between the President and the DPR in carrying out their respective tasks and functions. The goal is to eliminate the terms "executive heavy" and "legislative heavy" in Indonesia’s system of governance and instead achieve a "constitutional heavy" system. This would entail each state institution at the central level having a balanced position, especially concerning the executive and legislative branches.

2. Method

This research utilizes the normative research method with normative research, including legislative, historical, and conceptual approach. The legislative approach is employed to understand the laws and regulations that govern power limitations in Indonesia's governance. The historical approach involves examining the dynamics of governance during different regimes, while the conceptual approach aims to explore the perspectives of legal scholars on Indonesia's governmental system. The primary legal sources used in this study include the 1945 Constitution, and the secondary sources consist of textbooks, journals, magazines, and internet materials related to the limitations of the President's authority and the strengthening of the DPR's power. The methodology for collecting legal materials involves conducting library research by gathering, reading, and analyzing relevant laws and regulations related to the legal issues. The analysis method used is qualitative, and presented descriptively to gain a clear, measurable, and directed understanding of the researched issues.

3. Discussion and Analysis

3.1. Period of Presidential Term

Under the executive-heavy regime, the President's term was significantly long and increasingly powerful. This was evident in Soeharto's tenure, which lasted for approximately 32 years.\(^{15}\) Legally, this fact was permissible as the

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original 1945 Constitution did not impose any limitations on the President's term. Article 7 stated that "The President and Vice President shall hold office for a term of five years and may be re-elected." This provision legitimized Soeharto's extended stay in the presidential office, spanning almost 7 terms, which eventually ended with his resignation during the reform movement. The reform was a significant step taken by the Indonesian people to overthrow the executive-heavy regime of Soeharto. Subsequently, the first amendment to the 1945 Constitution in 1999 introduced limitations on the period of the President's term.

Limiting the President's term aimed to prevent continuous consolidation of power, which was believed to be the basis for abuse of authority. Therefore, the first amendment to the 1945 Constitution revised Article 7, changing its original wording from "The President and Vice President shall hold office for a term of five years and may be re-elected" to "The President and Vice President shall hold office for a term of five years and may be re-elected only once." With this change, the period of the President's term became more defined and limited, allowing them to serve for only two different terms. Consequently, someone holding the office of President for six terms, like Soeharto's leadership, would not recur. This amendment brought significant changes to Indonesia's system of governance and undoubtedly restored public trust in the President, ensuring that there would be no more unlimited presidential authority, which could lead to corruption, collusion, nepotism, and human rights violations, as observed during the era of the New Order.

The situation is different concerning the term of the House of Representatives (DPR) members. Both the original 1945 Constitution and the amended version did not impose any limitations on the term of DPR members. During the New Order era, this was not a significant issue as the power was concentrated in the hands of the President. Although the DPR existed during that time, its legislative authority was not effectively exercised.

After the amendments to the 1945 Constitution, transitioning from an executive-heavy regime to a legislative-heavy one, there is still no constitutional

provision limiting the term of DPR members.\(^{19}\) The term of DPR members is stipulated in Article 76 paragraph (4) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council, which states that "the term of DPR members is 5 (five) years and ends when new DPR members take their oath/affirmation." Implicitly, this can be interpreted to mean that outgoing members cannot become new members. In other words, outgoing members automatically end their term and are replaced by new members. The further consequence of this is that DPR members can only be elected for one term. However, this understanding is not applied in practice. Instead, it is interpreted as there being no limit to the number of times a member can hold office. This means that a member can occupy their seat for as long as they are elected in the electoral process.\(^{20}\)

The difference in the term period emphasizes that as long as the people desire a member to hold office, they will remain in power. This means that a member of the DPR can occupy their seat indefinitely, while the President, on the other hand, cannot fulfill the people's wish to remain in office for more than two terms due to the term limitation imposed by the Constitution.\(^{21}\)

Reflecting on the past, limiting the President to only two terms in the amended 1945 Constitution is likely related to the traumas of the past when various corruptions, collusions, nepotism, and human rights violations occurred during Soeharto's presidency, when the original 1945 Constitution did not limit his term.\(^{22}\) Nevertheless, the author believes it is not appropriate to have no term limits for DPR members at present. The Constitution currently grants significant authority and privileges to the DPR, which could lead to a situation where various violations committed by the President during the New Order era could be repeated, but this time by the legislative authority, namely the DPR.\(^{23}\)


3.2. Authority to Formulate Laws

Before the amendment of the 1945 Constitution, the President held the authority to formulate laws, as stated in Article 5, which reads, "The President holds the authority to formulate laws with the approval of the People's Consultative Assembly." This provision granted absolute power to the President in formulating laws as a whole. The role of the DPR was minimal, as it only had the task of approving the laws made by the President. As a result, the executive power (the President) was extensive and seemingly limitless, controlling the strategic axis of the State's power components (including the legislative power, which ideally should be the absolute jurisdiction of the legislature) without any checks from other institutions. This situation turned the legislative body into a mere rubber stamp for State policies. This led to an increasing concentration of power in the hands of the President, especially as at that time, there was only the Supreme Court tasked with reviewing laws under the constitutionality of the law. There was no separate judicial body to examine laws against the Constitution, so the laws made by the President were considered to have the same "sacredness" as the Preamble to the 1945 Constitution and Pancasila.

One of the mandates of amending the 1945 Constitution of the Republic of Indonesia was to empower the legislative body, which theoretically has a legislative function. As a legislative institution, the parliament should have a more significant role in the legislative process. However, giving parliament a more prominent role does not mean negating the possibility of the executive body, including the President, having a role. Legislation is both a process and a product, and it is one of the primary mechanisms in a republic to address national issues. The legislative function encompasses four activities: (1) legislative initiation, (2) deliberation of draft laws, (3) approval of law enactment, and (4) approval or ratification of international agreements and other legally binding documents. The implementation of the legislative function can be observed in the amended provisions of the 1945 Constitution as follows:

a. Article 5, Paragraph (1): "The President has the right to propose draft laws to the People's Consultative Assembly."

The President still plays a role in the formulation of laws. This article emphasizes that the President, as a representative of the people, has the right

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to propose draft laws, which naturally originate from the needs of the society at that time. As a representative of the people, the President has a role in directly observing the conditions of the people, thus understanding what draft laws are needed or requested by the people. These draft laws are submitted to the DPR, which means that through this article, the Constitution implicitly shows that the power to formulate laws, which was previously in the hands of the President, now lies with the DPR. This is appropriate because the legislative function has been delegated to the authority responsible for it.

b. Article 20, Paragraph (1): "The People's Consultative Assembly holds the authority to formulate laws."

This article mandates the DPR as a State Institution responsible for legislation, hence the DPR bears significant responsibility for the success or failure of legislation. This shift in the holder of legislative power carries substantial consequences, requiring the DPR to be prepared and capable of exercising this authority. This preparedness and capability encompass various aspects, including sensitivity to and the ability to articulate the aspirations and desires of the people, the human resources for drafting laws, budget readiness, and synchronization and integration with other legal regulations.

c. Article 20, Paragraph (2): "Every draft law is discussed by the People's Consultative Assembly and the President for joint approval."

This provision indicates that not only the DPR but also the President plays a crucial role in the process of law formation. Both parties jointly discuss the draft laws, a process that can take time as they channel the aspirations and needs of the people into it. It is even possible for differences of opinion to arise between the DPR and the President during this process. Consequently, it is not guaranteed that the jointly discussed draft laws will

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receive joint approval.\textsuperscript{30}

The President has the right to disapprove or reject a bill, known as the veto power. The President's veto power does not imply intervention; rather, it serves as a form of checks and balances inherent to the President concerning the legislative authority of other branches of power.\textsuperscript{31} This veto power prevents law formation from falling into a confrontational relationship or becoming dominated by one branch. Through this mechanism of the presidential veto, the process of checks and balances occurs not only between the parliament and the government but also within the parliament itself.\textsuperscript{32}

d. Article 20, Paragraph (3): "If the draft law does not receive joint approval, it cannot be submitted again during the session of the People's Consultative Assembly at that time."

The President can reject a draft law from becoming law, but this rejection can only occur during the joint discussions with the DPR.\textsuperscript{33} In other words, even if the DPR desires a draft law to become law, if the President rejects or does not approve it, the draft law cannot become law. If a draft law cannot receive joint approval from both the DPR and the President, its "fate" will remain unchanged until the end of the current session of the DPR. This provision is formulated to avoid the repetition of submitting and discussing the same draft law during the ongoing session of the DPR, which has already been discussed and not jointly approved. Including this provision prevents delays and rescheduling of state affairs in the DPR and the President, which would be detrimental to the interests of the people.\textsuperscript{34}

e. Article 20, Paragraph (4): "The President enacts the draft law that has been jointly approved to become a law."

The President's enactment is purely administrative since prior approval has already been given. In practice, after the President's enactment, the law is promulgated in the State Gazette by the State Secretariat. In this context, a

\textsuperscript{33} Julyans Lendo, “Kewenangan Presiden Terhadap Pengesahan Rancangan Undang-Undang Ditinjau Dari Undang-Undang Dasar Negara Republik Indonesia Tahun 1945,” \textit{LEX PRIVATUM} 10, no. 6 (2020).
\textsuperscript{34} Veri Junaidi and Violla Reininda, “Relasi Presiden Dan DPR Dalam Pembentukan Undang-Undang Pada Sistem Pemerintahan Presidensial Multipartai,” \textit{Jentera: Jurnal Hukum} 3, no. 1 (2020).
law is declared to be in effect from the date it is promulgated in the State Gazette by the State Secretariat. This process eliminates the possibility of individuals claiming ignorance of the new law, which could result in non-compliance.\footnote{In Indriani and Leli Tibaka, “Kedudukan Presiden Dalam Mengesahkan Rancangan Undang-Undang Yang Telah Disetujui Bersama Menjadi Undang-Undang Berdasarkan Undang-Undang Dasar Republik Indonesia Tahun 1945,” \textit{Tadulako Master Law Journal} 4, no. 1 (2020): 116–28.}

f. Article 20, Paragraph (5): "In the event that the jointly approved draft law is not enacted by the President within thirty days from its approval, the draft law becomes law and must be promulgated."

Based on this article, there is no reason for the President to withhold enactment that could hinder a jointly approved draft law from becoming law. To emphasize that the President's enactment is administrative and to ensure the prompt implementation of the approved draft law, post-amendment UUD 1945 sets a time limit. This is also driven by the experience of certain draft laws that were not enacted by the President for a significant period, such as the Broadcasting Law. The delay in the President's enactment may occur due to negligence or the President's busy schedule. To prevent such situations, it is stipulated that in the event that a jointly approved draft law is not enacted by the President within 30 days from its approval, the draft law becomes law and must be promulgated.\footnote{Fitri Lestari, “Legitimasi Peraturan Pemerintah Pengganti Undang-Undang Dalam Ratifikasi Perjanjian Internasional Tertentu,” \textit{Lentera Hukum} 5, no. 3 (December 31, 2018): 343, https://doi.org/10.19184/ejlh.v5i3.8097.}

These provisions can be interpreted differently, suggesting that even without the President's signature, a law will take effect if the President and DPR have jointly discussed it. In this scenario, the DPR plays a significant role in determining whether the law will be enacted or not. In other words, this article represents one of the "powers" of the DPR when dealing with the President in the process of legislation.\footnote{Abd. Kahar Muzakkir, Muhammad Alhamid, and Gustiana A. Kambo, “Pembatalan Pembahasan Rancangan Undang-Undang Tentang Penyelenggaraan Pemilihan Umum Dan Keterkaitannya Pada Pemilihan Umum Tahun 2024,” \textit{PLENO JURE} 10, no. 1 (April 29, 2021): 54–67, https://doi.org/10.37541/plenojure.v10i1.560.}

Furthermore, this article emphasizes the President's apparent ability to change his mind, initially giving approval to a draft law discussed with the DPR, but later deciding not to approve it. The Constitution does not regulate what
would happen if the DPR were to change its mind about an approved draft law.\textsuperscript{38}

Considering the various articles on legislative functions above, when viewed from the perspective of rights as powers, it can be understood that there is a point of connection or balance between power and rights, which can be referred to as equality in the principle of checks and balances. The balance and equality between the President and the DPR are achieved through the process of lawmaking, which provides equal opportunities for the DPR and the President to submit draft laws, conduct joint discussions on laws, and jointly approve draft laws. However, if a jointly approved draft law is not enacted by the President within thirty days from its approval, it becomes law and must be promulgated, indicating a larger and dominant role of the DPR.\textsuperscript{39}

\subsection*{3.3. Powers and Rights in Implementing the 1945 Constitution}

Granting of Powers and Completeness of Rights in Implementing the 1945 Constitution of the Republic of Indonesia not only imposes limitations and strengthening of powers but also provides various powers and rights to the President and the DPR in carrying out their duties, as follows:

\subsubsection*{3.3.1. The President}

During the era of the New Order, the 1945 Constitution bestowed immense power upon the President (executive heavy), positioning the President at a highly crucial role in Indonesia's state structure. This is evident through the President's possession of two vital functions: as the Head of State and as the Head of Government. Consequently, the President's authority extended into other areas of power, such as legislative and judiciary domains.\textsuperscript{40} Following the amendments, the 1945 Constitution continues to position the President as the Head of State, but with certain limited powers, including the following:\textsuperscript{41}

\begin{itemize}
\item[a.] Supreme authority over the Army, Navy, and Air Force.
\item[b.] With the approval of the People's Consultative Assembly, declaring war, making peace, and establishing agreements with other countries.
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c. In making other international agreements that have significant and fundamental implications for the nation's life, related to financial burdens of the State and/or requiring the amendment or creation of laws with the approval of the People's Consultative Assembly.

d. Declaring a state of emergency.

e. Appointing ambassadors and consuls. In the case of appointing ambassadors, the President considers the considerations of the People's Consultative Assembly. When accepting placements of ambassadors from other countries, the President takes into account the considerations of the People's Consultative Assembly.

f. Granting pardons and rehabilitation, considering the considerations of the Supreme Court.

g. Granting amnesty and abolition, considering the considerations of the People's Consultative Assembly.

h. Awarding titles, awards, and other honors.

i. Establishing an advisory council tasked with providing advice and recommendations to the President.

j. Assisted by State ministers who are appointed and dismissed by the President.

Explicitly, the 1945 Constitution grants substantial powers to the President as the Head of State, which can hardly be considered insignificant. Some of these powers can be exercised solely by the President, while others involve the participation of other State Institutions, namely the DPR (People's Consultative Assembly) and the Supreme Court, as determinants of whether such powers can be carried out or not. For example, the President is given the authority to determine the appointment and dismissal of "Public Officials," although it only lists a few officials such as ministers, ambassadors, and consuls. In appointing and dismissing ministers, the President holds prerogative authority without requiring the approval of other State Institutions. However, when appointing ambassadors and consuls, the President cannot decide alone but must involve the participation of the DPR. The involvement of the DPR in granting or withholding approval and consideration is also referred to as the right to confirm by the legislative body. This right to confirm is specifically given concerning the appointment of public officials through political appointments. With this right, the DPR can participate in controlling or overseeing the performance of these public officials in carrying out their respective duties and authorities in accordance with the provisions of the Constitution and prevailing legislation. Furthermore, when appointing public officials such as the Attorney General,


Chief Justice of the Supreme Court, Chief of the Supreme Audit Agency (BPK), Governor of the Central Bank, Chief of the National Police, and Commander of the Armed Forces, the President also requires the approval of the DPR. Even in granting amnesty and abolition, the President also needs consideration from the DPR. However, in granting clemency and rehabilitation, the President needs consideration from the Supreme Court.

The role of the DPR in various presidential powers is quite significant. This is intended to implement the mechanism of checks and balances in the President's governance so that the President no longer appoints public officials at his own discretion, as was the case during the New Order era. However, conversely, the same does not apply. The Constitution does not provide regulations for the President's role in the powers of the DPR other than in the process of legislation drafting.

3.3.2. DPR

During the time when Indonesia used the original text of the 1945 Constitution, the primary function of the DPR was more of a supervisory body rather than a true legislative body. The role of the DPR in forming legislation at that time can be considered passive, limited to giving its approval. After the 1945 Constitution was amended, the DPR is now equipped with various control functions over the President. The control functions by the DPR (real parliamentary control) can be exercised in three forms:

a. Control of the executive, based on Article 20A, establishes the rights of the DPR, which include:

1) Asking questions to individual members;
2) Requesting explanations (interpellation);
3) Conducting investigations (inquiries);
4) Proposing changes (amendments);
5) Presenting motions of opinions; and
6) Nominating or recommending individuals, as determined by regulations.

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45 Rannie, “Hak Prerogatif Presiden Di Indonesia Pasca Perubahan UUD 1945.”
b. Control of expenditure, based on Article 23 paragraph (1) of the 1945 Constitution along with its explanation, grants the DPR the right to jointly determine the state budget (APBN) with the government. Considering the existence of the Supreme Audit Agency tasked with examining financial responsibilities of the State, and the results of these audits must be reported to the DPR, the supervision of the APBN can effectively take place.

c. Control of taxation, based on Article 23A of the 1945 Constitution, states that taxes and other compulsory levies for the needs of the State shall be regulated by law, and thus any actions that impose burdens on the people as taxes and others must be determined with the approval of the DPR.

In carrying out its functions, both individually and institutionally, the DPR is equipped with various rights. Article 20A paragraph (2) states that "In carrying out its functions, in addition to the rights stipulated in other articles of this Constitution, the People's Consultative Assembly (DPR) has the right of interpellation, the right of inquiry, and the right to express opinions." The use of the right to express opinions can be considered as the ultimate supervisory function of the DPR over the President in Indonesia. This is because the DPR can use this right to deviate from the fixed term executive characteristic that has been stipulated in the constitution. However, this does not mean that the three supervisory functions aim to weaken the presidential system, as long as they are carried out responsibly by the DPR and not solely for political purposes. The DPR must act objectively in using its supervisory functions as a means to criticize government policies that are deemed contrary to the goal of improving the welfare of the people. As a result, these supervisory functions will further strengthen the presidential system in achieving the goal of governance that is oriented towards the people, providing legitimacy to both the President and the DPR.48

Furthermore, Article 20A paragraph (3) states, "In addition to the rights stipulated in other articles of this Constitution, each member of the People's Consultative Assembly (DPR) has the right to ask questions, propose and express opinions, as well as immunity rights." These two provisions have similarities between the rights granted by the Constitution to the DPR as an institution and the rights granted to each member of the DPR. This is intended so that if the political stance and aspirations of the members cannot be pursued through institutional channels, they can still be advocated individually as members of the

The granting of these rights is perceived as very strong because, within the Constitution, only the DPR is given such various rights, both institutionally and individually. Other institutions, including the President, are not given these rights. Furthermore, the Constitution even provides each member of the DPR with immunity rights, where they cannot be prosecuted for their statements in meetings and activities of the DPR. This immunity right further strengthens the rights possessed by the DPR, leading to the assertion that the DPR currently holds tremendous power compared to other state institutions, including the President.

Based on the various privileges granted by the Constitution to the DPR, some individuals argue that the amendments to the 1945 Constitution are moving further away from Pancasila and the various fundamental principles desired by the framers of the 1945 Constitution. The amendments were solely aimed at addressing the substantive shortcomings of the 1945 Constitution, such as the imbalance of power between the President and the DPR (executive-heavy) or the inability of the 1945 Constitution to withstand authoritarian power. In other words, the amendments were mainly oriented towards normative (dogmatic) considerations without strong connections to the fundamental principles and aspirations of the nation. Besides the substantive issues that have become a source of turmoil in implementing the 1945 Constitution, matters concerning the fundamental principles of governance are seen as already settled.49

In the context of the amendments to the 1945 Constitution, the concept of checks and balances was intended to strengthen the DPR to achieve a balance with the power of the President. This could be accomplished by reducing the President’s authority or increasing the authority of the DPR (without reducing the President’s authority).50 The amendments to the 1945 Constitution used these two methods, resulting not in a balance but a shifting of the power pendulum, leading to a new imbalance in the form of a legislative-heavy system. The President, in the practice of checks and balances, often becomes entangled by the interests of the DPR and frequently succumbs to the interventions of the DPR. This, according to Saldi Isra, shows the political weakness of legislative authority in the President, as evidenced when the President yielded to the majority power of the DPR, which sought to appoint members of the election organizing

committee (KPU and Bawaslu) from political party members.

4. Conclusion

Based on the above explanation, it can be concluded that the amended 1945 Constitution was crafted to eliminate the executive-heavy regime, which subsequently resulted in the formation of a legislative-heavy regime, where the powers of the President were subjected to various limitations, while the powers of the DPR were strengthened. This is evident from various articles that regulate the term limits of the President, the formation of laws, presidential authority, and various rights that are exclusively vested in the DPR to carry out its functions. The various limitations imposed on the President and the exclusive rights granted to the DPR indicate an imbalance between the executive and legislative functions, whereas the original intent of the 1945 Constitution was to provide a balanced position to all state institutions.

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