

CONFLICT OF AUTHORITY BETWEEN THE PRESIDENT AND THE DPR IN THE CONSTITUTIONAL CHECKS AND BALANCES MECHANISM

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Abstract

This study explores the power dynamics between the President and the DPR in Indonesia's presidential framework, highlighting the challenges in applying the mutual oversight principle, which is often disrupted by political rivalries. Key issues include differing views on the Constitution and tensions in the lawmaking process and oversight roles. Its primary goal is to investigate the legal foundations, types of conflicts, control mechanisms, and their impacts through the case of the 2019 KPK Law revision. The method employed involves normative legal research, with a detailed analysis of constitutional documents, such as the 1945 Constitution and related rules. Findings indicate that, although the mutual oversight principle is well-regulated, its effectiveness is limited by the influence of political parties and uneven negotiations, which can lead to excessive power dominance. The main recommendation stresses the need for reforms in political culture to enhance state accountability.

Keywords: *Government power dynamics; 1945 Constitution; Basic legal research; Political rivalry; Mutual oversight principle*

Abstrak

Studi ini memeriksa dinamika kekuasaan antara Presiden dan DPR dalam kerangka sistem presidensial Indonesia, dengan penekanan pada kendala penerapan prinsip saling pengawasan yang sering terganggu oleh persaingan politik. Isu inti melibatkan perbedaan pandangan terhadap konstitusi serta ketegangan dalam proses penyusunan undang-undang dan fungsi pengawasan. Tujuan pokoknya adalah mengeksplorasi dasar hukum, bentuk perselisihan, mekanisme pengendalian, serta akibatnya melalui contoh kasus revisi Undang-Undang KPK 2019. Metode yang diterapkan melibatkan penelitian hukum normatif, dengan analisis mendalam terhadap dokumen konstitusional seperti UUD 1945 dan aturan pendukung. Hasil penelitian menunjukkan bahwa meskipun prinsip saling pengawasan telah diatur secara rinci, kemanfaatannya kurang optimal karena pengaruh partai politik dan negosiasi yang tidak seimbang, yang berujung pada risiko penguasaan berlebih. Rekomendasi utama menekankan perlunya pembaruan budaya politik untuk memperkuat pertanggungjawaban negara.

Kata Kunci: *Dinamika kekuasaan pemerintahan; Konstitusi 1945; Penelitian hukum dasar; Persaingan politik; Prinsip saling pengawasan*

INTRODUCTION

According to the Constitution of 1945, Indonesia is required to establish a presidential form of government that will be implemented. Using this model, the President is placed at the heart of the government, and he or she is responsible for executing two fundamental responsibilities simultaneously: leading the nation and supervising the government with significant executive power. It is the method of the presidential election that directly includes the people that distinguishes Indonesia's presidential model from other presidential models. This ensures that the legitimacy of the president's leadership is derived from the mandate of the people. As a consequence of this, the legislative body is unable to remove the President at whim, unless it is via an impeachment process that is subject to rigorous constitutional conditions. Indonesia's constitutional architecture applies the concept of *trias politica*, which distributes state authority among three main pillars: the power to run the government rests with the President, the power to form legislation is held by the House of Representatives, and the power to adjudicate is delegated to judicial institutions such as the Supreme Court and the Constitutional Court.

Within the framework of Indonesia's presidential system, the allocation of power is not strict; rather, it is established with a mechanism that encourages reciprocal checks and balances between the various institutions of government. Due to the fact that it serves as a preventive precaution against the risk of dominance or abuse of power by a single institution, provides responsibility in state administration, and preserves equilibrium in democratic practice, this check-and-balance mechanism is among the most important mechanisms. With the help of this mechanism, parliament is granted the authority to monitor the performance of the administration, to provide its approval to the spending plans of the state, and to work together with the President in the legislative process. On the other hand, the President has the authority to reject certain legislative drafts, to propose regulatory initiatives, and to put into effect a variety of policies while adhering to the legal framework.

The contacts between the head of state and the legislative body are not always amicable, as shown by the empirical fact. Throughout the course of Indonesian constitutional law's history, there have been countless instances of conflicting power, which demonstrates that the implementation of systems for checks and balances continues to encounter a variety of challenges. When there are divergent points of view between the legislative and executive arms of government on the allocation of funds and the ranking of development initiatives, it is not uncommon for disagreements to occur in the context of the writing of papers pertaining to the state budget. It is also possible for institutional conflicts to be triggered by controversies around the nomination of crucial officials. For instance, the fit and appropriate test procedure for applicants for the position of police chief, director of a state-owned enterprise, or cabinet member may be a source of friction between institutions.

Disparities in the formulation of legislative products have also become a catalyst for substantial conflict. This is especially true for contentious draft laws such as the job creation regulation, which has been subjected to severe criticism for what is perceived to be a lack of public aspiration and a tendency to concentrate solely on facilitating business. In addition, the use of special investigative powers and the right to seek information by parliament often results in the escalation of tensions. This is because parliament makes use of these rights in order to demand responsibility from the head of state for actions that, in some instances, are seen as weakening the authority of the government. Parliament is empowered to criticize executive choices that are perceived to be contradictory with the nation's strategic interests or inadequately transparent in their execution, which is another inescapable source of friction in the realm of foreign relations policy and the military and security sector.

These instances of conflicting powers demonstrate that, despite the fact that the checks and balances mechanism has a clear constitutional basis, its implementation continues to face a variety of obstacles stemming from regulatory dimensions, political culture, and the orientation of short-term political interests, which frequently take precedence over the larger national

agenda. This circumstance raises fundamental questions regarding the manner in which the conflict of powers that exists between the head of state and the people's representative body actually manifests itself in the practice of state administration in Indonesia, as well as the manner in which the checks and balances mechanism that is enshrined in the Constitution functions to resolve the conflicts that are a result of this phenomenon. From a more in-depth perspective, it is of the utmost importance to have an understanding of the elements that cause the power struggle between these two institutions. This will allow for the development of suitable alternative solutions that will enhance the relationship between the institutions. The evaluation of the performance of the checks and balances system in sustaining the stability of Indonesia's presidential model of government is also essential in order to guarantee that the process of democracy may progress in the most efficient manner possible without compromising the efficiency of governance.

On the basis of these issues, this study will investigate the various types of authority conflicts that have arisen between the head of state and parliament, investigate the manner in which the mechanism of control and balance functions in the process of resolving these authority conflicts, determine the factors that are responsible for the emergence of authority conflicts, and assess the efficiency of the mechanism of control and balance in preserving the stability of the Indonesian presidential system of government. The ultimate goal of this study is to achieve the equilibrium of power that is necessary for the establishment of democratic, responsible, and effective governance.

RESEARCH METHODS

This research makes use of a normative legal research approach, with the primary emphasis being on the investigation of positive legal norms, legal principles, and doctrines that control the relationship of power between the President and the House of Representatives (DPR) within the framework of the Indonesian constitutional system. The purpose of this

normative approach is to get a theoretical and conceptual understanding of the implementation of the principle of checks and balances in the practice of the Indonesian constitutional system, based on the constitutional and positive legal foundations that are relevant. For the purpose of this investigation, the following methodologies were utilized: the statutory approach, the conceptual approach, and the case approach.

In order to investigate and have a better understanding of the provisions that are included in the Constitution of the Republic of Indonesia from 1945, as well as Law Number 17 of 2014 covering the MPR, DPR, and DPD, the statutory method is used.

and DPRD (MD3 Law), in addition to a number of additional implementing regulations that are pertinent to the legislative oversight role of the executive branch. In the subsequent stage, a conceptual approach is utilized in order to acquire a more profound comprehension of the fundamental theories concerning the separation of powers and the balance of power (checks and balances), which were initially proposed by Montesquieu and subsequently developed by Indonesian constitutional law experts such as Jimly Asshiddiqie and Ni'matul Huda. In the meantime, the case approach is carried out by analyzing the decisions of the Constitutional Court (MK) concerning conflicts of authority between state institutions. For instance, MK Decision Number 92/PUU-X/2012 and MK Decision Number 49/PUU-XI/2013 are two examples of decisions that illustrate how the MK plays a role in ensuring that there is a balance between the branches of power.

Every single piece of information that was used in this investigation came from secondary sources. These secondary sources may be broken down into three categories of legal materials: main, secondary, and tertiary in nature. Legislation and judgments made by the Constitutional Court that are pertinent to the study problem are examples of primary legal documents. A few examples of secondary legal documents include the views of constitutional law specialists, such as those expressed by Jimly Asshiddiqie (2005) and Ni'matul Huda (2010). Other examples include legal literature, scientific journals, academic works, and other academic

publications. The tertiary legal resources include legal dictionaries, legal encyclopedias, and other sources that are supplemental to the main legal materials and provide help for the understanding of the fundamental legal materials. The strategies for data gathering were used via the process of doing research in the library, which included the examination of a variety of pertinent academic literature and legal papers. Following this, qualitative descriptive techniques were used to conduct an analysis of the data that had been gathered. Specifically, the objective was to identify, describe, and interpret the legal norms that regulate the interaction between the legislative and executive entities. In addition to determining whether or not the idea of checks and balances is successful in preventing the dominance of power by a single state institution, the purpose of this study is to determine whether or not there is a match between the normative provisions and the reality of constitutional practice.

Through the use of this approach, it is believed that the study would result in a thorough picture of the possible power dispute that might arise between the President and the DPR, as well as the role that the idea of checks and balances plays in ensuring that the Indonesian government remains in a state of balance and accountability.

RESULTS AND DISCUSSION

Particularly after the modifications that were made in four phases of constitutional amendments, the constitutional authority that is shared between the President and the House of Representatives (DPR) has its origins directly in the Constitution of the Republic of Indonesia (UUD 1945) from 1945. A presidential system is being implemented, in which the President is in charge of executive power, while the DPR is in charge of legislative, budgetary, and oversight duties. This division of authority is a component of the implementation of this presidential system.

According to the Constitution, the President is the person who has the authority of government, as stated in Article 4, paragraph (1) of the

Constitution of 1945. This implies that the President's main responsibility is to ensure that the wheels of government are turning on a national level. In this context, the President is not only responsible for putting policies into practice, but he is also accountable for ensuring that laws are effectively implemented and for preserving the stability of the government. Furthermore, paragraphs (1) and (2) of Article 5 give the legal foundation for the President to submit draft laws (RUU) to the DPR and create government regulations (PP) as implementing laws that have been collectively agreed upon. This is because the President is authorized to do so by the Constitution. The fact that this is the case demonstrates that legislative authority is not a solitary entity but rather a joint effort between the legislative and executive departments.

In accordance with the provisions of paragraphs (1) and (2) of Article 11, the President is required to secure the permission of the DPR in issues pertaining to war, peace, and international organizations. The presence of legislative supervision over executive activities in the realm of international relations and national security is shown by this clause, which serves to prohibit the President from taking unilateral acts in both of these areas. 4. In the meanwhile, articles 10, 12, 13, 14, and 15 give the constitutional foundation for the President's jurisdiction in the areas of defense, situations of emergency, the appointment of ambassadors and consuls, as well as the awarding of pardons, amnesties, abolitions, and rehabilitations. These articles also stipulate that the President has the ability to designate ambassadors and consuls. Although these clauses illustrate the extent of the President's authority, they are nonetheless constrained by the concept of accountability as well as the framework of checks and balances that includes the Department of Public Relations and the court.

In addition to the provisions of the constitution, statutes and regulations are also significant tools that play a considerable role in determining the boundaries of jurisdiction for each state agency. Law No. 17 of 2014, which pertains to the People's Consultative Assembly (MPR), the House of Representatives (DPR), the Regional Representatives Council (DPD), and the Regional People's Representative Council (DPRD) (MD3 Law), for instance, affords the DPR the legal foundation upon which it can

carry out its oversight function with regard to executive policies. As an expression of its political oversight responsibility over the government, the DPR is granted the power to interpellation, the right to undertake inquiries, and the ability to voice views in accordance with this legislation. Law No. 12 of 2011 Governing the Formation of Legislation, as revised by Law No. 13 of 2022, also confirms the role of the President and the DPR as joint legislators. This is in addition to the MD3 Law, which was passed in 2011. In fact, this partnership often gives rise to disagreement, especially in situations where there are different political interpretations of a public policy or where the interests of the legislative and the administration are irreconcilable with one another.

Not only does the Constitution stress a formal separation of powers, but it also places an emphasis on a system of checks and balances between the President and the House of Representatives. This is the constitutional foundation for the authority that exists between the parties. In the post-reform presidential system of Indonesia, this concept is a crucial attribute. In this system, no single institution maintains total authority in carrying out the tasks of the state.

Forms of Conflict and Authority between the President and the DPR In the next area of contention between the President and the House of Representatives (DPR), the preparation and approval of the State Budget (APBN) is the subject of contention. In accordance with the provisions of Article 23 paragraph 2 of the Constitution of 1945, it is the responsibility of the President to offer the text of the APBN to the DPR. On the other hand, the legislature is obligated to discuss on the matter while taking into consideration the suggestions made by the Regional Representative Council (DPD). The notion of checks and balances in fiscal governance is reflected in this constitutional article, which illustrates that the formulation of the budget is a shared power between the legislative and executive arms of government.

However, in fact, talks on the APBN often grow into complicated political negotiations that include a variety of interests inside the DPR. In the legislature, every side has a tendency to prioritize budget allocations that suit its political base, constituency, or sectoral objectives with regard to the distribution of funds. Because of this dynamic, the process of debate at the APBN is not only a technical discussion on state finance; rather, it is a political arena in which opposing interests strive to establish influence over the goals of the national budget.

Subsequent to its introduction into the DPR, the proposed budget of the government is typically subjected to considerable adjustments. The reallocation of funds to various ministries, agencies, or regional development initiatives can be one of the results of these adjustments. Despite the fact that such modifications are legally authorized, they have the potential to cause friction when they are in direct opposition to the fiscal policy of the executive branch, particularly with respect to deficit management, priority programs, or macroeconomic assumptions. Consequently, conflicts may arise about the question of whether or not certain planned expenditures are in line with the objectives of national development.

The demand made by the DPR for extensive explanations on the effectiveness of the program as well as arguments for particular budget increases is one of the frequent causes of contention. Members of the legislative branch often use their budgetary power in order to evaluate the spending plans of the administration, especially in situations when they see irregularities or discrepancies in the projected allocations. Despite the fact that this monitoring role is necessary for democratic accountability, it may also be used as a political instrument to exert pressure on the executive branch to accommodate legislative objectives.

Furthermore, the phenomena that is generally known as "budget politics" often includes negotiation methods that have the potential to slow down the process of debate. There is a possibility that during negotiations, proposals for increased funds for constituency projects or support for initiatives supported by political parties inside the DPR would be

introduced. This kind of negotiating may result in delays in the passage of the budget, particularly in situations when parliamentary groups insist on conditions before they would provide their support to the APBN organization.

Conflicts may also develop when the DPR raises doubts about the legitimacy of the government's macroeconomic assumptions. These assumptions, which serve as the basis for estimating income and spending, include predicted economic growth, inflation rates, and oil prices, among other things. Differences in economic viewpoints might give rise to arguments over the practicability of the planned APBN, which in turn can drive the DPR to seek amendments or more reasons from the executive branch. If the DPR believes that specific ministries or programs have not exceeded the performance goals that have been set for them or have been engaged in disputes, then the possibility of withholding or reducing allocations for such ministries or programs is another key problem that has to be addressed. Sometimes, the fear of cutting budget allocations becomes a bargaining weapon for political discussion, which may undermine the stability and predictability of government planning and program execution. This can be a problem since it can lead to political negotiations.

When taken as a whole, disagreements about the APBN are a reflection of the underlying tensions that exist within Indonesia's post-reform presidential system. This system is characterized by the fact that both the President and the DPR retain major powers in the process of formulating fiscal policy. Even while these disagreements have the potential to make the process of budgeting more difficult, they also serve to illustrate how the constitutional checks and balances are operating. These kinds of interactions ought to, in an ideal world, result in increased responsibility and efficiency with regard to the budget. Nevertheless, when they are controlled by political interests, they have the potential to impede the stability of the fiscal system and postpone essential economic growth plans.

Applicable Check and Balances Mechanism

There is a series of procedures that serve as a system of checks and balances that are included into the constitutional framework of the Republic of Indonesia. These mechanisms are responsible for regulating the balance of power that exists between the legislative and its executive branches. The goal of this concept is to guarantee that all state administrations continue to work in line with constitutional principles and the spirit of democracy. Additionally, it is designed to avoid the concentration of power in a single part of the government.

The first thing to note is that while Indonesia does not acknowledge the notion of veto power as it is used in the presidential system of the United States, the Constitution of the Republic of Indonesia from 1945 includes a rule that serves a function that is comparable to that of the veto power. This is reflected in Article 20 paragraph (5) of the Constitution of 1945, which provides that if the President does not sign a Draft Law (RUU) that has been unanimously authorized by the House of Representatives (DPR) within a period of thirty days, then the Draft Law will automatically become law. This provision was included in the Constitution in 1945. The presence of this section demonstrates that there are constitutional limitations placed on the power of the President. These limitations ensure that the Head of State is unable to unilaterally delay or obstruct the outcomes of legislation that has been lawfully passed by the DPR.

Second, the DPR is able to exercise a powerful oversight role over the functioning of the government by means of three primary rights: the right to interpellation, the right to inquire, and the right to voice an opinion. The Department of Public Relations (DPR) has the ability to seek formal explanation from the government about significant policies that have a wide-ranging effect on society via the use of the right of interpellation mechanism. A further benefit of the power of inquiry is that it gives the DPR the ability to examine the execution of laws or executive policies that

are perceived to be in violation of constitutional principles or legal prohibitions. The right to express an opinion is utilized to convey the position and evaluation of the DPR regarding a national issue or government action that is deemed to violate the principles of good governance. These three rights are regulated in detail in Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (MD3 Law), which serves as the legal basis for the implementation of the legislative oversight function over the executive branch.

Third, the Constitutional Court (MK) is the body that has the ability to resolve any disagreements that may develop between state institutions, such as the President and the House of Representatives (DPR), on the authority of such institutions. A crucial role of the MK is to act as the guardian of the Constitution. This duty entails the power to undertake judicial review of legislation that are in violation of the Constitution of 1945, as well as the ability to mediate conflicts amongst state institutions about jurisdiction that is conferred by the Constitution. Maintaining constitutional supremacy, ensuring that the balance of power is maintained, and avoiding transgressions of the limits of authority between the branches of government are all accomplished by the presence of the MK, which is an essential tool.

It is for this reason that the checks and balances mechanism in Indonesia not only serves as a theoretical principle in the design of the government system, but it also becomes a real instrument that ensures each state institution fulfills its role in a proportional and responsible manner in accordance with the provisions of the constitution.

Case Study: 2019 Revision of the Corruption Eradication Commission Law

A concrete example that illustrates the dynamics of checks and balances between the President and the House of Representatives (DPR) in Indonesian constitutional practice is the revision of the Law concerning

the Corruption Eradication Commission (KPK) in two thousand nineteen, which resulted in significant amendments to the institution's structure and authority. This case demonstrates how the DPR and the President formally work together in implementing constitutional provisions related to lawmaking. The revision became a subject of intense public debate because it was considered to have profound implications for the institutional independence of the KPK as well as the overall effectiveness of Indonesia's anti-corruption efforts. Formally, the amendment was the result of the joint legislative function of the President and the DPR as mandated by the Constitution, indicating that the process was carried out through constitutional mechanisms in which both institutions held equal authority in the creation of laws. However, the political dynamics that emerged during the legislative debate revealed an imbalance of power between the executive and legislative branches, particularly in shaping national legal policy.

The legislative process to revise the KPK Law proceeded rapidly and was widely viewed as lacking adequate public participation. The DPR approved the revisions in a short period of time, while the President did not express significant objections or take steps to delay the discussions, even though various civil society groups, academics, and anti-corruption institutions strongly criticized the proposed changes. Several key provisions became the focus of major criticism, including the change of the KPK's status from an independent institution to a government agency under the executive branch, the creation of a Supervisory Board with the authority to issue wiretapping permits, and the imposition of several restrictions on the KPK's investigative and prosecutorial powers.

This situation indicates that the mechanism of checks and balances does not always function effectively in state governance, especially when the relationship between the President and the DPR becomes overly cooperative. In the context of the KPK Law revision, the President did not fully use his constitutional authority to counterbalance or reassess the DPR's policy direction, illustrating the weakness of internal oversight within Indonesia's presidential system. As a consequence of these political dynamics, various groups filed a judicial review of the revised law to the

Constitutional Court (MK). Although most petitions were ultimately rejected and the Court concluded that the revisions did not violate the Constitution, the ruling established an important constitutional and political precedent. It demonstrated that excessively close relations between the legislative and executive branches can undermine the independence of state institutions.

From this case, it can be concluded that a harmonious relationship between the President and the DPR does not automatically support the development of constitutional democracy. On the contrary, when both institutions fail to maintain a healthy degree of political distance, the core principles of checks and balances may be weakened, thereby threatening institutional accountability and independence within Indonesia's governmental system.

Evaluation and Problems

The constitutional basis for the distribution of power between the President and the House of Representatives (DPR) in Indonesia lies not only in a formal division of functions but also in the principle of checks and balances. This principle is a key feature of Indonesia's post-reform presidential system, in which no single institution holds absolute power in carrying out state functions. Conflicts between the executive and legislative branches generally arise in four main areas: the legislative process, the appointment and removal of public officials, the management of state budget policies, and the establishment of international agreements requiring DPR approval.

The legislative process is particularly prone to tension. According to the Constitution, lawmaking is a joint responsibility of the President and the DPR. In practice, however, bills initiated by the President do not always receive legislative support, and vice versa. If the President does not sign a bill approved jointly within thirty days, the law remains valid, a provision that has sparked debate for diminishing the President's role while

highlighting potential tension between legislative and executive powers. A concrete example is the deliberation of the Corruption Eradication Commission (KPK) Law in two thousand nineteen, which resulted in significant amendments. This case illustrates how the DPR and the President formally cooperate to implement constitutional provisions, yet the political dynamics during the process revealed an imbalance of power. The legislative procedure proceeded rapidly with minimal public involvement, and the President did not exercise constitutional authority to delay or modify the debate, despite criticism from civil society, academic institutions, and anti-corruption agencies. Key revisions, including changing the KPK's status to a government agency under the executive, creating a Supervisory Board with wiretapping authority, and limiting investigative powers, provoked petitions for judicial review. Although most petitions were rejected, the case established an important precedent demonstrating that overly close ties between the executive and legislative branches can undermine the independence of state institutions. This example shows that a cooperative relationship between the President and the DPR does not necessarily guarantee the proper functioning of constitutional democracy.

Conflicts also emerge in the appointment and dismissal of public officials. While the Constitution grants the President full authority to appoint and dismiss ministers, in practice, the DPR often exerts pressure through oversight functions, including interpellation, inquiries, and expressions of opinion. This dynamic becomes particularly evident when appointments involve high-level officials, such as the Chief of Police or military commanders, and when these appointments do not align with the political interests of legislative factions. The tug-of-war between political pressure and presidential prerogative illustrates the potential for friction even within the constitutional framework intended to ensure collaboration.

The management of the state budget, or APBN, is another area where conflicts frequently arise. Constitutionally, the President submits the draft budget to the DPR, which deliberates while considering recommendations from the Regional Representative Council. In practice, these discussions often evolve into complex political negotiations. Each

DPR faction seeks to influence budget allocations based on political priorities or constituent demands, which can delay approval and complicate fiscal planning. Budget scrutiny often extends to challenging macroeconomic assumptions such as projected growth, inflation, and revenue targets. Moreover, the DPR may withhold or reduce allocations for underperforming or controversial ministries, turning the budget process into a political bargaining arena. These dynamics highlight that, while budget formulation is constitutionally a shared responsibility, its practice is shaped by political interests, negotiation, and influence.

The establishment of international agreements also presents challenges for checks and balances. The President seeks flexibility in managing strategic or urgent foreign policy matters, while the DPR demands transparency and legislative involvement. Differing perceptions of what constitutes strategic or broadly impactful policies often lead to prolonged debates over agreements that affect the economy or national sovereignty. Although Indonesia's presidential system emphasizes separation of powers, the practice frequently involves political negotiations that extend beyond formal constitutional boundaries.

Conceptually, the effectiveness of checks and balances is intended to prevent the domination of one branch over another. Yet, its performance is influenced by political conditions. When the majority of DPR members belong to a coalition supporting the government, legislative oversight over the executive may be weakened. Conversely, opposition-dominated parliaments may hinder government performance through confrontational relations. Constitutional amendments expanding DPR oversight have sometimes contributed to perceptions of reduced presidential authority. Legal norms also present challenges, particularly the lack of clarity in defining terms such as "important, strategic, and broad-impact policies," which can lead to subjective interpretations and political manipulation. Additionally, the executive may issue Government Regulations in Lieu of Law in urgent situations, even if constitutional emergency criteria are not

fully met, while the DPR may be reluctant to reject such regulations due to political pressure or party interests.

Ultimately, the effectiveness of checks and balances in Indonesia is determined not only by constitutional provisions but also by political culture, institutional integrity, and judicial independence. The experiences with legislative deliberations, appointments, budget management, and law revisions demonstrate that constitutional democracy requires both formal mechanisms and a healthy political environment. When the executive and legislative branches maintain an appropriate balance, accountability and independence of state institutions are safeguarded. Conversely, when political cooperation becomes too close or oversight is neglected, the principles of checks and balances may be compromised, threatening the proper functioning of government and the protection of democratic norms.

CONCLUSION

It is possible to draw the conclusion that the concept of checks and balances is normatively guaranteed in the Constitution of Indonesia. This conclusion is based on the findings of normative legal study about the power relationship between the President and the House of Representatives (DPR) under the Indonesian presidential system. However, there are still a number of structural and political impediments that stand in the way of its implementation making it less successful. In the Constitution of 1945, the President, who is the bearer of executive authority, and the DPR, which is the legislative body, have been specifically controlled in terms of the distribution of power that exists between them. A reciprocal cooperative connection and mutually balanced supervision are indicated by the provisions in Articles 4, 5, 11, and 20. These clauses further demonstrate that the partnership exists. When it comes to the actual operation of the state, however, the notion of power balance is not always implemented in a perfect manner.

The research findings indicate that conflicts of authority between the President and the House of Representatives (DPR) generally arise in four main areas: the legislative process, the appointment of public officials,

the deliberation of the state budget, and the approval of international agreements. In many cases, the absence of standards is not the root cause of these disputes; rather, the impact of practical politics and a lack of commitment to constitutional ethics are the true causes of these conflicts. An excessively harmonious relationship between the executive and legislative branches may actually impair the principles of supervision and the independence of state institutions, as shown by the case study of the 2019 modification of the Corruption Eradication Commission (KPK) Law. This case study gives a real illustration of how this might happen.

It is through the constitutional rights of the House of Representatives (DPR) (interpellation, inquiry, and expressing opinions), the legislative authority of the President, and the role of the Constitutional Court as a dispute resolution body between state institutions that Indonesia's checks and balances mechanism is considered to be formally regulated. The success of this system, on the other hand, is not entirely dependent on the presence of legal standards; rather, it is largely dependent on the level of political, party integrity, and judicial independence.

As a result, the post-reform presidential system in Indonesia has made an effort to maintain a balance of power, but it has not been able to totally avoid the domination of certain political parties in the process of administration. It is necessary to implement changes in political practice and constitutional law enforcement that are geared toward accountability and the public interest in order for the notion of checks and balances to function in a manner that is genuinely substantial.

(Aditya Nugraha, 2021; Ayuningtiyas et al., 2023; Azzahra, 2023; Decapriu Putra Pamungkas et al., 2023; Deliyanto, 2025; Haryani, 2023; Herlinanur et al., 2024; Kurniawati et al., 2025; Kusum et al., 2022; Rohmah, 2023; Sakinah et al., 2025; Undang-Undang et al., 2023; William et al., 2025)

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