



Strengthening Checks and Balances in Indonesia's Presidential System: A Constitutional Law Perspective

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ABSTRACT

The principle of checks and balances constitutes a fundamental component of constitutional democracy because it prevents excessive concentration of governmental power and ensures that every state institution operates within constitutional limits. Following the constitutional amendments of 1999–2002, Indonesia transformed its constitutional structure from a system dominated by the People's Consultative Assembly and a powerful executive into a more horizontal distribution of authority among the President, the House of Representatives, the Regional Representative Council, the Constitutional Court, the Supreme Court, and other constitutional institutions. Nevertheless, the practical implementation of checks and balances remains challenged by multiparty presidentialism, oversized governing coalitions, weak parliamentary opposition, asymmetrical bicameralism, political influence over strategic appointments, tensions between lawmakers and the Constitutional Court, and insufficient institutionalization of meaningful public participation. This article examines the constitutional construction of checks and balances in Indonesia's presidential system and proposes mechanisms for strengthening institutional accountability. The study employs normative legal research using statutory, conceptual, case, and institutional approaches. The findings demonstrate that Indonesia's principal problem is no longer merely the formal distribution of constitutional authority but the substantive effectiveness of institutional controls. Strengthening checks and balances therefore requires revitalizing parliamentary oversight, enhancing the Regional Representative Council's legislative role, guaranteeing compliance with Constitutional Court decisions, improving transparent and merit-based appointment mechanisms, strengthening meaningful public participation, and reforming party and coalition practices.

Keywords: checks and balances; presidential system; constitutional law; separation of powers; constitutional democracy.

1. INTRODUCTION

The existence of a democratic state governed by law requires more than the formal distribution of governmental functions among different institutions. Constitutional democracy also requires mechanisms through which every holder of public power may be controlled, reviewed, and held accountable. Separation of powers without effective control may simply create several autonomous centres of power, each capable of abusing its authority. The doctrine of checks and balances therefore complements the separation of powers by enabling different branches of government to restrain one another while preserving their respective constitutional functions (Ackerman, 2000; Samuels & Shugart, 2010).

The traditional theory of separation of powers associates legislative authority with parliament, executive authority with government, and judicial authority with independent courts. Modern constitutional systems, however, rarely apply a completely rigid separation. Instead, they create institutional interaction in which one branch may participate in or supervise particular activities of another branch. Legislative approval of budgets, executive participation in lawmaking, judicial review of legislation, parliamentary investigations, and legislative involvement in certain public appointments illustrate how contemporary constitutions use controlled institutional overlap to prevent monopolization of state authority (Ackerman, 2000; Samusi & Hadinatha, 2023).

The need for such mechanisms is especially significant in presidential systems. Presidents and legislatures generally derive their mandates separately from elections and hold office for constitutionally fixed terms. Consequently, both institutions may claim democratic legitimacy directly from the electorate. This condition creates what presidential-system scholarship identifies as the problem of dual democratic legitimacy: conflict may arise when the President and parliament interpret their electoral mandates differently, while neither can ordinarily remove the other through normal political processes (Mainwaring, 1993; Samuels & Shugart, 2010).

Indonesia formally strengthened its presidential system through the four constitutional amendments adopted between 1999 and 2002. Before those amendments, the constitutional structure concentrated substantial authority within the People's Consultative Assembly and the presidency, while mechanisms capable of limiting executive power remained relatively weak. Constitutional reform subsequently introduced direct presidential elections, presidential term limits, stronger legislative functions, an independent Constitutional Court, a Regional Representative Council, expanded human-rights provisions, and more explicit institutional differentiation among branches of government (Constitution of the Republic of Indonesia, 1945; Azzahra, 2026).

Article 1(2) of the amended Constitution provides that sovereignty belongs to the people and is exercised according to the Constitution. This formulation fundamentally changed the architecture of Indonesian constitutionalism because sovereignty is no longer

institutionally monopolized by a single supreme state body. Instead, constitutional powers are distributed among institutions whose authority derives directly or indirectly from the Constitution. The result is a system based more explicitly on constitutional supremacy than institutional supremacy (Constitution of the Republic of Indonesia, 1945; Sanusi & Hadinatha, 2023).

The President remains the holder of governmental power under Article 4(1) of the Constitution, while Article 20(1) places legislative power in the House of Representatives or *Dewan Perwakilan Rakyat* (DPR). Nevertheless, lawmaking is not institutionally isolated because the President may introduce bills and legislation requires joint deliberation with the DPR. This constitutional arrangement demonstrates that Indonesia does not apply absolute separation between executive and legislative institutions but combines functional differentiation with institutional interaction (Constitution of the Republic of Indonesia, 1945; Fernando & Susilowati, 2023).

The DPR also possesses important constitutional instruments of supervision. Article 20A provides the rights of interpellation, inquiry, and expression of opinion, in addition to legislative and budgetary functions. These instruments are essential in a presidential system because the President cannot ordinarily be removed merely because parliament disagrees with government policy. Parliamentary oversight must therefore operate through investigation, information requests, budget control, legislation, and constitutionally structured accountability rather than through a parliamentary vote of no confidence (Constitution of the Republic of Indonesia, 1945; Indriyani, 2022).

Although this constitutional architecture appears capable of establishing institutional balance, political practice often produces a different result. Indonesia combines presidential government with a fragmented multiparty system. Presidents therefore tend to construct broad parliamentary coalitions in order to secure legislative support, stabilize the cabinet, and facilitate approval of legislation and budgets. Coalition building may reduce institutional deadlock, yet oversized coalitions may simultaneously weaken parliamentary independence and significantly reduce effective opposition (Mainwaring, 1993; Isharyanto & Sasono, 2026).

The contemporary relevance of this problem is demonstrated by recent Indonesian constitutional research. Isharyanto and Sasono (2026) identify a large coalition structure that at one point encompassed approximately 82 percent of parliamentary seats and argue that such a configuration weakened substantive opposition and legislative oversight. Their findings indicate that Indonesia's problem is no longer simply whether constitutional oversight powers formally exist but whether political structures permit those powers to operate effectively (Isharyanto & Sasono, 2026).

Similarly, Azzahra (2026) concludes that constitutional supervisory instruments held by the DPR may become formalistic when parliamentary political dominance aligns legislative institutions closely with executive strategic interests. The practical effectiveness of checks and balances is therefore influenced not only by constitutional text but also by

party discipline, coalition arrangements, political incentives, and the institutional independence of parliamentary actors (Azzahra, 2026).

Political parties themselves have become important actors in determining the effectiveness of institutional control. Because DPR members operate through parliamentary factions and depend significantly on political-party structures, party leadership can shape legislative agendas, parliamentary investigations, appointments, and coalition behaviour. Contemporary research therefore increasingly treats political parties as central intermediaries between formal constitutional structures and actual exercises of governmental power (Maruapey, 2026).

Another structural problem concerns the Regional Representative Council or *Dewan Perwakilan Daerah* (DPD). The establishment of the DPD following the constitutional amendments introduced an element of bicameral representation intended to accommodate territorial interests within national policymaking. Yet Articles 20 and 22D produce a clearly asymmetric legislative relationship because the DPR retains decisive legislative authority while the DPD may initiate or participate only in certain categories of legislation and cannot generally determine final legislative approval (Constitution of the Republic of Indonesia, 1945; Mahardhika et al., 2026).

This weak bicameral arrangement limits internal checks within the legislative branch. Strong bicameralism normally allows one chamber to reconsider, revise, delay, or counterbalance decisions made by the other chamber. In Indonesia, however, the DPD's restricted legislative authority means that the DPR remains institutionally dominant even on issues closely related to regional autonomy, central-regional relations, regional formation, natural resources, and fiscal balance (Mahardhika et al., 2026).

Judicial power represents another critical dimension of Indonesia's checks-and-balances system. The establishment of the Constitutional Court fundamentally changed constitutional relations because legislation jointly approved by the President and the DPR can subsequently be reviewed and declared unconstitutional. Constitutional judicial review thus ensures that political agreement between the executive and legislature does not constitute the final measure of legal validity; legislation remains subordinate to constitutional norms and constitutional rights (Sanusi & Hadinatha, 2023; Risang, 2026).

Recent constitutional developments demonstrate the strength of this judicial role. Through Decision No. 62/PUU-XXII/2024, the Constitutional Court declared the presidential candidacy threshold contained in Article 222 of Law No. 7 of 2017 unconstitutional. The decision ended a long-running legal regime requiring political parties or coalitions to satisfy a parliamentary-seat or national-vote threshold before nominating presidential candidates and represents one of the most significant recent examples of judicial intervention in electoral constitutional design (Hanan et al., 2025).

The Constitutional Court itself confirmed that after Decision No. 62/PUU-XXII/2024, the presidential-threshold provision had been declared contrary to the

Constitution. The case demonstrates the ability of constitutional adjudication to correct electoral arrangements previously maintained through legislative policy choices and shows how judicial review can function as an institutional counterweight to political majorities.

At the same time, a powerful Constitutional Court creates another constitutional question: how should judicial authority itself be limited? Scholarship has increasingly examined the Court's development from a traditional negative legislator that invalidates unconstitutional norms toward a positive legislator that sometimes formulates new normative arrangements. Such decisions may protect constitutional rights and prevent regulatory vacuums, but excessive judicial norm creation may also shift policymaking authority away from democratically elected institutions (Sulastri & Sanmas, 2025).

The relationship between parliament and the Constitutional Court also generates challenges when legislators reintroduce legal provisions that have previously been declared unconstitutional. Sanusi and Hadinatha (2023) argue that the revival of unconstitutional norms undermines checks and balances because it reduces the practical authority of constitutional judicial review and may reproduce violations of citizens' constitutional rights. Constitutional supremacy therefore requires not merely judicial decisions but institutional compliance with those decisions (Sanusi & Hadinatha, 2023).

Constitutional balance also increasingly involves public participation. Decision No. 91/PUU-XVIII/2020 concerning the Job Creation Law emphasized *meaningful participation* in legislative processes. Indonesian scholarship subsequently interpreted meaningful participation as requiring, at minimum, the right to be heard, the right to have public views considered, and the right to receive an explanation regarding how those views were treated during lawmaking. This development expands checks and balances beyond institutional relations by recognizing society itself as part of constitutional accountability (Muttaqin & Hikam, 2024; Setiadi et al., 2024).

The need for public control becomes especially important when executive and legislative majorities are politically aligned. When formal institutional conflict is reduced because governing coalitions dominate parliament, civil society, academics, media, constitutional litigation, and meaningful participation can provide additional forms of democratic control. Nevertheless, societal oversight should supplement rather than replace the constitutional responsibility of the DPR to supervise the executive (Isharyanto & Sasono, 2026; Junaenah et al., 2022).

Against this background, the principal constitutional problem is not whether Indonesia possesses a checks-and-balances system in formal terms. The amended Constitution clearly distributes powers and creates multiple supervisory mechanisms. The more difficult question is whether these mechanisms remain substantively effective under conditions of multiparty presidentialism, oversized coalitions, asymmetric bicameralism, strong party control, increasing judicial intervention, and changing relations between state institutions and citizens (Azzahra, 2026; Maruahey, 2026).

Accordingly, this article addresses two principal questions. First, how is the principle of checks and balances constitutionally constructed within Indonesia's presidential system? Second, what institutional reforms are necessary to strengthen checks and balances without undermining governmental stability and executive effectiveness? The article argues for a multilayered constitutional-control model combining executive-legislative balance, stronger bicameralism, constitutional judicial review, transparent appointments, party-system reform, and meaningful societal participation (Ackerman, 2000; Mahardhika et al., 2026).

RESEARCH METHODE

This study employs normative or doctrinal legal research because its principal object consists of constitutional norms, statutory provisions, Constitutional Court decisions, legal principles, and institutional relationships within Indonesia's presidential system. Normative legal research is appropriate for evaluating the coherence of constitutional rules, interpreting institutional authority, identifying normative gaps, and formulating prescriptive recommendations concerning constitutional design (Marzuki, 2021).

The first approach employed is the statutory approach. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 17 of 2014 concerning the People's Consultative Assembly, House of Representatives, Regional Representative Council, and Regional Legislative Councils as amended, Law No. 12 of 2011 concerning the Formation of Laws and Regulations as amended by Law No. 13 of 2022, and Law No. 7 of 2017 concerning General Elections. These provisions are examined to identify the formal distribution of powers among constitutional institutions (Marzuki, 2021; Constitution of the Republic of Indonesia, 1945).

A conceptual approach is used to examine the doctrines of separation of powers, checks and balances, limited government, presidentialism, bicameralism, constitutional supremacy, judicial review, and democratic accountability. International constitutional scholarship is used to clarify how presidential institutional structures interact with party systems, while Indonesian scholarship provides the contextual foundation for analyzing the operation of these concepts within Indonesia's post-amendment constitutional system (Ackerman, 2000; Mainwaring, 1993; Samuels & Shugart, 2010).

The study also applies a case approach focusing particularly on Constitutional Court Decision No. 91/PUU-XVIII/2020 concerning the formal review of the Job Creation Law and Decision No. 62/PUU-XXII/2024 concerning the presidential candidacy threshold. These decisions are selected because they illustrate judicial control over legislative procedures and electoral policy, thereby demonstrating how constitutional review operates as a practical component of checks and balances (Muttaqin & Hikam, 2024; Hanan et al., 2025).

Legal materials are analyzed qualitatively using grammatical, systematic, conceptual, and prescriptive interpretation. The analysis proceeds by identifying constitutional

authority, examining interactions among institutions, evaluating practical tensions identified in recent scholarship, and constructing recommendations that preserve both institutional accountability and the functional effectiveness of presidential government (Marzuki, 2021; Isharyanto & Sasono, 2026).

RESULT AND ANALYSIS

Constitutional Transformation after the Amendments to the 1945 Constitution

The constitutional amendments of 1999–2002 fundamentally altered Indonesia's institutional architecture. The pre-amendment system placed significant constitutional and political authority in the MPR and presidency, whereas the amended Constitution distributes authority more horizontally among multiple constitutional institutions. The removal of the designation of the MPR as the supreme state institution represented a shift from institutional supremacy toward constitutional supremacy (Constitution of the Republic of Indonesia, 1945; Azzahra, 2026).

This transformation is particularly visible in the limitation of presidential authority. Presidential and vice-presidential terms are constitutionally limited, direct presidential elections strengthen democratic legitimacy, legislative authority is formally held by the DPR, and presidential removal must follow a constitutionally structured process involving both parliamentary and judicial institutions. These mechanisms reduce the possibility of unilateral political control by the executive and institutionalize constitutional accountability (Constitution of the Republic of Indonesia, 1945; Maruapecy, 2026).

Nevertheless, Indonesia does not adopt a rigid separation-of-powers model. The President retains important legislative functions because bills may be proposed by the executive and require joint approval with the DPR. Parliament also participates in governmental oversight and various appointments, while courts may review legislative and administrative legality. Indonesian constitutionalism therefore reflects functional separation combined with controlled institutional interdependence (Fernando & Susilowati, 2023; Sanusi & Hadinatha, 2023).

This arrangement corresponds with the broader theory that checks and balances require partial institutional overlap. Complete separation could create isolated powers without sufficient mechanisms of accountability. The constitutional objective is therefore not to prevent interaction but to structure interaction so that cooperation does not become domination and institutional disagreement does not become permanent governmental paralysis (Ackerman, 2000).

The post-amendment constitutional framework can thus be considered relatively strong at the level of formal institutional design. The central contemporary problem lies instead in the gap between constitutional structure and political operation. Institutional authority may exist formally while political coalitions, party discipline, procedural

weaknesses, or limited institutional capacity reduce the willingness or ability of constitutional bodies to exercise that authority independently (Isharyanto & Sasono, 2026; Azzahra, 2026).

Executive–Legislative Relations in the Lawmaking Process

The relationship between the President and DPR constitutes the central axis of checks and balances within Indonesia's presidential system. Article 20 of the Constitution establishes the DPR's legislative power, while Article 5 permits the President to submit bills. Legislation requires joint deliberation and approval, meaning neither the executive nor legislature can ordinarily enact statutes independently (Constitution of the Republic of Indonesia, 1945; Fernando & Susilowati, 2023).

This joint-approval requirement may be interpreted as a mechanism of reciprocal control. Parliament can reject or alter executive legislative proposals, while presidential participation prevents legislative authority from functioning entirely without executive involvement. Such an arrangement encourages institutional negotiation and may produce legislation reflecting both governmental policy and representative deliberation (Ackerman, 2000; Fernando & Susilowati, 2023).

However, this formal balance can be weakened when the executive possesses overwhelming political support in parliament. An executive-sponsored bill may move through parliament with limited critical examination if coalition parties consider political loyalty more important than legislative scrutiny. Under such circumstances, the constitutional distinction between the executive and legislature remains formally intact while the political distinction becomes substantially weakened (Suntoro & Nureda, 2022; Isharyanto & Sasono, 2026).

The Job Creation Law controversy provides an important illustration. Studies examining its formation identified concerns regarding executive dominance, accelerated legislative procedures, changes in legislative documents, limited meaningful participation, and the effectiveness of parliamentary scrutiny. The case demonstrates that legislative legitimacy depends not only on formal voting but also on procedural transparency, deliberation, and access to meaningful participation (Rishan, 2022; Suntoro & Nureda, 2022).

Isharyanto and Sasono's 2026 study further demonstrates the structural dimension of this problem. Their analysis finds that an extremely broad coalition configuration contributed to the substantive absence of opposition and weakening of legislative oversight, illustrating that parliamentary capacity is affected by the political environment in which constitutional powers are exercised.

Accordingly, strengthening legislative checks does not require eliminating executive participation in lawmaking. Instead, it requires ensuring that parliamentary deliberation remains institutionally meaningful even when the President controls strong coalition

support. Committee independence, access to legislative information, public hearings, minority rights, and transparent legislative records can help prevent joint lawmaking from becoming merely formal ratification of executive proposals (Isharyanto & Sasono, 2026; Setiadi et al., 2024).

Parliamentary Oversight and the Problem of Oversized Coalitions

The DPR's constitutional supervisory rights represent important restraints on presidential power. The right of interpellation enables parliament to request government explanations regarding important policies, the right of inquiry permits investigation into governmental actions, and the right to express opinions allows parliament to articulate formal conclusions concerning serious governmental issues. These instruments distinguish constitutional oversight from ordinary political criticism (Constitution of the Republic of Indonesia, 1945; Indriyani, 2022).

In practice, however, parliamentary supervision depends significantly on coalition configurations. Indonesia's fragmented multiparty environment encourages presidents to assemble broad parliamentary coalitions because a president elected separately from parliament may otherwise experience difficulty securing legislative support. Coalition building therefore performs an important function in maintaining government effectiveness (Mainwaring, 1993; Samuels & Shugart, 2010).

The constitutional danger arises when coalition building becomes excessive. Oversized coalitions may convert parliamentary oversight into intra-governmental negotiation because most parliamentary parties possess political incentives to protect rather than scrutinize the executive. In such circumstances, constitutional supervisory rights remain legally available but may be politically underutilized (Isharyanto & Sasono, 2026; Azzahra, 2026).

Recent Indonesian research strongly supports this concern. Azzahra (2026) finds that although the DPR possesses extensive constitutional supervisory instruments, their effectiveness may be weakened when parliamentary political dominance operates in alignment with executive interests. This suggests that the critical issue is not the absence of legal authority but the political conditions necessary for institutional independence.

Political parties therefore occupy a strategic position within checks and balances. Parliamentary factions determine legislative priorities, committee assignments, political responses, and frequently members' voting behaviour. Strong party discipline may facilitate stable governance, but excessive control by party elites can reduce individual legislators' capacity to perform independent constitutional supervision (Maruapey, 2026).

A stronger presidential system should consequently not be equated with a President who always possesses an overwhelming parliamentary majority. Democratic presidentialism requires both an effective executive and a legislature capable of independent scrutiny. Political stability achieved through elimination of substantive

opposition may weaken rather than strengthen constitutional government because it reduces institutional incentives to question executive power (Mainwaring, 1993; Isharyanto & Sasono, 2026).

One potential reform would be to strengthen procedural rights of parliamentary minorities. Certain oversight initiatives, requests for information, public hearings, or parliamentary investigations could be structured so that they cannot be entirely blocked by governing majorities. Such mechanisms would not permit minority parties to control parliamentary decisions but would guarantee sufficient institutional space for opposition and scrutiny (Azzahra, 2026; Isharyanto & Sasono, 2026).

Budgetary Authority as a Constitutional Check

The state budget constitutes another significant field of executive–legislative interaction. The President proposes the State Budget, but legislative approval is constitutionally required. This process recognizes that public expenditure is too significant to be controlled exclusively by the executive and must therefore obtain democratic authorization through representative institutions (Constitution of the Republic of Indonesia, 1945).

Budgetary oversight is important because governmental priorities are often expressed more clearly through allocation of public resources than through political statements. Parliament may use budgetary deliberation to examine whether programs correspond to statutory objectives, whether spending is efficient, and whether governmental priorities reflect public needs. Budget authority therefore provides a substantive mechanism for controlling policy implementation (Indriyani, 2022).

Nevertheless, budgetary control can itself become vulnerable to transactional politics. If budget negotiations are driven primarily by coalition bargaining or particularistic allocation, legislative involvement may cease to function as a genuine accountability mechanism. Effective checks and balances therefore require transparency in budget deliberations, publication of fiscal reasoning, and strong audit mechanisms capable of examining implementation independently (Isharyanto & Sasono, 2026).

The State Audit Board or BPK complements this process by auditing the management and accountability of state finances. Its constitutional independence demonstrates that financial checks are not confined to executive–legislative interaction but involve specialized supervisory institutions. Such horizontal accountability illustrates the increasingly complex nature of modern checks and balances beyond the classical three-branch model (Ackerman, 2000).

The DPD and the Weakness of Indonesian Bicameralism

The establishment of the DPD introduced territorial representation into Indonesia's national legislative structure. DPD members are elected from provinces and are intended

to articulate regional interests at the national level. In principle, the existence of a second chamber can produce internal legislative checks by ensuring that national legislation is examined through more than one representative perspective (Constitution of the Republic of Indonesia, 1945; Mahardhika et al., 2026).

The constitutional distribution of legislative authority, however, gives the DPR substantially greater power. The DPD may propose bills concerning regional autonomy, central-regional relations, formation and division of regions, natural-resource management, and fiscal balance; it may participate in deliberation and provide considerations on certain legislation. Yet it generally does not possess a final legislative veto or equal approval power (Constitution of the Republic of Indonesia, 1945).

Recent scholarship describes this structure as asymmetrical or weak bicameralism. Mahardhika et al. (2026) argue that Articles 20 and 22D leave the DPR with decisive legislative authority and limit the DPD to initiating selected bills, restricted deliberation, and non-binding consideration. Such asymmetry restricts the DPD's ability to function as a genuine institutional counterweight within the legislature.

The weakness of the second chamber matters particularly because Indonesia is geographically extensive and constitutionally committed to regional autonomy within a unitary state. Laws concerning resource management, fiscal distribution, regional government, or territorial administration can have highly differentiated consequences across provinces. Stronger territorial representation could therefore improve legislative responsiveness and reduce excessive concentration of national policymaking within party-based DPR structures (Mahardhika et al., 2026).

Strengthening the DPD does not necessarily require making it completely equal to the DPR in every legislative field. A more proportionate model could provide the DPD with stronger consent, revision, or suspensive authority over legislation directly affecting regional interests while leaving general legislative primacy with the DPR. Such a model would create meaningful bicameral review without producing institutional duplication (Mahardhika et al., 2026).

The Constitutional Court as a Counterweight to Political Majorities

The Constitutional Court is one of the most significant institutional innovations produced by constitutional reform. Judicial review allows citizens and other eligible applicants to challenge statutes adopted by the President and DPR, thereby ensuring that political majorities remain subject to constitutional limitations. Judicial review also protects fundamental rights by providing an institutional mechanism through which legislation can be measured against constitutional guarantees (Sanusi & Hadinatha, 2023; Risang, 2026).

This function is particularly important in systems where the executive and legislative branches are politically aligned. If the same coalition effectively controls both institutions,

ordinary political checks may weaken. Constitutional adjudication can then become an important independent mechanism capable of reviewing legislation without depending on governing-party incentives (Sanusi & Hadinatha, 2023).

Decision No. 91/PUU-XVIII/2020 concerning the Job Creation Law demonstrated the Court's willingness to examine legislative procedure, not merely substantive provisions. The decision helped strengthen the doctrine that constitutionally legitimate lawmaking requires meaningful public participation and procedural compliance. Judicial review thereby became a mechanism for protecting democratic legislative procedure in addition to substantive constitutional rights (Muttaqin & Hikam, 2024).

Decision No. 62/PUU-XXII/2024 concerning the presidential candidacy threshold represents another major intervention. Hanan, Astuti, and Eddyono (2025) explain that the judgment fundamentally changed Indonesian electoral governance by abolishing a threshold regime that had existed for approximately two decades. The case illustrates how constitutional litigation can function as a pathway for electoral reform where political institutions have maintained contested arrangements (Hanan et al., 2025).

The decision also reinforces the principle that matters categorized as legislative policy cannot automatically escape constitutional scrutiny. Although lawmakers possess discretion in electoral design, that discretion remains limited by constitutional rights, democratic principles, and the constitutional architecture of presidential elections. The Court's intervention therefore constitutes a judicial check on legislative political discretion rather than ordinary policy substitution (Hanan et al., 2025).

Nevertheless, judicial power itself requires constitutional restraint. The transformation of the Court from a negative legislator into an institution that occasionally formulates affirmative norms has generated scholarly debate. Sulastris and Sanmas (2025) argue that positive-legislator decisions can affect the balance between judicial and legislative authority, making constitutional dialogue and clearer boundaries increasingly important.

A balanced model should therefore recognize that courts may occasionally formulate transitional normative solutions where invalidation would create serious legal uncertainty, but such intervention should remain exceptional and clearly justified. The ordinary task of comprehensive policymaking should continue to rest primarily with democratically accountable lawmakers (Sulastris & Sanmas, 2025).

Compliance with Constitutional Court Decisions

Judicial review becomes ineffective if political institutions do not comply with constitutional judgments. Because constitutional courts generally depend on other institutions to implement their decisions, constitutional supremacy requires a culture of institutional obedience in addition to formal judicial authority (Sanusi & Hadinatha, 2023).

Sanusi and Hadinatha identify the reappearance of norms previously declared unconstitutional as a serious challenge to checks and balances. When lawmakers reproduce substantially identical provisions without addressing the constitutional defects identified by the Court, the practical authority of judicial review is weakened and citizens may once again face norms already determined to violate constitutional standards (Sanusi & Hadinatha, 2023).

The problem demonstrates that checks and balances cannot operate solely through institutional confrontation. Constitutional dialogue requires parliament and the executive to understand judicial reasoning and formulate legislative responses consistent with the substance of constitutional decisions. Legislators remain free to regulate policy after judicial review, but new regulation should respect the constitutional boundaries established by the Court (Sanusi & Hadinatha, 2023).

Indonesia could therefore benefit from a more systematic mechanism for monitoring legislative implementation of Constitutional Court decisions. Parliamentary legislative planning could identify judgments requiring statutory amendment, while official explanatory documents could clarify how subsequent legislation responds to constitutional findings. Such a mechanism would strengthen judicial-legislative dialogue without making the Court the primary lawmaking institution (Sanusi & Hadinatha, 2023; Sulastri & Sanmas, 2025).

Presidential Threshold Reform and Its Constitutional Implications

The abolition of the presidential candidacy threshold has important consequences for Indonesia's presidential system. Previously, parties or coalitions were required to satisfy a specific electoral threshold before nominating presidential and vice-presidential candidates. Critics argued that this arrangement restricted nomination opportunities and encouraged pre-electoral coalition formation based more on electoral arithmetic than ideological or programmatic alignment (Hanan et al., 2025).

Constitutional Court Decision No. 62/PUU-XXII/2024 removed this threshold and therefore potentially expands political-party opportunities to nominate presidential candidates. From the perspective of political rights, the decision may broaden electoral competition and increase the range of alternatives available to voters. It also reduces the structural incentive for parties to form nomination coalitions solely to satisfy threshold requirements (Hanan et al., 2025).

The reform, however, does not automatically resolve the broader problems of multiparty presidentialism. A larger number of presidential candidates could produce greater electoral fragmentation, while the eventual President may still need to negotiate substantial parliamentary support after election. Consequently, eliminating the nomination threshold should be accompanied by broader discussion of party institutionalization, coalition governance, and electoral-system coherence (Mainwaring, 1993; Samuels & Shugart, 2010).

The constitutional significance of the decision therefore extends beyond candidate nomination. It provides an opportunity to reconsider the relationship between presidential elections, party systems, coalition formation, and checks and balances. Electoral reform should seek to preserve political competition while preventing coalition practices from transforming parliament into an extension of executive authority (Hanan et al., 2025; Isharyanto & Sasono, 2026).

CONCLUSION

The constitutional amendments of 1999–2002 significantly transformed Indonesia's governmental structure by replacing a highly concentrated institutional configuration with a system based on distributed constitutional authority. The President, DPR, DPD, Constitutional Court, Supreme Court, BPK, and other institutions now exercise constitutionally differentiated powers, while legislative, judicial, budgetary, electoral, and supervisory mechanisms provide formal foundations for checks and balances (Constitution of the Republic of Indonesia, 1945; Sanusi & Hadinatha, 2023).

Nevertheless, this study finds that contemporary challenges no longer arise primarily from the absence of constitutional institutions or supervisory authority. Instead, the main weaknesses derive from the substantive operation of those institutions. Oversized governing coalitions, parliamentary political dominance, strong party control, weak bicameralism, politically sensitive public appointments, and inconsistent compliance with judicial decisions may reduce the effectiveness of constitutional controls despite the existence of formally adequate legal provisions (Isharyanto & Sasono, 2026; Azzahra, 2026).

The relationship between the President and DPR remains the most important dimension of Indonesia's presidential checks and balances. Executive–legislative cooperation is necessary for governmental effectiveness, but excessive political alignment may transform cooperation into institutional dependence. Parliamentary supervision must therefore be strengthened through minority procedural rights, transparent investigations, accessible legislative information, and mandatory governmental responses to significant oversight recommendations (Indriyani, 2022; Isharyanto & Sasono, 2026).

The DPD should likewise be strengthened in fields directly related to regional interests. Indonesia does not necessarily require completely symmetrical bicameralism, but territorial representation should possess sufficient legislative authority to provide meaningful internal legislative review. Stronger DPD participation in legislation concerning regional autonomy, fiscal relations, natural resources, and territorial organization would improve both regional representation and horizontal constitutional control (Mahardhika et al., 2026).

The Constitutional Court remains essential to preserving constitutional supremacy. Decisions concerning meaningful participation and the abolition of the presidential candidacy threshold demonstrate the capacity of judicial review to correct legislative

procedures and electoral arrangements. However, effective constitutional adjudication requires lawmakers to respect judicial decisions, while the Court itself must exercise normative creativity cautiously to prevent excessive judicial displacement of legislative authority (Hanan et al., 2025; Sanusi & Hadinatha, 2023; Sulastris & Sanmas, 2025).

Political-party and coalition reform is equally indispensable. The problem of oversized governing coalitions cannot be solved solely through constitutional amendments because it originates partly in party incentives, legislative discipline, coalition bargaining, and weak institutionalization. Strengthening internal party democracy, programmatic coalitions, transparency, and parliamentary independence would help ensure that executive support does not eliminate legislative scrutiny (Maruapey, 2026; Isharyanto & Sasono, 2026).

Public participation should also be recognized as an integral component of constitutional accountability. Meaningful participation, access to legislative information, civil-society monitoring, academic criticism, free media, and constitutional litigation provide societal forms of control that complement institutional checks. These mechanisms become particularly important when political alignment reduces effective disagreement among formal political institutions (Muttaqin & Hikam, 2024; Setiadi et al., 2024).

Ultimately, strengthening checks and balances in Indonesia requires a multilayered constitutional model rather than exclusive reliance upon separation among the executive, legislature, and judiciary. Effective constitutional democracy depends on simultaneous control through parliamentary oversight, bicameral representation, judicial review, independent institutions, transparent appointments, competitive political parties, and meaningful societal participation. Such a model can reconcile two objectives that should not be treated as contradictory: maintaining an effective presidential government while ensuring that no institution, coalition, political party, or office holder can exercise public power without meaningful constitutional accountability (Ackerman, 2000; Azzahra, 2026).

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