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The House of Representatives Legislative Authority in Indonesia's Amended 1945 Constitution

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Abstract

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Constitution,
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legislative, executive,
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The Constitution underpins state institutions' powers. Multiple constitutional modifications have given Indonesia a legislative-focused system. In legislative-heavy systems, the House of Representatives (Dewan Perwakilan Rakyat, or DPR) has more power than other governmental organs. Increased DPR authority, especially legislatively, is obvious. Law-based systems have many consequences. Law proliferation, slower decision-making, legislative authority decline, and executive reliance on the legislative branch are among these. This scenario goes against the fundamental principles of the separation of powers and checks and balances. In order to tackle this issue, it is imperative to consider a restructuring of the legislative authority model. One potential solution could be to look towards the United States and adopt a similar legislative authority model.

Introduction

The Constitution acts as the legal basis of a state, allowing its institutions to exercise their authority. Indonesia upholds the 1945 Constitution as its fundamental law. Indonesia has experienced multiple constitutional amendments over time, resulting in significant changes to the country's governance system. Following the conclusion of the New Order regime and the subsequent amendment of the 1945 Constitution, there was a notable shift in the distribution of state power towards a model that placed greater emphasis on the legislative branch. The legislative body, known as the DPR, appeared to express its long-held frustration as it had been subject to the control of the executive branch (the President) for a significant period of time, spanning nearly 32 years from 1966 to 1998.

The transition to a legislative-focused approach was incorporated into the modifications made to the 1945 Constitution. This development was not aligned with the goals of reform, which sought to enhance the presidential system. This study aims to analyse and assess the extent of the DPR's legislative power following the amendment of the 1945 Constitution. Specifically, it aims to address the following research questions:

1. How does the dominance of the DPR's legislative power manifest itself after the amendment of the 1945 Constitution of the Republic of Indonesia?
2. What are the implications of the Legislative Heavy System?
3. What is the ideal format for the legislative institution in the future?

The legislative branch effectively employed various interpellation and inquiry rights to scrutinise government policies. This study employs the rationale of the separation of powers theory. There is a scarcity of prior research that closely aligns with the scope of this study. However, its main focus is on the legislative function rather than offering a thorough evaluation. This study seeks to address the existing knowledge gap by employing a descriptive and qualitative approach to analyse pertinent regulations and comparative cases.

Literature Review

This study draws upon the rationale of the separation of powers theory (Waldron, 2020). This theory was popularised by John Locke and Montesquieu. The theory of separation of powers, commonly referred to as the Trias Politica theory, has gained significant recognition in its evolution (Suparto & Chaidir, 2019). John Locke posited that power within the state is divided into three distinct branches: the legislative branch, responsible for creating laws; the executive branch, tasked with enforcing laws; and the federative branch, which handles international relations and alliances. John Locke developed the concept of the separation of powers as a response to his opposition to absolutism. Society's social contract is designed to uphold the fundamental principles of life, liberty, and property rights (Sasan, 2021). In addition, Montesquie further developed the trias politica theory by introducing the concept of a separate judicial branch responsible for the exercise of judicial power.

The governance system during the period from December 27, 1949, to August 17, 1950, was established according to the Constitution of the Republic of the United States of Indonesia (RIS). Article 1, paragraphs (1) and (2), state that the Republic of the United States of Indonesia (RIS) is an independent and democratic state organised as a federation with a parliamentary system. Governance is conducted collectively by the government, the DPR, and the Senate. The government, as defined in Article 68, paragraph (1) of the RIS Constitution, consists of the President and the Ministers. The government must adhere to federal governance as outlined in Article 117, paragraph (1). Article 69, paragraph (1), states that the President is designated as the Head of State. The provisions within the RIS Constitution clearly indicate that Indonesia follows a parliamentary system.

Following that, the 1950 Provisional Constitution became the official Constitution from August 17, 1950, to July 5, 1959. The 1950 Provisional Constitution established a Parliamentary Cabinet system, with Cabinet Ministers being answerable to the Parliament. Meanwhile, the President occupied the role of Head of State (Article 45 1950 Provisional Constitution). Subsequently, from July 5, 1959, to March 11, 1966, the government made a decision regarding the implementation of "Guided Democracy" in order to facilitate the return to the 1945 Constitution (Ricklefs & Ricklefs, 1993; Ziegenhain, 2021). During the Guided Democracy Era, the implementation of the presidential system solidified President Soekarno's authority in the government. There were multiple instances of constitutional violations that took place during this period; An example of this is the appointment of President Soekarno as a lifetime president, which was legitimised through the Decree of the Provisional People's Consultative Assembly (TAP MPRS) No. III/MPRS/1963. Additional infractions involved the designation of the Chief Justice of the Supreme Court as an Advisor to the President with ministerial rank, along with President Soekarno's disregard for the division of powers, parity among state institutions, systems of oversight, and the principle of equality among branches.

Furthermore, the period between March 11, 1966, and October 19, 1999, was marked by significant instability due to the G.30 S. PKI Rebellion. President Soekarno responded to public demand by issuing the March 11, 1966, Order, which later became known as the Supersemar. Following its enactment, Supersemar was officially established as a decree by the People's Consultative Assembly (MPR), known as TAP MPR No. IX/MPRS/66. Effectively transfers power to General Soeharto.

Notably, between the early 1970s and 1998, there were only two political parties and one group that were allowed to exist in Indonesia. These were GOLKAR, the Indonesian Democratic Party, and the United Development Party. The Indonesian Democratic Party and the United Development Party were essentially the result of the government's sponsorship of political party amalgamation. This occurred among the nine parties that existed during the 1971 election, which marked the beginning of the New Order era ([Badu et al., 2018](#)). Structurally, [Hanapiah \(2016\)](#) and [Tomsa \(2012\)](#) called GOLKAR a functional group, not a political party. The mid-1970s saw GOLKAR launch as President Soeharto imposed a government regulation. This regulation allowed 100 of the 460 parliamentarians to be appointed without general elections. They represented the Indonesian Armed Forces and non-parties ([Hanapiah, 2016](#); [Tomsa, 2012](#)). Despite winning 131 seats in the election, GOLKAR was able to secure its majority status by appointing an additional 100 members. According to [Hansen \(1975\)](#), [Park \(2021\)](#), and [Sulistyo \(2002\)](#), GOLKAR was able to win a majority of 62.8% of the votes in the 1971 election. It is clear from this system that during the New Order era, which lasted from 1966 to 1998, the President held significant power and authority.

However, this period concluded alongside the reforms instigated by students and civil society organisations. This event signalled the conclusion of the New Order regime, which had a duration of 32 years. The resignation of President Soeharto on May 21, 1998, brought attention to the need for the Indonesian nation to reform its political, economic, and legal systems in order to move towards a more inclusive, fair, and democratic society. Students expressed the need for a new way of life through demonstrations, calling for comprehensive reform. In the realm of politics, they advocated for a democratic political system and a government that is free from collusion, corruption, and nepotism. Regarding constitutional matters, there was a demand to enhance the presidential system. The reform movement in Indonesia made notable progress, particularly in the realms of politics and constitutional matters. Through ratifying amendments to the 1945 Constitution during the New Order era, the People's Consultative Assembly of the Republic of Indonesia (MPR RI) successfully carried out the reform. The amendment of the 1945 Constitution has created an opportunity to restructure the political system in a more democratic manner, emphasising the importance of the rule of law and the sovereignty of the people ([Sibuea et al., 2022](#); [Widodo, 2021](#)).

The MPR RI pursued the reform agenda through a series of stages and deliberations, amending the articles of the 1945 Constitution on four occasions. The first amendment to the 1945 Constitution was ratified during the Plenary Session of the MPR RI on October 19, 1999, as part of the MPR's General Session. The second amendment was ratified during the Plenary Session of the People's Consultative Assembly of the Republic of Indonesia on August 18, 2000. The third amendment to the 1945 Constitution was ratified during the Plenary Session on November 9, 2001, as part of the MPR RI's Annual Session. The Fourth Amendment was ratified on August 10, 2002, during the Annual Session of the MPR RI.

However, the regime's downfall and the amendment of the 1945 Constitution did not result in an immediate enhancement of state power governance. Upon further analysis, it becomes evident that state power during the New Order regime was primarily concentrated in the executive branch. Following the conclusion of the New Order era and the amendment of the 1945 Constitution, there was a noticeable shift in state power towards a model that placed greater emphasis on the legislative branch. The legislative body (the DPR) appeared to express its long-held frustration as it had been constrained and under the control of the executive branch (the President) for almost 32 years (1966–1998).

The changes to the 1945 Constitution were made to accommodate the shift towards a legislative-heavy model. Prior to the amendment of the 1945 Constitution, the power of the DPR was restricted to the approval of bills presented by the President (Article 20, Paragraph 1 of the 1945 Constitution). The authority of the DPR expanded significantly after the amendment. The powers granted here are quite extensive, ranging from the ability to create laws (as stated in Article 20, paragraph (1) of the 1945 Constitution) to the authority to "force" the President to approve the implementation of laws, regardless of the President's endorsement (Article 20, paragraph (5) of the 1945 Constitution).

This development did not align with the goals of reform, which sought to enhance the presidential system. The legislative branch effectively employed various interpellation and inquiry rights to scrutinise government policies. In the legislative process, there was an evident power imbalance, as bills proposed by the DPR were required to obtain the President's approval. On the other hand, laws put forth by the President have the potential to be rejected. The DPR had the power to reject the State Budget.

Method

This study focused on the implementation of principles and norms in positive law (Putra et al., 2023). This study provided a detailed description. The phenomenon was described and analysed using factual information obtained from primary and secondary legal materials. This study utilised a methodical and analytical approach by examining pertinent regulations. In their study, Aziz et al. (2021) thoroughly analysed all applicable laws and regulations pertaining to the legal matter at hand. Meanwhile, a thorough

analysis was conducted by comparing one regulation to another. This study utilised secondary data from primary, secondary, and tertiary legal materials.

Results

The Legislative Power of the DPR after the 1945 Constitution Amendment

The system established by the fourth amendment of the 1945 Constitution is intricately connected to the roles and powers of the legislative bodies, specifically the House of Representatives (DPR) and the Regional Representative Council (DPD). This research primarily focuses on the increased power of the DPR within the current Indonesian constitutional system, which defines the legislative bodies as the DPR and the DPD. Assessing the imbalance or dominance revolves around the issues related to the functions and authorities of the DPR. The constitutional system that the MPR RI established through the amendments has resulted in a significant concentration of power in the DPR with insufficient oversight from other state institutions regarding its performance. If the MPR truly embraced a constitutional engineering spirit, it could potentially establish an effective system of control over the DPR. Both [Sherlock \(2022\)](#) and [Akili \(2023\)](#) have looked into this idea. However, the MPR's political interests, with many members also serving in the DPR, have led to a constitutional reform agenda that primarily favours the DPR.

Indonesian state government is influenced by trias politica, which promotes separation of powers. The term "Trias Politica" comes from Greek. It represents the executive, legislative, and judicial departments of power. The phrase comes from "Tri," meaning Three, "As," meaning Axis/Central, and "Politia," meaning power ([Tiopan et al., 2023](#)). Every branch of power has its own set of functions. The purpose of this division is focused on establishing a harmonious distribution of power among state organs. In essence, the three prevailing powers work together to foster a democratic government and promote equality. Meanwhile, a new term called "legislative heavy" came into existence when the concept of Trias Politica encountered an imbalance or a disproportionate focus on the legislative branch. Montesquieu presents Trias Politica as a natural progression of John Locke's ideas, specifically the concept of separating powers to ensure checks and balances. This principle is currently embraced by Indonesia, which follows a "Presidential" system.

Before the amendment of the 1945 Constitution, several issues were prevalent within the Constitution, including the following:

1. As the executive branch, the President wielded a highly dominant influence and authority.

The 1945 Constitution contained several provisions that granted the President considerable executive authority. The President's role extended beyond being the holder and executor of governing authority (Article 4 of

the 1945 Constitution). The President also functioned as an institution with the power to enact laws. (Articles 5, 21, 22 of the 1945 Constitution). Similar to before, the President is no longer the main legislator or the primary actor in the legislative process. In addition, the President has been given certain prerogative rights, such as pardons, amnesty, abolitions, and other similar rights. These issues were also a part of the significant authority that the MPR granted to the President through TAP MPR No. V/MPR/1998, enabling the President to safeguard and preserve the unity of the Republic of Indonesia ([Aritonang, 2010](#)).

2. In the previous 1945 Constitution, the regulations regarding the System of Checks and Balances were not explicit or balanced, which created the possibility for arbitrary abuse of power. There were several criticisms of the System of Checks and Balances, particularly regarding the lack of limitations on Government Regulation instead of Law (Peraturan Pemerintah Pengganti Undang-Undang- Perppu) to prevent potential abuse of power.
3. Numerous provisions in the 1945 Constitution were open to multiple interpretations, leading to uncertainty.

The 1945 Constitution's ambiguities led to a number of interpretations that were incompatible with the fundamental values of a state under constitutional rule. Furthermore, the entity responsible for interpreting the provisions of the 1945 Constitution was not clearly specified. As an example, Article 7 of the 1945 Constitution states that "the President and Vice President hold their offices for five years and may be re-elected." The lack of clarity surrounding the phrase "may be re-elected" enabled President Soeharto to hold office for an unprecedented seven presidential terms in Indonesia. There were several articles, like Article 1 paragraph (1), that were quite unclear and contained vague provisions regarding the form of the state.

In order to fully grasp the author's perspective on the disparity between legislative power and executive power, it is crucial to first comprehend the definition and functions of legislative institutions, both in general and specifically in the context of Indonesia. A legislative institution is a crucial governmental authority that is responsible for enacting laws that hold significant statutory force ([Blomgren & Waks, 2015](#)). Strong provides a definition of the legislative institution, focusing on its main purpose of creating laws. The DPR in Indonesia serves as a crucial component of the Indonesian governance system, fulfilling three key roles: legislative, budgetary, and oversight.

In this discussion, the author will delve into the legislative landscape after the amendment of the 1945 Constitution. The focus will be on the legislative function as outlined in the Constitution, and a comparison will be made with the function of the legislative body prior to the amendment. Regarding the legislative function, there has been a noticeable change in the distribution of power. In the past, the President held more authority in creating laws, while in the present era, the legislative body, specifically the

DPR, has taken on a more prominent role. This shift exemplifies the evolution of the Indonesian presidential governance system, as seen in the amendments made to the 1945 Constitution in 1999. Notably, these amendments include modifications to Article 5 paragraph (1) and Article 20 paragraph (1) of the 1945 Constitution ([Faiz et al., 2023](#)).

Article 5, paragraph (1) of the pre-amendment 1945 Constitution stated, “The President holds the authority to form laws with the approval of the House of Representatives,” and it was changed to “The President has the right to propose bills to the House of Representatives.” Meanwhile, Article 20 paragraph (1) of the pre-amendment 1945 Constitution stated, “Every law requires the approval of the People’s Consultative Assembly,” and it was changed to “The House of Representatives has the authority to form laws. In this context, it is evident that the DPR has gained more legislative authority after the amendment of the 1945 Constitution. The changes made to Article 5 paragraph (1) and Article 20 paragraph (1) of the 1945 Constitution have resulted in a significant transfer of legislative power from the President to the DPR. The inclusion of these modifications in the law highlights the significant influence of the legislative branch, with Article 20, paragraphs (2) and (3) providing a mechanism for shared decision-making between the executive (President) and the legislative branch to maintain a sense of equilibrium in the legislative process. The DPR plays a vital role in the formation of laws as a legislative institution. It serves as a crucial foundation that upholds the framework of the state, providing direction to the lives of its citizens and the governance of the nation.

However, the President, being the head of government, may face challenges when it comes to implementing their programmes, thanks to Article 20, paragraph (1) of the 1945 Constitution. Essentially, the amendments to the 1945 Constitution seem to lean towards a more complex legislative framework. This goes against the fundamental principles of checks and balances and the separation of powers, which could potentially lead to a stalemate in governance. Bills have a significantly high success rate in becoming laws. The data suggests the importance of the legislative process for the executive (President) in carrying out governance and developing public policies.

The 1945 Constitution revisions aim to make the DPR truly representative of voters. The DPD is purposefully meant to correctly represent Indonesia's varied regions. Compare Indonesia's with the US's parliamentary systems. Given this perspective, the DPR may be compared to the House of Representatives and the DPD to the US Senate. The US Congress consists of the House of Representatives and the Senate. Congress acts as a legislator.

The legislative body in Indonesia wields considerable power. Article 20 of the Indonesian Constitution of 1945, as amended, supports the substantial authority. As noted by [Ridlwan and Nurbaningsih \(2018\)](#) and [Wahyuni \(2023\)](#), this provision aims to increase the DPR's influence. The Theory of Separation of Powers' ideal is not present in this situation. The condition described by the Theory of Separation of Powers involves a careful distribution and organisation of state powers through its institutional framework. The DPR should have functioned as an institution tasked with

the drafting of laws and regulations. However, DPR has outstripped its authority and gone beyond the idea of the rule of law that the Republic of Indonesia supports.

The rule of law holds immense historical importance in the fight for democracy. Hence, the rule of law and democracy often intertwine, forming what is commonly referred to as a democratic rule of law. However, the idea of democracy does not inherently encompass the presence of the rule of law, as the values that underpin democracy are intertwined with the components of the rule of law. Without a strong connection between the values that uphold democracy and the principles of the rule of law, it is unlikely that a state will truly embody democracy.

In order to establish a rule-of-law state that safeguards the rights of its citizens, it is crucial to have a shared vision and mission among the various components of the state, along with a strong commitment to democratic values (Tomsa, 2010; Ufen, 2018). In a democratic state, the rule of law is a reflection of the people's power to shape the legal framework that governs their society. It serves as a means to regulate interactions between citizens and safeguard their rights in the context of the relationship between the authorities and the people (Santos & Siman, 2022). From a democratic standpoint, a constitutional democracy has established a government with limited powers that cannot act arbitrarily towards its citizens. The Constitution firmly establishes these limitations. This concept is commonly referred to as constitutional government.

A constitution serves as a comprehensive set of principles that govern and define the powers of a government, protect the rights of the people, and establish the necessary relationships between the government and its citizens (Chemerinsky & Goodwin, 2019). The Constitution provides a comprehensive framework for a nation's governance, outlining the rules that govern and shape its government. The concept of constitutional democracy has undergone significant changes as human rights have become increasingly important and the power of the state has been restricted. There is a convergence between the democratic constitutional concept and a democratic rule of law state when it comes to restraining state authority and safeguarding citizens.

In order to effectively implement the idea of a democratic rule-of-law state, it is crucial to ensure that no citizen is exempt from the law. This means that all individuals are expected to comply with the law, as emphasised by Carlin and Sarsfield (2012) and Ginsburg and Versteeg (2021). By upholding the principle of equality before the law, it becomes imperative to exclude authoritarian powers from discussions surrounding the rule of law. This is because both types of power tend to lead to a lack of legal certainty, the absence of an independent and impartial judiciary, and a failure to uphold the principle of equality before the law. This statement holds significance as it highlights the fact that governments exhibiting authoritarian traits often assert themselves as rule-of-law states.

Hence, it is imperative to incorporate the term "democratic" into the lexicon of the rule of law. In the same vein, it is important to acknowledge that the House of Representatives in Indonesia is an integral component of the Indonesian state. Ensuring the representation of the people is an essential aspect of any democratic system. Within this context, the DPR functions as the representative of the populace. The DPR is a legislative body that has the power to create laws. It is crucial to exercise this authority while upholding the principles of democracy and social justice and being accountable to the people. In recent times, there has been an imbalance in the legislative function. The legal and political framework for establishing legislative bodies following the amendment of the 1945 Constitution aimed to transition away from a paradigm that heavily favoured the executive branch. During the New Order regime in Indonesia, the government underwent a phase where the President wielded significant political authority to intervene in all legislative processes. This arrangement was not appropriate.

Conversely, the current situation has witnessed the government delegating regulatory authority back to the representative body, the DPR. This practice is characterised by a strong emphasis on legislation. The DPR, as the holder of representative power, should prioritise the majority opinion of the people in formulating laws, as it embodies the people's sovereignty in Indonesia. However, it is worth noting that the DPR, under the guise of representing the people, does not consistently uphold the principle of popular sovereignty. In addition, the revised 1945 Constitution lacks precise and explicit restrictions on legislative power, resulting in situations where the DPR seems to function without any limitations in the legislative procedure.

Numerous laws, including the Omnibus Law (Law Number 11 of 2020 on Job Creation), have been passed without taking into account public aspirations. The drafting technique of this law was unfamiliar under Law Number 12 of 2011 concerning the Formation of Legislation and was expedited during the COVID-19 pandemic. This demonstrates a lack of wise decision-making by lawmakers, offering a valuable understanding of how the law functions in Indonesia within the realm of legislative authority. Ideally, laws should regulate matters for compliance, but instead, they sometimes become a source of conflict. The convergence of law and political reality is unavoidable, with the focus being on how political reality can effectively enforce sound laws. The creation of laws is a direct result of political processes conducted by legislative bodies. Unfortunately, the political process does not consistently yield laws that effectively address the desires of the public.

The shift in legislative power after the amendment is notable due to its institutional and functional aspects. Prior to the amendment, the authority to legislate was vested in the MPR and DPR. These two entities had distinct roles and responsibilities, with each member of the DPR automatically occupying a seat in the MPR during that period. Following the amendment of the 1945 Constitution, significant changes were made to the state

institutions within the legislative branch. This included the inclusion of the DPD in legislative power. As a consequence, three institutions were established within the legislative branch: MPR, DPR, and DPD. Indonesia's representation system is often described as "tri-cameral" due to the presence of three state institutions, each with unique functions outlined in the Constitution. Indonesia's representation system is often referred to as a bicameral system due to the presence of two institutions: the DPR and the DPD. It should be noted that MPR consists of members from both the DPR and the DPD.

Prior to the amendment of the 1945 Constitution, the power to pass legislation was vested in the President. The provision was included in the 1945 Constitution prior to the amendment in Chapter III, which pertains to the Powers of the Government. Article 5, paragraph (1), specifically states: "The President holds the authority to form laws with the approval of the People's Representative Council." Therefore, it became widely accepted that all bills originated with the President. The government, being responsible for governance, possessed the necessary expertise in establishing effective regulations and guiding the desired regulatory path. In modern constitutional practice, it is evident that the government holds a significant advantage in terms of bill submission over the legislative body.

There are multiple factors that contribute to this phenomenon. The government possesses extensive knowledge and understanding regarding the timing, rationale, and necessity of enacting particular policies. In addition, politicians serving in the legislative body are not obligated to have qualifications as law drafters. People working for the government or in settings closely related to government functions are typically those who incorporate the knowledge of experts or people with technical expertise into laws. Additionally, the government allocates significant funds to support research and the development of legislation. Furthermore, it is not mandatory for politicians serving as members of Parliament to possess technical qualifications as law drafters. As a result, Parliament's established procedures might become restrictive of the representatives' roles and its ability to serve as a representative body. Two things are necessary for the implementation of public participation: The DPR should establish itself as a formal political force representing the public rather than solely controlling the creation and assessment of laws.

A well-executed public participation process involves extending political discussions from Parliament to the general public through the utilisation of public spaces. Public spaces must fulfil two essential criteria: freedom and criticality. Freedom entails the ability for all parties to express themselves, assemble, and engage in political discourse at their discretion. Being critical involves being well-prepared and competent to objectively and responsibly examine public decision-making processes. It is important to note that political decision-making is not limited to the state apparatus and representatives of the people but also includes the entire citizenry. Democracy involves creating an environment where the general public can actively engage in resolving the state's issues and challenges.

The implications of a legislative-heavy system

The objective of bolstering the presidential system is to elevate the President's role as the chief executive and to promote efficiency and efficacy in their performance. Nevertheless, the President's position seems to have been weakened by the transition towards a system that places greater emphasis on legislation. The effectiveness of a government leader in empowering the bureaucracy is crucial for achieving good performance. It serves as the first step and a key indicator of success ([Im, 2013](#)).

Following the 1998 reform, Indonesia experienced a substantial transformation that had a profound effect on the established system. The change aimed to diminish the executive branch's excessive power and grant more authority to the Parliament (legislature) in order to exert control over the President's power and prevent authoritarian governance, as witnessed during the New Order era. The state system that the MPR established through amendments concentrated power in the hands of the DPR and lacked sufficient oversight from other state institutions to evaluate its effectiveness. The control system in the DPR should ideally operate effectively if the MPR truly embodies a genuine spirit of constitutional engineering. Political interests and conflicts within the MPR, primarily composed of DPR members, have led to constitutional reforms aimed at maximising the power of the DPR.

The lack of control over the DPR represents a type of manipulation within the parliamentary system, which was previously presented as having undergone reform into a bicameral system. Nevertheless, the function of the DPD, intended to provide balance to the DPR, is merely secondary in Indonesia's parliamentary system, which bears a strong resemblance to a unicameral system. It is clear that the DPD's authority is limited. The DPD serves as a high-level deliberative body, much like its predecessor, the Deliberative Body (DPA). Nevertheless, historical evidence indicates that the President frequently overlooked the concerns of the DPA, resulting in the DPA's loss of effectiveness and eventual disbandment ([Hannan, 2023](#)).

The transition from a system with a strong executive presence to one that emphasises the legislative branch did not immediately address the problem of excessive power within the institution. Instead, it gave rise to issues where the exercise of presidential authority became problematic within a political system that heavily favours the legislative branch. This system requires political compromises between the President and the DPR, resulting in conflicting interests and political factors, particularly in the decision-making process. Streamlining governance to limit the concentration of power within the presidential institution is inherently optimistic. Nevertheless, this concept presents challenges as it puts the President in a difficult position, necessitating extensive political compromises with the Parliament ([Rustow, 2015](#)).

The compromises and power struggles between the President and Parliament can be classified into internal and external compromises. In a presidential system, the President's authority is diminished by the accommodating position of the President and the interventionist role of political parties in Parliament. There are several negative implications to consider, such as the fragility of the political structure and the potential threats from Parliament to the President's policies. These factors can ultimately hinder the President's productivity as head of government. This system often results in power imbalances within the legislative body and undermines the effectiveness of the executive branch. In practice, the amendments to the 1945 Constitution have resulted in a shift from an executive-heavy system to a legislative-heavy system. This suggests a concentration of power in the hands of the DPR rather than the intended balance achieved through the constitutional amendments.

This trend may result in a minority president with weak parliamentary support. A hostile legislative body may prevent the President from advancing the government's agenda, resulting in inaction. Another possibility is that the President may bypass Congress and rule by executive order, causing friction and deadlock. One way to evaluate the performance of a presidential system is by assessing the level of interaction between the executive and legislative branches, which can sometimes result in impasses ([Hamudy & Rifki, 2019](#)). According to Scott Mainwaring and Matthew Soberg Shugart, this system can lead to minority Presidents, making it challenging for them to gain political support in Parliament and affecting their performance.

Article 37 of the Law on the People's Consultative Assembly, People's Representative Council, and Regional Representative Council shows the DPR's influence and power. There are several meanings of "no longer" meeting standards. A majority of parliamentarians opposing the President or Vice President and removing them could be misused.

In addition to the significant consequences of legislative power potentially impeding the President's productivity and effectiveness, the use of a legislative-heavy approach allows for the manipulation of the legal system. This collaboration between the President and the DPR could result in a legal framework that exerts control over nearly all aspects of the nation's affairs. The DPR, in collaboration with the President, possesses the power to establish laws that govern a wide range of areas, including its own functioning, the DPD, the Supreme Court, the Audit Board, the Judicial Commission, elections, political parties, national defence, security, human rights enforcement, and other relevant subjects ([Hamudy & Rifki, 2019](#)).

The functions of the DPR have had a significant impact on the formation of a legislative-heavy paradigm, as explained earlier. The implications of legislative heaviness, whether positive or negative, can be further explored as follows:

1. Producing More Laws

With its authority and influence, the legislature can expedite the legislative process and enact more laws. This could complicate regulations, raise implementation costs, and make laws harder to understand. After 30 days, a law will be legitimate and enforceable even if the President does not approve it.

2. Slower Decision-making:

The weight of legislation often results in prolonged decision-making as parliament members engage in extensive disputes and negotiations. This may impede the advancement and essential transformations within the nation.

3. They are potentially weakening the executive branch.

The executive branch, which includes the government and head of state, may have restricted powers in a system that mainly relies on legislation because Parliament controls decision-making. When Parliament blocks executive policies, government effectiveness and political instability may suffer.

4. Potential increase in executive dependence on the legislative branch:

When adopting policies, the executive branch must ensure they are legal. The DPR's legislative powers include creating laws. To gain majority support, the administration or government must negotiate with the DPR or certain political parties. This allows them to create and pass policy-aligned laws. This shows that the executive relies on the legislative branch, which reduces government autonomy and strengthens political parties' influence.

The impacts mentioned harm governance. It is clear that the separation of powers (*trias politika*) and checks and balances, which require harmony between the three branches of government, are not followed. The state's goal of people's sovereignty is undermined by legislative or executive influence. The separation of powers requires state power to promote harmony among government branches. In this particular context, checks and balances can operate effectively. The Constitution requires that the various branches of government effectively correct one another as they work together to achieve the goals of the state. According to [Faharuddin and Hakim \(2023\)](#), checks and balances must be in place to maintain a balanced and dynamic exercise of state power. An efficiently structured constitutional system is essential for the uninterrupted functioning of governance. Hence, it is advisable for stakeholders to consistently establish legal frameworks concerning the authorities of state institutions in order to promote equilibrium and cohesion within the governance framework.

Discussion

The Idea of the Ideal Legislative Institution in the Future

Considering the current legislative landscape following the amendment of the 1945 Constitution, it becomes imperative to modify the constitutional framework in Indonesia. It is widely recognised that the DPR, as the legislative body, is responsible for the legislative function, in accordance with Article 20, paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The DPR's legislative process includes several stages, such as planning, drafting, deliberation, approval, and promulgation. The legislative approval stage is often criticised as unbalanced. Article 73, paragraph (2) of Law Number 12 of 2011 concerning the Formation of Laws and Regulations (as amended by Law Number 13 of 2022) addresses the situation where the President does not sign a bill within 30 days of joint approval. Such draft laws are valid and must be declared. This provision enables the DPR to independently enact the draft law as legislation, regardless of the President's approval.

Upon analysis of the situation, it becomes evident that the President holds a pivotal position, serving as the representative of the executive branch tasked with the implementation of these laws. When a law is not in line with the President's perspective, it may result in decreased effectiveness during its implementation. As a result, the government's functioning can be impacted. This has happened multiple times in the constitutional history of Indonesia. As an illustration, President Joko Widodo did not sign the revision of the Corruption Eradication Commission Law. The President declined to sign the bill because it lacked immediate necessity and faced public opposition. After careful analysis, it is evident that the recent revision of the Corruption Eradication Commission Law significantly changed the core framework of the Corruption Eradication Commission, resulting in a compromised level of independence.

State institutions should be reformed, particularly in relation to their powers, in order to achieve a better balance in exercising state authority towards national objectives. The Senate and the House of Representatives share the legislative power in the United States. According to [Kuswanto \(2018\)](#), the power held by these two bodies is characterised by strong bicameralism, indicating a balance of powers between the state institutions. As a practical matter, any proposed legislation must receive approval from Congress, which is comprised of the Senate and the House of Representatives. Unlike the United States, where legislative functions are divided between two state institutions, the Senate and the House of Representatives, Indonesia has a single state institution, known as the DPR, that is solely responsible for legislation. The DPD plays a crucial role in supporting the DPR, specifically in areas concerning regional autonomy, central-regional relations, the establishment, division, and consolidation of regions, the administration of natural resources and other economic assets, and the financial equilibrium between the central and regional governments.

The President must also sign off on every bill that Congress (both the Senate and the House of Representatives) passes in order for it to become law. Consider a measure that the President doesn't approve or reject. The President can send the law back to the Senate and House of Representatives provided valid reasons are given. The President must also sign off on every bill that Congress (both the Senate and the House of Representatives) passes in order for it to become law. Consider a measure that the President doesn't approve or reject. The President can send the law back to the Senate and House of Representatives provided valid reasons are given.

From the previous explanation, it is clear that the legislative authority model in the United States can be used as a reference for implementation in Indonesia. It is recommended to implement a 10-day waiting period in which the President can present objections and valid reasons for rejection. If approved, the DPR should modify the bill's content in response to the President's objections. If the reasons for rejection are not deemed acceptable based on objective criteria, the DPR has the authority to dismiss those objections and proceed with enacting the bill into law. This authority paradigm reduces the legislative branch's burden.

However, reorganising the institution's authority is disturbing. The question is whether the DPR, which now legislates within the legal framework, has political determination. When the DPR's political will matches this perception, they can reform the People's Representative Council. Amendments to the 1945 Indonesian Constitution, particularly to legislative powers, can effect these authority changes. According to Article 3, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the MPR, which consists of the DPR and the DPD, is in charge of amending the Constitution. In addition, there is room for improvement in the regulation regarding legislative authority through the revision of the Law on the Formation of Legislation.

Conclusion

The Constitution is the legal basis for state institutions to exercise their powers. Over the course of its history, the Indonesian Constitution has undergone amendments that reflect changes in the authority of state institutions, including the executive and legislative branches. The 1945 Constitution of the Republic of Indonesia has undergone amendments that have shifted the power structure from being executive-heavy to legislative-heavy. The transformation is clear in the enhancement of the DPR as a legislative body, specifically in its legislative role. Strengthening includes the ability to pass laws without the President's signature. This legislative-heavy system has many effects. It may increase laws, slowing decision-making. The executive may become dependent on the legislative branch and diminish its authority. The effects damage governance continuity and violate the Constitution's separation of powers and checks and balances.

Efficient measures must be taken to tackle the existing legislative-heavy system. This involves reorganising the power of state institutions, especially in the legislative role, by making targeted changes to the 1945 Constitution of the Republic of Indonesia and revising the Law on the Formation of Legislation. To achieve the desired restructuring, one possible approach is to adopt a legislative authority model similar to that of the United States. This model would involve granting the President the power to veto bills passed by the DPR, as long as valid reasons for rejection are provided alongside such vetoes.

This study has limitations yet provides significant insights. The analysis uses only documentary data, not primary data. The U.S. legislative system is also briefly discussed. Policymakers and legal experts should be interviewed or surveyed in future studies. A deeper review of international cases may provide Indonesia with more reform possibilities. This study illuminates Indonesia's legislative-heavy structure and stresses the need to rebalance governmental institutional capabilities. Despite limitations, the findings improve comprehension.

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