

The Effectiveness of Checks and Balances in Indonesian Constitutionality in the Midst of Parliamentary Political Dominance

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Abstract

The principle of checks and balances is a fundamental instrument in the Indonesian constitutional system after the amendment of the 1945 Constitution to prevent the concentration of power in the executive institution (executive heavy). However, in practice in 2026, this function is often hampered by dynamic political realities. This study aims to analyze the effectiveness of the horizontal supervision mechanism between the House of Representatives (DPR) and the President in the framework of the presidential system in Indonesia, especially in the midst of the influence of the dominance of political party coalitions. The research method used is normative jurisprudence with a legislative approach and a conceptual approach. The results of the study show that constitutionally, the House of Representatives has been equipped with strong supervisory instruments through legislative, budget, and constitutional rights such as the right to interpellation and the right of inquiry. However, the implementation of these rights has been weakened due to the phenomenon of political dominance of the legislature which places the legislature under the umbrella of executive

strategic interests. This causes the supervisory mechanism to be a mere formality and lose its critical power. The contribution of this research lies in mapping the sociopolitical impact on the doctrine of separation of powers in Indonesia and providing a new perspective on the urgency of repositioning the role of the opposition in strengthening the presidential system. This study concludes that strengthening the principle of checks and balances not only requires a strict rule of law, but also requires the independence of political parties to prevent the return of authoritarianism. As a recommendation, it is necessary to strengthen the internal rules of parliament to guarantee the rights of minorities in carrying out supervisory functions without obstacles from the dominance of large coalitions.

Keywords *Checks and Balances, Constitutional Law, Parliamentary Political Dominance, Separation of Powers, Indonesian Democracy*

A. Introduction

The principle of checks and balances is a fundamental pillar in Indonesia's constitutional structure after the amendment of the 1945 Constitution which aims to limit power so that it is not concentrated in one state institution only.¹ This principle serves to maintain the balance of power between state institutions so as to prevent excessive dominance of one institution. The importance of this mechanism is rooted in Indonesia's long history which has shown a tendency to be executive heavy, namely the dominance of the President's power that exceeds the supervision mechanism of other state institutions. This condition has the potential to weaken the principle of checks and balances and cause an imbalance in the distribution of state power.²

. The Constitution stipulates that each branch of power, especially the House of Representatives (DPR) as the holder of legislative power and the President as the holder of executive power, must supervise each other within the applicable legal framework. The success of this checks

¹ Siska Habibah et al., "Implementation of the Concept of Peter L. Strauss Check and Balance in the Indonesian Institutional System," *Cerdika: Indonesian Scientific Journal* 5, no. 1 (2025): 360, <https://doi.org/10.59141/cerdika.v5i1.2431>.

² Febriansyah Ramadhan and Saiful Risky, "Presidential Power and Executive Aggrandizement in Shaping the Cabinet," *Veritas and Justitia* 11, no. 2 (January 4, 2026): 271–72.

and balances mechanism is the main guarantee of the realization of a government that is transparent, accountable, and responsible to the people as the owner of the highest sovereignty. In the presidential system of the post-reform era, the supervisory role of the House of Representatives is strengthened not only administratively, but also serves as a crucial tool to prevent the return of authoritarian practices that have damaged justice in the past. This balance ensures that every policy and decision made by the government remains in line with the aspirations of the community and the provisions of applicable laws and regulations. Without effective oversight, executive power tends to operate without adequate control.

But in reality, this principle of separation of powers is hampered by the dominance of a very massive political coalition in parliament. This poses a serious challenge to the cast of the principle of separation of powers.³ Because of the alignment of interests between the government and the political party elite, power is no longer centralized in a single figure, but is centralized through the synchronization of interests between political party leaders and the government that obscures institutional control restrictions. In order to maintain coalition stability, the legislature tends to support executive action, thus losing its basic role as a crucial balancer. This poses a significant constitutional risk. As a result, the supervisory function becomes less effective and risks being limited to the implementation of formal legal procedures.⁴

The weakening of the legislative oversight function due to the political dominance of parliament is the main basis for the urgency of this research. Indonesia's constitutional system risks falling into the practice of legal autocracy, a condition in which power is exercised through formal procedures but ignores the principle of substantive accountability if the political mechanisms that affect the application of legal norms are not critically examined. Therefore, efforts to increase legislative independence should not be merely a constitutional formality, but should be designed in such a way that the system of checks and balances remains an effective tool for regulating power in constitutional practice.

³ Eid al-Rishan, "The Risk of a Fat Coalition in the Presidential System in Indonesia'," *Ius Quia Iustum Legal Journal* 27, no. 2 (2020): 233, <https://doi.org/10.20885/iustum.vol27.iss2.art1>.

⁴ Rishan.

Studies on the interaction between the legislature and the executive have been widely discussed by previous researchers, one of which is a research conducted by Putu Eva which focuses on the implementation of the supervisory function as a balancing instrument to realize a proportional distribution of power according to the concept of Trias Politica.⁵ However, the majority of previous research tends to focus on normative aspects alone or only see the relationship between the two institutions as ideal political conditions. The limitation of the research lies in the lack of an in-depth study on how the phenomenon of parliamentary political dominance in practice can affect the effectiveness of the monitoring instruments that have been regulated in laws and regulations.

However, the sociopolitical dimension has not been widely accommodated, especially related to the political dominance of parliament through large coalitions which has the potential to reduce the effectiveness of checks and balances. In addition, there is a gap in analysis of how the majority power in the House of Representatives in the current context is no longer used as a means of critical supervision of the executive as idealized in Putu Eva's theory, but tends to be a tool for legitimizing government policies. This shows a dysfunction in the implementation of the function of legislative control over the executive in practice. Based on this, this study aims to fill this gap by reviewing the effectiveness of the DPR's supervision instruments under the influence of parliamentary political dominance.

The novelty of this research lies in a critical analysis of the paradox between the normative legal force of the rights of the House of Representatives, such as the right of inquiry and interpellation, and the sociopolitical reality that places the parliament in a power configuration that is not completely independent. This article asserts that without legislative independence, parliamentary political dominance has the potential to weaken the control function as an integral part of the system of checks and balances.

The existence of the Constitutional Court is a crucial influence as a guardian of the honor of the constitution through a judicial review mechanism. In this regard, the Constitutional Court has a crucial role as

⁵ Putu Eva, "Implementation Of the Supervisory Function of The House of Representatives in Effort to Strengthen the Presidential System in Indonesia," *CosmoGov* 4, no. 2 (2020): 247.

the last line of defense.⁶ When the legislative oversight function is weakened due to coalition dominance, the Constitutional Court carries out the function of testing and correcting regulations and executive actions that are seen as exceeding the limits of authority.

The purpose of this study is to identify several obstacles to the implementation of the supervisory function in the implementation of legislative oversight of the executive, as well as to highlight the need to strengthen the checks and balances mechanism in the coming period. To answer this, this article will discuss two main questions, namely: (1) How effective is the constitutional rights of the House of Representatives in supervising the President's policies in the midst of parliamentary political dominance; and (2) What factors hinder the implementation of the principle of checks and balances.

This study uses normative juridical research methods with two main approaches, namely the conceptual approach used to analyze the doctrine of checks and balances as the principle of separation of powers as a basis for maintaining the balance of power in state institutions. Meanwhile, the case approach is used to examine the dynamics of constitutional practices, especially regarding political dominance in parliament which results in the weakening of the legislative oversight function and has an impact on the effectiveness of the application of the principle of checks and balances in practice.

The structure of this article begins with a theoretical review of the government system, followed by an analysis of the dynamics of the relationship between the House of Representatives and the President, and ends with an analysis of the judicial role of the Constitutional Court as a strategy to strengthen the Indonesian constitutional system comprehensively.

B. The Dynamics of Checks and Balances in Indonesian Constitutionality

1. Reinterpretation of Trias Politica and the Doctrine of Checks and Balances in Indonesia

⁶ Shah Ramadhan Putra and Irsyaf Marsal, "The Power Of The Constitutional Court In Reconciling Political Conflicts: A Review Of Controversial Decisions," *Rewang Rencang : Lex Generalis Law Journal* Vol. 5, no. No. 10 (2025): p.4.

The reinterpretation of the theory of separation of powers in Indonesia after the amendment of the 1945 Constitution shows a transformation from the dominance of executive power to the strengthening of the legislative role, thereby creating more equal relations between state institutions through mutual supervision and balancing mechanisms.⁷ This classical doctrine is no longer rigidly understood as an absolute separation between branches of power, but is reinterpreted as a pattern of relations that emphasizes the function of control and coordination between state institutions.

After the amendment of the 1945 Constitution, Indonesia abandoned the vertical-hierarchical system of distribution of power and switched to the principle of separation of power which was horizontal-functional.⁸ This shift automatically positions the legislature, executive, and judiciary in an equal degree to prevent the accumulation of authority on one figure of the President as the center of power.⁹

The period of absolute dominance of one institution over another has come to an end with change. From the point of view of modern constitutional law, this equality is a functional imperative to ensure that each branch of power performs its responsibilities within the confines of the law, not merely a formal requirement. The reinterpretation of Trias Politica in Indonesia requires the presence of autonomous coordination, where each institution must have a limit of authority that should not be interfered with by partisan political interests. Thus, sovereignty is no longer centralized, but distributed in an institutional ecosystem that requires accountability in every area of authority.

2. Implications of Executive and Legislative Relations

This change in perspective fundamentally changed the construction of Indonesia's constitution from a tendency of executive weight to a balance between legislative and executive relations (legislative–executive parity). From the point of view of the

⁷ Kurdi and Ibnu Mazjah, "Separation of Powers in Government Systems: A Study on the Implementation of Trias Politica in Indonesia," *Journal of Law, Humanities and Politics* 5, no. 3 (2025): 2519–29.

⁸ Muhammad Jufri Dewa et al., "Implementation of The New Separation Theory of Power in the State Institutional System in Indonesia," *Halu Oleo Legal Research* | 6, no. 2 (2024): 432–48.

⁹ Kurdi and Mazjah, "Separation of Powers in Government Systems: A Study on the Implementation of Trias Politica in Indonesia."

constitution, the horizontal balance is only interpreted as an administrative separation of powers, but also as an institutional mechanism to prevent excessive concentration of power in one branch of government. In this condition, power is no longer in the hands of the President, but is distributed through a legal mechanism that prioritizes accountability.

Strengthening the role of the legislature in formulating strategic policies is a logical consequence of this equality. The legislature cannot be placed as a subordinate that merely ratifies the will of the government, the Legislature should be seen as an equal partner with the authority to test, evaluate, and reject executive initiatives that are contrary to the public interest.¹⁰ However, if parliaments do not have adequate independence and integrity, this horizontal structure will lose its effectiveness. Without real independence, trias politica has the potential to become just a formal mechanism. This reinterpretation must be seen as an effort to create a legal culture that views the law as the basis for policy legitimacy, not just a tool for political legitimacy of the rulers.

Therefore, the level of accountability and transparency before the legislature determines the legitimacy of executive policies. Without substantive equality, the monitoring mechanism has the potential to be reduced to an ineffective formal procedure, thus incapable of providing legal protection for the sovereignty of the people.¹¹ In the context of modern constitutionalism, the doctrine of checks and balances is an instrument to ensure that the people's sovereignty is not distorted due to the abuse of power, which is manifested through active but still independent interaction between the House of Representatives and the President. Institutional independence is necessary for this process to be successful; Without it, the trias politica will only be a normative construction that is incapable of fulfilling its supervisory role.

In addition, in the presidential system, the House of Representatives and the President have an equal and autonomous relationship that serves to realize the principle of checks and balances,

¹⁰ January Sihotang, "Structuring the DPR's Supervision of the President in the Context of Strengthening the Indonesian Presidential System," *Fundamental: Scientific Journal of Law* 13 (2024): 127.

¹¹ Lia Mastaria Duda et al., "Implementation of the Principle of Checks and Balances through Strengthening the Function of the House of Representatives in the Indonesian Constitutional System" 1 (2026): 2024–27.

especially in terms of the implementation of legislative functions and supervision.¹² In the constitutional system, the legislature has the authority to determine the agenda, discuss, and approve the draft law as a manifestation of the people's sovereignty, so that the relationship between the branches of power is built in an equal position and controlling each other as a form of the principle of checks and balances.¹³

The success of this mechanism depends heavily on the existence of institutional independence; without real independence, *trias politica* would simply be a functionally ineffective normative construct that fails to exercise its control function.¹⁴ Therefore, the reinterpretation of the separation of powers in Indonesia must be placed on efforts to maintain a balance between the effectiveness of government and strict parliamentary supervision.

However, in Indonesian constitutional practice, ideal relationship does not always run in a balanced manner. Political dynamics, especially the configuration of power in government, affect the effectiveness of the implementation of legislative oversight functions. This condition shows a gap between constitutional design and political practice, which will be discussed further in the next section. This condition may reflect a phenomenon referred to in the literature as 'legal autocracy', in which the government takes advantage of majority support in parliament to pass problematic regulations without an adequate public deliberation process.¹⁵ Political consolidation that is too strong in parliament has the potential to cause legislative oversight

¹² Habibul Umam Taquiuddin et al., "The Paradox of the Presidential Multiparty System and the Weakening of Legislative Checks and Balances After the Amendment of the 1945 Constitution," Source: Journal of Law, Social, and Humanities 4, no. 2 (2026): 18–36.

¹³ Fajriatul Fuadi, "Supervision of Executive Power by the Legislative Institution in the Indonesian Constitutional System and the Principle of Hisbah in Islam," Madania: Journal of Criminal Law and Islamic Constitutionality 15, no. 1 (2025): 67–76.

¹⁴ Fajriatul Fuadi, "Supervision of Executive Power by the Legislative Institution in the Indonesian Constitutional System and the Principle of Hisbah in Islam," Madania: Journal of Criminal Law and Islamic Constitutionality 15, no. 1 (2025): 67–76.

¹⁵ Islamic University of Indonesia, "Autocratic Legalism and the Decline of Constitutional Court," Canon: Journal of Law 27, no. 3 (2025): 591–612.

instruments to lose their effectiveness and political repression.¹⁶ When the legislature no longer performs its critical functions independently, the principle of separation of power has the potential to shift towards a tendency to overt the concentration of power. This creates a great sociopolitical risk, where public policies can potentially no longer represent the public interest at large. rather, it only serves as legitimacy for a limited political consensus that ignores aspects of justice and fiscal sustainability of the state.

3. The "Fat Coalition" Paradox and the Dysfunction of Parliamentary Oversight

The effectiveness of the supervisory function of the House of Representatives through the constitutional instruments owned by the legislature in the supervisory function faces serious challenges when faced with the reality of the government coalition that is too dominant in parliament.¹⁷ The coalition's dominance narrows the space for dissent in parliament, so that the control function of government policies does not run optimally. The political dominance of parliament encourages the formation of a political orientation of parliamentarians that is more in line with the interests of the ruling party than the implementation of its constitutional mandate as a government supervisor. This condition has implications for the decline in the effectiveness of the checks and balances mechanism politically, especially due to the limited power of the opposition in balancing executive policies.¹⁸

From an institutional perspective, the phenomenon of parliamentary political dominance not only represents the consolidation of political power, but also creates a distortion in the incentive structure of decision-making in parliament. When the majority of legislative seats

¹⁶ Eric Benyamin Langiran and Rahmawati Al Hidayah, "Comparison of the Application of the Principle of Checks and Balances between the New Order and the Reform Period in Indonesia," *Yuriska : Journal of Law* 17, no. 2 (2025): 238–44.

¹⁷ Muhammad Fawwaz and Farhan Farabi, "Journal of Constitution & Democracy the Effectiveness of the Supervisory Function of the House of Representatives in the Midst of the Dominance of the Fat Coalition" 5, no. 2 (2025), <https://doi.org/10.7454/JKD.v5i2.1507>.

¹⁸ Muhammad Fawwaz and Farhan Farabi, "Journal of Constitution & Democracy the Effectiveness of the Supervisory Function of the House of Representatives in the Midst of the Dominance of the Fat Coalition" 5, no. 2 (2025), <https://doi.org/10.7454/JKD.v5i2.1507>.

are concentrated in one axis of power, the deliberative mechanism that should be a space for the exchange of ideas turns into a space for confirmation of decisions that have been agreed upon at the elite level.¹⁹

In such conditions, differences of opinion are no longer positioned as an inherent part of the democratic process, but as a deviation that must be minimized. As a result, the quality of supervision has not only declined quantitatively, but also undergone substantive degradation due to the loss of critical dialectics in the legislative and oversight processes. Normatively, these rights are instruments of control to keep the executive from exceeding the limits of his authority. However, in practice, its use is often influenced by electoral political interests, namely the orientation to obtain or maintain support in elections, so it is not always carried out objectively as a monitoring mechanism.²⁰ In such situations, the use of the right of inquiry or interpellation is often not driven by constitutional urgency, but by short-term political calculations oriented to electoral gain or consolidation of power. In fact, the supervisory function of the House of Representatives is no longer solely within the framework of checks and balances, but tends to shift to a mechanism that places the President as if he is in a forum of accountability to the House of Representatives for the benefit of certain political lobbying.²¹ This creates an anomaly in which surveillance is no longer aimed at enforcing the law, but rather as a bargaining chip between coalition elites.

This misuse of function creates an erosion of public trust; the public sees parliament not as a protector of sovereignty, but as a transactional arena for the interests of the party oligarchy. If oversight is only carried out when the interests of the elite are disturbed, this indicates an indication of a decline in the quality of constitutional democracy, which is characterized by the persistence of formal institutional structures, but not accompanied by substantive

¹⁹ Mizwar Siregar, Piers Noak, and Tedi Erviantono, "Decision Making Dynamics in the Plenary Meeting of the House of Representatives of the Republic of Indonesia: A Literature Study on the Role of Factions and Political Interests," *Triwikrama: A Multidisciplinary Journal of Social Sciences* 11, no. 2 (2025).

²⁰ Jamaludin Ghafur, *The Influence of Political Party Coalitions on the Formation of Professional Cabinets (Zaken Kabinet) in Indonesia*, 2023.

²¹ Sihotang, "Structuring the DPR's Supervision of the President in the Context of Strengthening the Indonesian Presidential System."

accountability practices.²² Uncontrolled political dominance has the potential to reduce the effectiveness of supervisory mechanisms in the constitutional system, so that potential executive irregularities are not handled optimally in conditions of strong coalition consolidation.

This shift is also reflected in the legislative tendency that has begun to interfere with the prerogative of the President, which to some extent obscures the character of the presidential system and leads to practices that resemble the parliamentary system.²³ As reflected in the provisions of Article 74 of Law Number 2 of 2018 which requires every party, including the President, to follow up on the recommendations of the House of Representatives.²⁴ This provision not only erodes executive independence, but also has the potential to create majority dominance in the political decision-making process, where the ruling coalition can use regulation to legitimize its political interests.²⁵

Furthermore, this condition shows that the problems faced are not only the individual behavior of parliamentarians, but have transformed into systemic problems in power relations. The overly dominant structure of the coalition creates a high political dependence between the legislature and the executive, so that the control function loses its autonomy.²⁶ In such a situation, political loyalty is no longer a strategic choice, but rather a structural consequence of the existing power configuration. As a result, the supervisory mechanism does not run as an instrument of correction, but instead functions as a legitimacy

²² Desi Natalia Sihombing and the Indonesian Defense University, "Impeachment in Indonesian Presidential Democracy: Between Constitutional Legality and Political Legitimacy," *The Lost Politics Journal* 3, no. 1 (2025): 36–56.

²³ Andryan, "the Shift in Presidential Prerogative Power in the Presidential System After the Amendment of the 1945 Constitution," *Constitution Bulletin* 4, no. 2 (2023): 46–71.

²⁴ Zia Sania Zaqiva, "The Implications of the Prabowo Gibran Government's Fat Coalition on the Supervisory Function of the House of Representatives (DPR)" (UIN SUNAN KALIJAGA YOGYAKARTA, 2026), <http://digilib.uin-suka.ac.id/id/eprint/75524>.

²⁵ Fawwaz and Farabi, "Journal of Constitution & Democracy The Effectiveness of the Supervisory Function of the House of Representatives in the Midst of the Dominance of the Fat Coalition."

²⁶ Dominance of Votes, Factions Against, and Representatives in Indonesia, "Centralization of Power in Parliament: Implications of Faction Vote Dominance on Representative Democracy in Indonesia," *JOURNAL OF LEDHaK FACULTY OF LAW UNHAS* 3, no. 1 (2025): 163–77.

for predetermined policies. This shows that the crisis of parliamentary oversight has to do not only with weak normative commitments, but also with the design of power relations that do not leave room for effective opposition.²⁷

This coalition hegemony ultimately creates conditions of "pseudo- surveillance". In the courtroom, the criticism that arises is often just a procedural formality to abort constitutional obligations, with no real intention to profoundly correct government policies.²⁸ The synchronization of interests between political party leaders and the government results in the channels of people's aspirations in parliament being blocked by the narrow interests of elite groups. This condition then gives birth to a tendency for majority dominance in policy-making, where the will of the coalition is positioned as a legal truth that no longer goes through an adequate deliberation process.²⁹

As a result, the principle of the state of law (*rechtsstaat*) is slowly shifting into a state of power (*machtsstaat*) wrapped in procedures that look official.³⁰ In this condition, the law no longer functions as an instrument of justice, but as a tool of policy legitimacy that has been determined by political power.³¹ The right of inquiry and interpellation is no longer used to test the truth objectively, only as a bargaining tool to secure positions or allotments of power. This situation reinforces the indications of a deterioration of democracy; democratic institutions remain physically standing, but their functions have been paralyzed from within by the agreement of elites who neglect responsibility to the

²⁷ Zaqiva, "The Implications of the Prabowo Gibran Government's Fat Coalition on the Supervisory Function of the House of Representatives (DPR)."

²⁸ Sihombing and Ri, "Impeachment in Indonesian Presidential Democracy: Between Constitutional Legality and Political Legitimacy."

²⁹ The synchronization of interests between political party leaders and the government results in the channels of people's aspirations in parliament being blocked by the narrow interests of elite groups. This condition then gives birth to a tendency for majority dominance in policy-making, where the will of the coalition is positioned as a legal truth that no longer goes through an adequate deliberation process

³⁰ Yumna Fahira, "System of Checks and Balances in Maintaining Principles," *ACADEMIC MEDIA JOURNAL (JMA)* 3, no. 6 (2025): 2–12.

³¹ Kurdi and Mazjah, "Separation of Powers in Government Systems: A Study on the Implementation of *Trias Politica* in Indonesia."

public.³² In such conditions, the weakening of the supervisory function is no longer just an institutional technical problem, but has developed into a serious threat to constitutional principles, so it is necessary to strengthen the role of judicial institutions and civil society as a control mechanism from outside parliament.

C. Crisis and Reconstruction of Checks and Balances

1. The Role of the Constitutional Court as a Counterweight in the Checks and Balances System

In Indonesia's constitutional structure after the amendment of the 1945 Constitution, the Constitutional Court occupies a strategic position as the guardian of the constitution. Its existence is not only understood as a judicial institution, but also as a key actor in maintaining the balance of power between the branches of state power. In the framework of checks and balances, the Constitutional Court functions to ensure that every action and legal product produced by the legislature and the executive remains within the constitutional corridor, so that the principle of constitutional supremacy is not only normative, but also implemented in constitutional practice.³³ This role becomes increasingly relevant when the relationship between the House of Representatives and the President tends to run too dominantly in one direction, so that the political oversight mechanism does not always function optimally. In addition, the Constitutional Court also has an important role in maintaining the consistency of constitutional interpretation and preventing the occurrence of power abuses that have the potential to harm the constitutional rights of citizens.³⁴

This role is then carried out concretely through the authority of the Constitutional Court in testing the law against the 1945 Constitution. In the framework of checks and balances, this authority is a form of judicial control over political products produced by the House of Representatives and the President. It is undeniable that in practice, the legislative process is often influenced by certain political

³² Kurdi and Mazjah, "Separation of Powers in Government Systems: A Study on the Implementation of Trias Politica in Indonesia."

³³ Pakpahan and M, "The Role of The Constitutional Court as The Guardian of The Constitution: A Critical Analysis of Constitutionalism in Indonesia."

³⁴ Pakpahan and M, "The Role of The Constitutional Court as The Guardian of The Constitution: A Critical Analysis of Constitutionalism in Indonesia."

configurations, especially when the support of the majority of parliament is in a coalition with the government. This condition has the potential to give birth to laws that are procedurally valid, but substantially problematic. Therefore, judicial review serves as a correction mechanism that allows the Constitutional Court to reassess the conformity of a norm with the constitution.³⁵

Thus, this function strengthens the system of checks and balances by presenting legal channels as a counterweight when political control is not effective. In addition to testing the law, the role of the Constitutional Court in the checks and balances mechanism is also seen in its authority to resolve authority disputes between state institutions as stipulated in Article 24C paragraph (1) of the 1945 Constitution and the Constitutional Court Law.³⁶

This dispute usually arises due to differences in interpretation of the limits of authority, which if left unchecked can open up the space for dominance of one of the institutions. In this case, the Constitutional Court serves as an intermediary that ensures that each institution continues to act in accordance with the constitution. His decision not only resolves conflicts, but also affirms the limits of power so that there is no unilateral expansion of authority. Thus, this authority is an important instrument to maintain the balance of relations between state institutions.

However, the effectiveness of the Constitutional Court in carrying out the function of checks and balances is not completely without challenges. In practice, the Constitutional Court remains in a dynamic political space, so potential pressure, both direct and indirect, cannot be ignored. This condition can affect how the Constitutional Court's decision is perceived, even to a certain extent it has the potential to interfere with the independence of the institution. In fact, in the framework of checks and balances, independence is the main requirement so that the judicial supervision function can run objectively. When independence weakens, the role of the Constitutional Court as a power controller is also reduced. Therefore, strengthening the integrity of constitutional judges and the institution of the

³⁵ Pakpahan and M, "The Role of The Constitutional Court as The Guardian of the Constitution: A Critical Analysis of Constitutionalism in Indonesia."

³⁶ "Law of the Republic of Indonesia No. 8 of 2011 Concerning Amendments to Law No. 24 of 2003 Concerning the Constitutional Court," Pub. L. No. 8.

(2003), <https://jdih.mahkamahagung.go.id/legal-product/uu-nomor-8-tahun-2011/download/dokumen#>.

Constitutional Court is crucial so that this institution remains able to carry out its role as a balancer of power effectively.

In the context of the relationship between the House of Representatives and the President, which is dominated by a large political coalition, the role of the Constitutional Court is becoming increasingly important in maintaining the checks and balances mechanism.³⁷ This dominance often has an impact on the weakening of the legislative oversight function, so that control over executive policies does not run optimally. In this condition, the Constitutional Court is present as the "last bastion" that can correct problematic legal products or policies through the judicial channels. Thus, the Constitutional Court functions as a counterweight when political supervision is dysfunctional.

In addition to maintaining a balance between state institutions, the Constitutional Court also plays a role in protecting the constitutional rights of citizens as part of the checks and balances mechanism. Through the testing of laws, people can test norms that are considered detrimental to their rights, especially when political channels are no longer effective. This shows that the function of the Constitutional Court is not only to control power, but also to be a means of protection against potential abuse of authority by the state.³⁸ Thus, checks and balances are not only interpreted as inter-institutional relationships, but also as an effort to keep power from harming citizens.

However, the Constitutional Court cannot be used as the sole focus in maintaining the checks and balances mechanism. The excessive dependence on the Constitutional Court actually shows that the supervisory functions of other institutions, especially the House of Representatives, as stipulated in Article 20A of the 1945 Constitution and the MD3 Law, have not run optimally. In an ideal system, the balance of power should be maintained through healthy interaction between the legislature, executive, and judiciary, so that there is no accumulation of supervisory functions in one institution alone.³⁹

³⁷ Pakpahan and M, "The Role of The Constitutional Court as The Guardian of the Constitution: A Critical Analysis of Constitutionalism in Indonesia."

³⁸ Rofy Candra Rusdiana Monika Esterina Situmorang, Melinda Yunita Sirait, "Strengthening the Function of The Constitutional Court of the Republic of Indonesia as Guardian of Democracy Through the Mechanism of Constitutional complaint and Constitutional Question," *Studia Legalia Journal : Journal of Legal Science* 4, no. November (2023): 49–73.

³⁹ Title, "System of Checks and Balances in Maintaining Principles."

1. *Distortion of Checks and Balances in Indonesian Constitutional Practice*

Normatively, the checks and balances mechanism in the Indonesian constitutional system has been adequately designed through the division of authority between state institutions that supervise and balance each other. However, in practice, this mechanism is distorted due to the dominance of political coalitions in parliament which paralyzes the parliament's critical power in testing executive policies.⁴⁰ No longer fully operating within a framework of mutual scrutiny, the relationship between the legislature and the executive tends to be fraught with political compromises that place coalition stability as a top priority.

In this context, the supervisory function included in the exercise of budgetary authority (power of the purse) often takes place without adequate critical evaluation of fiscal policies and priorities. As a result, the process remains ongoing but does not result in substantive testing of state policies. Control mechanisms that should be corrective have shifted to "pseudo-supervision"

The DPR's limitations in criticizing budget reallocations from priority sectors, such as infrastructure, education, and health, make national strategic sectors tend to lose their role, because they are more directed to support government policies⁴¹ In this situation, the education and health sectors seem to be no longer treated as strategic priorities, but are reduced to the main supporting sectors of government policies. This condition shows that the will of the majority of the coalition tends to be positioned as the dominant constitutional truth, while critical views are often marginalized in the policy-making process. As a result, the House of Representatives no longer fully carries out its role as a representative of the people's voice but rather functions as an adherent of government policies. This shift blurs the line between the supervisory function and the legitimacy of power, so that to some extent it leads to the practice of the state of power (*machtsstaat*) packaged in legitimate formal procedures.

⁴⁰ Sihombing and Ri, "Impeachment in Indonesian Presidential Democracy: Between Constitutional Legality and Political Legitimacy."

⁴¹ Fawwaz and Farabi, "Journal of Constitution & Democracy The Effectiveness of the Supervisory Function of the House of Representatives in the Midst of the Dominance of the Fat Coalition."

2. Strengthening the Checks and Balances Mechanism through Parliamentary Internal Reform

(1) Strengthening the Individual Independence of Members of the House of Representatives

One of the root problems in the weakening of parliamentary oversight functions lies in the low independence of individual members of the House of Representatives in carrying out their constitutional mandate. In constitutional practice, the political orientation of legislative members is often determined more by the party's policy line than by objective considerations of the public interest. This condition creates a distorted representation relationship, where members of the House of Representatives no longer function as substantive representatives of the people, but as actors who are under internal political pressure that limits their freedom of judgment and attitude.⁴² A number of studies have shown that the dominance of party interests in the legislative and oversight processes has encouraged excessive political compromise, thereby reducing the effectiveness of the control mechanism against executive power.

Therefore, strengthening the individual independence of members of the House of Representatives is a fundamental prerequisite in reconstructing the effectiveness of the legislative supervisory function.⁴³ One of the measures that can be considered is to limit the practice of rigid internal party control over members' political attitudes, thus allowing space for rational dissent in the decision-making process. In this context, protection against dissenting opinions is important as a form of guarantee that every member of the legislature has the freedom to express critical views without excessive political pressure. In addition, the transparency of political attitudes of members of the House of Representatives also needs to be strengthened as part of the public accountability mechanism. Openness to how and on what basis a decision is made will encourage the creation of more effective social control of

⁴² Renville Antonio, "Indonesia's Development Through Reformulation," *Iblam Law Review* 3, no. 2 (2023): 211–33.

⁴³ I Gusti Ngurah et al., "Reconstruction of the Principle of Check and Balance in the Legal Framework: Building a Balanced Foundation of Power," *Rio Law Journal* 5, no. 2 (2024): 548–56.

society.⁴⁴ Thus, independence is not only interpreted as freedom from internal political intervention, but also as open responsibility to the public for every policy choice taken. Thus, independence is not only interpreted as freedom from internal political intervention, but also as open responsibility to the public for every policy choice taken. With this strengthening of individual independence, it is hoped that the relationship between the legislature and the executive can return to a more balanced framework. Members of the House of Representatives are no longer trapped in the logic of coalition loyalty alone, but are able to carry out their supervisory functions objectively and based on constitutional mandates. At this point, the checks and balances mechanism not only lives at the normative level, but also functions as an instrument to keep state power within constitutional limits.

(2) Rearrangement of Political Party Relations in the Representation Function of the House of Representatives

The dominance of political parties in the parliamentary structure is one of the main factors that affect the weakening of the legislative oversight function in constitutional practice. In a strong party system, members of the House of Representatives tend to be integrated in the party's institutional mechanisms that systemically direct the decision-making process in parliament and demand loyalty to the established policy line. As a result, the orientation of decision-making in parliament tends to reflect more the consolidation of party interests than the articulation of public interests broadly.

In this context, the rearrangement of these relations is a crucial step to restore the balance between the function of representation and political discipline. The ideal relationship is not one that eliminates the role of political parties, but one that places the party as a facilitator of representation, not as the absolute controller of political decisions. Thus, members of the House of Representatives remain within the party's ideological framework, but have sufficient autonomy to carry out their constitutional mandate independently.

⁴⁴ Alvin Rusdian Faiz, "The Function of The House of Representatives in The System of Checks and Balances: Emile Durkheim's Approach to Legal Sociology," *JOURNAL OF LAW CARAKA JUSTITIA* 5, no. 2 (2025): 149–63.

In addition, strengthening the representation function also requires transparency in the relationship between members of the House of Representatives and political parties. The public needs to have access to know the extent to which a legislator's political position reflects the aspirations of his constituents or simply follows the party's direction. This transparency is important to ensure that the accountability of DPR members does not stop at the party structure, but also reaches the public as sovereign holders.⁴⁵

(3) Strengthening the Quality of Parliamentary Deliberation
 Strengthening the quality of parliamentary deliberations is a crucial aspect in ensuring that the legislative and supervisory process does not stop at the level of procedural formalities. Normatively, the House of Representatives has had various deliberative forums, such as working meetings, discussion of bills, and hearing forums. However, in practice, such mechanisms do not always develop into a space for the critical and independent exchange of ideas, but rather tend to serve as a means of confirmation of decisions that have been formed previously in a particular political configuration.

Within this framework, strengthening the quality of deliberation must be directed at creating a discourse space that allows for substantive exchange of ideas. One of the important steps is to encourage the obligation to prepare independent academic studies in every strategic policy discussion, so that the decision-making process is not only based on political considerations, but also on objective and data-based analysis. In addition, the hearing forum needs to be transformed into a meaningful participation space by directly involving experts, academics, and community groups who are directly affected.⁴⁶

This research shows that the main problem in the checks and balances mechanism in Indonesia does not lie in the absence of rules, but in the way power is exercised behind them. In a political configuration dominated by a large coalition, the House of Representatives has not completely lost its supervisory function, but has instead undergone a more subtle and dangerous shift, namely to become

⁴⁵ Ngurah et al., "Reconstructing the Principle of Check and Balance in the Legal Framework: Building a Balanced Foundation of Power."

⁴⁶ Vieta Cornelis, Andik Mannulusi, and Fritz Siregar, "The Use of the Deliberative Legislative Process Method in the Formation of Election Law After the Constitutional Court Decision Number: 135/PUU-XXI/2024 concerning the Separation of National and Local Elections," *Journal of Bawaslu of Riau Islands Province* 7, no. 2 (2025): 88–107.

"pseudo-supervision". Procedures are still running, forums are still held, criticism is still heard, but everything stops on the surface without the power of force to correct policies. At this point, the constitutional function is no longer a tool for controlling power, but merely a formal legitimacy of previously agreed decisions. The implication is that Indonesia's presidential system is slowly moving towards a veiled form of concentration of power, which does not appear authoritarian, but has minimal correction and is increasingly away from the spirit of public accountability.

D. Conclusion

This research reveals that the implementation of the checks and balances mechanism in the Indonesian constitutional system has not run optimally in practice, especially in the relationship between the House of Representatives and the president in the midst of the strong dominance of political coalitions in parliament. A study of the effectiveness of the implementation of the constitutional rights of the House of Representatives and its inhibiting factors suggests that although the supervisory apparatus is available normatively, its implementation tends to weaken due to the configuration of power that leads to the consolidation of political interests between the legislative and executive branches. This situation has caused the supervisory function to shift to just a procedural formality, so that the essence of checks and balances is in danger of losing substance in maintaining the balance of power.

This finding has implications for the emergence of a tendency to concentrate power that is hidden in the Indonesian presidential system if it is not accompanied by the strengthening of effective control mechanisms. Therefore, strategic efforts are needed in the form of increasing the independence of the legislative institution, restructuring relations between political parties in parliament, and improving the quality of the legislative process to restore the supervisory function of the House of Representatives. In addition, strengthening the role of the Constitutional Mahkamah and optimizing external control by civil society are crucial components to ensure that the principle of checks and balances continues to run substantively in Indonesian constitutional practice

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Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

None

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

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