

## Testing the Principles of Separation of Powers and Checks and Balances in the Executive-Legislative Relations of Indonesia

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### ABSTRACT

**Background:** The relationship between the executive and legislative branches in Indonesia has been a focal point of political discourse, especially in the context of the principles of separation of powers and checks and balances. Despite being integral to democratic governance, these principles face significant challenges in their practical application, often undermined by political dynamics and institutional weaknesses.

**Aims:** This study aims to critically evaluate the real-world application of separation of powers and checks and balances in the executive-legislative relations of Indonesia. It seeks to explore whether these constitutional principles are being effectively upheld and how their implementation affects the balance of power between these branches.

**Methods:** Using a normative legal research methodology with a doctrinal approach, this research analyzes primary legal sources, including the Indonesian Constitution and relevant laws, as well as secondary sources such as academic journals and political reports. A qualitative analysis of executive-legislative interactions was conducted, focusing on legislative processes and political maneuvering.

**Result:** The findings reveal that while the principles of separation of powers and checks and balances are enshrined in Indonesia's Constitution, their practical application is often compromised. The executive branch exerts significant influence over the legislative process, with checks and balances mechanisms frequently rendered ineffective due to political alliances and power imbalances.

**Conclusion:** This study concludes that the principles of separation of powers and checks and balances are inadequately implemented in Indonesia's political system. Reforming these mechanisms is essential for enhancing democratic governance and ensuring greater accountability within the political structure.

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## Introduction

The relationship between the executive and legislative branches is a cornerstone of democratic governance, designed to prevent the concentration of power in one branch and ensure a system of checks and balances. These principles are crucial to safeguarding individual freedoms and upholding the rule of law in democratic societies. In Indonesia, these principles are embedded within the 1945 Constitution (UUD 1945), which outlines the distinct roles of the executive, legislative, and judicial branches. However, despite these constitutional provisions, the practical application of separation of powers and checks and balances has been contested due to political dynamics and institutional constraints (Bowie & Renan, 2022; Roisman, 2024). The executive, led by the President, often wields significant influence over the legislative branch, raising concerns about the independence of the legislature and the proper functioning of checks and balances.

The political environment in Indonesia is heavily influenced by party politics, where the President's party often holds a significant portion of the legislative seats, leading to a reduced capacity for the legislature to act independently. These political alignments frequently result in the legislative branch's limited ability to check the executive's actions, challenging the balance of power intended by the Constitution. This issue is further compounded by the coalition-building process, where shifting alliances among political parties create a fluid and unpredictable political landscape, complicating efforts to maintain the separation of powers (Tladi, 2024). Moreover, institutional weaknesses, such as insufficient

oversight mechanisms and limited legislative capacity, hinder the effective application of checks and balances, which should otherwise act as counterweights to the power of the executive (Ahdout, 2022).

Despite these challenges, the importance of separation of powers and checks and balances cannot be overstated, as they are essential to the health of any democracy. A functioning system of checks and balances promotes accountability, prevents authoritarian rule, and ensures that no single branch of government becomes too powerful (Adiguzel, 2025; Da Ros & Taylor, 2021). In the case of Indonesia, the effective implementation of these principles is crucial for strengthening democratic governance and ensuring political stability. The need for a deeper examination of how these principles function in practice within Indonesia's executive-legislative relations is therefore of paramount importance.

The concept of separation of powers has its origins in the works of Montesquieu, who argued that liberty is best protected when the functions of government are divided among distinct branches. This idea, which emphasizes the need for independent and autonomous branches of government, has influenced political theory and constitutional design across the world. In Indonesia, the separation of powers is enshrined in the 1945 Constitution, but scholars have pointed out the challenges in applying these theoretical principles in the context of Indonesia's political system. Research on Indonesia's political system, such as studies by (Alvian & Ardhani, 2023), has examined the tensions between the executive and legislative branches and the difficulties in ensuring a genuine separation of powers (Bowie & Renan, 2022). While much of the literature on the Indonesian political system has focused on the theoretical underpinnings of separation of powers and checks and balances, there is a lack of empirical studies that explore how these principles are enacted in practice. For instance, studies have often isolated the roles of the executive or the legislature but have not adequately addressed how these branches interact with one another and influence the overall balance of power. Furthermore, much of the existing literature focuses on historical perspectives or the early post-Reformasi years, leaving a gap in understanding the current political dynamics (Hidayatulloh, 2024). This study aims to fill this gap by examining the real-world application of these principles in the day-to-day interactions between the executive and legislative branches in Indonesia.

Despite the abundance of literature discussing the theoretical aspects of separation of powers, there remains a significant gap in empirical research addressing how these principles function in the actual political climate of Indonesia (Malik et al., 2024). Most existing studies focus on institutional design or constitutional theory, without sufficiently analyzing the practical challenges and real-world application of separation of powers and checks and balances within the political system. This leaves an important aspect of Indonesia's democracy unexplored specifically, how the executive-legislative relationship influences the effectiveness of these principles (Achmad Aulia, 2025). Furthermore, many studies have focused either on the executive's influence over policy-making or the role of the legislature, without examining the dynamic interplay between these two branches. This lack of focus on the interaction between the executive and legislative branches limits our understanding of how separation of powers and checks and balances are implemented in practice, and whether they are effective in preventing the consolidation of power (Da Ros & Taylor, 2021). By exploring this gap, this study aims to provide a comprehensive understanding of how the relationship between the executive and legislature shapes the functioning of these democratic principles in Indonesia (Widiarto et al., 2025).

This study is significant because it addresses an important gap in the literature regarding the practical application of the separation of powers and checks and balances in Indonesia's political system. Although these principles are constitutionally mandated, their real-world application is often hindered by political realities and institutional shortcomings. By investigating the executive-legislative relations in Indonesia, this research provides valuable insights into the effectiveness of these principles and offers recommendations for strengthening democratic governance. Understanding the challenges faced in implementing these principles will help inform future reforms aimed at improving Indonesia's political system (Salomo & Rahmayanti, 2023)

The purpose of this study is to empirically assess the application of the principles of separation of powers and checks and balances within the executive-legislative relations of Indonesia. The study hypothesizes that while these principles are constitutionally guaranteed, their practical application is often undermined by political and institutional factors. It is expected that the executive branch holds significant influence over the legislative process, thereby limiting the effectiveness of checks and balances mechanisms in practice (Da Ros & Taylor, 2021). The study will examine how political dynamics and institutional weaknesses affect the functioning of these democratic principles, and propose reforms to enhance the balance of power in Indonesia's political system (Hermanto et al., 2024).

## **Method**

### **Research Design**

This study employs a qualitative research design with a case study approach to explore the application of the principles of separation of powers and checks and balances in the executive-legislative relations of Indonesia. The case study approach is chosen because it provides an in-depth understanding of how these principles operate in practice, beyond theoretical or constitutional contexts. This method allows for a comprehensive investigation into Indonesia's political system, focusing on the interactions between the President and the People's Representative Council (DPR). The case study design is particularly suitable for examining complex political issues, where qualitative insights are required to understand the nuances of institutional behaviors and political negotiations.

### **Participant**

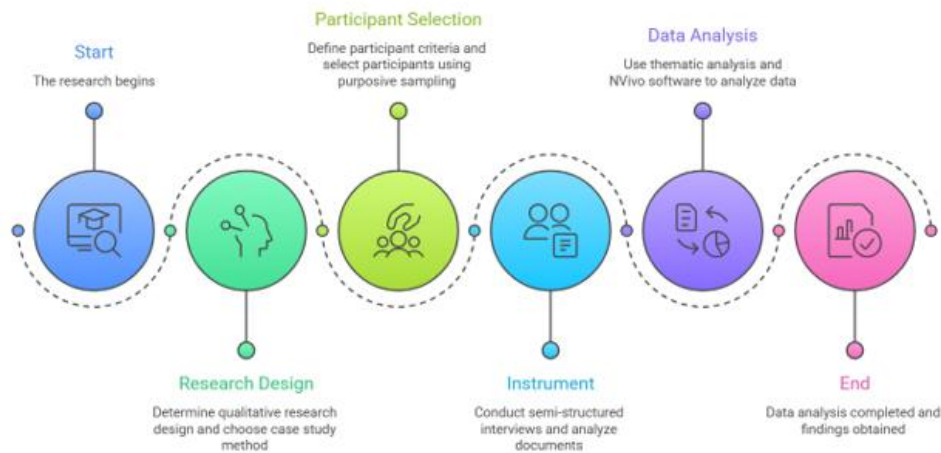
Participants in this study include political experts, academics specializing in Indonesian political systems, and members of the Indonesian legislative body (DPR) who have significant experience in legislative processes and political negotiations. Additionally, legal scholars with expertise in constitutional law and democratic governance are also involved. Participants are selected using purposive sampling, ensuring that only those with direct knowledge of the executive-legislative relationship in Indonesia are included. A total of 15 participants will be selected to provide diverse and in-depth perspectives on the practical application of the principles of separation of powers and checks and balances within Indonesia's governance system.

### **Instrument**

Data collection will primarily involve semi-structured interviews and document analysis. Semi-structured interviews allow for flexibility in exploring participants' views while maintaining consistency in the questions asked. These interviews will focus on participants' views on the executive-legislative relationship, the effectiveness of checks and balances, and the challenges they face in implementing these principles. Additionally, document analysis will include reviewing relevant documents such as legislative records, presidential decrees, and reports from oversight institutions. This combination of semi-structured interviews and document analysis ensures a well-rounded understanding of the executive-legislative relationship in Indonesia. Triangulating data from multiple sources will also help enhance the validity and reliability of the findings.

### **Data Analysis**

The data collected through interviews and document analysis will be analyzed using thematic analysis, which is suitable for identifying and interpreting patterns, themes, and issues within qualitative data. The interview transcripts will be coded to identify recurring themes related to the application of separation of powers and checks and balances. The document analysis will complement the interview data by providing concrete examples of how these principles are reflected in legislative practices, such as voting behavior, coalition formation, and executive oversight. Thematic analysis will allow for a detailed comparison of the themes identified in both the interview and document data. NVivo software will be used to organize and analyze the data systematically, ensuring a structured approach to coding and interpreting the information.



**Figure 1.** Research Process Flowchart

## Results and Discussion

### Result

The findings of this study are based on qualitative data gathered through semi-structured interviews conducted with political experts, legal scholars, and members of the Indonesian legislative body (DPR), as well as document analysis of relevant political records, presidential decrees, and oversight institution reports. The interviews were conducted remotely, using online platforms such as Zoom and Google Meet, between March and April 2026. A total of 15 participants were selected using purposive sampling, including 5 political experts, 3 constitutional law scholars, and 7 members of the DPR. The document analysis was based on publicly available legislative records, presidential decrees, and reports from oversight institutions.

The following key themes emerged from the data: (1) The Application of Separation of Powers, (2) The Role of Checks and Balances, and (3) The Impact of Political Dynamics on Governance.

#### The Application of Separation of Powers

Participants highlighted that although the principle of separation of powers is clearly enshrined in the 1945 Constitution (UUD 1945), its application in practice is often hindered by prevailing political dynamics. Most participants, such as, who analyzed Indonesia's constitutional design, pointed out that the executive branch holds significant influence over the legislative process. Several respondents also noted that the President's political party often holds a dominant position in the People's Representative Council (DPR), which undermines legislative independence. One participant remarked, "In practice, the executive dominates the legislative process, especially when the President's party controls the majority in the DPR." These findings are consistent with, who noted that party loyalty and political alliances play a significant role in determining legislative behavior, undermining the principle of independent governance.

#### The Role of Checks and Balances

Regarding checks and balances, participants agreed that while the Constitution provides mechanisms for oversight, such as legislative review and judicial checks, these are often ineffective in practice. Most respondents highlighted that the executive branch exerts significant control over the DPR, which limits legislative oversight. Emphasized in his research that executive dominance in Indonesia is not only institutional but also politically entrenched, with the executive frequently bypassing legislative checks through party loyalty and coalition-building. One participant noted, "The veto power exists, but it is rarely used because the President has more control over the DPR than the checks and balances system

allows.” Furthermore, while judicial review exists, participants noted that the judiciary’s role in checking executive power is often constrained, particularly in high-profile political cases. Also highlighted that judicial independence remains fragile, particularly when political interests are involved (Bárd, 2021).

### **The Impact of Political Dynamics on Governance**

Political dynamics between the executive and legislative branches were identified as a key factor in the effectiveness of checks and balances. Participants observed that political coalitions and party dependencies often limit the legislature’s ability to act independently from the executive. (Mitra & Pal, 2022; Tambunan, 2023), discussed how political elites and coalitions, rather than institutional norms, often dictate legislative behavior in Indonesia. One respondent stated, “In practice, the executive often maintains control over legislative outcomes due to the complexity of political coalitions and the dependency of legislators on party alignments.” Another participant added, “The DPR can only function effectively if it breaks free from the political pressures imposed by executive-party coalitions.” These findings are consistent with, who found similar political dynamics in Southeast Asia, where political coalitions undermine checks and balances, reducing the legislature’s role in limiting executive power.

### **Document Analysis Findings**

Document analysis of legislative records and presidential decrees revealed patterns of executive dominance in legislative processes. In several instances, presidential decrees were enacted without significant opposition from the DPR, and legislative decisions were often aligned with the President’s policies, demonstrating a lack of independent legislative oversight. Reports from oversight institutions confirmed that although formal mechanisms for accountability exist, they often lack the enforcement power necessary to hold the executive accountable. These findings corroborate the interview data, illustrating a disconnect between the constitutional principles of separation of powers and checks and balances and their actual implementation in practice in Indonesia have a long-standing interest in the acquisition and exercise of power in democratic institutions. Although considerable attention has been devoted to understanding the role of political parties in legislative decision-making, empirical studies relying upon observational data, such as roll call voting, have faced difficulty in disentangling the effects of party and preferences on legislative behavior. This research uses new measures on individual roll rates of state legislators in the nonpartisan Nebraska legislature and a sample of partisan state legislatures to provide unambiguous evidence of causal effects of party influence in legislative decision-making. The results demonstrate that preferences provide the most consistent prediction of individuals’ (Clark, 2024).

### **Summary of Key Results:**

- Separation of Powers: While constitutionally embedded, the practical application of separation of powers is compromised by executive dominance and party affiliation, which reduces legislative independence.
- Checks and Balances: Legislative oversight and judicial review mechanisms exist but are often ineffective due to political interference and coalition pressures.
- Political Dynamics: Political coalitions and party loyalties significantly hinder the ability of the DPR to act independently, weakening the effectiveness of checks and balances.
- Document Analysis: Executive dominance is evident in legislative records, with limited independent oversight by the DPR and frequent alignment with presidential policies.

### **Conclusion of Results**

The results indicate that while Indonesia’s Constitution provides for the principles of separation of powers and checks and balances, their practical application is hindered by political dynamics and institutional weaknesses (Doing et al., 2024; Sulistafando et al., 2025). The executive branch wields significant power over the legislative process, diminishing the legislature’s ability to independently check the executive. Political coalitions and party dependencies further exacerbate this imbalance, weakening the system of checks and balances. These findings suggest that institutional reforms are necessary to

strengthen the independence of the legislature and enhance judicial oversight to ensure a more balanced and accountable governance system in Indonesia.

## **Discussion**

The findings of this study underscore the gap between the theoretical ideals of separation of powers and checks and balances enshrined in Indonesia's 1945 Constitution and their practical application in the country's political system. While the Constitution aims to establish a governance system where the executive, legislative, and judicial branches operate independently, the results from this study demonstrate that in practice, these principles are often compromised by political dynamics, particularly the dominant role played by the executive. This section delves into the implications of these findings, exploring the challenges faced by Indonesia's political system in maintaining a balance of power and offering insights into areas that require reform (Solehudin, 2023).

### **Separation of Powers: Theory vs. Practice**

While the principle of separation of powers is clearly outlined in Indonesia's Constitution, the study reveals that the executive branch exerts considerable influence over the legislative process. This power dynamic is particularly visible when the President's political party controls the majority in the People's Representative Council (DPR), as noted by the majority of participants in this study. Their responses are consistent with, who argued that the alignment of the executive and legislative branches often diminishes the effectiveness of legislative oversight. In theory, the separation of powers ensures a check on each branch of government, but in practice, the executive often dominates the legislative agenda, limiting the DPR's ability to act as an independent body. This reflects a broader issue identified, who highlighted the functional gap between constitutional principles and the realities of governance in Indonesia (Arifin et al., 2025).

The executive's overwhelming influence not only weakens legislative oversight but also limits the capacity of other branches to check executive power (Farhang, 2021). This study adds to the literature by emphasizing that while separation of powers is foundational in the Constitution, its application remains largely superficial due to the political dominance of the executive branch, which directly impacts the legislative process.

### **The Challenges of Effective Checks and Balances**

The study further reveals significant challenges to the practical functioning of checks and balances. While Indonesia's Constitution provides for mechanisms such as legislative oversight and judicial review, these mechanisms are often ineffective in practice. Many participants noted that the executive's influence over the DPR, especially through party politics, weakens the ability of the legislature to perform its oversight function. (Clark, 2024) previously pointed out that political coalitions and party dependencies significantly affect legislative behavior, often prioritizing party interests over constitutional duties. In this study, participants echoed this sentiment, highlighting that the DPR's capacity to act independently is stifled by political alliances, making it less effective in holding the executive accountable.

Judicial review, another crucial mechanism of checks and balances, was found to be underutilized, especially when high-level political interests are involved. This reflects (Muttaqin et al., 2025) observation that judicial independence remains fragile in Indonesia, particularly in cases involving politically sensitive issues. The findings from this study confirm that while judicial review is constitutionally available, its effectiveness is diminished by the political context, which limits its capacity to challenge executive overreach.

### **Political Coalitions and Their Impact on Legislative Independence**

The role of political coalitions emerged as a critical factor in shaping the relationship between the executive and legislative branches. As (Fossati et al., 2022) discusses, coalitions are often formed for political survival rather than adherence to institutional norms or democratic principles. This study found that political loyalty and party interests played a decisive role in limiting the independence of the DPR. The need to form and maintain coalitions frequently overrides the legislative body's constitutional responsibility to act as an independent check on the executive.

Participants in this study noted that political parties often prioritize coalition stability over the legislative duty to provide oversight. One respondent emphasized that party dependency on the executive for political gain significantly undermines the DPR's ability to act independently. This dynamic parallels findings from, who noted that similar patterns can be observed across Southeast Asia, where political coalitions and party loyalty often interfere with the legislative process, reducing the legislature's role in checking the executive.

### **Implications for Reform**

The findings of this study highlight the urgent need for institutional reforms to strengthen the balance of power between the executive and legislative branches (Ginsburg et al., 2021). Strengthening the independence of the legislature is crucial to ensuring that it can fulfill its role as an effective check on executive power. This would require reforms that empower the legislature to operate free from executive influence and allow it to independently scrutinize the actions of the executive.

In addition to legislative independence, judicial reforms are necessary to ensure that the judiciary can more effectively perform its role in overseeing the executive (Huchhanavar, 2023). Enhancing judicial independence and ensuring that judicial review is more consistently applied would significantly bolster the system of checks and balances in Indonesia. Also stress the importance of strengthening the judiciary to ensure that it can effectively counterbalance executive overreach, especially in politically sensitive cases.

Moreover, addressing the influence of political parties in the legislative process is crucial for improving the overall system of checks and balances. Reforming the political system to allow for greater independence of legislators from party loyalty would enable them to fulfill their role in oversight and act in the public interest rather than according to political expediency.

### **Implications**

The findings from this research carry significant implications for Indonesia's political structure and the functioning of its democratic processes. Although the 1945 Constitution outlines the framework for separation of powers and checks and balances, the study reveals that these principles are often undermined in practice by executive dominance and political coalition dynamics. This emphasizes the need for reforms to strengthen legislative independence and judicial oversight, which are essential for ensuring a balanced distribution of power. The insights from this study are not only crucial for Indonesia but may also be applicable to other emerging democracies in Southeast Asia facing similar challenges in ensuring institutional independence and maintaining a functional system of checks and balances.

### **Limitations**

This study, while offering valuable insights, does have limitations. First, the qualitative nature of the research, relying on purposive sampling of political experts and legislators, may introduce bias, as it does not capture the viewpoints of all stakeholders in the political process, such as grassroots politicians or the general public. Secondly, the study relies on secondary data, including publicly available documents and legislative records, which may not fully reflect the most recent developments or the practical challenges faced by lower-level political actors. Finally, given the study's focus on Indonesia, its applicability to other countries with different political systems remains limited, necessitating further comparative research to assess the broader relevance of these findings.

### **Suggestions**

Based on the findings, several recommendations emerge for strengthening Indonesia's political system. First, enhancing the independence of the legislature is crucial, which could be achieved through reforms that reduce the influence of political parties on legislative processes. Strengthening judicial independence is also essential to ensure that the judiciary can effectively oversee executive actions without political interference. Additionally, the political culture in Indonesia should be reformed to encourage legislators to prioritize public interest over party loyalty, allowing them to function more independently. Lastly, future research could focus on how electoral reforms and political system

adjustments might help restore balance between the executive and legislature, offering lessons that could apply to other democracies in the region.

## Conclusion

This study highlights a significant gap between the constitutional principles of separation of powers and checks and balances and their actual implementation in Indonesia's executive-legislative relations. While the 1945 Constitution envisions a clear division of powers, the executive branch, bolstered by political coalitions and party loyalty, exerts considerable influence over the legislative process, diminishing the independence of the People's Representative Council (DPR) and weakening its ability to serve as a check on executive power. Additionally, mechanisms like judicial review and legislative oversight, though constitutionally established, are often ineffective due to political pressures. The findings suggest that institutional reforms, such as strengthening the independence of the legislature and judicial review, along with reducing political interference, are essential to restoring a more balanced governance system. This research contributes to the understanding of Indonesia's political system and offers valuable insights for future reforms, not only to enhance Indonesia's democratic practices but also to serve as a model for other Southeast Asian countries facing similar challenges.

## Author Contributions Statement

Novia Syari contributed to the conceptualization and design of the study, data collection through semi-structured interviews, and the analysis of qualitative data. She was also responsible for drafting the manuscript and revising it critically for important intellectual content. Rahmad Aditio was involved in the formulation of research questions, conducting document analysis, and interpreting the findings. He also contributed to the literature review and provided critical insights during the manuscript drafting process. Nesa Abelia Putri contributed to the literature review, data analysis, and synthesis of the findings. She also assisted in the development of the research framework and helped revise the manuscript based on feedback from the co-authors. Rudi Santoso supervised the research process, provided guidance on the research methodology, and reviewed the manuscript. He also offered valuable academic insights, ensuring the research adhered to academic standards.

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