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MIMBAR KEADILAN

Expanding Power or Constitutional Violation? The DPR's Authority to Evaluate State Officials under Checks and Balances

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Abstract

This study aims to examine the Rules of Procedure of the Indonesian House of Representatives (DPR) concerning the authority to evaluate state officials within the framework of the checks-and-balances principle. This research employs a normative legal method using statutory and conceptual approaches. The primary focus is the legal basis for the DPR's evaluative authority viewed through the existing constitutional principles of checks and balances. The findings indicate that the legal basis for the DPR's authority to evaluate state officials creates legal uncertainty, thereby generating the potential for abuse of power and inconsistency with the checks-and-balances model embodied in the 1945 Constitution of the Republic of Indonesia (UUD 1945). Under Article 228A of the DPR Rules of Procedure of 2025, the DPR is permitted to conduct periodic evaluations of candidates who have been confirmed in a plenary session. Such regulation grants an authority that may threaten the independence of state institutions and rests on a weak legal foundation, as it does not fall within the recognized hierarchy of legislation and exceeds the DPR's internal regulatory scope. Moreover, this norm poses risks to the balance among branches of state power, endangers the independence of public officials, and creates potential horizontal conflicts and legal uncertainty.

1. Introduction

Montesquieu classified state power into three principal domains: the legislative, the executive, and the judicial branches. These three branches operate separately, both in terms of their functions and the institutions responsible for carrying them out. This model of power distribution was later referred to by Immanuel Kant as *Trias Politica*. The term derives from *tri*, meaning three; *as*, meaning axis; and *politica*, meaning power, thereby denoting the three fundamental axes of authority within the state.[1]

One of the key principles that emerged from the constitutional amendments is the doctrine of checks and balances. Etymologically, *checks* refers to control or oversight, whereas *balances* denotes equilibrium. This principle is intended to ensure that state power is regulated, limited, and supervised proportionally to prevent the misuse of authority by public officials or state institutions. According to Jimly Asshiddiqie, the supervisory principle within the constitutional system plays a vital role in maintaining the harmony of legal norms and preventing power asymmetry, as the absence of effective oversight would lead to disharmony and legal uncertainty in governmental practice.[2]

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[1] Sofyan Hadi, "Fungsi Legislasi Dalam Sistem Pemerintahan Presidensil (Studi Perbandingan Indonesia Dan Amerika Serikat)," *Jurnal Ilmu Hukum DIH* 9, no. 18 (2013), https://doi.org/https://doi.org/10.30996/dih.v9i18.275.
[2] Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara / Jimly Asshiddiqie* (Depok: Rajawali Pers, 2020).

The application of the checks and balances principle in Indonesian constitutional law is evident in Article 20 of the UUD 1945, which regulates the respective roles of the legislative branch, DPR and the executive branch represented by the President as head of government. The provision stipulates that every bill shall be deliberated jointly by the DPR and the President to obtain mutual consent. This arrangement ensures the creation of institutional balance in the legislative process, thereby embodying the constitutional principle of checks and balances between the two branches of government.

Since the removal of Constitutional Court Justice Aswanto by the DPR in 2022, a concrete example emerged of institutional conflict affecting the principle of judicial independence and the limits of legislative authority. According to Jimly Asshiddiqie, the DPR has no authority to unilaterally dismiss a constitutional justice, as such action contravenes the provisions of Law No. 24/2003.[3] In response, President Joko Widodo stated that all parties must comply with constitutional and statutory norms. Mahfud MD, together with Pratikno, emphasized that the President could not reject the DPR's decision. On the same day, the DPR submitted a letter to the President regarding a draft bill to amend Law No. 24/2003, including provisions on the evaluation of constitutional justices. On 23 November 2022, President Joko Widodo inaugurated Guntur Hamzah as Aswanto's replacement.

On 4 February 2025, DPR amended DPR Regulation No. 1/2020 concerning the Rules of Procedure. Through this amendment, enacted as DPR Regulation No. 1 of 2025 on the Amendment to DPR Regulation No. 1/2020 concerning the Rules of Procedure (DPR Regulation No. 1/2025), the DPR introduced Article 228A, which provides as follows:

> Paragraph (1): "To enhance the oversight function and uphold the dignity of the DPR with respect to the outcomes of commission deliberations as referred to in Article 227 paragraph (2), the DPR may conduct periodic evaluations of candidates who have been confirmed in a DPR plenary session."
>
> Paragraph (2): "The results of the evaluation as referred to in paragraph (1) shall be binding and shall be submitted by the commission conducting the evaluation to the leadership of the DPR for further action in accordance with the applicable mechanisms."

The revision of the legislature's internal regulations has sparked criticism from multiple actors, including former Constitutional Court Justices, who contend that the amendment demonstrates the DPR's failure to adhere to the UUD 1945 as the state's highest legal norm. The focal point of this criticism is DPR Regulation No. 1/2025, which introduces a new authority for the DPR to periodically evaluate state officials whose appointments were approved in a plenary session. Critics argue that this development pushes the DPR beyond the proper boundaries of its internal oversight function and intrudes into spheres of authority that should remain institutionally independent. From a constitutional law perspective, these concerns are well-founded, as they highlight potential violations of constitutional principles,

[3] M Rosseno Aji, "Jimly Asshiddiqie: Pencopotan Hakim Konstitusi Aswanto Langgar Undang-Undang," Tempo, 2022, https://www.tempo.co/hukum/jimly-asshiddiqie-pencopotan-hakim-konstitusi-aswanto-langgar-undang-undang-280973.

particularly those relating to the system of checks and balances, judicial independence, and the supremacy of the Constitution as the ultimate source of law.[4]

The amendment includes Article 228A, which authorizes the DPR to conduct periodic evaluations of state officials appointed through plenary sessions, including Justices of the Constitutional Court, and members of the KPK, KPU, Bawaslu, and other institutions. These evaluations are designated as binding, although the final decision formally remains with the respective institution or official. The Chair of the DPR's Legislative Body, Bob Hasan, explained that such evaluations may only be conducted on officials who have previously undergone a fit-and-proper test before the DPR; despite the binding nature of the recommendations, the ultimate decision lies with the competent authority.

The authority introduced through Article 228A has become a focal point of significant discourse in constitutional law. Although Article 20A of the UUD 1945 stipulates that the DPR holds three core functions: legislative, budgetary, and supervisory, none of the provisions in Law No. 17/2014 provide a legal basis for the DPR to conduct evaluations of officials who have already been approved in a plenary session. Consequently, this situation gives rise to an essential inquiry concerning whether Article 228A of DPR Regulation No. 1/2025 is constitutionally defensible.

The involvement of the DPR in evaluating state officials who have been confirmed through a plenary session has the potential to undermine the principle of presidentialism, as it may blur the boundary between legislative and executive authority. The authority to appoint and remove state officials fundamentally lies within the President's prerogative as the head of government.[5] Therefore, granting the DPR the power to conduct evaluations in the absence of an explicit statutory foundation can be viewed as an overextension of its constitutionally defined oversight role. Furthermore, the phrase "applicable mechanism" in Article 228A paragraph (2) lacks precise parameters, thereby creating opportunities for abuse of power and political interference in the performance of state officials. Such a situation may adversely affect the constitutional system, fostering arbitrary actions and potentially generating serious political tensions.[6] While certain groups argue that the provision is essential for reinforcing the DPR's supervisory role and improving the accountability of public officials, others criticize it because it undermines the principle of institutional independence.

A review of the existing literature reveals a gap in analyses addressing the DPR's evaluative authority. Although previous studies have examined aspects of the separation of powers, none have specifically and comprehensively explored how the checks-and-balances mechanism ought to operate in this context. This gap highlights the need for an in-depth and systematic study on the proper functioning of checks and balances, as well as the formulation of constitutionally sound oversight mechanisms.

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[4] Eka Yudha Saputra, "Polemik Tatib DPR, Mantan Hakim MK Sebut DPR Tidak Mau Tegak UUD 1945," Tempo, 2025, https://www.tempo.co/politik/polemik-tatib-dpr-mantan-hakim-mk-sebut-dpr-tidak-mau-tegak-uud-1945--1203531.

[5] Ahmad Yani and Ratu Julhijah, "Pembatasan Kewenangan DPR Dalam Seleksi Jabatan Publik Di Bidang Kekuasaan Eksekutif," *Jurnal Negara Hukum* 14, no. 1 (2023), https://doi.org/10.22212/jnh.v14i1.3609.

[6] Saldi Isra, "Hubungan Presiden Dan DPR," *Jurnal Konstitusi* 10, no. 3 (2013): 399, https://doi.org/10.31078/jk1032.

Previous research, such as that conducted by Windy Rizky Putri and M. Sadam Husin (2025), titled "The Juridical Implications of the DPR's Authority to Dismiss Justices of the Constitutional Court and the Supreme Court for the Independence of the Judicial Power", examined the legal implications of the revision to DPR Regulation No. 1/2020 on the Rules of Procedure (particularly Article 228A) which grants the DPR authority to evaluate and recommend the dismissal of justices of the Constitutional Court (MK) and the Supreme Court (MA). While that study focused on the implications for judicial independence, the present research examines how checks and balances should function more broadly, not solely in relation to the judiciary. Further, research conducted by Hasmiyati, Lukman Ansar, Tarmizi, and A. Sultan Sulfian entitled "An Analysis of the Revision of Article 228A of DPR Regulation No. 1/2020 concerning the Rules of Procedure of the DPR" assessed the constitutionality and legal implications of Article 228A within the framework of Indonesia's constitutional system. The present study extends this inquiry by analysing the DPR's evaluative authority specifically from the perspective of how checks and balances are intended to operate. Lastly, a study by Muhammad Haikal Rifurio titled "Article 228A of DPR Regulation No. 1/2025 on the Rules of Procedure: The Problematics of Evaluative Authority within a Presidential System of Government" addressed the existence of Article 228A, which grants the DPR evaluative authority over state officials approved through plenary sessions, as well as its compatibility with the presidential system. In contrast, the present research focuses specifically on assessing the constitutional alignment of such evaluative authority through the lens of the intended checks-and-balances framework.

In light of these issues, the present study seeks to fill the existing research gap by providing an in-depth analysis of the DPR's oversight function from the perspective of checks and balances following the revision of the DPR's Rules of Procedure, thereby offering original insight into this area. The urgency of examining the evaluative authority granted to the DPR under Article 228A of DPR Regulation No. 1/2025 is significant within the context of Indonesia's constitutional system. The provision raises constitutional concerns, particularly regarding the limits of institutional authority within the framework of checks and balances. Given these concerns, the study undertakes an analysis of the regulatory basis for the evaluation of state officials in relation to the prevailing principles of Indonesian constitutional law, and it examines the extent to which the evaluation of officials confirmed in a plenary session aligns with the checks-and-balances doctrine. Such analysis is essential to prevent the emergence of legal problems that could affect fundamental aspects of the constitutional order.

2. Methods

This research adopts a normative juridical methodology, drawing on both statutory and conceptual approaches. Its legal materials comprise primary and secondary sources. Primary materials are gathered through processes of inventory and categorization, whereas secondary materials are sourced from relevant literature. Afterward, both types of materials are organized through identification, classification, and systematization based on their origin and hierarchical placement. All compiled legal materials are then subjected to examination and analysis using legal reasoning applied through a deductive method.

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3. Results and Discussion

3.1. The Concept of Checks and Balances in the Indonesian Constitutional

Checks and balances constitute a system of oversight and equilibrium among the separate branches of government, namely the legislative, executive, and judicial powers, to prevent the abuse of authority by any single branch. Within this system, each state institution exercises control over and limits the powers of the others to ensure that no branch acts arbitrarily or exceeds its lawful authority.

John Locke argued that the authority of the state encompasses three distinct types of power: legislative, executive, and federative.[7] The legislative branch holds the function of creating laws, the executive branch carries out those laws, and the federative branch manages interactions and cooperation with other nations. Locke's formulation became the foundation for what would later develop into the doctrine of the separation of powers, commonly known as *trias politica* which was further elaborated by Montesquieu.[8]

Montesquieu conceptualized state authority as comprising three independent branches. The first is the legislative branch, which holds the responsibility for formulating and enacting statutory norms.[9] The second is the executive branch, which is charged with implementing and enforcing those norms so that they function effectively within governmental operations. The third is the judiciary, which exercises adjudicative authority by reviewing and resolving disputes arising from alleged legal violations. Within this framework, the consolidation of legislative and executive powers within a single person or institution poses a threat to liberty, as such concentration creates opportunities for the creation of oppressive laws and their arbitrary execution. Montesquieu, therefore, insisted that these three branches must be institutionally and functionally separated to ensure that governmental power does not accumulate in one locus of authority.[10]

The United States constitutional framework is widely credited with introducing the principle of checks and balances into modern governance.[11] This framework blends the separation-of-powers doctrine with a system of mutual oversight among state institutions. Within this arrangement, governmental power is allocated among three branches (legislative, executive, and judicial) which operate through independent bodies. By means of the checks-and-balances mechanism, each branch monitors and restrains the others, creating a balance of authority and reinforcing the importance of dividing state power to avert potential abuses.[12]

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[7] Shannon Hoff, "Locke and the Nature of Political Authority," *The Review of Politics* 77, no. 1 (January 16, 2015): 1–22, https://doi.org/10.1017/S0034670514000813; Bedri Gencer, "Sovereignty and the Separation of Powers in John Locke," *The European Legacy* 15, no. 3 (June 2010): 323–39, https://doi.org/10.1080/10848771003783611; Philipp Schönegger, "The Lockean Prerogative, Natural Law, and Political Power," *Locke Studies* 20 (2020): 1–22, https://doi.org/10.5206/ls.2020.8056.

[8] Hufron and Syofyan Hadi, *Ilmu Negara Kontemporer* (Yogyakarta: LaksBang Grafika, 2015).

[9] Odang Suparman, "Konsep Lembaga Negara Indonesia Dalam Perspektif Teori Trias Politica Berdasarkan Prinsip Checks and Balances System," *AHKAM* 2, no. 1 (March 1, 2023): 59–75, https://doi.org/10.58578/ahkam.v2i1.898.

[10] Hadi, "Fungsi Legislasi Dalam Sistem Pemerintahan Presidensil (Studi Perbandingan Indonesia Dan Amerika Serikat)."

[11] Robert P. Kraynak, "Tocqueville's Constitutionalism," *American Political Science Review* 81, no. 4 (December 1, 1987): 1175–95, https://doi.org/10.2307/1962584.

[12] Sunarto, "Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Indonesia," *Masalah-Masalah Hukum* 45, no. 2 (2016): 157, https://doi.org/10.14710/mmh.45.2.2016.157-163.

Indonesia's constitutional development shows that the UUD 1945 experienced four major amendments.[13]These constitutional changes were implemented in stages beginning with the MPR Session on 19 October 1999, followed by the Annual Sessions of the MPR on 18 August 2000, 10 November 2001, and concluding on 10 August 2002. Collectively, these amendments brought about profound transformations within Indonesia's constitutional framework. As a result of the amendments, various new state organs were created, such as DPD, KY, and MK, while certain earlier institutions, including DPA, were dissolved. The establishment of these new bodies was intended to refine the division of state authority and reinforce the system of reciprocal supervision among institutions, commonly understood as the principle of checks and balances.

Before the constitutional amendments were introduced, the UUD 1945 placed the President in a position of overwhelming dominance, functioning within a centralized governmental system that was largely devoid of effective checks and balances.[14] Jimly Asshidiqie observes that the constitutional framework of that period did not embody a horizontal separation of powers; instead, it was characterized by a vertical hierarchy of authority. Popular sovereignty was considered to reside entirely in the People's Consultative Assembly (MPR), which was regarded as the highest state organ. From this superior position, the MPR distributed authority downward to other state institutions, including the President, DPR, and MA. In such a vertically structured arrangement, the principles of institutional parity and mutual balance were not fundamental elements of governance.[15] As a result, the pre-amendment version of the UUD 1945 offered no clear demarcation between legislative and executive powers.[16]

Furthermore, the amendments to the UUD 1945 shifted the structural paradigm from MPR to the supremacy of law or the Constitution. The MPR is no longer situated at the apex of state authority; instead, all state institutions are now positioned equally within a framework that operates on the principle of checks and balances. The constitutional amendments transformed Indonesia's constitutional framework into a more egalitarian order, in which each state institution holds an equivalent constitutional status. This reconfiguration is essential because, in a system where one institution occupies the highest hierarchical position, that institution could, as a matter of law, act without sufficient oversight. Such an arrangement would risk creating structural imbalances in the exercise of state authority.

Popular sovereignty is no longer exercised exclusively through MPR, but is instead distributed among various state institutions in accordance with the powers conferred by the

[13] R Rahaditya et al., "Transformation of the Indonesian Constitutional System Through Amendments to the 1945 Constitution," *QISTINA: Jurnal Multidisiplin Indonesia* 3, no. 1 (June 1, 2024): 740–48, https://doi.org/10.57235/qistina.v3i1.2412.
[14] Hamdan Zoelva, *Pemakzulan Presiden Di Indonesia* (Jakarta: Sinar Grafika, 2011).
[15] Belly Isnaeni, "Trias Politica Dan Implikasinya Dalam Struktur Kelembagaan Negara Dalam UUD 1945 Pasca Amandemen," *Jurnal Magister Ilmu Hukum* 6, no. 2 (August 24, 2021): 78, https://doi.org/10.36722/jmih.v6i2.839.
[16] Sukri Badaruddin, Supriadi Supriadi, and Syaila Indah Ramadhani, "DINAMIKA KELEMBAGAAN NEGARA BERDASARKAN PASCAAMANDEMEN UUD NRI TAHUN 1945," *QISTHOSIA : Jurnal Syariah Dan Hukum* 3, no. 1 (June 14, 2022): 37–47, https://doi.org/10.46870/jhki.v3i1.167.

UUD 1945.[17] This development signifies that each state institution derives its functions and authorities directly from the Constitution as an expression of the will of the people. These constitutional changes carry significant implications for Indonesia's institutional structure and governance mechanisms, whereby the MPR no longer holds the status of the highest state organ. The MPR, DPR, DPD, the President and Vice President, the MA, the MK, and BPK now occupy the position of high state organs. This configuration reflects a shift from a vertically oriented distribution of power to a horizontally structured separation of powers.

The fourth amendment to the UUD 1945 introduced substantial reforms to the manner in which state institutions interact and exercise their respective powers. These changes reinforced the principle of popular sovereignty and affirmed the presidential system of government. As a result, the institutional positions of the President, the DPR, the People's Consultative Assembly (MPR), and the judicial bodies were restructured to ensure a more balanced distribution of authority.[18] One of the most fundamental reforms was the abolition of the concept of a supreme state institution. All state bodies now stand on an equal footing as high state organs. Consequently, the MPR no longer possesses the authority to determine the Broad Guidelines of State Policy (GBHN) or to elect the President and Vice President. Presidential elections are conducted directly by the people, as stipulated in Article 6A paragraph (1). Similarly, the removal of the President can no longer be based solely on a political decision of the MPR or DPR; it must involve the Constitutional Court, which is required to assess the legal grounds beforehand pursuant to Article 7B. The President is also explicitly prohibited from dissolving the DPR, as provided in Article 7C. At the same time, judicial power is affirmed as genuinely independent in upholding law and justice under Article 24. The amendments also clarified the core functions of each state institution. The DPR is designated as the holder of legislative authority under Article 20 paragraph (1), with its functions expanded in Article 20A to include lawmaking, budgeting, and oversight. The President remains the holder of executive power as set forth in Article 4. The judicial branch, consisting of the Supreme Court (MA) and the Constitutional Court (MK), exercises judicial authority under Article 24. Additional institutions likewise received more precise constitutional mandates, such as the Audit Board of Indonesia (BPK), which oversees state financial management (Article 23E), and the Judicial Commission, which plays a role in the appointment of Supreme Court justices and maintains relations with the Supreme Court (Article 24B). Subsequent amendments regulate the cooperative relationship among state institutions. Such regulation is essential to ensure that each body can operate effectively, engage in mutual oversight, and prevent the concentration or abuse of power.

The author argues that the UUD 1945 adopts a principle of checks and balances in which no state institution occupies a supreme position; instead, all state institutions must stand on an equal footing. This constitutional transformation signifies a shift from a vertical–

[17] Eko Riyadi, "Reposisi Majelis Permusyawaratan Rakyat (MPR) Dan Implikasinya Terhadap Kedudukan TAP MPR/S Pasca Amandemen UUD 1945," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 1, no. 1 (June 1, 2012), https://doi.org/10.14421/sh.v1i1.1907.

[18] Daniel Reynaldi L Tobing and Wilma Silalahi, "Perbandingan Sistem Pemerintahan Indonesia Menurut UUD 1945 Asli Dan Setelah Amandemen: Implikasi Terhadap Pembagian Kekuasaan Dan Prinsip Checks And Balances," *Jurnal Pustaka Cendekia Hukum Dan Ilmu Sosial* 3, no. 2 (October 4, 2025): 159–69, https://doi.org/10.70292/pchukumsosial.v3i2.151.

hierarchical distribution of power to a horizontal–functional arrangement, thereby placing state institutions in positions of institutional parity.

3.2. The Authority of the DPR in the Appointment and Evaluation of State Officials

Any regulation concerning these three areas may be carried out only with the approval of the people, expressed through their elected representatives in Parliament as the nation's representative body. The DPR's budgetary function reflects its authority to review the State Budget (APBN), make revisions when required, and give final approval to ensure that public welfare goals are achieved. In addition, the oversight function represents the DPR's power to monitor whether the implementation of laws, the management of public finances, and the formulation as well as execution of governmental policies and development programs are consistent with statutory and constitutional requirements.

The status of DPR is not only regulated under Article 20A of the UUD 1945, which affirms that the DPR is a state institution vested with the principal duties of deliberating on and enacting legislation, as well as performing other functions in accordance with the Constitution.[19] The status of the DPR is likewise articulated in Article 20B of the UUD 1945, which stipulates that its members are elected through general elections. Additional legal foundations governing the DPR are set out in Law No. 17 /2014, which provides detailed regulation concerning the DPR's organizational structure, duties and functions, and its working relations with the executive branch and other state institutions.

In the Indonesian constitutional system, the DPR constitutes one of the pivotal institutions responsible for upholding democratic principles.[20] The DPR also plays a central role in maintaining the system of checks and balances to ensure that the government and other state institutions operate in accordance with constitutional mandates and the public interest. Jimly Asshiddiqie asserts that the DPR forms an integral component of Indonesia's constitutional structure, encompassing its institutional relations with the executive and judicial branches.[21] Accordingly, as Kaelan emphasizes, the DPR as a legislative body cannot perform its duties and exercise its authority in isolation; rather, it must work in conjunction with other state institutions.[22]

Furthermore, the involvement of the DPR in the appointment of state officials as part of its supervisory function is expressly provided for in the UUD 1945. Several articles require DPR participation in the appointment process, as outlined below:

1. Article 13 paragraph (2): "In appointing ambassadors, the President shall take into account the considerations of the House of Representatives."

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[19] Ahmad Yani, "Analisis Kontruksi Struktural Dan Kewenangan DPR Dalam Fungsi Legislasi Berdasarkan Undang-Undang Dasar 1945," *Jurnal Konstitusi* 15, no. 2 (September 18, 2018): 348, https://doi.org/10.31078/jk1526.

[20] Irwan Triadi et al., "Implementasi Prinsip-Prinsip Demokrasi Dalam Sistem Hukum Tata Negara Indonesia," *LANCAH: Jurnal Inovasi Dan Tren* 2, no. 2 (June 26, 2024), https://doi.org/10.35870/ljit.v2i2.2735; Raudatun Nazwa et al., "Peran Lembaga Legislatif Dalam Mengawal Demokrasi Di Indonesia: Tinjauan Hukum Tata Negara," *Sosial Simbiosis : Jurnal Integrasi Ilmu Sosial Dan Politik* 2, no. 1 (December 23, 2024): 24–29, https://doi.org/10.62383/sosial.v2i1.1128.

[21] Jimly Asshiddiqie, *Format Kelembagaan Negara Dan Pergeseran Kekuasaan Dalam UUD 1945* (Yogyakarta: FH UII Press, 2005).

[22] Kaelan, *Konstitusi Dan Demokrasi* (Jakarta: Rajawali Pers, 2012).

2. Article 13 paragraph (3): "The President shall receive foreign ambassadors with due regard to the considerations of the House of Representatives."
3. Article 23F paragraph (1): "Members of the Audit Board of the Republic of Indonesia shall be elected by the House of Representatives, taking into account the considerations of the Regional Representative Council, and shall be inaugurated by the President."
4. Article 24A paragraph (3): "Candidates for justices of the Supreme Court shall be nominated by the Judicial Commission to the House of Representatives for approval, and subsequently appointed as justices by the President."
5. Article 24B paragraph (3): "Members of the Judicial Commission shall be appointed and dismissed by the President with the approval of the House of Representatives."
6. Article 24C paragraph (3): "The Constitutional Court shall consist of nine constitutional justices appointed by the President, three of whom are nominated by the Supreme Court, three by the House of Representatives, and three by the President."

The involvement of the DPR in the appointment of state officials demonstrates that the legislature holds distinct authority within state policy as the broad representative of the people. This authority is reflected through various forms of institutional action, such as "nominating," "electing," "approving," and "providing considerations."[23]

Law No. 17/2014 reaffirms the authority of the DPR in determining state officials, as reflected in the following provisions: Article 71 letter (k), which states that the DPR "elects members of the Audit Board of the Republic of Indonesia (BPK) by taking into account the considerations of the Regional Representative Council (DPD)"; Article 71 letter (l), which provides that the DPR "grants approval to the President regarding the appointment and dismissal of members of the Judicial Commission"; and Article 71 letter (m), which authorizes the DPR to "grant approval for candidates for Supreme Court justices proposed by the Judicial Commission to be appointed as justices by the President." In addition, the appointment of candidates for state office is regulated under DPR Regulation No. 1/2020. The mechanism for determining state officials is outlined in Article 226, which provides:

> (1) "In the event that legislation requires the DPR to nominate, grant approval, or provide considerations for candidates to fill a particular office, the DPR's plenary meeting shall instruct the Consultative Body (*Badan Musyawarah*) to schedule and assign the matter to the relevant commission."
> (2) "The procedural steps for conducting the deliberations referred to in paragraph (1) shall be determined by the relevant commission and shall include:
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> a. administrative verification;
> b. presentation of vision and mission statements;
> c. a fit and proper test;
> d. determination of the ranking of candidates; and/or
> e. notification to the public through print or electronic media."

[23] Yudha Yosephin Tambunan et al., "Telaah Konstitusi Check And Balances DPR Atas Hak Prerogatif Presiden Dalam Pengangkatan Pejabat Negara," *Jurnal Relasi Publik* 1, no. 2 (May 23, 2023): 92–103, https://doi.org/10.59581/jrp-widyakarya.v1i2.327.

The authority of the DPR to approve or reject the appointment of public officials is commonly referred to as the *right to confirm*. This right is specifically conferred in the appointment of positions that are political in nature—namely, offices filled through political decision-making rather than purely administrative selection. [24] Through this confirmation mechanism, the DPR is allowed to ensure that nominees for public office are genuinely qualified, possess integrity, and are capable of performing their duties in accordance with legal requirements. Accordingly, the right to confirm enables the DPR to participate in overseeing and directing the performance of such officials after their appointment, ensuring that the exercise of their authority remains aligned with the Constitution and statutory regulations.

Based on the foregoing explanation, the author argues that the DPR authority in the appointment of state officials is regulated under the UUD 1945 and further elaborated in Law No. 17/2014. In several instances, the House holds the power to approve certain public officials, such as members of the Audit Board (BPK), the Judicial Commission (KY), and other state institutions. This authority is exercised through a plenary session following the completion of a fit and proper test. This mechanism demonstrates the House's role in ensuring that appointees meet the constitutional standards of morality, integrity, and professionalism.

However, once the plenary session has formally approved the nominees, the House's authority is, in principle, concluded. The evaluation of public officials who have been duly inaugurated by the President or by another competent authority does not fall within the scope of the House's powers. Should the House undertake evaluations that subsequently lead to the dismissal of officials already appointed, such actions would constitute an intervention into the domain of other state institutions, thereby contravening the principles of separation of powers and checks and balances.

3.3. Authority to Evaluate State Officials with the Principle of Checks and Balances

The legislative branch is regarded as an institution that stands independently and is structurally separated from the other branches of power. In the Indonesian context, the DPR functions as the embodiment of popular sovereignty and holds a pivotal role in maintaining the balance of power among state institutions.[25] To fulfil its supervisory responsibilities, the DPR is equipped with three core functions: the legislative function, the budgetary function, and the oversight function over the conduct of government. Article 20A paragraph (1) of the UUD 1945 affirms that the DPR possesses these three functions, which constitute the constitutional foundation for the DPR to oversee governmental policies and actions. On this basis, the oversight function serves as the legal justification for the DPR to conduct periodic evaluations of state officials pursuant to Article 228A of the DPR Rules of Procedure.

Conceptually, the notion of *authority* implies that the exercise of governmental functions must be grounded in a legally conferred mandate. In Black's Law Dictionary, the term *authority* is defined as "legal power; a right to command or to act; the right and power of public officers to require obedience to their orders lawfully issued within the scope of their public duties." [26]

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[24] Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara / Jimly Asshiddiqie*.
[25] Syofyan Hadi, "Prinsip Checks And Balances Dalam Struktur Lembaga Perwakilan Rakyat Di Indonesia," *Mimbar Keadilan Jurnal Ilmu Hukum*, 2014, 49–59, https://www.neliti.com/publications/240088/prinsip-checks-and-balances-dalam-struktur-lembaga-perwakilan-rakyat-di-indonesi.
[26] Black and Hanry Campbell, *Black's Law Dictionary* (ST. Paul, Minn: West Publishing, Co, 2009).

Authority may therefore be understood as a domain of power granted to an individual or a collective body to regulate, direct, and perform tasks within the sphere of responsibilities assigned to them. Accordingly, authority constitutes an element of power inherent in a person, enabling the performance of certain actions within the limits of competence established by law.

According to Miriam Budiardjo, authority constitutes legally recognized power, namely the capacity to perform legal acts with the intention of producing legal consequences, which encompasses both the creation and the termination of specific legal effects.[27] Authority also includes rights that reflect the freedom either to undertake or to refrain from undertaking certain actions, or to require another party to perform a particular act.[28] The authority of the DPR to conduct periodic evaluations of candidates who have already been confirmed in a plenary session and subsequently to take follow-up action in accordance with the applicable mechanisms gives rise to legal concerns. The core issue lies in the ambiguity of the provisions contained in the phrases "the DPR may conduct periodic evaluations of candidates who have been confirmed by the plenary session" and "to be followed up in accordance with the applicable mechanisms," which provide neither clear parameters nor explicit limitations. Such indeterminacy creates a significant risk of arbitrary conduct and potential abuse of power.

One example of an action by the DPR that has been viewed as arbitrary and constituting an abuse of power occurred in 2022, when the House removed Constitutional Justice Aswanto from office. This incident serves as concrete evidence of an inter-institutional conflict involving the principle of judicial independence and the limits of legislative authority. The House justified Aswanto's dismissal because he frequently annulled statutes enacted by the House itself, a justification that lacks any lawful basis. According to Jimly Asshiddiqie, the House has no authority to unilaterally dismiss a constitutional justice, as such an action contravenes both Law No. 7/2020 and constitutional provisions.[29] Moreover, Article 23 paragraph (4) of Law No. 7/2020 expressly stipulates that the dismissal of a justice may only be carried out through a Presidential Decree upon the recommendation of the Chief Justice of the Constitutional Court.

In Indonesia's constitutional system, which adheres to the presidential model, the legislative, executive, and judicial branches hold an equal constitutional standing. However, in terms of the scope of authority, the executive branch possesses broader powers than both the legislative and judicial branches.[30] The authority to dismiss state officials is vested in the President as the head of government. For example, the dismissal of the leadership of the Corruption Eradication Commission (KPK) is regulated under Article 32 of Law No. 19/2019 concerning the KPK, which stipulates that members of the KPK leadership shall resign or be dismissed, and that such dismissal shall be enacted through a Presidential Decree. This

[27] Ahmad Faris Zamakhsyari et al., "State Authority and Legal Action: How to Prevent the State Misconduct?," *Law Research Review Quarterly* 6, no. 2 (May 16, 2020): 198–198, https://doi.org/10.15294/lrrq.v6i2.37722.
[28] Miriam Budiardjo, *Dasar-Dasar Ilmu Politik* (Gramedia pustaka utama, 2003).
[29] Aji, "Jimly Asshiddiqie: Pencopotan Hakim Konstitusi Aswanto Langgar Undang-Undang."
[30] Hananto Widodo, "Parameter Pengawasan Politik Dewan Perwakilan Rakyat Republik Indonesia Menurut Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Perspektif Hukum* 19, no. 2 (2014): 229–49, https://doi.org/https://doi.org/10.30649/ph.v19i2.117.

signifies that although the nomination process or recommendations for dismissal may involve other institutions, such as the DPR, the final authority to dismiss ultimately rests with the President. It is the President who issues the Presidential Decree (Keppres), which serves as the legal basis for such dismissal.

In a democratic state governed by law and committed to the rule of law, popular sovereignty is manifested through the law.[31] This legal framework takes the form of a hierarchical structure of norms culminating in the Constitution, namely the UUD 1945. Referring to the theory of statecraft introduced by Aristotle, the concept of the rule of law stands in contrast to the notion of a state governed by the will of individuals (rule of man). [32] As articulated by Julius Stahl, the limitation and separation of powers constitute essential elements within the legal theories that developed in the Continental European tradition. [33] The emergence of the idea of limiting state power stems from historical experiences in which all branches of governmental authority were concentrated in a single entity, ultimately resulting in absolute power.[34]

Likewise, the concept of checks and balances aims to ensure that state power is regulated, limited, and supervised optimally. Through this mechanism, abuses of authority by state officials or individuals holding positions within governmental institutions can be more effectively prevented and controlled. Consequently, state officials are obliged to act in accordance with constitutional provisions, and they are prohibited from taking actions that exceed or deviate from the Constitution. According to Jimly Asshiddiqie, checks and balances serve to ensure that state authority is properly regulated, restricted, and overseen, so that abuses of power by state administrators or individuals who temporarily occupy positions within state institutions can be prevented and addressed effectively.[35]

In exercising its oversight function, the DPR is governed by Article 70 paragraph (3) of Law No. 17/2014, which stipulates that "the oversight function as referred to in Article 69 paragraph (1) letter c shall be carried out through supervision of the implementation of statutes and the State Budget (APBN)." This provision indicates that the DPR's oversight authority must be grounded in supervising the implementation of laws and the APBN, rather than conducting periodic evaluations of state officials. Furthermore, in carrying out its oversight function, the DPR is vested with the right of interpellation and the right of inquiry. Article 79 paragraph (2) of Law No. 17/2014 states that "the right of interpellation as referred to in paragraph (1) letter a is the right of the DPR to request information from the Government regarding important and strategic governmental policies that have broad impacts on national life." Meanwhile, the DPR's right of inquiry is regulated under Article 79 paragraph (3), which

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[31] Ludvig Beckman, "Popular Sovereignty Facing the Deep State. The Rule of Recognition and the Powers of the People," *Critical Review of International Social and Political Philosophy* 24, no. 7 (November 10, 2021): 954–76, https://doi.org/10.1080/13698230.2019.1644583.
[32] Brian Z Tamanaha, *On the Rule of Law: History, Politics, Theory* (Cambridge University Press, 2004).
[33] Odi Alfazein Harahap, Elissa Virginia, and Muhammad Zhahab Limoya, "Perbandingan Teori Dan Praktik Tata Negara Antara Indonesia Dengan Inggris Hingga Amerika Serikat," *Jurnal Ilmu Hukum Prima* 3, no. 1 (2024), https://doi.org/https://doi.org/10.57235/qistina.v3i1.2351.
[34] Ro'is Alfauzi and Orien Effendi, "Pembatasan Kekuasaan Berdasarkan Paham Konstitusionalisme Di Negara Demokrasi," *Politica* 7, no. 2 (2020): 111–33, https://doi.org/10.32505/politica.v7i2.1990.
[35] Jimly. Asshiddiqie, "Konstitusi & Konstitualisme Indonesia," in *Sinar Grafika* (Jakarta, 2018).

provides that "the right of inquiry as referred to in paragraph (1) letter b is the right of the DPR to conduct an investigation into the implementation of a statute and/or governmental policy that is important, strategic, and has broad impacts on societal, national, and state life, and which is suspected of being contrary to statutory regulations."

If the DPR insists on exercising the periodic evaluation authority under Article 228A of the DPR Rules of Procedure, such action would be inconsistent with Law No. 17/2014. This is because Article 234 paragraph (1) of Law No. 17/ 2014 provides that "(1) The Rules of Procedure of the DPR shall be established by the DPR with reference to statutory regulations," and paragraph (2) states that "(2) The Rules of Procedure as referred to in paragraph (1) shall apply within the internal environment of the DPR." In the hierarchy of legislation, Law No. 17 /2014 holds a higher position than DPR internal regulations. Consequently, the DPR's Rules of Procedure apply solely within the internal sphere of the DPR and do not bind other state institutions. This position is reinforced by the statement of the Chair of the Honorary Council of the Constitutional Court, I Dewa Gede Palguna, who, when contacted by *Tempo*, explained:[36]

> "The Rules of Procedure of the DPR cannot bind institutions outside the DPR. They apply internally. For instance, they regulate when decisions may be taken, the procedures for electing the chair and vice-chair, and the procedures for imposing sanctions if members violate the rules."

Drawing on Hans Kelsen's theory, legal norms in a state are arranged in a hierarchical order, establishing a structured relationship among both superior and subordinate norms.[37] A norm that functions as the foundation for creating other norms is positioned at a higher level in the hierarchy. In contrast, a norm that derives its authority from a higher one occupies a subordinate place within the unified legal system. Consequently, the legitimacy of a lower norm is contingent upon its consistency with the norm located above it.

Given the inconsistency between the regulatory framework governing the authority to evaluate state officials under Article 228A of DPR Regulation No. 1/2025, it can be asserted that such a provision is incompatible with the principle of checks and balances as adopted by the UUD 1945. This incompatibility arises because:

1. The provision is inconsistent with the concept of checks and balances.

   Fundamentally, the mechanism of checks and balances is built upon two key concepts. The first is the notion of control and limitation (check), which originates from the classical separation-of-powers doctrine requiring that the legislative, executive, and judicial functions be carried out by separate institutions that operate independently from one another. Second, the concept of balancing power (balances) is intended to ensure that each branch of government holds a proportionate share of authority in day-to-day policymaking, thereby preventing any branch from accumulating absolute power.[38]

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[36] Nabiila Azzahra, Eka Yudha Saputra, and Antara, "Ramai Kritik Terhadap Revisi Peraturan Tentang Tata Tertib DPR," Tempo.co, 2025, https://www.tempo.co/politik/ramai-kritik-terhadap-revisi-peraturan-tentang-tata-tertib-dpr-1203995.

[37] Syofyan Hadi and Tomy Michael, "Hans Kelsen's Thoughts about the Law and Its Relevance to Current Legal Developments," *Technium Soc. Sci. J.* 38 (2022): 220, https://doi.org/https://doi.org/10.47577/tssj.v38i1.7852.

[38] Afreen Afshar Alam, "The Theory of Checks and Balances," *SSRN Electronic Journal*, 2024, https://doi.org/10.2139/ssrn.4712245.

Accordingly, the powers of state institutions must be subject to control, as the absence of such control will inevitably lead to abuse. The doctrine of checks and balances serves as a framework ensuring that governmental authority is regulated and limited so that the state operates in accordance with constitutional purposes. Without this mechanism, the equilibrium of power risks shifting toward the dominance of the DPR, creating a *legislative heavy* system.

Jimly Asshiddiqie underscores that the principle of checks and balances is designed to ensure that state authority is organized, restricted, and monitored as optimally as possible, so as to prevent or remedy the misuse of power by state actors or individuals holding positions within state institutions. Accordingly, the essence of the checks-and-balances mechanism lies in safeguarding the independence of each governmental branch in carrying out its constitutional duties, while at the same time averting any form of interference or dominance exerted by one branch over another.[39]

2. Inconsistent with the Rule of Law Adopted by Indonesia

One of the essential characteristics of the rule of law is the division of governmental powers as a means to protect human rights, thereby ensuring that the exercise of state authority is not carried out arbitrarily. As Indonesia adheres to the rule of law, every exercise of public power in the administration of the state must be based on the applicable legal framework. The law referred to in this context constitutes a hierarchical order of norms that culminates in the Constitution, so that all matters relating to state governance must be grounded in the Constitution as the supreme legal authority. Accordingly, the oversight function is limited to what is prescribed in Article 69 letter (c) and Article 70 of Law No. 17/2014.

3. Potential for Abuse of Power, Which Is Prevented by the Concept of Checks and Balances

As stated by Jaendjri Gaffar, the system of checks and balances—or the mutual supervision and balancing among state institutions—is designed to restrict the scope of action of each institution in exercising its duties, functions, rights, and powers, thereby preventing the practice of abuse of power or *détournement de pouvoir*. As Lord Acton famously stated, "Power tends to corrupt; absolute power corrupts absolutely." Accordingly, in the practice of state administration, the system of checks and balances functions to prevent arbitrary actions by authorities against the people.

4. Lack of Legal Certainty

The empowerment of the DPR to conduct periodic evaluations through Article 228A of DPR Regulation No. 1/2025 results in a situation of legal uncertainty. In a state based on the rule of law, such as Indonesia, the principle of legal certainty is indispensable because it guarantees order, stability, welfare, and justice. For that reason, legal certainty must serve as a foundational principle in the entire legal development process, including the drafting, interpretation, and implementation of legal norms. To realize legal certainty—one of the core aims of law the DPR's Rules of Procedure must be revised, particularly by providing clear and definitive legal norms.

These four points collectively illustrate that the authority granted to the DPR for evaluation under Article 228A is inconsistent with the concept of checks and balances upheld

[39] Asshiddiqie, "Konstitusi & Konstitualisme Indonesia."

by the UUD 1945, which serves as both the written constitution and the highest legal norm within the hierarchy of laws in Indonesia.

4. Conclusions

The legal framework adopted by the UUD 1945 is based on the concept of checks and balances. This concept holds that the exercise of power by state institutions must be controlled; without such control, abuse of power is inevitable. Checks and balances ensure that each branch of government is monitored and limited so that the state can operate in accordance with constitutional objectives. However, the provisions of Article 228A of the 2025 DPR Rules of Procedure are inconsistent with the principle of checks and balances for the following reasons: (1) it conflicts with the fundamental concept of checks and balances; (2) it is incompatible with the rule of law as practiced in Indonesia; (3) it creates the potential for abuse of power, which the checks and balances system is designed to prevent; and (4) it fails to provide legal certainty.

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6. Reference

Aji, M Rosseno. "Jimly Asshiddiqie: Pencopotan Hakim Konstitusi Aswanto Langgar Undang-Undang." Tempo, 2022. https://www.tempo.co/hukum/jimly-asshiddiqie-pencopotan-hakim-konstitusi-aswanto-langgar-undang-undang-280973.

Alam, Afreen Afshar. "The Theory of Checks and Balances." SSRN Electronic Journal, 2024. https://doi.org/10.2139/ssrn.4712245.

Alfauzi, Ro'is, and Orien Effendi. "Pembatasan Kekuasaan Berdasarkan Paham Konstitusionalisme Di Negara Demokrasi." Politica 7, no. 2 (2020): 111–33. https://doi.org/10.32505/politica.v7i2.1990.

Asshiddiqie, Jimly. "Konstitusi & Konstitualisme Indonesia." In Sinar Grafika. Jakarta, 2018.

Asshiddiqie, Jimly. Format Kelembagaan Negara Dan Pergeseran Kekuasaan Dalam UUD 1945. Yogyakarta: FH UII Press, 2005.

———. Pengantar Ilmu Hukum Tata Negara / Jimly Asshiddiqie. Depok: Rajawali Pers, 2020.

Azzahra, Nabiila, Eka Yudha Saputra, and Antara. "Ramai Kritik Terhadap Revisi Peraturan Tentang Tata Tertib DPR." Tempo.co, 2025. https://www.tempo.co/politik/ramai-kritik-terhadap-revisi-peraturan-tentang-tata-tertib-dpr-1203995.

Badaruddin, Sukri, Supriadi Supriadi, and Syaila Indah Ramadhani. "Dinamika Kelembagaan Negara Berdasarkan Pascaamandemen Uud Nri Tahun 1945." QISTHOSIA : Jurnal Syariah Dan Hukum 3, no. 1 (June 14, 2022): 37–47. https://doi.org/10.46870/jhki.v3i1.167.

Beckman, Ludvig. "Popular Sovereignty Facing the Deep State. The Rule of Recognition and the Powers of the People." Critical Review of International Social and Political Philosophy 24, no. 7 (November 10, 2021): 954–76. https://doi.org/10.1080/13698230.2019.1644583.

Black, and Hanry Campbell. Black's Law Dictionary. ST. Paul, Minn: West Publishing, Co, 2009.

Budiardjo, Miriam. Dasar-Dasar Ilmu Politik. Gramedia pustaka utama, 2003.

Daniel Reynaldi L Tobing, and Wilma Silalahi. "Perbandingan Sistem Pemerintahan Indonesia Menurut UUD 1945 Asli Dan Setelah Amandemen: Implikasi Terhadap Pembagian Kekuasaan Dan Prinsip Checks And Balances." Jurnal Pustaka Cendekia Hukum Dan Ilmu Sosial 3, no. 2 (October 4, 2025): 159–69. https://doi.org/10.70292/pchukumsosial.v3i2.151.

Gencer, Bedri. "Sovereignty and the Separation of Powers in John Locke." The European Legacy 15, no. 3 (June 2010): 323–39. https://doi.org/10.1080/10848771003783611.

Hadi, Sofyan. "Fungsi Legislasi Dalam Sistem Pemerintahan Presidensil (Studi Perbandingan Indonesia Dan Amerika Serikat)." Jurnal Ilmu Hukum DIH 9, no. 18 (2013). https://doi.org/https://doi.org/10.30996/dih.v9i18.275.

Hadi, Syofyan. "Prinsip Checks And Balances Dalam Struktur Lembaga Perwakilan Rakyat Di Indonesia." Mimbar Keadilan Jurnal Ilmu Hukum, 2014, 49–59. https://www.neliti.com/publications/240088/prinsip-checks-and-balances-dalam-struktur-lembaga-perwakilan-rakyat-di-indonesi.

Hadi, Syofyan, and Tomy Michael. "Hans Kelsen's Thoughts about the Law and Its Relevance to Current Legal Developments." Technium Soc. Sci. J. 38 (2022): 220. https://doi.org/https://doi.org/10.47577/tssj.v38i1.7852.

Harahap, Odi Alfazein, Elissa Virginia, and Muhammad Zhahab Limoya. "Perbandingan Teori Dan Praktik Tata Negara Antara Indonesia Dengan Inggris Hingga Amerika Serikat." Jurnal Ilmu Hukum Prima 3, no. 1 (2024). https://doi.org/https://doi.org/10.57235/qistina.v3i1.2351.

Hoff, Shannon. "Locke and the Nature of Political Authority." The Review of Politics 77, no. 1 (January 16, 2015): 1–22. https://doi.org/10.1017/S0034670514000813.

Hufron, and Syofyan Hadi. Ilmu Negara Kontemporer. Yogyakarta: LaksBang Grafika, 2015.

Isnaeni, Belly. "Trias Politica Dan Implikasinya Dalam Struktur Kelembagaan Negara Dalam UUD 1945 Pasca Amandemen." Jurnal Magister Ilmu Hukum 6, no. 2 (August 24, 2021): 78. https://doi.org/10.36722/jmih.v6i2.839.

Isra, Saldi. "Hubungan Presiden Dan DPR." Jurnal Konstitusi 10, no. 3 (2013): 399. https://doi.org/10.31078/jk1032.

Kaelan. Konstitusi Dan Demokrasi. Jakarta: Rajawali Pers, 2012.

Kraynak, Robert P. "Tocqueville's Constitutionalism." American Political Science Review 81, no. 4 (December 1, 1987): 1175–95. https://doi.org/10.2307/1962584.

Rahaditya, R, Lidya Imelda Rachmat, Raden Ajeng Diah Puspa Sari, and Yahya Abdi Nugroho. "Transformation of the Indonesian Constitutional System Through Amendments to the 1945 Constitution." QISTINA: Jurnal Multidisiplin Indonesia 3, no. 1 (June 1, 2024): 740–48. https://doi.org/10.57235/qistina.v3i1.2412.

Raudatun Nazwa, Alifya Zhafira, Annisa Hamdah, Mufti Wardani, Ahmad Muhajir, and Anwar Hafidzi. "Peran Lembaga Legislatif Dalam Mengawal Demokrasi Di Indonesia: Tinjauan Hukum Tata Negara." Sosial Simbiosis : Jurnal Integrasi Ilmu Sosial Dan Politik 2, no. 1 (December 23, 2024): 24–29. https://doi.org/10.62383/sosial.v2i1.1128.

Riyadi, Eko. "Reposisi Majelis Permusyawaratan Rakyat (MPR) Dan Implikasinya Terhadap Kedudukan TAP MPR/S Pasca Amandemen UUD 1945." Supremasi Hukum: Jurnal Kajian Ilmu Hukum 1, no. 1 (June 1, 2012). https://doi.org/10.14421/sh.v1i1.1907.

Saputra, Eka Yudha. "Polemik Tatib DPR, Mantan Hakim MK Sebut DPR Tidak Mau Tegak UUD 1945." Tempo, 2025. https://www.tempo.co/politik/polemik-tatib-dpr-mantan-hakim-mk-sebut-dpr-tidak-mau-tegak-uud-1945--1203531.

Schönegger, Philipp. "The Lockean Prerogative, Natural Law, and Political Power." Locke Studies 20 (2020): 1–22. https://doi.org/10.5206/ls.2020.8056.

Sunarto. "Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Indonesia." Masalah-Masalah Hukum 45, no. 2 (2016): 157. https://doi.org/10.14710/mmh.45.2.2016.157-163.

Suparman, Odang. "Konsep Lembaga Negara Indonesia Dalam Perspektif Teori Trias Politica Berdasarkan Prinsip Checks and Balances System." AHKAM 2, no. 1 (March 1, 2023): 59–75. https://doi.org/10.58578/ahkam.v2i1.898.

Tamanaha, Brian Z. On the Rule of Law: History, Politics, Theory. Cambridge University Press, 2004.

Triadi, Irwan, Akhfa Kamilla Sulaeman, Cristella Zevanya, Rasyanda Audra, Amudi Panigori Rangoraja, and Aura Nasya Madhani Harahap. "Implementasi Prinsip-Prinsip Demokrasi Dalam Sistem Hukum Tata Negara Indonesia." LANCAH: Jurnal Inovasi Dan Tren 2, no. 2 (June 26, 2024). https://doi.org/10.35870/ljit.v2i2.2735.

Widodo, Hananto. "Parameter Pengawasan Politik Dewan Perwakilan Rakyat Republik Indonesia Menurut Undang-Undang Dasar Negara Republik Indonesia Tahun 1945." Perspektif Hukum 19, no. 2 (2014): 229–49. https://doi.org/https://doi.org/10.30649/ph.v19i2.117.

Yani, Ahmad. "Analisis Kontruksi Struktural Dan Kewenangan DPR Dalam Fungsi Legislasi Berdasarkan Undang-Undang Dasar 1945." Jurnal Konstitusi 15, no. 2 (September 18, 2018): 348. https://doi.org/10.31078/jk1526.

Yani, Ahmad, and Ratu Julhijah. "Pembatasan Kewenangan DPR Dalam Seleksi Jabatan Publik Di Bidang Kekuasaan Eksekutif." Jurnal Negara Hukum 14, no. 1 (2023). https://doi.org/10.22212/jnh.v14i1.3609.

Yudha Yosephin Tambunan, Kezia Ananda Restu, Marshanda Luad Dahlia, and Cindy Valentina Natasya S. "Telaah Konstitusi Check And Balances DPR Atas Hak Prerogatif Presiden Dalam Pengangkatan Pejabat Negara." Jurnal Relasi Publik 1, no. 2 (May 23, 2023): 92–103. https://doi.org/10.59581/jrp-widyakarya.v1i2.327.

Zamakhsyari, Ahmad Faris, Muhamad Adji Rahardian Utama, Jihan Syahida Sulistyanti, Rasyanahla Ghaffar Baharudinsyah, and Suci Nabilla. "State Authority and Legal Action: How to Prevent the State Misconduct?" Law Research Review Quarterly 6, no. 2 (May 16, 2020): 198–198. https://doi.org/10.15294/lrrq.v6i2.37722.

Zoelva, Hamdan. Pemakzulan Presiden Di Indonesia. Jakarta: Sinar Grafika, 2011.