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POLITICAL PARTIES AND CHECKS AND BALANCES IN INDONESIA'S PRESIDENTIAL SYSTEM

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Abstract: *This article examines how political parties affect checks and balances in Indonesia's presidential system through parliamentary factions, recall mechanisms, coalition politics, and the House of Representatives (DPR) channel for proposing Constitutional Court justices. It employs normative or doctrinal legal research using statutory, conceptual, and case approaches. The findings show that party influence is constitutionally mediated rather than an independent form of state power. Strong party discipline can create tension with the representative autonomy of legislators, while broad governing coalitions may reduce the political incentive for critical parliamentary oversight. Recent Constitutional Court decisions continue to accept recall by political parties as constitutionally permissible. The more appropriate reform is therefore to strengthen procedures, written reasons, review mechanisms, and safeguards for legitimate parliamentary activity rather than to remove the party's role. In Constitutional Court appointments, the DPR's authority to propose candidates should remain intact, but the process should be transparent, participatory, objective, and accountable. Political finance reform should also distinguish BPK audits of APBN/APBD assistance from broader disclosure and independent audits of private party funding. The article proposes a framework that strengthens party accountability while respecting the constitutional allocation of authority.*

Keywords: *Checks and Balances; Parliamentary Factions; Political Parties; Presidential System; Recall.*

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Introduction

The four amendments to the 1945 Constitution between 1999 and 2002 fundamentally reconfigured Indonesia's constitutional architecture. The earlier concentration of authority around the People's Consultative Assembly was replaced by a more horizontal distribution of constitutional functions among institutions whose powers originate directly from the Constitution. The resulting arrangement does not reproduce a rigid separation of powers. Instead, it distributes authority while creating reciprocal mechanisms of control among the President, the DPR, the judiciary, and other constitutional institutions (Asshiddiqie, 2016, 2020; Budiardjo, 2017).

Political parties occupy a distinctive position within this architecture. They are not branches of government and do not exercise state authority in their own name. Their influence is mediated through constitutionally recognized channels: parties nominate candidates for the DPR and DPRD, nominate presidential and vice-presidential candidates, organize elected legislators in parliamentary factions, and shape coalition behavior once elected officials enter state institutions (Republic of Indonesia, 1945, 2008, 2011). The distinction is important because legal analysis should not equate organizational party power with constitutionally conferred public authority.

The constitutional importance of parties nevertheless creates a structural tension. In the DPR, party factions coordinate legislative positions and political strategy. At the same time, members of parliament hold public office and participate in constitutional functions that include legislation, budgeting, oversight, and, in specific circumstances, presidential accountability. Party discipline can support programmatic consistency, but excessive dependence on party leadership may narrow the space for constituent representation and individual parliamentary judgment. Comparative scholarship likewise shows that legislators operate under multiple principals, including parties, voters, and institutional leadership, rather than under a single undifferentiated mandate (Carey, 2007; Rauf et al., 2018).

A second tension concerns coalition politics. Multiparty presidentialism gives presidents incentives to construct legislative coalitions in order to secure governability, legislation, and budget approval. Political science literature has long noted that fragmented multiparty presidential systems can create bargaining pressures between the executive and legislature (Mainwaring, 1993). In Indonesia, broad presidential power-sharing has also been associated with weak or blurred opposition, although the strength of oversight varies across periods and issues and cannot be inferred from coalition size alone (Slater, 2018; Ufen, 2008). A normative legal article should therefore distinguish the constitutional availability of oversight powers from the political incentives that influence whether those powers are actually used.

Party influence also appears in the DPR's role in proposing three Constitutional Court justices. Article 24C(3) of the Constitution divides the nine nominations equally among the Supreme Court, the President, and the DPR. The Constitutional Court Law requires the nomination process to be transparent and participatory and the selection to be objective and accountable (Republic of Indonesia, 2003, 2020). Political representation in the DPR means that parties inevitably participate in this channel, but political participation in appointment does not by itself establish judicial dependence. The legal question is whether appointment procedures contain sufficient safeguards for competence, integrity, transparency, and public accountability (Garoupa & Ginsburg, 2009; Wantu et al., 2021).

These three channels of influence require different legal treatment. The recall mechanism remains part of positive law and has repeatedly survived constitutional review, including Constitutional Court Decisions No. 22/PUU-XXIII/2025 and No. 44/PUU-XXIV/2026. Party finance is governed by a different structure: Article 34A of the Political Party Law specifically requires BPK audit of receipts and expenditures derived from APBN/APBD assistance, not every component of party funding. The DPR's authority to propose Constitutional Court justices is also constitutionally attributed and cannot simply be transferred to an external selection body. Taken together, these rules point toward procedural safeguards and stronger accountability rather than institutional substitution (Constitutional Court of the Republic of Indonesia, 2014, 2016, 2025, 2026; Republic of Indonesia, 2011).

The article therefore examines two questions. How do political parties influence checks and balances through the DPR's legislative and oversight functions and through the DPR channel for Constitutional Court appointments? Which legal reforms can reduce the risks of excessive party control without contradicting the constitutional authority of political parties and state institutions? The contribution lies in separating legitimate party mediation from the accountability problems created by party discipline, coalition incentives, political finance, and appointment procedures.

Method

This article employs normative legal research. The analysis focuses on the legal framework governing political parties, parliamentary functions, interim replacement of legislators, executive and legislative oversight, and the DPR's authority to propose Constitutional Court justices. The research does not use surveys, interviews, or statistical measurement. Political science scholarship serves only as secondary context for institutional incentives; it is not treated as empirical proof that a particular coalition pattern always produces a predetermined constitutional outcome (Marzuki, 2019).

The analysis combines three approaches. The statutory approach examines the 1945 Constitution, the Political Party Law, the MD3 Law as amended, the Constitutional Court Law, Government Regulation No. 1 of 2018 on political party financial assistance, and DPR Regulation No. 1 of 2020 on Standing Orders. The conceptual approach is used to assess checks and balances, representative autonomy, party discipline, multiparty presidentialism, cartelization, judicial independence, and political accountability. The case approach focuses on Constitutional Court decisions concerning party recall and the design of Constitutional Court appointments, particularly Decisions No. 22/PUU-XXIII/2025, No. 44/PUU-XXIV/2026, No. 1-2/PUU-XII/2014, and No. 53/PUU-XIV/2016 (Constitutional Court of the Republic of Indonesia, 2014, 2016, 2025, 2026).

Primary legal materials include constitutional provisions, statutes, implementing regulations, parliamentary regulations, and Constitutional Court decisions. Secondary materials draw on verified academic books together with peer-reviewed articles from Indonesian and international journals. The materials were collected through document study and checked against official legal repositories or journal metadata where available. Grammatical and systematic interpretation establish the formal scope of institutional powers; comparison of judicial reasoning identifies constitutional limits; conceptual analysis supports the evaluation of institutional risks. These steps are then combined in a prescriptive synthesis to formulate reforms that strengthen accountability without altering the constitutional distribution of authority.

Results and Discussion

The Constitutional Position of Political Parties in Checks and Balances

Checks and balances in Indonesia operate among constitutionally authorized institutions, not between the State and political parties as equivalent branches of power. Parties influence the system because they are gateways to elected office and because their members organize parliamentary activity after elections. This influence is legally significant, but it remains mediated through constitutional offices. Treating the party itself as a state organ would obscure the distinction between public authority and political organization (Republic of Indonesia, 1945, 2008, 2011).

The distinction is easiest to see in the operation of parliamentary factions. A DPR faction is an internal parliamentary grouping used to coordinate the work of elected members, whereas the political party remains an organization outside the formal structure of state authority. In practice, the boundary between the two is close because faction members remain subject to party rules and political discipline. That relationship can support coherent legislative positions, but it may also narrow the space for constituent representation when parliamentary choices are determined primarily by centralized party leadership. Comparative scholarship reaches a similar conclusion: legislators answer to several principals, including parties, voters, constituents, and institutional leaders, rather than to a single source of political authority (Carey, 2007; Katz & Mair, 1995).

The legal objective is therefore not to remove party influence from representative institutions. Political organizations are indispensable to electoral democracy. What requires regulation is the manner in which that influence reaches public office: the process should be transparent, based on identifiable legal grounds, and open to meaningful accountability.

Parliamentary Factions, Party Discipline, and Recall

The interim replacement mechanism is one of the strongest formal links between party organization and parliamentary tenure. Article 239 of the MD3 Law includes a proposal by the political party, made in accordance with applicable law, among the statutory grounds for termination. This structure may create tension between party accountability and constituent representation when dismissal arises from internal political disagreement rather than misconduct. Indonesian scholarship has therefore asked whether recall should be accompanied by stronger constituent and procedural safeguards (Jayus et al., 2020; Mutawalli et al., 2023; Rauf et al., 2018).

That concern must be separated from the current constitutional position. In Decision No. 22/PUU-XXIII/2025, the Constitutional Court rejected the relevant challenge to the recall regime, apart from one aspect that was declared inadmissible in relation to the Political Party Law. Decision No. 44/PUU-XXIV/2026 again accepted interim replacement initiated through political parties within the existing constitutional framework. Earlier decisions had reached the same general position. The article therefore does not treat party recall as unconstitutional under current law (Constitutional Court of the Republic of Indonesia, 2025, 2026).

Reform should proceed within that jurisprudential boundary. The MD3 and Political Party Laws can require written and publicly accessible reasons for recall, internal due process, a real opportunity for the affected member to respond, clear evidentiary grounds, and effective review when dismissal is disputed. The law can also distinguish disciplinary misconduct from the legitimate exercise of parliamentary functions, including reasoned voting, oversight questioning, and participation in an inquiry. These safeguards preserve party responsibility while reducing the risk that recall is used merely to enforce personal or factional obedience.

Limiting recall only to criminal convictions or resignation would go too far. Such a rule would remove a legally recognized mechanism of party accountability and would sit uneasily with the Constitutional Court's repeated acceptance of recall. Procedural proportionality offers a narrower solution because it preserves the institution while placing clearer limits on how it is used.

Coalition Politics and Parliamentary Oversight

The DPR's oversight powers are constitutionally substantial. Article 20A of the 1945 Constitution recognizes interpellation, inquiry, and the right to express an opinion, while DPR Standing Orders regulate the procedures for exercising those rights (Republic of Indonesia, 1945; House of Representatives of the Republic of Indonesia, 2020). The existence of these powers means that broad coalition government does not legally remove parliamentary oversight.

The central problem is political incentive, not the formal absence of oversight authority. Multiparty presidentialism encourages presidents to build legislative alliances so that governing programs can secure parliamentary support. Mainwaring (1993) identified the institutional difficulty of combining presidentialism with fragmented multipartism. In the Indonesian context, Slater (2018) shows how presidential power sharing can blur the line between government and opposition, while Ufen (2008) emphasizes the wider problem of party system institutionalization. These studies support concern about oversight shaped by coalition politics, but they do not establish that every broad coalition necessarily paralyzes parliament.

The evidence used here does not measure how often interpellation or inquiry is blocked in practice. For that reason, cartelization is treated as an institutional risk, not as an automatic consequence of coalition size. Indonesian scholarship has documented democratic stagnation, political finance pressures, and periods of executive illiberalism, while also showing that institutional and civil society contestation continues (Mietzner, 2012, 2015; Power, 2018; Warburton & Aspinall, 2019). The legal analysis is therefore limited to whether existing rules preserve workable channels for oversight and whether those channels can be made more transparent.

A statutory ceiling on the number of parties permitted to join a governing coalition would be difficult to reconcile with freedom of political association and presidential discretion in building political support. More focused safeguards are available. DPR rules can strengthen minority agenda rights, guarantee fair access to committee leadership and inquiry procedures, require recorded voting on major oversight motions, and publish faction positions on interpellation and inquiry proposals. These measures leave coalition formation to political actors while improving the conditions under which parliamentary oversight can still operate.

The DPR Channel for Constitutional Court Appointments

Article 24C(3) of the Constitution gives the DPR, the President, and the Supreme Court the authority to propose three Constitutional Court justices each. The Constitutional Court Law further requires nomination to be transparent and participatory and selection to be objective and accountable. Party influence in this area is therefore indirect: factions shape the DPR's decision-making, but the legal authority belongs to the DPR as a constitutional institution (Republic of Indonesia, 1945, 2003, 2020).

The appointment structure raises a legitimate concern about judicial independence, but it does not justify a presumption that justices proposed by the DPR are politically dependent. Comparative scholarship on judicial appointments shows that every selection model must balance independence, democratic legitimacy, and accountability; none removes political influence entirely (Garoupa & Ginsburg, 2009). Indonesian research reaches a similar point by emphasizing transparency, public participation, objective qualifications, and consistent procedures in Constitutional Court recruitment (Wantu et al., 2021).

An independent panel that effectively confines the DPR to candidates approved by that panel would create a separate constitutional difficulty. Constitutional Court jurisprudence treats the nomination authority of the three proposing institutions as power attributed directly by Article 24C(3) of the Constitution. An external body may assist the process, but it should neither replace the DPR nor transfer the final power of proposal to another institution (Constitutional Court of the Republic of Indonesia, 2014, 2016).

An advisory expert panel under DPR authority is more consistent with that constitutional design. The process can require open registration, published eligibility and scoring criteria, public interviews, asset and conflict of interest disclosure, a period for public comment, and reasoned scoring. Experts may evaluate and recommend candidates, while the DPR retains the final power to propose them. This arrangement gives practical meaning to transparency, participation, objectivity, and accountability without changing the constitutional allocation of authority.

Channel	**Current Legal Position**	**Accountability Risk**	**Legally Defensible Reform**
Factions and recall	PAW initiated through political parties remains legally recognized and has survived recent constitutional review.	Strong discipline may narrow representative autonomy and constituent responsiveness.	Written reasons, internal due process, review mechanisms, proportionality, and protection for legitimate parliamentary activity.
Executive oversight	DPR retains interpellation, inquiry, and opinion rights regardless of coalition composition.	Broad coalition incentives may reduce adversarial oversight without legally removing DPR powers.	Minority agenda rights, recorded votes, transparent faction positions, and fair access to oversight bodies.
Party finance	BPK audits accountability for APBN/APBD party assistance; this is not an audit of every funding source.	Private funding may remain difficult for the public to scrutinize comprehensively.	Separate BPK audit of public assistance from broader disclosure and independent audit of private party finance.

Channel	Current Legal Position	Accountability Risk	Legally Defensible Reform
DPR nomination of MK justices	DPR has constitutionally attributed authority to propose three justices; selection must be transparent, participatory, objective, and accountable.	Factional bargaining may affect perceived independence if procedure lacks transparency.	Advisory expert panel, open selection, public scoring and comments, conflict disclosure, and reasoned final DPR decision.

Table 1. Party influence, constitutional risk, and targeted reform

Political Finance and Internal Party Democracy

Political finance is relevant to checks and balances because financial dependence can shape candidate recruitment, internal hierarchy, and the incentives of officeholders. The Political Party Law requires accountability for state and regional budget assistance, and Article 34A specifically requires annual reports on APBN/APBD assistance to be submitted to BPK for audit (Republic of Indonesia, 2011). Government Regulation No. 1 of 2018 further regulates political party financial assistance (Republic of Indonesia, 2018).

A proposal to place every component of party finance under BPK audit would therefore overstate BPK's present legal mandate. Its constitutional and statutory role is tied to public finance. A broader transparency model can instead require political parties to publish consolidated annual statements covering membership dues, lawful donations, and other permitted private income, with those accounts audited by an independent public accountant under uniform standards. BPK would continue to audit the public assistance component. The two forms of audit can be coordinated without treating them as the same legal function.

Internal democracy also deserves attention. Greater transparency in candidate recruitment, leadership contests, disciplinary proceedings, and party decision-making can reduce personalized control without requiring the State to dictate party ideology. International scholarship shows that party institutionalization and cartelization are shaped by organizational incentives alongside electoral rules (Katz & Mair, 1995; Ufen, 2008). Indonesian research on political finance and democratic stagnation then adds a domestic dimension by showing why accountability within parties matters for the quality of representative institutions (Mietzner, 2012, 2015).

A Normative Framework for Stronger Checks and Balances

The reform model developed from these findings is procedural rather than prohibitive. Political parties should remain central to democratic recruitment, parliamentary organization, and coalition formation. The law should focus on making the exercise of party power more transparent and reviewable once it affects the tenure or conduct of public officeholders.

First, the Political Party Law should strengthen internal due process, financial disclosure, and reasoned disciplinary procedures. Second, the MD3 framework should preserve recall while adding safeguards against arbitrary dismissal and should improve the procedural capacity of minority or opposition factions to initiate oversight. Third, DPR rules on Constitutional Court nominations should operationalize the existing statutory principles of transparency, participation, objectivity, and accountability through open and reasoned selection.

This approach also avoids shifting constitutionally assigned powers to external bodies merely because political influence is difficult to regulate. Additional institutions do not automatically produce stronger checks and balances. Accountability improves when the institution that already holds the power must act through transparent procedures, give legally relevant reasons, and remain open to public scrutiny. That logic fits the constitutional architecture created by the amendments and is consistent with comparative work on party discipline and judicial appointment design (Carey, 2007; Garoupa & Ginsburg, 2009).

Conclusion

Political parties influence Indonesia's checks and balances system through constitutionally mediated channels rather than through an independent form of state power. Their strongest influence appears in parliamentary factions, party discipline and recall, coalition incentives affecting oversight, political finance, and the DPR's role in proposing Constitutional Court justices. The principal legal issue is not party participation itself. It is whether the exercise of party influence is transparent, reviewable, and consistent with the public character of constitutional office.

Several limits of current law shape the reform options. Party recall remains constitutionally permissible, so safeguards should improve procedure rather than abolish the party's role. Broad government coalitions may weaken incentives for opposition, but coalition size does not legally remove the DPR's oversight powers and should not be controlled through an arbitrary statutory ceiling. BPK audits the use of APBN/APBD party assistance rather than every category of party income, which calls for a separate transparency mechanism for private funding. An external selection panel, meanwhile, should not displace the DPR's constitutional authority to propose Constitutional Court justices.

A coherent reform agenda should strengthen internal party democracy and make recall procedures transparent and reviewable. It should also improve minority access to parliamentary oversight, separate the audit of public funding from independent audit of private party finance, and institutionalize open and reasoned Constitutional Court selection within the DPR's existing authority. These measures do not alter the constitutional allocation of power. They make the exercise of that power easier to scrutinize and harder to use arbitrarily.

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