

The Existence of the People's Consultative Assembly (MPR) Post Amendments to the 1945 Constitution of the Republic of Indonesia

Metty Murni Wati Ibrahim¹, Ahmad Redi², K. Johnson Rajagukguk³, Jamin Ginting⁴, Nelson Pardamean Purba⁵
{angelibrahim@yahoo.com¹, ahmad_redi@borobudur.ac.id², johnsonrajagukgukk@gmail.com³,
jamin.ginting@uph.edu⁴, nelsonpurba1967@gmail.com⁵}

Universitas Borobudur^{1,2,3}, Universitas Pelita Harapan⁴, Universitas Jayabaya⁵

Abstract. This research discusses the evolution of the existence and authority of the People's Consultative Assembly (MPR) following the amendment of the 1945 Constitution (UUD 1945) in Indonesia. The amendments were made to address the imbalance of power that existed previously, where the MPR had a dominant role in governance, including policy-making and executive oversight. Through the amendments, the authority of the MPR was limited, focusing on essential functions such as the inauguration and dismissal of the President and Vice President, who are directly elected by the people. Although the role of the MPR in policy formation diminished, its function as a watchdog and balancer of power among state institutions remains strategically important in maintaining political stability and democracy. It reflects Indonesia's efforts to strengthen democratic principles and popular sovereignty by adjusting the powers of state institutions according to political dynamics and societal demands.

Keywords: People's Consultative Assembly, Amendment of the 1945 Constitution, Existence

1 Introduction

Indonesia has the highest legal basis in the constitution, namely the 1945 Constitution of the Republic of Indonesia, which was later called the 1945 Constitution as the legal rules that regulate the legal basis for the implementation of the state and how human behavior is regulated. One of the substances provided for in the 1945 Constitution relates to the people's representative institutions which consist of the People's Consultative Assembly (MPR), the People's Representative Council (DPR) and the Regional Representative Council (DPD).[1] The People's Consultative Assembly, or MPR as it is commonly known, is one of the highest state institutions. As a state institution established and its position based on the 1945 Constitution of the Republic of Indonesia (UUD 1945), and in carrying out its authority also based on the UUD 1945 and other legal regulations governing it, the MPR has the authority to execute or make determinations on a matter by the rules stipulated in the UUD 1945.

The position of the MPR before the amendment of the UUD 1945 was as the institution holding the highest state power. As the holder and full executor of the people's sovereignty, the MPR embodies the entire Indonesian society. The authority of the MPR as the top state

institution includes the appointment and dismissal of the President and Vice President. Since the amendment of the UUD 1945 between 1999 and 2002, the role of the MPR has changed to be on par with other state institutions to regulate the functions of mutual supervision and balance among institutions (the principle of checks and balances).[2] The result of the amendment to the 1945 Constitution by the MPR is a significant reduction in the MPR's authority, where the MPR loses the ability to appoint the President and/or Vice President. Now, the direct election of the President and Vice President is conducted by the people through general elections. This loss of authority renders the MPR no longer the highest state institution but rather an institution equal to other institutions within the Indonesian constitutional system, to create balance and mutual supervision among institutions (checks and balances).[3]

The current existence of the People's Consultative Assembly (MPR) has become a problematic issue as this institution has lost many authorities that were once vital in the Indonesian constitutional system. With a significant reduction in powers such as the appointment of the President and Vice President, which are now carried out through direct general elections by the people, and the incidental powers related to amendments of the 1945 Constitution and the impeachment of the President and/or Vice President after a lengthy and complicated process involving the Constitutional Court and the DPR (People's Consultative Assembly), the MPR has lost essential tasks that strengthened its existence. It raises questions about the relevance and urgency of the MPR's existence as an effective state institution playing a substantial role in Indonesia's current governance.

2 Method

2.1 Method

In this research, normative research methods will be used to examine the existence of the MPR after the amendments to the 1945 Constitution. Normative research methods are approaches that focus on analyzing legal texts and legal documents to understand the concepts, principles and implementation of certain laws.[4] Using this method, the research will explore the text of the amendments to the 1945 Constitution relating to changes in the position and authority of the MPR, as well as their impact on the existence and role of this institution in the Indonesian constitutional system. Normative analysis will provide an in-depth understanding of how constitutional modifications affect the function and relevance of the MPR in the current government context.

2.2 Approach

This research employs two main approaches: the legislative approach and the conceptual approach. The legislative approach will focus on the analysis of various laws, regulations, and amendments to the 1945 Constitution related to the position and authority of the People's Consultative Assembly (MPR). Through this approach, the research will identify in detail the legal changes that affect the existence and role of the MPR in Indonesia's governance system post-amendment. On the other hand, the conceptual approach will be used to analyze key concepts such as constitutional systems, separation of powers, functions of state institutions, and the principle of checks and balances. Thus, this research will provide a holistic

understanding of legislative changes and basic concepts influencing the existence of the MPR in the context of constitutional amendments.[5]

3 Result and Discussion

3.1 The Authority of the MPR Before the Amendment to the 1945 Constitution

At the beginning of the ratification of the 1945 Constitution on August 18 1945, the MPR had the position of the highest state institution. As the highest state institution, the MPR is currently stipulated in the 1945 Constitution as the holder of people's sovereignty. As the holder of popular sovereignty, the MPR has the authority to elect and appoint the President and Vice President for a period of 5 (five) years. So, the MPR also has the authority to dismiss the President and Vice President before their term of office ends if the President and Vice President are deemed to have violated state policy.[6]

In Article 2, paragraph (1) of the 1945 Constitution before the amendment, the People's Consultative Assembly (MPR) consisted of members of the People's Representative Council (DPR) plus representatives from regions and societal groups according to the regulations stipulated in the law. Thus, it can be concluded from this article that the MPR is an expansion of the DPR following the addition of representatives from regions and societal groups as regulated by prevailing legislation. However, this actually creates ambiguity since the explanation in the 1945 Constitution does not clearly define what is meant by "regions" and "societal groups." There are also no other articles in the 1945 Constitution that explain the definitions of regions and societal groups, thus making interpretation impossible. Furthermore, in Article 3 of the 1945 Constitution before the amendment, the MPR had the authority to determine the 1945 Constitution and the general outlines of the state's direction. This would lead to power imbalances or overpowering, where the MPR has the right to determine the executive branch and even steer a country through its determinations regarding the general outlines of the state's direction. From these two articles, it is evident that the position of the MPR itself still raises many ambiguities. [7]

In MPR RI Decree Number II/MPR 1999 concerning Rules and Regulations stated that the position, duties and authority of the MPR include:[8]

- 1) Position
In Article 2 of MPR RI Decree Number II/MPR 1999 concerning Rules and Regulations, the assembly is the embodiment of all Indonesian society and as the highest state institution, as well as the full holder and implementer of people's sovereignty.
- 2) Task
In Article 3 of MPR RI Decree Number II/MPR 1999 concerning Rules and Regulations, the assembly has the task of:
 - a) Establishing the Constitution;
 - b) Determine the Outlines of State Policy; And
 - c) Select and appoint the President and Vice President.
- 3) Authority

In Article 4 of the Decree of the People's Consultative Assembly (MPR) of the Republic of Indonesia Number II/MPR 1999 concerning Rules of Procedure, the assembly has the authority to:

- a) Make decisions that cannot be annulled by other state institutions, including the determination of the State Guidelines for the Implementation of State Policy (GBHN), whose implementation is entrusted to the President or a mandate holder;
- b) Provide explanations that serve as interpretations of the assembly's decisions;
- c) Conclude the election, which is then followed by the appointment of the President and Vice President;
- d) Request and assess the accountability of the President or mandate holder regarding the implementation of the general outlines of the state's direction and evaluate such responsibilities;
- e) Revoke mandates and dismiss the president during their term if the president or mandate holder seriously violates the general outlines of the state's direction and/or the 1945 Constitution.
- f) Amend the 1945 Constitution;
- g) Determine the rules of procedure of the assembly;
- h) Determine the leadership of the assembly, selected from and by its members; and
- i) Make decisions on members who violate their oath or pledge.

The People's Consultative Assembly (MPR) has two significant roles or authorities. Firstly, the MPR has the authority to form the Constitution (UUD), indicating that the MPR holds a position above the 1945 Constitution. Secondly, the MPR functions as an institution representing the sovereignty of the people in implementing the 1945 Constitution, indicating that the MPR is subordinate to the 1945 Constitution. In the first authority, the MPR seems to be above the 1945 Constitution, and there are two reasons for this. First, historically, the 1945 Constitution was not created or established by the MPR initially or when it was amended in 1959. Second, legally, the establishment of a new Constitution as a replacement or amendment of the old Constitution must be based on the provisions of the old Constitution.[9]

Before the amendment of the 1945 Constitution, the People's Consultative Assembly (MPR) as the highest state institution in the Indonesian constitutional system had extensive duties and authorities. Regarding the executive branch, the MPR had authority over the President. In addition to appointing the President, the MPR had the authority to request and assess the President's accountability for all government policies, which had to comply with the fundamental principles established by the MPR. In terms of legislation, the MPR had authority over the People's Representative Council (DPR) and the President. All laws created by the legislative body had to conform to the framework established by the MPR. In legislative matters, the MPR had the authority to determine that laws must be in line with the 1945 Constitution and MPR Decrees. The MPR also oversaw the DPR and the Supreme Audit Agency (BPK). The DPR was responsible for overseeing the President's actions in daily governance, while the BPK had the responsibility to inform the DPR regarding state financial audits, where the DPR could request a special session with the MPR. In legal conformity testing, the MPR had authority over the Supreme Court or other institutions appointed by the MPR. The Supreme Court could not conduct substantial assessments of MPR Decrees and laws as products of the legislative body; only the MPR had the authority to test the substance of the country's legislation. In the consultative field, the MPR had authority over the President and the Supreme Advisory Council

(DPA), providing a forum for consultation or requesting advice for the government in carrying out its duties and authorities.

Before the amendment of the 1945 Constitution, the role and power of the MPR were considered excessive and led to power imbalances in the Indonesian constitutional system. As the highest state institution, the MPR had various extensive authorities. One of its main authorities was in the formation and oversight of the Constitution, which gave the MPR significant influence in determining the legal framework and state policies. The MPR also had the power to appoint the President, assess government policies, and oversee executive actions through the DPR and the BPK.

This excessive power rendered the MPR dominant in various aspects of governance, including lawmaking. The DPR, as a legislative body, had to adhere to the fundamental principles established by the MPR in the legislative process. Moreover, the MPR also had authority in legal conformity testing or assessment, providing significant control over the judiciary. The impact of this excessive power of the MPR was the occurrence of power imbalances among state institutions. The dominant position of the MPR weakened the independence of other institutions such as the DPR and the President in carrying out their constitutional duties and functions. Additionally, excessive control by the MPR over the judiciary could threaten the independence and credibility of the judiciary.

Perceptions of power imbalances were one of the main motivations for amending the 1945 Constitution. The amendments aimed to correct and rebalance the power among state institutions to be more equitable and proportional according to the principle of separation of powers in a democratic system. Since the amendments, the role of the MPR as the highest state institution has been adjusted to reduce overly dominant authority, thus creating a more balanced and responsive system to the political dynamics and needs of Indonesian society today.

3.2 The Existence and Authority of the MPR After the Amendment to the 1945 Constitution

One of the main reasons behind the amendment of the 1945 Constitution is the concern that the power of the People's Consultative Assembly (MPR) as the highest state institution is too vast and unbalanced, thus violating the principle of checks and balances in the Indonesian governance system. Before the amendment, the MPR held a dominant role in various aspects of governance, including lawmaking and executive oversight. The MPR had extensive authority in determining the fundamental outlines of government policies and assessing the President's accountability, thereby diminishing the independence of the People's Representative Council (DPR) as a legislative body. Furthermore, the MPR also exerted significant control over the judiciary through its authority in testing legal conformity.[10]

The impact of the MPR's excessive power is the occurrence of power imbalances among state institutions. The dominant position of the MPR can hinder the independence of legislative and executive bodies in carrying out their tasks according to their constitutional functions. Moreover, excessive control over the judiciary can threaten the independence and integrity of the judicial system. This power imbalance contradicts the principle of checks and balances, which should regulate the relationship between the executive, legislative, and judicial powers to mutually supervise and balance each other. The overly dominant power of one institution like

the MPR can disrupt this mechanism and endanger the stability and integrity of the governance system.

Changes in the MPR's authority, made to ensure the sovereignty of the people in the Indonesian constitution through the amendment of the 1945 Constitution, reflect a significant transformation in the governance system. One major change is the direct election of the president by the people through general elections. Previously, the MPR had a role in selecting the President, but with this change, the people directly have a say in determining the head of state and government.

Furthermore, the amendments also eliminated the MPR's authority in determining the general outlines of the state's direction. Previously, the MPR had the authority to establish the broad policies of the state, but with this amendment, this function is transferred to the more representative legislative body, the DPR. The MPR's authority after the amendments becomes more focused, where it only functions to inaugurate the President and Vice President who have been directly elected by the people in general elections. Additionally, the MPR still has the authority to dismiss the President and Vice President according to the rules stipulated in the 1945 Constitution. The process of selecting the President and Vice President by the MPR only occurs in situations of vacancy, such as impeachment or resignation resulting in leadership vacuum.[11]

These changes aim to ensure that the sovereignty of the people is truly realized in the Indonesian governance system. With the direct election of the president by the people, the role of the MPR becomes more limited and focused on essential constitutional functions, such as inaugurating and, if necessary, dismissing the President and Vice President by democratic principles and the rules stipulated in the 1945 Constitution. These amendments also reduce the dominance of the MPR in determining state policies, thereby enhancing the representation of the people through the directly elected legislative body. Thus, these changes in the MPR's authority are an important step in upholding the principle of popular sovereignty and strengthening the democratic system in Indonesia.

The changes in the MPR's authority through the amendment of the 1945 Constitution have significant impacts on Indonesia's governance and politics. Here are some of the main impacts of these changes:

- 1) **Strengthening Popular Sovereignty**

One of the main impacts of these changes is the strengthening of popular sovereignty in Indonesia's political system. With the direct election of the president by the people through general elections, the people have a direct voice in determining the head of state and government. It reinforces the principle of representative democracy, where representatives directly elected by the people can represent the interests and aspirations of the community.

- 2) **Reduction of MPR Dominance**

The changes in authority that remove the MPR's function in determining the general outlines of the state's direction and limit the MPR's role only to the inauguration and dismissal of the President and Vice President reduce the dominance of the MPR in the political process. It provides greater space for the legislative body (DPR) as representatives of the people to take a more active role in policymaking.

- 3) **Strengthening Democratic Institutions**

With these changes, democratic institutions in Indonesia experience strengthening. The direct election of the president and the increased role of the DPR as a

representative body of the people strengthen the principles of democracy that involve public participation in political decision-making.

4) Political Stability

These changes also impact the political stability of Indonesia by reducing the potential for conflict or political tension that may arise due to the dominance of certain institutions. With a more balanced distribution of power among state institutions, a more stable and harmonious political environment is created.

5) Government Legitimacy

With the direct election of the president by the people, the government formed has stronger legitimacy as it is directly chosen by the people. It can increase public trust and support for the government led by a democratically elected president.[12]

Therefore, the changes in the authority of the MPR in the amendment of the 1945 Constitution bring significant positive impacts in strengthening democratic principles, enhancing political representation, and reinforcing the sovereignty of the people in Indonesia. These impacts contribute to the formation of a more inclusive governance system that is responsive to the needs of society and politically stable. The changes in the MPR's authority through the amendment of the 1945 Constitution have indeed transformed the roles and functions of the MPR to be more limited compared to other state institutions in the Indonesian constitutional system. It raises relevant questions regarding the existence and role of the MPR in the context of the new governance system.

The reduction of MPR's authority in the amendment of the 1945 Constitution, especially concerning the direct election of the president by the people, has led some to doubt the relevance and urgency of the MPR's existence as the highest state institution. Previously, the MPR had a central role in determining national leadership, but with this change, its role becomes more limited only to the inauguration and dismissal of the president. This change also raises questions about the effectiveness and efficiency of the MPR in carrying out its constitutional duties and functions. With more limited authority, can the MPR still make a significant contribution to maintaining political stability and the sovereignty of the people? Additionally, there are concerns that changes in the MPR's authority may reduce the diversity of political perspectives that should be represented in the highest state institution. With greater dominance from the executive and legislative branches, are the various political and social interests in Indonesia still adequately represented in the national decision-making process? These changes also invite questions about the future existence of the MPR in the long term. Are further changes needed to adjust the role of the MPR to the evolving political dynamics and demands of society?

Although the changes in the MPR's authority raise some questions and doubts about its existence, it is important to acknowledge that these changes are a reasonable response to the changing times and the demands of democratization. This process is part of the evolution of Indonesia's political system towards a more responsive, inclusive, and democratic governance. With changes in authority through the amendment of the 1945 Constitution, the current existence of the MPR can indeed be understood as a high state institution that is equal and parallel to other high state institutions in the Indonesian constitutional system. Although its authority has become more limited, the MPR still plays an important role in ensuring the balance of power between state institutions through the mechanism of checks and balances. Despite no longer having a dominant role in shaping state policies, the MPR still has the responsibility to inaugurate and, if necessary, dismiss the President and Vice President by constitutional provisions.

In the current context, the MPR can serve as a forum to encourage dialogue between state institutions and oversee the implementation of government policies. The MPR's function in the

mechanism of checks and balances is crucial to maintaining the balance of power between the executive, legislative, and judicial branches, and preventing abuse of power. Although the MPR's authority is more limited, its role in overseeing and balancing the power of other institutions remains strategic in maintaining political stability and the sustainability of democracy in Indonesia. Thus, the current existence of the MPR as an institution equal to other high state institutions enables the creation of a more democratic, inclusive, and responsive governance system to the needs and aspirations of society.

4 Conclusion

Before the amendment of the 1945 Constitution, the MPR had extensive and dominant authority in the Indonesian constitutional system. As the highest state institution, the MPR not only played a crucial role in the formation and oversight of the Constitution but also in the appointment and supervision of the President, as well as significant influence in lawmaking and legal compliance testing. The excessive power of the MPR led to power imbalances among state institutions, threatening the independence of other institutions such as the DPR and the judiciary. The amendment of the 1945 Constitution was carried out to address this imbalance by reducing the authority of the MPR, creating a more balanced and responsive system to the current political dynamics and the needs of Indonesian society.

The existence and authority of the MPR after the amendment of the 1945 Constitution reflect a significant evolution in the Indonesian governance system, aimed at addressing power imbalances and strengthening democratic principles and popular sovereignty. Before the amendment, the MPR had a highly dominant role in governance, especially in policy formation and executive oversight, resulting in power imbalances among state institutions. Consequently, legislative bodies (DPR) and the judiciary could be affected in carrying out their constitutional duties. The amendment of the 1945 Constitution was carried out to correct this imbalance by limiting the authority of the MPR, such as direct presidential elections by the people and the removal of the authority to determine the outlines of the state's direction. Although the authority of the MPR has become more limited, its role in ensuring the balance of power among state institutions remains strategic. As an institution equal to others, the MPR serves as a forum for dialogue among state institutions and oversees the implementation of government policies. Although the MPR's role in state policy-making has diminished, its function in the mechanism of checks and balances remains important for maintaining political stability and the sustainability of democracy in Indonesia. Thus, the current existence of the MPR as an equal institution in the governance system makes a significant contribution to creating a more democratic, inclusive, and responsive governance structure to the aspirations of the people.

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