

The Dynamics of Presidential Impeachment in the Indonesian Constitutional System: A Critical Study of the Constitutional Mechanism

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Manuscript ID	ICLR: 06/ Vol.1/No.2 (2025)
Type	Articles
Subject	Constitutionalism
Keywords	Impeachment; Indonesia; Konstitusi; Mekanisme; Presiden
Author(s) Origin	Indonesia
Abstrak (Indonesia)	<p>Pemakzulan Presiden merupakan mekanisme penting dalam menjaga akuntabilitas kekuasaan dalam sistem ketatanegaraan Indonesia. Meskipun telah diatur dalam Pasal 7A dan 7B UUD 1945 serta diperkuat melalui UU Mahkamah Konstitusi dan UU MD3, mekanisme ini masih menyisakan berbagai persoalan, seperti multitafsir norma, potensi politisasi, dan lemahnya partisipasi publik. Penelitian ini bertujuan untuk mengkaji landasan yuridis dan filosofis pemakzulan serta merumuskan rekomendasi perbaikannya. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual, serta analisis data sekunder.</p> <p>Hasil penelitian menunjukkan bahwa pemakzulan merupakan cerminan prinsip negara hukum, demokrasi, dan konstitusionalisme. Namun, pelaksanaannya perlu diperkuat melalui kejelasan norma hukum, penguatan peran Mahkamah Konstitusi, transparansi proses, dan keterlibatan publik. Kesimpulannya, pemakzulan harus dijaga dari kepentingan politik dan dijalankan secara objektif dan akuntabel. Penelitian ini merekomendasikan reformulasi regulasi teknis dan peningkatan kesadaran konstitusional guna memastikan pemakzulan berfungsi sebagai instrumen hukum, bukan alat politik.</p>
Abstrack	<p><i>The impeachment of the President is an important mechanism in maintaining accountability of power in the Indonesian constitutional system. Although it has been regulated in Articles 7A and 7B of the 1945 Constitution and strengthened through the Constitutional Court Law and the MD3 Law, this mechanism still leaves various problems, such as multiple interpretations of norms, the potential for politicization, and weak public participation. This study aims to examine the juridical and philosophical basis of impeachment and formulate recommendations for its improvement. The method used is normative legal research with a legislative and conceptual approach, as well as secondary data analysis.</i></p> <p><i>The results of the study show that impeachment is a reflection of the principles of the state of law, democracy, and constitutionalism. However, its implementation needs to be strengthened through clarity of legal norms, strengthening the role of the Constitutional Court, transparency of the process, and public involvement. In conclusion, impeachment must be kept away from political interests and carried out objectively and accountably. This study recommends reformulation of technical regulations and increased constitutional awareness to ensure impeachment functions as a legal instrument rather than a political tool.</i></p>

I. INTRODUCTION

The Indonesian state adheres to a presidential system of government¹, in which the President holds the highest executive power while acting as the head of state and head of government². In the context of constitutionality, the President's position is very strategic because apart from being a symbol of people's sovereignty, he also functions as the main driver of state policies³. However, the presidential system does not put the President above the law⁴. On the contrary, this system expressly demands a mechanism of supervision and accountability for the exercise of executive power⁵. One of the most important supervision mechanisms in this system is impeachment, which is a constitutional process to remove the President from office if proven to have committed certain violations of the law as stipulated in the 1945 Constitution of the Republic of Indonesia (1945 Constitution).⁶

The impeachment of the President is not just an ordinary legal act, but a constitutional act that touches on the most fundamental aspects of a country's constitutional system⁷. In the history of Indonesian constitutionalism, the issue of impeachment became very relevant, especially after the reform period, which was marked by fundamental changes in the structure and mechanism of the

¹ Irwan Triadi et al., "Constitutional Law Perspectives on Multiparty Systems in the Impact of Indonesian Ruling That Adheres to the Presidential System," *MISTER: Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research* 1, no. 3 (2024): 626.

² Krisyando Kelmaskosu and Umbu Rauta, "Presidential Power in Cabinet Formation According to the Presidential System," *Journal of Usm Law Review* 8, no. 1 (2025): 143–57, <https://doi.org/10.26623/julr.v8i1.11739>.

³ Suciati Ansori Zaini Sovian Aritonang, "The Role of Guerrilla War in Facing the Challenge of State Sovereignty," *Journal of Citizenship*, 8, no. 1 (2024): 1109–32.

⁴ Fourth Amendment et al., "Authority Of The Vice President In The Presidential System After The 4th Amendment," *Debasen Law Journal* 1, no. 1 (2025): 1–8.

⁵ Yuniar Riza Hakiki, "Contextualization of the Principle of Power as a Mandate in the Accountability of the President and Vice President of the Republic of Indonesia," *As-Siyasi: Journal of Constitutional Law* 2, no. 1 (2022): 1–20, <https://doi.org/10.24042/as-siyasi.v2i1.11813>.

⁶ Fitri Ayuningtyas, Aynul Khusnah, and Adelia Wahyuningtyas, "The Effectiveness of the 1945 Constitution on the Checks and Balances Mechanism and the Impeachment of the President or Vice President in the Perspective of Constitutional Law," *Journal of Law Enforcement and Justice* 4, no. 2 (2023): 14–26, <https://doi.org/10.18196/jphk.v4i2.17556>.

⁷ A. (2025). *Constitutional Law*. Publisher of Prima Agus Teknik Foundation. Wibowo, "Constitutional Law." (Publisher of Prima Agus Teknik Foundation., 2025).

constitution⁸. The amendment to the 1945 Constitution has opened the space for the dismissal of the President in a more open and democratic manner, with Establish procedures, conditions, and roles of various state institutions in the process⁹.

The impeachment process in Indonesia is specifically regulated in Article 7A and Article 7B of the 1945 Constitution¹⁰. In this provision, it is stated that the President and/or Vice President can be dismissed during their term of office by the People's Consultative Assembly (MPR) on the proposal of the House of Representatives (DPR), if proven to have committed a violation of the law in the form of treason against the state, corruption, bribery, other serious criminal acts, or despicable acts, and if it is proven that they are no longer qualified as President and/or Vice President¹¹. The dismissal proposal must first obtain a decision from the Constitutional Court (MK) that the President and/or Vice President are proven to have legally violated the law or are no longer qualified as President/Vice President as stipulated in Article 7B paragraph (4).¹²

The Constitution has provided a clear legal corridor for impeachment, but in practice this mechanism is very complex and cannot be separated from the political dynamics and power relations between the state's high institutions. In many cases, the impeachment mechanism can be a political weapon used to undermine the legitimacy of the President, even without an adequate legal basis. This can jeopardize the stability of the government and undermine the principle of the rule of law. Therefore, it is important to look further at how the dynamics of the impeachment of the President in Indonesia take place in constitutional practice.

The dynamics of the impeachment of the President in Indonesia reflect the tug-of-war between the legal norms written in the constitution and the political

⁸ Radian Salman and Rosa Riswati, "The Presidential System of Government in Constitutional Court Decisions," *Association of Teachers of Constitutional Law and State Administrative Law* 1, no. 1 (2023): 1045–74, <https://proceedingaphtnhan.id/index.php/paphtnhan/article/view/36>.

⁹ I Gede Sujana, Adelina Susanti, and Ina Kii, "The Implications of the Amendment of the 1945 Constitution on the Position and Authority of the People's Consultative Assembly," *JOCER: Journal of Civic Education Research*, 3, no. 1 (2025): 35–49.

¹⁰ Ofis Rikardof, Bhayangkara University, and Greater Jakarta, "The Application of the Impeachment Article in the Effort to Dismiss the President and/or Vice President in Term," *Sasana Law Journal* 11 (2025): 114–33.

¹¹ Ucha Widya, "Dismissal of the President and/or Vice President in the 1945 Constitution of the Republic of Indonesia Post-Amendment," *Journal of Lex Renaissance* 7, no. 1 (2022): 194–208, <https://doi.org/10.20885/jlr.vol7.iss1.art15>.

practices that are developing in the field. When the President is deemed to have violated the constitution or certain legal norms, the impeachment process should be a legitimate avenue to uphold the principles of accountability and the rule of law. However, this process is highly dependent on the political relationship between the DPR, the Constitutional Court, and the MPR. In a multiparty system like Indonesia, where political coalitions can be highly fluid and pragmatic, impeachment proceedings are often seen not only as a legal process, but also as an arena for power contestation.

Literature studies show that impeachment discourse often appears in situations of political crisis or declining public trust in the President. For example, during the leadership of President Abdurrahman Wahid, the impeachment mechanism was used by the House of Representatives and the People's Consultative Assembly to end the term of office of a president who was considered incapable of running the wheels of government effectively. Although the constitutional context at that time was different because the complete amendment to the 1945 Constitution had not yet been enacted, the case became an example of how impeachment could be a political instrument that greatly determined the direction of the government's course. After the amendment of the 1945 Constitution, the impeachment mechanism became more structured and systematic, but still retained a high potential for politicization.

Within the framework of the modern state of law, impeachment should be seen as a check and balance mechanism to prevent abuse of power¹³. However, in Indonesia, the implementation of this mechanism still faces a number of fundamental problems. First, there is normative ambiguity in some constitutional terms such as "*despicable act*", "treason against the state", or "*no longer qualified as President*", which opens up a wide and politically abusive interpretation space. Second, the impeachment mechanism requires the active involvement of several high-ranking state institutions, each of which has different political interests and constitutional positions, so the impeachment process is highly dependent on the configuration of existing political power¹⁴.

¹³ Ibrahimy University, "The Ideal Design of the 1945 Constitution Amendment: Between Term Limits and Strengthening the Presidential System," *Journal of Constitutional Studies*, 05, no. 01 (2025): 129–54.

¹⁴ A. A. Syauqi, "Comparative Constitutional Legitimacy of the Impeachment Process of President Soekarno and President Abdurrahman Wahid in the Principle of Checks and Balances Between Institutions in Indonesia" ((Bachelor's thesis, Faculty of Sharia and Law UIN Syarif Hidayatullah Jakarta), n.d.).

Third, there is no standard procedure that technically regulates the verification and investigation process for allegations of violations of the law committed by the President. Although the Constitutional Court is given the authority to decide whether or not such violations are legal, the process of proof and preliminary investigations remains within the realm of the House of Representatives, which often operate with political motives. This creates a dilemma between law enforcement and political stability, which ultimately has the potential to hurt the principle of due process of law.

Fourth, impeachment in Indonesia has not fully prioritized the principle of public participation. In fact, as the holder of the highest sovereignty, the people have an important role in maintaining the President's accountability. Unfortunately, the impeachment mechanism is still elitist and closed, without involving the participation of civil society at large. This is inversely proportional to the spirit of reform which demands openness, participation, and transparency in the administration of state power.

In addition, it should be noted that impeachment in the Indonesian constitutional system cannot be separated from the context of post-New Order constitutional reform. The amendment of the 1945 Constitution, which was carried out four times between 1999 and 2002, has brought about significant changes in the country's institutional design. A clearer separation of powers, the strengthening of the judiciary, and the establishment of the Constitutional Court are some examples of constitutional reforms aimed at strengthening the principle of the rule of law. In this framework, impeachment must no longer be used as a tool of power, but must be a rational, objective, and fair constitutional mechanism.

This study intends to conduct a critical study of the mechanism of presidential impeachment in the Indonesian constitutional system, focusing on constitutional aspects, institutional practices, and political implications. In this case, the study not only relies on the legal norms written in the 1945 Constitution and laws and regulations, but also on the dynamics of constitutional praxis that developed in the reform era.

II. METHODOLOGY

This research uses a normative legal research method¹⁵, which is an approach that is based on the study of written legal norms, such as laws and regulations, doctrines, legal principles, and judicial decisions¹⁶. In this context, the law is understood as a prescriptive and systematic norm, so the normative approach is appropriate to examine how the mechanism for impeachment of the President is regulated in the Indonesian constitutional system¹⁷. The focus of the research is directed to the provisions of the 1945 Constitution of the Republic of Indonesia, the Law on the Constitutional Court, the Law on the MPR, DPR, DPD, and DPRD (MD3 Law), as well as other relevant legal documents. This research also pays attention to the constitutional principles and principles of checks and balances that are the basis for the impeachment mechanism as part of the system of supervision of executive power.

The data sources in this study consist of secondary data, which include primary legal materials¹⁸ (laws and regulations and Constitutional Court decisions),¹⁹ secondary legal materials²⁰ (scientific literature, books, journal articles, and opinions of constitutional law experts),²¹ and tertiary legal materials (legal dictionaries and encyclopedias)²². The data collection technique was carried out through library research and analyzed qualitatively with a descriptive-analytical and evaluative approach. Through this analysis, this study not only describes the applicable legal norms, but also evaluates the suitability and effectiveness of the implementation of the impeachment mechanism in

¹⁵ Ilham, "Law Enforcement Against Gorontalo City Police Area Gambling Crime In," *Indonesian Civil Law Review (ICLR)* 1, no. 1 (2025): 1–17, <https://ejurnal.mgpublishing.co.id/index.php/iclr/article/view/1/4>.

¹⁶ Nurul Fadhilah, "Perspectives on Criminal Law and Its Enforcement Against the Crime of Cockfighting Gambling in Pohuwato Regency," *Indonesian Civil Law Review (ICLR)* 1, no. 1 (2025): 18–36.

¹⁷ andi azizah Hastia, "From Clicks to Contracts: Legal Considerations in Online Sale and Purchase Agreements," *Indonesian Civil Law Review (ICLR)* 1, no. 1 (2025): 37–52.

¹⁸ Eril Boli and Muh Nur Hidayat M, "Agrarian Law Reform in Indonesia : Between Legal Certainty and Social Justice," *Indonesian Civil Law Review (ICLR)* 1, no. 1 (2025): 53–68, <https://ejurnal.mgpublishing.co.id/index.php/iclr/article/view/5/6>.

¹⁹ Irmawati Nasadi and Suhartin I Akdaji, "The Dynamics of Marriage in the Modern Era : Between Tradition and State Law," *Indonesian Civil Law Review (ICLR)* 1, no. 1 (2025): 69–83.

²⁰ Dzikra Ridha Dwi Aribah and Rahmi Sahabuddin Saharuddin, Andi Suriyaman M Pide, Yunus Wahid, Muhammad Ilham Arisaputra, "Tayade System Land Rights : The Concept of Unification of Customary Law and Indonesian Tayade System Land Rights : The Concept of Unification of Customary Law and Indonesian Positive Law," in *IOP Conference Series: Earth and Environmental Science; The First Forest and Society International Conference 2024 (The 1st FSIC 2024)* (Purpose-Led publishing, 2024), 012005, <https://doi.org/10.1088/1755-1315/1430/1/012005>.

²¹ Saharuddin Saharuddin Hijrah Lahaling, Arhjayati Rahim, Sumiyati Beddu, Dzikra Ridha Dwi Aribah, "Legal Pluralism in the Tayade System: Reconciling Land and Plant Ownership Laws in Gorontalo," *Al-Syir 'Ab Scientific Journal* 23, no. 1 (2025): 1–17, <https://doi.org/http://dx.doi.org/10.30984/jis.v23i1.3325>.

²² Saharuddin Sahar et al., "Transfer of Land Rights in the Tayade System," *Petita: Journal of Legal and Sharia Studies* 10, no. 1 (2025): 195–210, <https://doi.org/10.22373/petita.v10i1.412>.

constitutional practice. The results of this research are expected to be able to make a theoretical and practical contribution in strengthening the Indonesian constitutional system based on constitutionalism and the rule of law.

III. THE JURIDICAL AND PHILOSOPHICAL BASIS OF THE PRESIDENTIAL IMPEACHMENT MECHANISM IN INDONESIA

A. Juridical Foundation: Constitution and Laws and Regulations

The juridical basis for the impeachment of the President is explicitly regulated in Article 7A and Article 7B of the 1945 Constitution as amended. Article 7A states that:

"The President and/or Vice President may be dismissed during their term of office by the People's Consultative Assembly on the proposal of the House of Representatives, either if it is proven that they have committed a violation of the law in the form of treason against the state, corruption, bribery, other serious criminal acts or reprehensible acts, or if it is proven that they are no longer qualified as President and/or Vice President."

Meanwhile, Article 7B of the 1945 Constitution explains the procedural stages of impeachment, starting from the submission of proposals by the House of Representatives, examinations by the Constitutional Court, to the final decision by the MPR. The Constitutional Court in this case is a constitutional institution that has a role in legally verifying whether the President has been proven to have committed violations as referred to in Article 7A. This aims to ensure that the impeachment process is not solely a political instrument, but based on juridical legitimacy²³.

This normative foundation was then strengthened by Law No. 24 of 2003 concerning the Constitutional Court (as amended by Law No. 8 of 2011), which regulates in more detail the testing procedure by the Constitutional Court in impeachment cases. In addition, Law No. 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (MD3 Law) regulates the authority of the DPR in proposing the dismissal of the President and the decision-making procedure by the MPR²⁴. The involvement of the country's three highest institutions (DPR, MK, and

²³ Satrio Alif Febriyanto, "Testing the Legality of the Impeachment of the Regent of Jember," *Al-Adalah: Journal of Islamic Law and Politics* 7, no. 1 (2022): 01–31, <https://doi.org/10.35673/ajmpi.v7i1.1663>.

²⁴ Sujana, Susanti, and Kii, "The Implications of the Amendment of the 1945 Constitution on the Position and Authority of the People's Consultative Assembly."

MPR) is a sign that impeachment is a multidimensional process, which requires caution and legal certainty in its implementation.

According to Jimly Asshiddiqie, one of the main designers of the Constitutional Court and an expert on constitutional law, the impeachment mechanism regulated in the 1945 Constitution after the amendment is a form of "constitutionalization of the political process" which aims to prevent conflicts between branches of power from developing into state instability²⁵. He emphasized that the existence of the Constitutional Court as an intermediary is a form of protection for the principle of due process of law in a democratic system Constitutional. The same thing was conveyed by Maria Farida Indrati, who stated that the impeachment mechanism is part of the principle of the rule of law which requires all powers to be subject to the law. Thus, even if the President is directly elected by the people, it does not mean that he cannot be dismissed if he violates the law or is no longer qualified as the head of the country.

However, the provisions in Article 7A of the 1945 Constitution also leave problematic gaps in practice, especially in interpretive phrases such as "reprehensible acts" and "no longer qualified". This phrase has the potential to give rise to subjective interpretations that can be used politically. S. F. Marbun in his book on constitutional law notes that the unclarity of norms in impeachment can open up room for politicization, especially if it is not accompanied by strict juridical standardization.

B. Philosophical Foundations: The Principles of the State of Law, Constitutionalism, and People's Sovereignty

Philosophically, the impeachment of the President is rooted in the principle of the rule of law (*rechtstaat*), which obliges all citizens and public officials to submit to the law, without exception. Within this framework, the President as the holder of executive power cannot act arbitrarily, and must be held accountable for his position if proven to be in violation of the law. This principle is affirmed in Article 1 paragraph (3) of the 1945 Constitution which states: "*The State of Indonesia is a state of law.*"

²⁵ S. Monteiro, J. M., & SH, "Getting to Know the Constitutional Court: Theory, Ideas, & Formation of the Constitutional Court, Constitutional Court's Authority, Constitutional Question, Constitutional Reference to the Constitutional Court." (KBM INDONESIA PUBLISHER., 2025).

Impeachment also reflects the value of constitutionalism, which is the idea that state power is limited by a mutually agreed basic law, namely the constitution. Constitutionalism demands that power is not absolute and must be organized with the principle of checks and balances. In Indonesia's presidential system, the legislature and judiciary act as a counterweight to executive power, and impeachment is the highest form of oversight of gross violations by the President. This mechanism is a manifestation of the accountability of positions in the realm of constitutional law, not just a form of political control.

Furthermore, impeachment is an expression of the sovereignty of the people, because the President is elected by the people and in a democratic system, power must always be controlled by the people directly or through representative institutions. When the President is considered to have betrayed the people's mandate or committed serious violations, institutions such as the House of Representatives and the People's Consultative Assembly (MPR) have the legitimacy to conduct evaluations and even dismissals. This is a manifestation of the principle of accountability of power in the modern system of government.

According to Friedrich Julius Stahl, a German legal philosopher who initiated the concept of the classical legal state, the rule of law must guarantee the protection of the basic rights of citizens, as well as enforce limited power. In the Indonesian context, impeachment is a tool to keep the President's power from violating the limits set by the law and the constitution²⁶. On the other hand, it should be noted that impeachment also carries constitutional risks if it is not carried out with strict prudential and procedural principles. History records that during the time of President Abdurrahman Wahid, the impeachment was carried out in an atmosphere of high political tension and minimal juridical testing, because at that time the Constitutional Court had not yet been formed. This experience shows the importance of the integrity of the legal mechanism in preventing impeachment that is only motivated by power.

As emphasized by Hendri Subiakto, impeachment should ideally be a rational and law-based constitutional process, not the result of compromise or political pressure. Therefore, the integrity of the state institutions involved, as

²⁶ Afrinald Rizhan, "The Concept of the State of Prophetic Law," *Codification* 3, no. 1 (2019): 74–100, <https://ejournal.uniks.ac.id/index.php/KODIFIKASI/article/view/1206>.

well as the participation of civil society in overseeing the process, is very important in maintaining the substance of democracy.

Thus, it can be concluded that the juridical and philosophical foundations of the mechanism for impeachment of the President in Indonesia have been built with a fairly strong foundation after the amendment of the 1945 Constitution. Nevertheless, the potential for deviation remains open if constitutional provisions are not strictly followed, or if legal interpretations are hijacked by political interests. Therefore, efforts are needed to clarify the limits of norms, strengthen the judiciary function in the impeachment process, and encourage public understanding of the importance of accountability for the office of President in a constitutional democratic system.

IV. RECOMMENDATIONS FOR IMPROVING THE IMPEACHMENT MECHANISM TO BE MORE IN LINE WITH THE PRINCIPLES OF CONSTITUTIONALISM, DEMOCRACY, AND THE RULE OF LAW

The impeachment of the President as a constitutional mechanism designed to maintain the balance of power needs to be constantly refined so as not to lose its main function as a means of accountability for office, while still ensuring the stability of the government. In the context of Indonesian constitutionalism, the existence of Articles 7A and 7B of the 1945 Constitution has become an important foundation in limiting the power of the President and providing a legally measurable mechanism of dismissal. However, constitutional practice and political dynamics show that impeachment still holds potential for irregularities, both in the form of politicization of the legal process and weak accountability of the institutions involved. Therefore, it is necessary to make several normative and institutional improvements so that this mechanism is more in line with the principles of constitutionalism, democracy, and the rule of law

A. Strengthening Constitutional Norms and Organic Legislation

The first recommendation is the need for further elaboration of multi-interpretation phrases in Article 7A of the 1945 Constitution through organic legislation. Phrases such as "despicable act", "treason against the state", and "no longer qualified" require a clearer interpretation of the law, so as not to leave

room for subjective interpretation by political institutions. In this case, the establishment or revision of organic laws that contain legal limits and indicators for these acts is very necessary. For example, the law can specify what is meant by "reprehensible acts" in the realm of criminal law and ethics of office.

The absence of an operational definition of the category of lawlessness in the impeachment mechanism has become a loophole that opens up space for politicization. As highlighted by Prof. Saldi Isra, multiple interpretations of impeachment norms can be an entry point for the use of constitutional mechanisms for the sake of power, not the interests of law and justice. Therefore, legal certainty can only be realized if the norm is rigidly described in positive law.

B. Increasing the Independence and Professionalism of the House of Representatives in the Impeachment Process

As an institution authorized to initiate the impeachment process, the House of Representatives must carry out its functions with the principles of objectivity and institutional integrity. In practice, the impeachment process is greatly influenced by the political constellation in parliament, especially the dominance of political party factions that can make impeachment a political weapon rather than a means of law enforcement.

To remedy this, it is recommended that the impeachment process in the House of Representatives involve stricter ethical and legal mechanisms, such as the establishment of an independent ethics committee or the involvement of law enforcement agencies in the initial investigation stage. Strengthening the mechanism for preliminary review before a proposal is submitted to the Constitutional Court will help filter whether impeachment has a strong legal basis, or is purely politically motivated.

C. Optimizing the Role of the Constitutional Court as the Guardian of the Constitution

The Constitutional Court (MK) has a central role in ensuring that the impeachment proposal truly meets the constitutional elements and does not contradict the principle of the rule of law. Therefore, the authority of the Constitutional Court needs to be strengthened, especially in terms of evidentiary

procedures, criteria for assessing violations, and the independence of judges in handling this highly political case.

It is necessary to prepare internal guidelines or guidelines for the Constitutional Court in examining impeachment cases so that the process runs more transparently, consistently, and is accessible to the public. In addition, strengthening the capacity of Constitutional Court judges through ethics training, increasing protection against political intervention, and encouraging accountability of decisions will ensure the integrity of the Constitutional Court's role as a guardian of the constitutional system.

D. Encouraging Civil Society Engagement and Process Transparency

The next recommendation is to encourage greater public participation in the impeachment process, in accordance with the spirit of participatory democracy. So far, the impeachment process is very elitist and takes place in the spaces of state institutions, without involving input from the public or other independent institutions. In fact, as the holder of the highest sovereignty, the public has the right to know and oversee the course of the impeachment process that concerns the future of national leadership.

Regulations that require open publication of the process, documents, and discussion of impeachment, both in the DPR, Constitutional Court, and MPR are needed. In addition, the involvement of academics, legal professional organizations, NGOs, and the media as oversight partners can prevent information manipulation and ensure that impeachment is truly based on constitutional interests, not short-term political interests.

E. Revision of the Final Mechanism in the MPR

The People's Consultative Assembly as the final decision-making institution in the impeachment process has a very strategic role. However, the decision-making mechanism by the MPR currently does not have detailed technical arrangements, such as voting criteria, deadlines, and forms of political accountability that must be conveyed to the public. Therefore, it is necessary to formulate an internal rules of the MPR that explain these technical steps, so that the impeachment decision is not arbitrary and remains within the legal corridor.

As stated by Prof. Harun Al Rasyid, "democracy is not just about who is elected, but how power is accounted for and controlled." Therefore, strengthening the MPR institution as the final decision-maker must go hand in hand with the principles of transparency, participation, and accountability.

F. Constitutional Education and Strengthening Legal Awareness

Improvements to the impeachment mechanism must also be accompanied by strengthening constitutional education among the political elite and the wider community. Many constitutional deviations occur not because of normative weaknesses, but due to low awareness of the principle of the rule of law and the importance of constitutional supremacy. Therefore, constitutional law education, ethics training, and regular socialization of the impeachment mechanism are very important among state officials, political parties, and legal education institutions.

A collective awareness of the importance of maintaining the integrity of the constitutional process will shape a healthier political culture of law and keep impeachment away from transactional practices. Overall, the above recommendations aim to ensure that the mechanism for impeaching the President in Indonesia remains a legitimate and constitutional instrument in maintaining the stability of the country and the integrity of power. Impeachment should not be abused for political gain, but should be an embodiment of the principles of constitutional supremacy, accountability of power, and people's sovereignty. Improving regulations, strengthening institutions, community participation, and improving legal culture are the four main pillars that must be integrated consistently in building a fair and democratic impeachment system.

V. CONCLUSION

The mechanism for impeaching the President in the Indonesian constitutional system is a concrete manifestation of the principles of the rule of law, constitutionalism, and democracy. Juridically, the basis for impeachment has been regulated in Articles 7A and 7B of the 1945 Constitution and strengthened by organic laws such as the Constitutional Court Law and the MD3 Law. The existence of the Constitutional Court as an institution to examine and decide whether or not violations are valid or not by the President is an important form

of checks and balances mechanism in the presidential system. Philosophically, impeachment reflects the accountability of power to the law and the people as the holders of supreme sovereignty. The President is not immune from the law, and if proven to have committed a serious violation, can be legally and measurably dismissed through constitutional mechanisms.

However, the implementation of impeachment in Indonesia still faces serious challenges, both in terms of legal certainty and the integrity of the political process. Therefore, urgent improvements are needed through a number of steps, including: clarifying the norm of multiinterpretation in the constitution through derivative legislation; increase the professionalism of the House of Representatives in drafting and proposing impeachment; strengthening the role of the Constitutional Court as a guardian of the constitution; encourage public participation and transparency in the impeachment process; reorganize the decision-making mechanism in the MPR; and improving constitutional education and legal culture. This comprehensive reform aims to ensure that impeachment does not become a momentary political tool, but remains within an objective and fair legal corridor in order to maintain the dignity of the constitution and the stability of Indonesian democracy.

ACKNOWLEDGMENTS

The authors may recognize those who helped in the research, especially funding supporters of research. The acknowledgment can include individuals who have assisted you in your study: Advisors, Financial supporters, or other supporters, i.e., Proofreaders, Typists, and Suppliers who may have given materials.

COMPETING INTEREST

The authors will be asked to sign this statement once the submission has been accepted.

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