

ANALYSIS OF POWER ASYMMETRY IN THE LEGISLATIVE PROCESS ANALYSIS OF THE WEAKENING ROLE OF THE HOUSE OF REPRESENTATIVES AS A LAWMAKER

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Abstract

This study examines the phenomenon of power asymmetry between the executive and legislative branches in the legislative process in Indonesia after the amendment of the 1945 Constitution, which has resulted in the weakening of the role of the House of Representatives (DPR) as a lawmaker. The study aims to analyze the weakening of the DPR's position and the implications of power asymmetry on the quality of national legislation. The methods used are a juridical-normative and a juridical-empirical approach, with qualitative analysis of secondary data in the form of legislative documents, meeting minutes, and literature reviews. The study's results reveal two main findings. First, the DPR has been weakened since the amendment of the 1945 Constitution due to the executive's dominance in controlling the National Legislation Program (Prolegnas) agenda and party coalitions, with 91% of the 48 laws for the 2020-2024 period originating from executive initiatives, making the DPR more of a ratification mechanism than an independent lawmaker. Second, this asymmetry of power has serious implications for the quality of legislation, which lacks transparency and public participation, as seen in the case of the Job Creation Law, which was declared conditionally unconstitutional, and the high number of judicial reviews at the Constitutional Court (more than 1,700 petitions), which indicates a systemic failure of the legislative system. These findings emphasize the need to reformulate the roles and working mechanisms between the DPR and the President to ensure a more balanced, participatory, and accountable legislative process.

Keywords: Power Asymmetry, Legislation, DPR, President, Executive Dominance.

INTRODUCTION

Indonesia's presidential system places the DPR and the President as the two main actors in the law-making process. Constitutionally, Articles 20 and 21 of the 1945 Constitution state that the DPR holds the power to make laws together with the President. This provision reflects the principle of *separation of powers* in a presidential system, whereby legislative power should be in the hands of the representative body as the holder of sovereignty (*das sollen*). However, in practice (*das sein*), the role of the DPR

appears to be increasingly subordinate to the executive branch, especially in terms of initiative and dominance of the legislative agenda.

The 1999–2002 amendments to the 1945 Constitution significantly changed Articles 5 and 20. Before the amendments, the President had the authority to enact laws, and the DPR only approved them. After the amendments, the DPR's role as the law-making body was strengthened, while the President retained the right only to submit draft laws to the DPR (Sunarto, 2017). Although the post-amendment

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Constitution constitutionally strengthened the DPR, the reality is that the President's position in legislation has been strengthened, as the DPR is weak in its control and is often held hostage by internal rules of procedure that do not clearly regulate the executive's position (Saldi Isra, 2010). This shift has actually weakened the DPR's position in legislative practice. According to research, the amendments have "placed the DPR in a weak position" due to political fragmentation, the return of executive dominance, and internal conflicts, such as competition for leadership positions in the DPR and its organs. As stated by Denny Indrayana, after the amendment to the 1945 Constitution, the DPR indeed acquired an explicit legislative role. However, the legislative process was still dominated by the executive, both in submitting draft laws and in determining priority agendas through the National Legislation Program (Prolegnas) (Indrayana, 2008).

The highly fragmented multi-party system creates obstacles to vote consolidation in the House of Representatives. Data shows that there were 16 parties and 10 factions during SBY's early term, with no single faction able to secure an independent majority, forcing the formation of coalitions that were often pragmatic and fluid (Isra, 2009). This increases legislative complexity and weakens the DPR's ability to make joint decisions (Yuda, 2004). Ian Linz and Arturo Valensuela also emphasize that in presidentialism and multiparty systems, presidents often have substantial legislative power that weakens parliament (Valensuela, 1990). Furthermore, Adinda Salsa Aryadi Putri

notes that the DPR tends to exercise its legislative function only in an administrative and ceremonial capacity. Many laws are enacted quickly, without in-depth review or adequate public participation, ultimately demonstrating the dominance of the government's agenda in lawmaking (Putri, 2016).

An analysis of the DPR's internal management shows weak legislative work strategies. For example, in the 2015-2016 period, the DPR only produced two bills out of 39 Prolegnas targets, often due to internal conflicts and a lack of time and resources allocated for legislation. This fact indicates a striking discrepancy between legislative targets and realization (DPRD, 2016).

According to data for 2020-2024, of the 259 bills in the National Legislation Program, only 115 came from the DPR, while a total of 48 bills completed by December 2024 consisted of various categories (JawaPos.com, 2024, October 1):

1. 115 proposals from the DPR
2. 44 proposals from the Government
3. 33 joint proposals from the DPR and the Government
4. 23 proposals from the Regional Representative Council (DPD)
5. 1 Government-Regional Representative Council (DPD) proposal
6. 8 proposals from the DPR/Government/DPD

Interestingly, of the total 48 laws passed, only a few originated in the DPR itself, with the rest coming from the executive branch, where around 44 laws, or 91% of bills, were finalized. This shows that the DPR functions more as a

mechanism for ratifying executive bills rather than as an independent lawmaker. There is a strong tendency for the President to regain dominance in the legislative process. He believes that the power to formulate laws, which should belong to the DPR, has shifted to the executive authority, particularly through control of the National Legislation Program agenda and control over party coalitions in parliament.

This power asymmetry not only reflects technical problems in the legislative process but also has serious implications for the principle of *checks and balances* in the presidential system. Constitutionally (*das sollen*), the presidential system presupposes a clear separation between executive and legislative powers to ensure *checks and balances*. However, in practice (*das sein*), Indonesia's extreme multiparty system forces the formation of a large, permanent coalition between the president and the parties in the DPR. The weak position of the DPR in the law-making process has the potential to erode its oversight and accountability functions over the executive branch, as well as to hinder the creation of participatory and representative laws for the people.

Power asymmetry in a presidential system refers to an imbalance in the relationship between constitutionally equal state institutions, particularly between the legislative (DPR) and executive (President) branches. In Indonesia's presidential system of government, this phenomenon is evident in the legislative process, where the DPR's legislative role has been systematically weakened. According to data from the DPR Expertise Agency and

a PSHK study, about 70-80% of bills included in the National Legislation Program (Prolegnas) originate from the government (PSHK, 2020). This imbalance of power results in a legislative process that lacks public participation, is rushed, and is often not based on in-depth academic studies. This has led to many laws being challenged in the Constitutional Court on formal and substantive grounds.

The asymmetry of power in the legislative process in Indonesia is not only theoretical, but also real and measurable through various lawsuits against laws filed with the Constitutional Court (MK). One concrete indicator of the weak role of the DPR in its legislative function is the large number of laws that have been formally and substantively declared flawed by the MK due to non-compliance with the procedures for the formation of legislation mandated by Law No. 12 of 2011.

The implications of this gap between *das sollen* and *das sein* are very serious for the quality of legislation and democratic principles. The most striking example is the Job Creation Law (Law No. 11 of 2020), which, on November 25, 2021, was declared conditionally unconstitutional by the Constitutional Court for formal defects in its drafting process. The Constitutional Court ruled that the law's deliberation was not transparent, that there were substantive changes after its approval by the House of Representatives, and that there was a lack of meaningful public participation. This contradicts the principles of openness and participation as stipulated in Law No. 12 of 2011 (Constitutional Court, *Decision*

No. 91/PUU-XVIII/2020 on the Job Creation Law).

The gap between "*das sollen*" and "*das sein* in Indonesian legislation essentially reflects power asymmetry: the structural imbalance between the legislative and executive branches, which should be constitutionally equal. This asymmetry is not only formal-constitutional in nature, but also substantive-practical, encompassing inequalities in institutional capacity, access to resources, control of information, and political power. The president, with the support of the bureaucracy and party coalitions, has a superior position in controlling the legislative agenda. At the same time, the DPR has lost its independence and functions only as a mechanism for ratifying executive policies. This condition contradicts the principle of people's sovereignty as mandated in Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that sovereignty is in the hands of the people and is exercised in accordance with the Constitution. When legislation no longer reflects the people's aspirations but rather the executive's political agenda, the substance of representative democracy becomes distorted.

Therefore, this research is important for critically examining the extent of power imbalance in the legislative process in Indonesia and how institutional reforms can strengthen the DPR's role as a true lawmaker.

RESEARCH METHOD

The research method used in this study is an integrated normative and empirical legal approach. The normative juridical approach is used to examine the written legal norms that regulate the division of power and authority in lawmaking, particularly Article 20 of the 1945 Constitution of the Republic of Indonesia and Law No. 12 of 2011 concerning the Formation of Legislation (Soerjono Soekanto and Sri Mahmudji, 2003). Meanwhile, the empirical juridical approach is used to examine the implementation of these norms in the practice of law formation in the field.

This study is descriptive-analytical in nature. The types of data used include primary legal data in the form of the 1945 Constitution of the Republic of Indonesia, Law No. 12 of 2011, and Prolegnas documents, as well as secondary data in the form of academic literature, books, scientific journals, and research results on the separation of powers and legislative functions. Data collection was conducted through library research, including the examination of primary and secondary legal materials. The data were analyzed using a descriptive-analytical, qualitative, normative approach, in which the data were presented in sentences structured in an orderly, logical, and effective manner to produce a critical analysis of power asymmetry from a constitutional law perspective. The analysis results were used to draw inductive conclusions about the weakening of the DPR's legislative role and to address the research's focus issues.

RESULTS AND DISCUSSION

A. The DPR as a Lawmaker Has Been Weakened After the 1945 Constitution Amendment Due to Power Asymmetry

Based on the 1945 Constitution of the Republic of Indonesia, there has been a shift in the pattern of power from executive dominance (*executive heavy*) towards strengthening the role of the legislature (*legislative heavy*) (Nasional & Nasional, Monitoring and review of legislation and current issues in the field of law (a Recommendation), 2001). With this change, the President's authority in the law-making process is no longer absolute. This shift is reflected in Article 5, Paragraph (1) of the 1945 Constitution and confirmed in Article 20, Paragraph (1), which stipulates that the power to make laws rests with the DPR. As a result, the DPR now bears greater responsibility in the legislative process.

Nevertheless, after four amendments to the 1945 Constitution of the Republic of Indonesia (UUD 1945). The DPR's legislative function cannot be carried out independently without the involvement of the President (Asshiddiqie, Introduction to Constitutional Law, 2006). This is clearly evident in the law-making process as regulated in Article 20 paragraphs (2) and (3) of the 1945 Constitution. Although the DPR has legislative authority, every draft law (RUU) must be discussed with the President and must obtain mutual approval to become law. This provision establishes the principle of co-legislation between the two branches of government. Still, it also opens the door to executive dominance, especially since the President has stronger

administrative resources, access to the bureaucracy, and regulatory instruments (Mahendra, 2010). In Indonesian constitutional practice, the government is the dominant proponent of draft laws (RUU), while draft laws originating from the DPR's initiative are rare. This phenomenon can be explained by the fact that the government, especially the President, has broader access to concrete issues within society. This is in line with the characteristics of a welfare state, where the government is positioned as a proactive public servant. The President is not only the highest political actor, but also the main source of the national legislative agenda. Arsil states that the President controls legislative priorities, has veto power, and influences the legislative process in the DPR, making the legislative position substantively subordinate even though it is formally equal under the constitution (Arsil, 2024).

According to Jimly Asshiddiqie, the legislative function encompasses four main activities, namely: (1) proposing or initiating the drafting of laws (legislative initiation); (2) discussing draft laws (law-making process); (3) giving approval for the enactment of draft laws (approval of promulgation); and (4) approving the binding or ratification of international agreements and other binding legal documents (decision-making on international agreements and binding legal documents) (Assidiqqie, 2009).

The dominance of the executive is evident in legislative data for the 2015–2019 period: of the 91 laws passed, 59 originated from the President, 25 from the DPR, and the rest from the DPD. This reinforces the argument that the President's dominance in the legislative

process is not only normative but also factual.

Furthermore, in discussions of bills, the executive often holds a stronger position due to its access to better technocratic resources than the DPR. Many of the bills discussed are technical in nature and prepared by ministries and executive agencies. At the same time, the DPR often serves only as an approving party within a transactional political framework (Susanti, 2014). Meanwhile, procedurally, the submission and discussion of bills initiated by the DPR often face more complex obstacles than bills originating from the government. Although Article 21 of the 1945 Constitution grants DPR members the right to initiate bills, any agreed draft still requires the President's approval to have legal force. Thus, normatively, legislative power between the President and the DPR is balanced, but in practice, the government's dominant role in the legislative process remains prominent.

On the other hand, there are limitations on the capacity of the President and the House of Representatives (DPR) to realize the legislative program outlined in the National Legislation Program (Prolegnas). Theoretically, Prolegnas not only functions as an instrument for planning and directing national legal policy, but can also serve as a benchmark for assessing the performance of law-making institutions in each government period. However, in practice, the level of legislative achievement remains very low, falling short of the set target by more than 50%. Most priority bills originate with the President. In the 2020-2024 Prolegnas data, of the 248 bills included in the

medium-term program, only a small portion originated in the DPR, and the majority of government proposals had a greater chance of being discussed and passed (PSHK, 2024).

The infographic data reflects the suboptimal working relationship between the President and the DPR in the planning and implementation of legislative policies. Although various internal and external factors may influence the low achievement of the National Legislation Program, these data still provide a strong indication of weak synergy among law-making institutions in the formulation of national regulations.

This situation creates an asymmetry of power that runs counter to the spirit of separation of powers as developed in modern presidential systems. In the Indonesian state administration after the amendments, there has been a phenomenon of "presidential dominance," in which the president not only holds executive power but also controls most of the legislative process. In the classical theory of the presidential system, as explained by Juan Linz, the separation of powers is strictly enforced between the legislative and executive branches, whereby the President must not dominantly intervene in the legislative process to ensure healthy checks and balances. Therefore, there has been academic discourse on the restructuring of *checks and balances* in the legislative mechanism. In this framework, the repositioning of the authority of the House of Representatives (DPR) and the President, whether through constitutional amendments or judicial reinterpretation, is a strategic prerequisite for realizing a more representative, accountable, and

deliberative legislative system (Linz, 1990). Therefore, there has been academic discourse on the restructuring of *checks and balances* in the legislative mechanism. In this framework, repositioning the authority of the House of Representatives (DPR) and the President, whether through constitutional amendments or judicial reinterpretation, is a strategic prerequisite for achieving a more representative, accountable, and deliberative legislative system.

The problems in the formation of laws are not limited to quantitative aspects but also concern the quality of the legal products themselves. Many laws passed have faced constitutional challenges in the Constitutional Court. The Court often reviews laws for alleged conflicts with constitutional norms, which can lead to the cancellation or reinterpretation of those norms. This situation shows that, in addition to weak legislative implementation, the quality of regulations produced by the government and the DPR also requires significant improvement. On the other hand, the government drafts strategic, far-reaching laws and regulations, which the DPR then passes without substantial changes. This phenomenon leads to overregulation and the complexity of legal norms, which tend to be non-participatory (Anggono, 2020).

At the normative level, Indonesia adheres to a presidential system of government. However, in its constitutional practice, this system shows signs of anomaly, particularly in the formation and continuation of political party coalitions that more closely resemble those of a parliamentary system. One of the main factors driving the emergence of this coalition practice is the

multiparty configuration of parliament, in which no single party has absolute control over the legislative body. This political fragmentation forces the formation of coalitions, both during the presidential nomination period and in the administration of government after the elections.

This phenomenon occurs because of Indonesia's highly multiparty system, in which no single political party can control a majority of seats in the DPR on its own. For example, the results of the 2019 Legislative Elections show that no single party won more than 20% of the seats in the DPR. The PDI-P, as the winner, only obtained 19.3% of the total seats. This practice has given rise to a condition referred to by many political scientists as a "fat coalition," which can lead to excessive compromise, blur the opposition, and disrupt accountability and checks and balances in the presidential system. This political coalition is more indicative of parliamentary practice, where the executive is highly dependent on legislative support (Mietzner, 2013).

One characteristic of the presidential system is the potential for tension between the executive and legislative branches. This tension generally arises when the political party controlling the majority of seats in parliament is not the same as the one supporting the president. This imbalance of political power often triggers conflicts of authority, legislative deadlock, and weakens the effectiveness of government. This phenomenon is not merely incidental but a pattern that almost always emerges in the constitutional practices of countries that adopt a presidential system. A presidential system with a multiparty system tends to be

unstable because it leads in fragmented and ineffective governance (Sartori, 1997).

At first glance, the implementation of the presidential system of government in Indonesia appears anomalous. The presidential system of government is built on a coalition of political parties, which is actually a strong characteristic of a parliamentary system. This anomaly arises from a multiparty, fragmented party system. In a multiparty system such as Indonesia's, it is highly unlikely that a single party will win a majority of seats in parliament. Therefore, although Indonesia formally adheres to a presidential system, in practice the president needs to establish and maintain coalitions to ensure government stability, smooth legislative passage, and the ratification of national policies (Banyu Perwita et al., 2005). These coalitions are formed not only after elections but also through strategic pre-election agreements between political parties and presidential candidates (William Liddle et al., 2007). This practice demonstrates the diffusion of characteristics between government systems (*hybridization*), in which the logic of the parliamentary system also colors the dynamics of the presidential government in Indonesia (Scott Mainwaring et al., 1997). This phenomenon creates a *cooperative presidential system*, or *coalition presidentialism*, that does not fully correspond to the classic presidential model used in the United States (Sartori, Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes, 1997).

The party coalitions that have formed are a consequence of electoral strategy.

Still, they are also a response to an institutional design that requires a functional relationship between the President and the House of Representatives (DPR). Although the Indonesian Constitution adopts the principle of separation of powers, it does not apply it rigidly. On the contrary, various constitutional provisions actually require cooperation between the executive and legislative branches in the formulation and implementation of state policies.

The dominance of the executive in the legislative process in Indonesia can be traced not only through existing constitutional instruments but also empirically reflected in legislative data and the dynamics of national legal politics. This phenomenon shows that the Indonesian presidential system has a distinctive character: a tendency to strengthen the executive and to place the DPR as a passive partner in the legislative process. Therefore, the collaborative practice between the President and the DPR is not a deviation, but a reflection of the dynamics of the presidential system of government that must be adapted to the political reality of Indonesia. The need to build synergy between the executive and legislative branches is imperative in order to maintain the stability and effectiveness of the government amid the complexity of a multiparty political system. Political tensions, conflicting interests, and the domination of the agenda by one party can hinder strategic legislation and even trigger policy stagnation, with negative implications for government stability (David Edyson, 2025).

Efforts to purify the presidential system in Indonesia face challenges when

they are linked to Article 20 of the 1945 Constitution of the Republic of Indonesia. These provisions indicate a deviation from the ideal model of the legislative system in pure presidentialism. In this context, Saldi Isra, in his work *Pergeseran Fungsi Legislasi (Shift in Legislative Functions)*, identifies five main characteristics of the legislative process in an ideal presidential system.

First, in the planning or initiation stage of a bill, both the executive and legislative branches have equal standing in terms of submission. Second, all bills submitted must undergo deliberation and approval in the legislature. Third, because the functions of deliberation and approval fall within the legislature's exclusive authority, the executive branch may object to the results of legislation.

Thus, the ideal model in a presidential system clearly divides roles while still ensuring mutual control. However, compared with current Indonesian constitutional practice, the structure and legislative process set out in Article 20 of the 1945 Constitution do not fully reflect the principles of pure presidentialism as formulated in constitutional literature. This article still

designates the DPR as the main legislative body (paragraph 1), but bills must be discussed jointly by the DPR and the President (paragraph 2). This creates space for legislative-executive interaction that reflects the characteristics of a parliamentary legislature rather than a presidential one.

As a result, even though the Constitution shifts formal legislative power to the DPR, the procedural realities and the executive's integration in the legislative process actually bring Indonesia closer to a parliamentary model than to a purely presidential one.

The structure of Article 20 of the 1945 Constitution and its practical reality do not fully reflect the ideal theory of presidentialism. The legislative system remains mixed, with elements of parliamentary logic, due to the President's involvement in the discussion and approval of laws. The following table compares the legislative systems of Indonesia, the United States (US), and France (semi-presidential) and shows that the structure of Article 20 of the 1945 Constitution does not yet reflect the principles of pure presidentialism as formulated in constitutional literature.

Country / System	Model of Government	Legislation: Role of the Executive (President)	Legislation: Ideal Presidential Principles Pure Presidential Model?
Indonesia	Quasi-Presidential	The president has the right to initiate bills, participate in discussions with the House of Representatives, and play a role in joint	No Legislation is entirely in the hands of the legislature; the executive only has veto or implementation rights.

			approval (Isra, 2010)	
United States (US)	Pure presidential	The President only has veto power and the right to set the policy agenda, and is not involved in drafting bills in Congress (Yes	The executive and legislative branches are strictly separated, with the legislature having complete control over lawmaking.
France	Semi-presidential (Premier-presidential)	The president may dissolve parliament, propose a referendum, and the cabinet is accountable to parliament (Constitution of October 4, 1958, 2008)	Mixed	There are a few parliamentary elements because the cabinet is accountable to parliament; it is not entirely pure.

Indonesia does not fully represent the pure presidential model as practiced in the United States. Instead, the French model of government is semi-presidential, in which the president has dominant executive power, but the cabinet remains accountable to parliament. In this context, the regulatory structure in Article 20 of the 1945 Constitution of the Republic of Indonesia and the accompanying legislative practices still reflect a pattern of interdependent relations between the executive and legislative branches, a pattern more akin to a parliamentary system than to a pure presidential system.

B. Implications of the Asymmetry of Power on Legislation in Indonesia

Since the amendment of the 1945 Constitution, there has been a significant transformation in the legislative system in Indonesia. Although formally, legislative

power rests with the DPR and not the President (Article 20, paragraphs 1–2, of the 1945 Constitution), empirical and normative studies show that in practice, this power remains centered on the executive. This phenomenon is known as *the president's legislative power*, namely the President's dominance in determining the agenda and content of legislation through direct influence on the DPR and the Perppu route (Fallahiyan, 2023).

In practice, the relationship between the executive and legislative institutions takes the form of negotiations and compromises that are often one-sided, in a study by Muh. Alfian Fallahiyan, it is explained that the President has the authority to issue a Perppu in emergencies (Article 22, paragraph 1, of the 1945 Constitution). Meanwhile, the DPR has only the right to initiate legislation, which is formally the same, but in practice, is

not equal. According to Fallahiyan, this creates a substantial disparity in authority and could weaken the DPR's involvement and the principle of representative democracy.

Thus, the phenomenon of *presidential legislative power* reflects the failure of a genuine transformation of power. Although constitutionally, legislative authority has been transferred from the President to the DPR, this change is only normative and formalistic in nature, without a real redistribution of power. The disparity in authority between Perppu and the DPR's right of initiative shows that the principle of *separation of powers* has not been effectively implemented, creating a gap between *das sollen* and *das sein* in the Indonesian constitutional system.

A study conducted by Pawane, Wijaya, and Ilham found that the formation of regulations at the local and national levels occurs in a context of political power imbalance, where the executive holds primary control, and the legislature follows the dominant line (Ahmad Rizali Pawane, 2023). Furthermore, in an article by the Constitutional Court (2024), the cases of the Wantimpres Bill and the State Ministry Bill illustrate how the DPR actually initiated changes that strengthened the President's power. This occurred without adequate public involvement and often coincided with a period of political transition (*lame-duck session*) (*RI, Dominasi Kekuasaan Presiden di Legislatif. Students Test the Law on Legislation Formation*, 2024). The executive presidency can dictate the content and agenda of legislation through the political power of parties, especially

when the parliamentary coalition supports the President's administration, as was the case during President Jokowi's era when a large coalition in the DPR facilitated the growth of fast-track *legislation* and minimal resistance, such as the Job Creation Bill, which also reflected the lack of public debate and the dominance of strong executive coalition politics. () .

The practice of *fast-track legislation*, as in the case of the Job Creation Bill, is a clear manifestation of institutionalized power asymmetry. In this context, the DPR does not perform its legislative function as a representative of the people's aspirations, but merely serves as an instrument of legitimacy for executive policies. This condition is very dangerous for democracy because it shifts the essence of legislation from *public deliberation* to *executive endorsement*, in which the substance of the law is determined by dominant political forces rather than by the needs and interests of the people.

This condition is influenced by the political power of parties that support the President, as observed in Yani's study (Yani, 2018), in which the legislative structure tends to be an arena for one-sided compromise. The DPR is more often accommodating than critical (*Ibid*) . Thus, the *trias politica* is weak because the unequal distribution of power creates an imbalance in oversight among institutions. The DPR's accommodative attitude is driven by a political structure that creates legislative dependence on the executive. The multiparty presidential system actually forms permanent coalitions that blur the boundaries between the executive and the legislature,

so that the principle of *checks and balances* does not work.

On the other hand, the presence of the DPD as a second legislative institution should strengthen *checks and balances*. However, research by Saldi Isra (2023) suggests that the DPD's formal functions are very limited. The DPD plays only a consultative role, without final authority over bills, so it is ineffective in balancing the dominance of the DPR and the President (Mochtar, 2023). Arend Lijphart even states that in a symmetrical bicameral system, both chambers have similar democratic power and legitimacy. In contrast, in Indonesia, there is a significant imbalance between the DPR and the DPD. This is also revealed in a study by Handoyo, which shows that the DPD has only a consultative role and lacks the authority to block or approve bills in the final stage, thereby exacerbating the imbalance in legislation (Handoyo, 2024). Even in several Constitutional Court decisions that sought to strengthen the DPD, the changes did not bring about meaningful structural reforms to the national legislative system.

This power asymmetry has real implications for the quality of legislation. The consequences of this power asymmetry are evident in legislative products that are often deficient in legal quality and community involvement. Ali Yusran Gea concludes that the tug-of-war between political institutions weakens the philosophical and sociological dimensions of legal products, resulting in laws that tend to reflect political domination rather than public service (Gea, 2024). In fact, many laws are later challenged in the Constitutional Court for inadequate procedures or for conflicts with the

Constitution. The low quality of legislation is a consequence of a non-participatory process dominated by short-term political interests. Legislative products lack substantive legitimacy because they reflect only transactional political compromises rather than the community's real needs.

Conceptually, power asymmetry in this context means an imbalance of power between the executive (the President) and the legislature (the DPR/DPD), where the President has greater access to influence and formulate laws, while the DPR and DPD have limited capacity, especially the DPD. This not only weakens representative democracy but also reduces accountability, participation, and transparency in the legislative process. Thus, power asymmetry not only means institutional capacity inequality, but also inequality of access to political resources, information, and networks of influence. The President, with the support of the bureaucracy, holds a superior position to the DPR, creating an unequal playing field for legislation.

(UPNVJ, 2025) This asymmetry of power also affects the legislative process in Indonesia, which is now characterized by rushed legislation, minimal transparency, and weak internal controls. After the legislature quickly approves a bill, the law is often challenged in the Constitutional Court. More than 1,700 petitions for judicial review indicate that the quality of legislation remains inadequate in terms of constitutionality and procedure. The high number of judicial reviews in the Constitutional Court indicates systemic failure in the legislative system. The Constitutional Court now functions as a "*legislative*

"corrector," correcting legislative errors and indirectly shifting the legislative function from the DPR to the Constitutional Court.

Conceptually, this condition leads to one important conclusion: the asymmetry of executive power in legislation creates an unbalanced legislative environment, where the DPR is often accommodating rather than critical, and the DPD has not been able to balance the legislative function. The resulting legislation tends to reflect the political agenda of those in power rather than the public's substantive aspirations.

CONCLUSION

Following the 1945 Constitution amendment, the position of the House of Representatives (DPR) as a law-making institution has been significantly weakened. The amendments, originally intended to strengthen the presidential system, have instead created an asymmetry of power between the executive and legislative branches, leaving the executive dominant in the legislative process. Although in theory, the DPR has an equal position in lawmaking, in practice, it depends on the government's political initiatives and influence.

This imbalance has serious implications for the quality of legislation in Indonesia. The law-making process has become more technocratic, with minimal public participation, and often disregards the legislative control function. This asymmetry of power also undermines the DPR's bargaining power in shaping national legal policy, thereby weakening the principle of checks and balances in the democratic system. Therefore, it is

necessary to reformulate the roles and working mechanisms between the DPR and the President to ensure a more balanced, participatory, and accountable legislative process.

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BIBLIOGRAPHY

Anggono, Bayu Dwi. (2020). *Pokok-Pokok Penataan Peraturan Perundang-Undangan di Indonesia* (The Basics of Regulatory Arrangements in Indonesia). Konstitusi Press

Arsil, F. (2024). *Diversification of Legislative Power: The Phenomenon of Parliamentary Weakening, Presidential*

- Superiority, and the Escalation of Political Judicialization. Universitas Indonesia Publishing.
- Asshiddiqie, Jimly. (2006). *Introduction to Constitutional Law*. Jakarta: Konstitusi Press
- Assidiqqie, Jimly. (2009). *Introduction to Constitutional Law*. Jakarta: PT. Raja Grafindo Perkasa
- Constitution of October 4, 1958. (2008). *France's Constitution (as amended)*. Constitute Project. https://www.constituteproject.org/constitution/France_2008?lang=en
- House of Representatives of the Republic of Indonesia. (2016). *Performance Report of the House of Representatives of the Republic of Indonesia for the Second Year (August 16, 2015 – August 15, 2016)*. Jakarta: Secretariat General of the House of Representatives of the Republic of Indonesia.
- Edyson, David, Angkasa, Wincent Hungstan, & Rasji. (2025). *Dynamics of the Relationship between the Executive and Legislative Branches in Indonesia's Presidential System of Government*. SAKOLA: Journal of Science Cooperative Learning and Law 2(1), 668-675. <https://doi.org/10.57235/sakola.v2i1.5900>
- Fallahiyan, Muh. Alfian. (2023). *Disparities in Legislative Authority Between the President and the House of Representatives*. Journal Tana Mana 4(1), 170-178. <https://doi.org/10.33648/jtm.v4i1.330>
- Gea, Ali Yusran. (2024). *Problems of Legal Politics in the Formation of Legislation in Indonesia*. Jurnal Akta 11(4), 1391-1405. <https://doi.org/10.30659/akta.v11i4.42042>
- Handoyo, Benediktus Hestu Cipto. (2024). *The Regional Representative Council (DPD RI) and Checks and Balances in Indonesia's Legislative Process*. Journal Ius Constituendum 9(3), 542-563. <https://doi.org/10.26623/jic.v9i3.10633>
- Huda, Ni'matul. (2004). *Indonesian Constitutional Politics: A Study of the Dynamics of Changes to the 1945 Constitution*. FH UII Press
- Indrayana, Denny. (2008). *Indonesia: Constitution and Democracy*. Jakarta: PT Kompas Media Nusantara.
- Isra, Saldi, & Mochtar, Zainal Arifin. (2023). *Towards Effective Bicameralism in Strengthening the Legislative Function of the DPD*. Journal Nasional Saldi Isra
- Isra, Saldi. (2009). *The Problem of Coalitions in the Presidential System*. Yogyakarta: Pustaka Pelajar.
- Isra, Saldi. (2010). *The Shift in Legislative Functions: The Strengthening of the Parliamentary Legislative Model in Indonesia's Presidential System*. First edition, second printing. Jakarta: Rajawali Persada.
- Juan Linz & Arturo Valenzuela. *The Presidential System and Multiparty Politics* (Jakarta: StudiLib, n.d.), pp. 6–8, 2010
- National Law Commission. (2001). *Monitoring and Review of Legislation and Current Issues in the Field of Law (a Recommendation)*. First edition, December, Jakarta

- General Election Commission (KPU). (2019). *Results of the 2019 Legislative Elections – Allocation of Seats in the Indonesian House of Representatives*.
- Liddle, R. W., & Mujani, S. (2007). Leadership, Party, and Religion: Explaining Voting Behavior in Indonesia. *Comparative Political Studies*, 40(7), 832-857. <https://doi.org/10.1177/0010414006292113>
- Linz, Juan J. (1990). *The Perils of Presidentialism*. Journal of Democracy. 1(1), 51–69. <https://muse.jhu.edu/article/225694>.
- UI Students, "Presidential Domination in the Legislature, Students Test the Law on the Formation of Legislation," *MKRI News*, October 17, 2024.
- Mahendra, Yusril Ihza. (2010). *The Development of Indonesian State Administration after the Amendment of the 1945 Constitution*. Jakarta: Rajawali Pers
- Constitutional Court of the Republic of Indonesia. (2024). *Presidential Dominance in the Legislative Branch*. Students Challenge the Law on the Formation of Legislation
- Mainwaring, Scott & Shugart, Matthew S. (1997). *Presidentialism and Democracy in Latin America*. Cambridge: Cambridge University Press
- Martinez, Jenny S. (2012). *Horizontal Structuring*, in *The Oxford Handbook of Comparative Constitutional Law*, ed. Michel Rosenfeld & András Sajó. Oxford: Oxford University Press
- ND, Mukti Fajar & Achmad, Yulianto. (2010). *Dualism in Normative and Empirical Legal Research*. Yogyakarta: Pustaka Pelajar
- Pawane, Ahmad Rizali, Wijaya, Mohammad Safrul, & Ilham. (2023). *Local Political Power in The Legislation Process*. *Journal of Contemporary Local Politics* 2(2), 42-49. <https://doi.org/10.46507/jclp.v2i2.462>
- Perwita, Banyu & Yani, Yanyan Mochamad. (2005). *Introduction to International Relations*. Bandung: Remaja Rosdakarya
- PSHK (Center for Law and Policy Studies). (2020). *Evaluation of the National Legislation Program () of the Indonesian House of Representatives (DPR RI) 2015–2019*. Jakarta: PSHK.
- PSHK (Center for Law and Policy Studies). (2024). *National Legislation Achievements 2020–2024*. Jakarta: PSHK.
- Constitutional Court Decision Number 91/PUU-XVIII/2020 on the Formal Review of Law Number 11 of 2020 concerning Job Creation
- Sartori, Giovanni. (1997). *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes*. New York: NYU Press
- Soekanto, Soerjono. (1986). *Introduction to Legal Research*. Jakarta: UI Press
- Soekanto, Soerjono, and Sri Mahmudji. (2003). *Normative Legal Research: A Brief Review*. Rajawali.
- Sunarto. (2017). *The Legislative Function of the House of Representatives after the Amendment of the 1945*

- Constitution. Integralistik* 28(1), 57–67.
<https://doi.org/10.15294/integralistik.v28i1.11814>
- UPNVJ. (2025). *Reorganizing "Checks and Balances" in the Indonesian Legislative System*. Hukumonline.com.
<https://www.hukumonline.com/berita/a/menata-ulang-checks-and-balances-dalam-sistem-legislasi-indonesia-1t682a12fb61d4b/>
- Yani, Ahmad. (2018). *Analysis of the Structural Construction and Authority of the DPR in the Legislative Function Based on the 1945 Constitution*. *Jurnal Konstitusi* 15(2), 348–368.
<https://doi.org/10.31078/jk1526>
- Yuda, Hanta. (2004). *Political Systems and Parties in Indonesia*. University of North Sumatra.