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Comparative Study of Political Parties and Legislative Accountability in Indonesia and the United States

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Abstract

This research examines the effectiveness of the separation of powers within Indonesia's presidential system, focusing on how party loyalty and coalition politics shape the balance between the executive and legislative branches. Although Indonesia formally adopts the principle of Trias Politica as enshrined in the 1945 Constitution, in practice the dominance of "fat coalitions" has weakened legislative oversight. The House of Representatives (DPR), instead of functioning as an institutional counterbalance, often aligns with the executive due to pragmatic coalition-building, centralized party control, and patronage politics. This situation contrasts with the United States, where a two-party system, primary elections, and strict institutional separation grant Congress greater autonomy from the president, enabling robust oversight but frequently leading to political gridlock. The study employs a comparative-normative legal analysis of Indonesian and U.S. constitutional practices, highlighting how structural and cultural differences in party systems affect the principle of checks and balances. The findings indicate that Indonesia's coalition-heavy politics ensure stability but at the cost of accountability, while the U.S. system safeguards accountability but risks governmental paralysis. The research recommends reforms for Indonesia, including regulating coalition size, reducing centralized party dominance through more democratic candidate selection, and institutionalizing a stronger role for opposition parties to restore the effectiveness of legislative oversight.

Keywords: *Separation of Powers; Checks and Balances; Indonesia; United States; Political Party*

I. Introduction

The state is one of the elementary concepts of jurisprudence, and is closely related to the highest concept of legal science, namely the concept of law itself.[1] State as a centralized legal order defined by a hierarchy of norms, insisting that any sociological or political interpretation must be rooted in legal positivism.[2] For a state to be recognized as a political entity, it must possess a defined population, territory, government, and sovereignty. The state exists to organize and regulate the lives of its people.[3] Territory provides the physical space necessary for a state's political and legal authority to operate.[4] The government exercises state authority by formulating policies, enforcing laws, and providing services.

[1] Kantorowicz, H. (1932). The concept of the state. *Economica*, (35), 1.
[2] Hans Kelsen, *General Theory of Law and State*, trans. Anders Wedberg (Cambridge, MA: Harvard University Press, 1945), 181–182.
[3] Heywood, A. (2013). *Politics* (4th ed.). Palgrave Macmillan.
[4] O'Neil, P. H. (2018). *Essentials of comparative politics* (6th ed.). W.W. Norton & Company.

To prevent the abuse of power, it is divided into executive, legislative, and judicial branches, each with the power to check the others, a concept rooted in Montesquieu's doctrine of the separation of powers.[5] This principle shall be a mutual oversight on safeguard against tyranny.[6]

The doctrine of *trias politica*, or the separation of powers, is most famously articulated by Charles-Louis de Secondat, Baron de Montesquieu, in his classic work *De l'esprit des lois* (*The Spirit of the Laws*, 1748). This doctrine can be traced back to Aristotle, who in *Politics distinguished* between the deliberative, executive, and judicial functions of the polis.[7] Montesquieu observed the Glorious Revolution of 1688, which established a practical distribution of authority among the monarchy, Parliament, and the judiciary.[8] He concluded that liberty depends on the proper division of powers.[9] Montesquieu's model of *trias politica* profoundly shaped modern constitutional design and constitutional democracies around the world.[10] Montesquieu systematized the division of governmental authority into three primary functions: legislative, executive, and judicial. The legislative branch is responsible for making laws, representing the public, and limiting government power, with bodies like parliaments and congresses elected to ensure accountability and representation.[11] The executive branch enforces and implements laws, handles foreign policy, and maintains public order, with Montesquieu distinguishing between its roles in foreign and domestic affairs.[12] The judiciary interprets and applies laws to resolve disputes, with Montesquieu stressing that judicial independence is essential to protect individual rights.[13]

Each country adapts the doctrine according to its historical, cultural, and political context. In the United States, the framers of the Constitution (1787) adopted a strict separation of powers model, in which Congress, the Presidency, and the Judiciary possess distinct powers and institutional independence.[14] This strict model reflects the framers' fear of tyranny and their reliance on Montesquieu's writings, especially his interpretation of the English system.[15] In Indonesia, by contrast, the separation of powers has been adapted to fit the framework of Pancasila democracy and the 1945 Constitution.[16] Indonesia's system of government, although strengthened by the 1999-2002 amendments that created separate legislative, executive, and judicial branches, remains based on a loose separation of powers. Instead, its functions are mediated by the principles of musyawarah-mufakat (deliberation

[5] Montesquieu, C. de. (1748/1989). *The spirit of the laws* (A. M. Cohler, B. C. Miller, & H. S. Stone, Trans.). Cambridge University Press.
[6] Madison, J. (1788). *The Federalist No. 51*. In C. Rossiter (Ed.), *The Federalist Papers*. New American Library. 320–325.
[7] Aristotle. (1998). *Politics* (C. D. C. Reeve, Trans.). Hackett Publishing.
[8] Manent, P. (1996). *An intellectual history of liberalism* (R. Balinski, Trans.). Princeton University Press.
[9] Montesquieu, C. de. (1748/1989). *The spirit of the laws* (A. M. Cohler, B. C. Miller, & H. S. Stone, Trans.). Cambridge University Press.
[10] Vile, M. J. C. (1998). *Constitutionalism and the separation of powers*. Liberty Fund.
[11] *Ibid.*
[12] Manent, P. (1996). An intellectual history of liberalism (R. Balinski, Trans.). Princeton University Press.
[13] Ackerman, B. (2000). The new separation of powers. Harvard Law Review, 113(3), 633–729.
[14] *Supra* note (6), Madison. J.
[15] *Supra* note (10), Vile, M. J. C.
[16] Asshiddiqie, J. (2005). *Konstitusi dan konstitusionalisme Indonesia*. Konstitusi Press.

and consensus) and the national ideology of Pancasila.[17] The President remains a dominant figure in governance, often supported by large coalition parties in the DPR, which blurs the line between legislative oversight and executive influence[18] and creates an executive-heavy.[19] The relationship between the executive and legislative branches often points to a political cartel, where both sides secretly or openly benefit each other.[20] Both the United States and Indonesia have adopted the Trias Politica, incorporating checks and balances. The US established its system of checks and balances by creating the legislative branch (the Senate and House), ensuring the president's independence through an indirect election via the electoral college, and establishing the judiciary (the Supreme Court) as a separate, autonomous body.[21]

A political party is a group of citizens who voluntarily organize nationwide to advance and protect the shared political interests of their members, society, and the state.[22] For this reason, a political party functions to gather various interests in large numbers for the benefit of the people, by formulating them into laws so that they gain public support during general elections.[23] Political parties serve as a means of political recruitment by selecting candidates for state positions in the executive and legislative branches at both the national and regional levels. This function allows parties to act as a link between society and the state.[24] Democrats generally use federal power more actively, favoring national programs and centralized action. They view checks and balances as a means to protect democracy, yet push for strong executive and congressional action when in power. Republicans emphasize limited government, state authority, and resisting federal expansion. In practice, they use checks and balances mainly to block Democratic initiatives and defend conservative policies like tax cuts and deregulation.[25]

Since the end of Indonesia's Old Order regime and the beginning of the Reformation era, many new political parties have formed. Lacking significant influence, these parties often rely on elections as their primary way to gain power.[26] Elections, held every five years, allow major parties to secure legislative seats and influence lawmaking. A party controlling two-thirds of the legislature can risk concentrating power and enabling its abuse, as checks and balances may fail to function effectively if

[17] Lindsey, T., & Butt, S. (2018). Indonesian constitutional reform, 1999–2002: An evaluation of consensus politics and institutional change. In *Indonesian Law*. 48–72.
[18] Butt, S. (2015). The Constitutional Court and Democracy in Indonesia. Brill.
[19] Moh. Mahfud MD, *Konstitusi dan Hukum dalam Kontroversi Isu*, (Jakarta: Rajawali Pers, 2012), 142.
[20] Indra Budi Jaya. (2025). *Paradigma Oposisi dan Prinsip Check and Balances dalam Sistem Ketatanegaraan di Indonesia*. Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora, 2(3), 336–352.
[21] Pamungkas, S. D., & Suputra, G. N. (2023). *Pemberlakuan asas pembagian kekuasaan dalam prinsip check and balances menurut teori hukum Tata negara Di Indonesia Dan Amerika serikat.* Wijaya Putra Law Review, 2(2), 139-158.
[22] Handayani, N. (2023). *Tinjauan Hukum Terhadap Rekrutmen Calon Pejabat Negara oleh Partai Politik dalam Upaya Menciptakan clean government Di Indonesia. Jurnal Analisis Hukum*, *6*(2), 248-249.
[23] Meyer, T. (2012). *Peran Partai Politik Dalam Sebuah Sistem Demokrasi : Sembilan Tesis*. Friedrich-Ebert-Stiftung (FES). 26.
[24] *Supr*a note (22), Handayani.
[25] *White, J. K., & Kerbel, M. R. (2022). American political parties: Why they formed, how they function, and where they're headed. University Press of Kansas.* 138-143.
[26] Ristyawati, A. (2019). Penguatan Partai Politik sebagai Salah Satu Bentuk Pengadministrasian Dan Pelembagaan Sistem Demokrasi. Administrative Law and Governance Journal, 2(4), 710-120.

the legislature and executive are too aligned or in constant opposition.[27] A "fat coalition" refers to a government backed by many major parties, often resulting in an oversized cabinet shaped by political deals rather than expertise.[28] In Indonesia, the legislature was selected through votes, but nominated by a party, and Indonesia adopted a multi-party system. The use of electoral thresholds in multi-party presidential systems, like Indonesia's since 1999[29], can help reduce political fragmentation[30] and promote coalition-building; they may also discourage public participation and lead to political deals.[31] Relying on coalitions to govern can create instability.[32] To secure support, presidents often use patronage, offering jobs or contracts to key political figures to stabilize a government, which also risks accusations of corruption and nepotism.[33] Such coalitions are usually pragmatic, as seen in the Prabowo-Gibran administration, which united seven large parties. While this model can provide stability and ease in passing laws, it also weakens opposition, fosters transactional politics, and often slows down legislation due to internal conflicts. In the long run, it risks concentrating power in the executive and turning laws into tools of political control rather than instruments of democracy.[34]

II. Legal Materials and Research Method

This research used the normative-qualitative method, using data from the literature study and legal theory. The research data were obtained from laws and regulations, statistics, and related studies. The study examines Comparative-Normative Legal Analysis of relevant laws and regulations concerning official discretion, supported by a comparative study on abuse of power between Indonesia and the US.

III. Results and Discussion

Indonesia has had the presidential system since 1945, and the public directly elects the president. They serve as both head of state and the head of government, holding significant executive power for a fixed term. The president is separate from the legislature and has a fixed term. The president holds full authority to appoint and dismiss cabinet members and make executive decisions without needing legislative approval. This separation of powers between the executive and legislative branches was aimed at maintaining governmental checks and balances. During the New Order under the late President Soeharto regime, the presidential system remained but tended to be authoritarian with the consolidation

[27] Syakbani, B., & Suprayitno, H. (2013). *Cek Dan Balance Sistem Pemerintahan Di Indonesia.* Jurnal Valid, 10(2), 47-53.
[28] Sabrina, A. F., Nugraha, R., & Avicenna, A. H. (2024). *Analisis Hukum Partai Politik Dalam Koalisi Kabinet Prabowo-Gibran*. Jurnal Hukum dan Kewarganegaraan, 8(4), 21-30.
[29] Simatupang, K. H.. (2025). Multiparty Systems and Parliamentary Thresholds: The Case of Indonesia's Presidential System with Comparisons to Germany and Taiwan. Journal of Political Issues, 6 (2); 99-109.
[30] Hutabarat, P. K., & Affandi, I. (2020). Political Party Debate on the Presidential Threshold System in the Multi-Party Context in Indonesia. Atlantis Press SARL., 418(Acec 2019), 247–251.
[31] Wutoy, M., Waruwu, E., Ndraha, A. B., & Al Hadad, A. (2022). Application of the Presidential Threshold Concept in the Presidential and Vice-Presidential Election System and its Impact on the Indonesian Constitutional System. Journal of Digitainability, Realism & Mastery (DREAM), 1(03), 46–55.
[32] Mainwaring, S. (1990). Presidentialism, multiparty systems, and democracy: the difficult equation. Working Paper - Helen Kellogg Institute for International Studies, 144.
[33] *Supra* note (29), Simatupang.
[34] *Supra* note (28), Sabrina.

of power under his party, named Golkar.[35] After the collapse of the New Order, the reformation strengthened the parliament.

The members of the Parliament or the House of People's Representatives (DPR) were nominated by a multiparty system. These were meant for a competition of ideologies in parliament[36], but in reality, most of the parliament seats were evenly distributed between parties based on internal interests, resulting in prolonged decision-making. This is also a result of political cartels in Indonesia, which prioritize pragmatism instead of ideology[37] and the political cartels also result in the executive and legislative branches engaging in mutually beneficial behavior, both overtly and covertly. As a result, the function of controlling power is not carried out. The existence of a political coalition then led to a reduction of opposition and led to an alignment with the government following the elections. In practice, the House of Representatives (DPR), which is supposed to oversee the government, is often controlled by parties that are part of the president's coalition[38] and they were to support the policy enacted.

In addition of another factor, unlike the two-party system in the U.S. that naturally creates opposition, Indonesia's multiparty system often lacks one. Political pragmatism and the electoral threshold have led to what's been called a "fat coalition," effectively eliminating opposition in the parliament. The Indonesian electoral threshold is divided into 2. A parliamentary threshold is the minimum percentage of votes a political party needs to secure seats in parliament, and a presidential threshold is the minimum percentage of seats or votes a political party or coalition must have to nominate a presidential and vice-presidential candidate.[39] This was ruled in the Law Number 7/2017, Article 222, which state:

"*Candidate pairs are nominated by a political party or a coalition of political parties participating in the election that meets the requirement of obtaining at least 20% (twenty percent) of the seats in the House of Representatives (DPR) or securing 25% (twenty-five percent) of the valid national votes in the previous legislative election for members of the DPR."*

This article had been revoked by the Constitutional Court because it was regarded as unconstitutional and against the Constitution, which is based on Constitutional Court Decision No. 62/PUU-XXII/2024. The Constitutional Court had also revoked Article 414 which stated:

"*Political parties participating in the election must meet an electoral threshold of at least 4% of the valid national vote to be included in the determination of seats for the House of Representatives (DPR)*"

These changes would be applicable after the 2024 election.

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[35] MH, E. (2022). Extension Of The Presidential Term And Efforts To Strengthen The Post-Covid 19 Parliamentary System. Al Wasath Journal of Legal Science, 3(1), 59-68.

[36] Mayang, I. W. (2025). *Dinamika Sistem Multipartai dalam Pelaksanaan Pemilihan Umum di Indonesia Pasca Reformasi* . Arus Jurnal Sosial Dan Humaniora, 5(1), 267–272.

[37] Muhadam Lalobo dan Teguh Ilham, 2017, Partai Politik dan Sistem Pemilihan Umum di Indonesia,
Jaka Noor, F. (2016). *Oposisi Dalam Kehidupan Demokrasi: Arti Penting Keberadaan Oposisi Sebagai Bagian Penguatan Demokrasi Di Indonesia*. Masyarakat Indonesia, 42(1), 1-17.rta:Rajawali Pers, 263.

[38] Kadir, M.K.K., Muhtar, M.H., Mandjo, J.T., Piyo, S., Amrain, F. & Hippy, J. (2025). Reforming the position of the coalition and opposition in the Indonesian constitutional system. International Review of Social Sciences Research, 5(1), 248-268.

[39] *Supra* Note (20), Indra, B.J.

In the 2024 presidential election, Prabowo Subianto and his running mate Gibran Rakabuming Raka received support not only from Gerindra's coalition but also from allies of the previous administration. This situation led to the formation of a "fat coalition" that strengthened the President's position but weakened the opposition's role as a check on power.[40] In the 2024 election, Prabowo Subianto's coalition secured 333 seats in the House of Representatives (consisting of PKS, Golkar, Gerindra, Democrat, and National Mandate Party), while Anies Baswedan's coalition won 69 seats (PKB and Nasdem), and Ganjar Pranowo's coalition obtained 110 seats (PDIP).[41] This party's coalition domination in parliament favors the executive program without legislative oversight. This pragmatism often leads to oversight of policy and instead aligns with the party's interests.

The function of the House of Representatives in managing budgetary matters and oversight, as stated in Article 20A of the 1945 Constitution, has weakened. Its role in drafting legislation does not entirely originate from the House, but rather from the executive branch (the president and other regional leaders).[42] The principle of checks and balances occurs when two institutions with different perspectives can meet and agree on a legislative plan.[43] If the legislature merely follows the will of the executive, then this principle cannot be realized.

Although it may seem more favorable when the parliament and the president are aligned, the reality is not as promising. The strong support of parliament for the president's coalition does not necessarily translate into better parliamentary performance.[44] Based on the administrations of SBY and Jokowi, both of which held a parliamentary majority, the results of enacted bills remained limited. During SBY's term (2009-2014), with 75% of parliamentary seats, only 50.55% of proposed bills were realized in the first term. In the second term, the result dropped to 34,23%. Under Jokowi (2014-2019), who controlled 69% of seats, the success rate dropped to less than 30%.[45] This demonstrates that even when the president and parliament share majority support, it does not guarantee improved legislative performance.

In Indonesia, political parties are characterized by centralized leadership control. Party elites and national leaders dominate the process of candidate selection and placement on electoral lists, especially in legislative elections.[46] This centralized mechanism fosters strong party discipline, since politicians' careers depend heavily on party leadership rather than on individual voter bases. By contrast, in the

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[40] Susanto, M., Harijanti, S. D., Manan, F., Dramanda, W., & Hernawan, M. Y. (2025). Fat coalition and crown-presidentialism: A critical review of Indonesia's concurrent elections. PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH, 10(1), 37. https://doi.org/10.22373/petita.v10i1.757

[41]Badan Pusat Statistik. (2025, February 7). Hasil Penghitungan Suara Sah Partai Politik Peserta Pemilu Legislatif Tahun 1955-2024. https://www.bps.go.id/id/statistics-table/1/MTU3MyMx/hasil-penghitungan-suara-sah-partai-politik-peserta-pemilu-legislatif-tahun-1955-2024.html

[42] Satlita, L. (1996). Pelaksanaan Fungsi Legislasi Dewan Perwakilan Rakyat Daerah. Cakrawala Pendidikan, 10, 57-64.

[43] Asmara, G., Risnain, M., Zunnuraeni, Z., & Karyati, S. (2019). Konsep Penguatan Fungsi Legislasi dewan Perwakilan Rakyat Republik Indonesia Pasca Amandemen UUD NRI Tahun 1945. Journal Kompilasi Hukum, 4(2), 193-205.

[44] Junaidi, V., & Reininda, V. (2020). Relasi Presiden dan DPR dalam Pembentukan Undang-Undang pada Sistem Pemerintahan Presidensial Multipartai. Jurnal Jentera, 3(1), 237.

[45] *Ibid.* (Junaidi, V)

[46] Aspinall, E. (2014). *Party discipline in Indonesia's House of Representatives: The distribution of power across parties*. Journal of East Asian Studies, 14(2), 151–178.

United States, the system of primary elections gives individual politicians significant autonomy from party leadership.[47] Candidates are selected by voters in primaries rather than appointed by party elites, which weakens centralized party control. While party whips and leadership structures exist, the U.S. system allows legislators greater independence, and defections from party positions are more common than in Indonesia.[48]

The Indonesian president maintains influence over the parliament (DPR) mainly through coalition politics and patronage. Since no party usually has a majority, the president must build coalitions by offering cabinet posts and political benefits.[49] This often makes the DPR supportive of the executive, and conflicts between the two branches are relatively limited.[50] In the United States, the system is different because of the strict separation of powers. The president cannot sit in Congress, and party leaders have no power to recall legislators.[51] Members of Congress are elected independently, which makes them more autonomous from the executive. As a result, Congress often challenges presidential authority, for example, through investigations and impeachment processes, such as Watergate, the Trump impeachments, and the January 6 hearings.[52]

The close relationship between the president and parliament in Indonesia helps create executive stability, since the DPR usually supports the government. However, this stability often comes at the cost of weak accountability, as parliament is less likely to check executive power.[53] Meanwhile, in the United States, oversight is much stronger. Congress frequently investigates and challenges the executive, but this can also create gridlock. Disputes between the president and Congress have led to government shutdowns and delays in appointments, showing how checks and balances can slow down governance.[54]

IV. Conclusion and Recommendations

In conclusion, although Indonesia has adopted the Trias Politica principle of separation of powers, it hasn't been effectively practiced due to the dominance of "fat coalitions". Although coalition politics provide executive stability, they also reduce accountability, as the DPR often aligns with the president instead of serving as an effective counterbalance. In contrast, the United States' two-party system and primary-based candidate selection grant legislators greater independence from party elites and the executive. This fosters stronger oversight and institutional checks on presidential power, even if it sometimes results in political gridlock. Based on this comparative study, the research proposes a solution

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[47] Aldrich, J. H., & Rohde, D. W. (2000). *The consequences of party organization in the House: The role of the majority and minority parties in conditional party government*. In J. R. Bond & R. Fleisher (Eds.), *Polarized politics: Congress and the president in a partisan era* (pp. 31–72). CQ Press.

[48] Zelizer, J. E. (2020). *Burning down the house: Newt Gingrich, the fall of a speaker, and the rise of the new Republican Party*. Penguin Press.

[49] Supra note (1) Aspinall, E.

[50] Slater, D. (2004). Indonesia's accountability trap: Party cartels and presidential power after democratic transition. *Indonesia, (78)*, 61–92.

[51] *Supra* note (2) Aldrich, J. H., & Rohde, D. W.

[52] *Supra* note (3) Zelizer, J. E.

[53] *Supra* note (5) Slater, D.

[54] Binder, S. A. (2003). *Stalemate: Causes and consequences of legislative gridlock*. Brookings Institution Press.

to the practical gap in checks and balances, aiming to regulate the size of coalitions to create a solid opposition and weaken the party's control over representatives by allowing primary elections.

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