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Checks and Balances in Two Systems of Government: Indonesia and Japan

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Original Article

Abstract

Checks and balances constitute a fundamental principle of modern constitutionalism, evolving from the separation of powers to prevent the concentration of governmental authority and ensure institutional accountability. This study comparatively examines the design and effectiveness of legislative oversight over the executive in Indonesia's presidential system and Japan's parliamentary system. Using a normative-juridical method, the study applies statutory, conceptual, and comparative approaches through analysis of constitutional provisions, legislation, institutional documents, and legal scholarship. The findings show that Indonesia adopts a relative separation of powers, with the House of Representatives (DPR) exercising legislative, budgetary, and oversight functions to constrain executive authority. Japan, by contrast, employs a parliamentary system characterized by a fusion of powers, in which the Cabinet is politically accountable to the National Diet. The effectiveness of checks and balances depends on political configurations, institutional capacity, and constitutional arrangements. Thus, checks and balances are context-dependent mechanisms shaped by each system's constitutional and political structure.

Keywords: *Checks and Balances, Separation of Powers, Presidential System, Parliamentary System*

Abstrak

Checks and balances merupakan prinsip fundamental dalam konstitusionalisme modern yang berkembang dari doktrin separation of powers untuk mencegah pemusatan kekuasaan sekaligus menjamin akuntabilitas pemerintahan. Permasalahan penelitian terletak pada perbedaan desain dan efektivitas mekanisme pengawasan legislatif terhadap eksekutif dalam sistem presidensial Indonesia dan sistem parlementer Jepang. Penelitian ini bertujuan menganalisis perkembangan konseptual checks and balances serta membandingkan desain dan mekanismenya di Indonesia dan Jepang. Penelitian menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan perbandingan, melalui analisis konstitusi, peraturan, dokumen kelembagaan, dan literatur hukum. Kajian ini menegaskan bahwa Indonesia menerapkan pemisahan kekuasaan relatif melalui fungsi legislasi, anggaran, dan pengawasan DPR, sedangkan Jepang menerapkan peleburan kekuasaan melalui pertanggungjawaban Kabinet kepada parlemn (Diet). Efektivitas keduanya dipengaruhi konfigurasi politik dan kapasitas kelembagaan. *checks and balances* bersifat kontekstual sesuai desain pemerintahan masing-masing negara.

Kata kunci: *Pengawasan dan Keseimbangan, Pemisahan Kekuasaan, Sistem Pemerintahan*

1. INTRODUCTION

Modern constitutionalism is grounded in the principle that state power must be limited, distributed, and subject to institutional oversight to prevent abuses of authority and safeguard citizens' rights. This principle is classically rooted in Montesquieu's theory of the separation of powers, or *Trias Politica*, which distinguishes among legislative, executive, and judicial powers.¹ Historically, the separation of powers emerged as a response to the concentration of monarchical authority and subsequently became a foundational principle in the development of the modern rule-of-law state. Constitutional developments, however, have demonstrated that a rigid separation of powers is neither entirely feasible nor necessarily desirable. In contemporary governance, state institutions require interaction, coordination, and a functional distribution of authority that enables one branch to constrain and oversee another. Accordingly, the classical concept of separation of powers has evolved toward a more flexible division of powers accompanied by mechanisms of checks and balances.

Checks and balances constitute constitutional mechanisms through which each branch of government can oversee and constrain the exercise of authority by other branches without undermining their respective institutional independence.² These mechanisms are essential because a division of powers without effective oversight mechanisms may still facilitate the dominance of one branch, whereas an excessively rigid separation of powers may generate institutional conflict and political deadlock. Thus, the effective distribution of governmental power depends not only on the formal separation of institutions but also on the constitutional arrangements governing their functional relationships. The effectiveness of checks and balances is therefore closely associated with the particular system of government adopted by each state.

This distinction is particularly evident in a comparison of Indonesia and Japan. Following the amendments to the 1945 Constitution of the Republic of Indonesia, Indonesia reaffirmed its presidential system of government, under which the President exercises executive power and derives direct electoral legitimacy, while the House of Representatives (Dewan Perwakilan Rakyat, DPR) occupies an institutionally independent position vis-à-vis the President. The Constitution assigns the DPR legislative, budgetary, and oversight functions, including the rights of interpellation, inquiry (hak angket), and the expression of opinion. The relationship between the President and the DPR is therefore structured as an interinstitutional relationship in which each possesses distinct constitutional legitimacy and authority. By contrast, under the Constitution of Japan, which came into effect in 1947, Japan operates a

¹ Charles de Secondat baron de Montesquieu, *Montesquieu: The Spirit of the Laws*, ed. Anne M. Cohler et al. (Cambridge University Press, 1989).

² Aharon Barak, "The Role of the Supreme Court in a Democracy," *Israel Law Review* 33, no. 1 (1999): 1–12, <https://doi.org/10.1017/S0021223700015879>.

parliamentary system in which executive power is vested in the Cabinet, the Prime Minister is designated by the Diet from among its members, and the Cabinet is collectively responsible to the Diet.³ These contrasting constitutional arrangements demonstrate that checks and balances cannot be understood as a single, universally applicable institutional model. Rather, their meaning and operation must be examined in relation to each country's system of government and the particular configuration of executive-legislative relations.

In Indonesia's presidential system, the central question is not merely whether the DPR possesses constitutionally recognized oversight instruments, but whether those instruments can be exercised effectively when the prevailing political configuration strengthens the relationship between the executive and the parliamentary majority. In Japan's parliamentary system, by contrast, legislative oversight operates within a closer institutional relationship between the government and parliament, because the government's political survival depends on maintaining the confidence and support of the Diet.⁴ A comparison of Indonesia and Japan is therefore particularly relevant for determining whether different systems of government produce distinct configurations of checks and balances and for examining how legislative oversight of the executive is constitutionally structured and practically exercised within each system.

Scholarly studies of checks and balances in Indonesia have developed along several lines of inquiry. Sunarto, for example, conceptualizes the separation of powers and checks and balances as fundamental mechanisms for preventing the concentration of governmental authority.⁵ From this perspective, the amendments to the 1945 Constitution are understood as having transformed Indonesia's constitutional structure from one characterized by a tendency toward concentrated power into a system based on a more balanced distribution of authority among state institutions. This body of scholarship provides an important conceptual foundation for understanding that the separation of powers must be complemented by mechanisms of mutual oversight to prevent the exercise of governmental authority from degenerating into arbitrary rule.

Subsequent studies have increasingly examined the role of specific state institutions within the broader framework of checks and balances. For example, Fudin examines the relationship between the authority of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR) and the Constitutional Court as components of the checks and balances mechanism for safeguarding constitutional supremacy.⁶

³ Tomohito Shinoda, "The Japanese Prime Minister and the Executive Institutional Setting," *Asian Journal of Comparative Politics* 8, no. 1 (2023): 68–82, <https://doi.org/10.1177/20578911221107189>.

⁴ Kōichi Nakano, *Party Politics and Decentralization in Japan and France: When the Opposition Governs*, Nissan Institute/Routledge Japanese Studies (Routledge, 2009).

⁵ Sunarto Sunarto, "Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Indonesia," *Masalah-Masalah Hukum* 45, no. 2 (2016): 157–63, <https://doi.org/10.14710/mmh.45.2.2016.157-163>.

⁶ Hanif Fudin, "Aktualisasi Checks And Balances Lembaga Negara: Antara Majelis Permusyawaratan Rakyat Dan Mahkamah Konstitusi," *Jurnal Konstitusi* 19, no. 1 (2022): 202–24, <https://doi.org/10.31078/jk1919>.

Kurniawati and Rohmah, meanwhile, emphasize the Constitutional Court's role as a counterbalancing institution through its authority to conduct judicial review of statutes, adjudicate disputes concerning the constitutional authority of state institutions, and issue decisions that affect interinstitutional relations.⁷ More specifically, Rachman demonstrates that Constitutional Court decisions can influence the effectiveness of legislative oversight of the executive, particularly in relation to the DPR's decision-making processes.⁸

The relationship between the legislative and executive branches has also attracted increasing scholarly attention. Pamungkas and Suputra, for instance, compare the operation of checks and balances in Indonesia and the United States, highlighting differences in their respective systems of government and institutional arrangements.⁹ Tampung and Munawir further demonstrate that although Indonesia's constitutional framework has strengthened the DPR's position vis-à-vis the President, multiparty political dynamics and competing political interests may nevertheless undermine the legislature's oversight function.¹⁰ These findings are supported by Farabi et al., who associate the effectiveness of the DPR's oversight function with the emergence of "grand coalitions." The dominance of governing coalitions within parliament may weaken opposition forces and constrain the effective exercise of legislative oversight.¹¹ Siregar et al. likewise identify periods characterized by institutional imbalances, including increased executive dominance, weakened legislative oversight, and concerns regarding institutional independence.¹²

Fahira further demonstrates that the implementation of checks and balances in Indonesia faces challenges arising from political intervention and weaknesses in institutional independence, transparency, and public participation.¹³ Research on the legislative process also indicates that relations between the DPR and the President are not exclusively adversarial but involve a significant dimension of institutional interdependence. Under Indonesia's presidential system, the President retains the authority to propose legislation and participate in deliberations with the DPR, while the

⁷ Dian Kurniawati and Elva Imeldatur Rohmah, "Peran Mahkamah Konstitusi Dalam Penguatan Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Indonesia," *Qaumiyah: Jurnal Hukum Tata Negara* 5, no. 2 (2024): 183–207, <https://doi.org/10.24239/qaumiyah.v5i2.158>.

⁸ Irfan Nur Rachman, "Penguatan Fungsi Pengawasan Legislatif Terhadap Eksekutif Pasca Putusan Mahkamah Konstitusi," *Jurnal Konstitusi* 8, no. 2 (2016): 69–90, <https://doi.org/10.31078/jk824>.

⁹ Susandi Decapriu Putra Pamungkas and Gede Ngurah Darma Suputra, "Pemberlakuan Asas Pembagian Kekuasaan Dalam Prinsip Check and Balances Menurut Teori Hukum Tata Negara Di Indonesia Dan Amerika Serikat," *Wijaya Putra Law Review* 2, no. 2 (2023): 139–58, <https://doi.org/10.38156/wplr.v2i2.161>.

¹⁰ Mijak Tampung and Munawir Munawir, "Penguatan Prinsip Checks and Balances Antara Legislatif Dan Eksekutif Dalam Sistem Presidensial Indonesia," *Nunquam Moriuntur* 4 (2024): 9–18.

¹¹ Muhammad Fawwaz Farhan Farabi et al., "Efektivitas Fungsi Pengawasan DPR Di Tengah Dominasi Koalisi Gemuk," *Jurnal Konstitusi Dan Demokrasi* 5, no. 2 (2025): 95–105, <https://doi.org/10.7454/JKD.v5i2.1507>.

¹² Muhammad Akbar Siregar et al., "Dinamika Check & Balance Antar Lembaga Negara Di Indonesia Pada Masa Periode Kedua Presiden Jokowi," *Journal of Contemporary Law Studies* 2, no. 4 (2025): 365–72, <https://doi.org/10.47134/lawstudies.v2i4.4765>.

¹³ Yumna Fahira, "Sistem Checks and Balances Dalam Menjaga Prinsip Demokrasi Di Indonesia," *Jurnal Media Akademik* 3, no. 6 (2025): 1–14, <https://doi.org/10.62281/v3i6.2173>.

DPR exercises legislative authority through the enactment of statutes. This arrangement illustrates that modern checks and balances involve not only the separation of governmental powers but also the constitutional regulation of points of interaction among state institutions.

Despite these substantial contributions, most existing studies have primarily examined Indonesia from an internal perspective, focusing on the DPR–President relationship, the role of the Constitutional Court, political coalitions, or oversight mechanisms within the presidential system. Comparative studies specifically examining Indonesia and Japan, whose systems of government differ fundamentally, remain relatively limited. Such a comparison is particularly important because Japan represents a parliamentary configuration that is structurally distinct from Indonesia’s presidential system. Comparative analysis therefore makes it possible not only to identify similarities and differences in legislative oversight mechanisms but also to assess how different systems of government shape legislative–executive relations and influence the effectiveness of checks and balances.

A review of the existing literature reveals three principal research gaps. First, scholarship on checks and balances in Indonesia remains predominantly normative and tends to focus on constitutional provisions and institutional arrangements. Second, comparative studies examining Indonesia and Japan as representative cases of presidential and parliamentary systems, respectively, remain scarce. Third, limited attention has been given to the interaction among constitutional design, the system of government, and the practical operation of legislative oversight. This study addresses these gaps through a comparative analysis that connects the constitutional powers of the DPR and the Diet, the political position of the legislature, executive accountability, and mechanisms of legislative oversight. This analytical framework provides a basis for identifying the distinctive characteristics of checks and balances in each system and evaluating the effectiveness of legislative oversight of the executive branch.

Against this background, this study aims to examine checks and balances as a conceptual development of the separation of powers doctrine within modern constitutional governance and to analyze how this principle is operationalized in legislative–executive relations under two distinct systems of government. Specifically, the study pursues three objectives: (1) to examine the concept and evolution of checks and balances in relation to the separation of powers doctrine and modern systems of government; (2) to analyze the institutional design and mechanisms of checks and balances between the legislature and executive in Indonesia’s presidential system, particularly through legislative, budgetary, and oversight powers exercised by the DPR over the President; and (3) to analyze the institutional design and mechanisms of checks and balances between the Diet and the Cabinet within Japan’s parliamentary system.

2. RESEARCH METHODOLOGY

This study employs a normative legal research method grounded in a comparative constitutional law approach to examine the mechanisms of checks and balances within legislative–executive relations in Indonesia and Japan. Three complementary approaches are employed: the statutory approach, the conceptual approach, and the comparative approach. The statutory approach is used to examine the 1945 Constitution of the Republic of Indonesia, particularly the constitutional provisions governing the President and the House of Representatives (Dewan Perwakilan Rakyat, DPR), as well as the Constitution of Japan, which regulates the Diet, the Cabinet, and the Prime Minister. The conceptual approach is applied to examine the theoretical evolution from the separation of powers to checks and balances, with particular attention to the principles of limited government, accountability, and interinstitutional oversight. The comparative approach is employed to identify how Indonesia’s presidential system and Japan’s parliamentary system shape the design and operation of legislative oversight mechanisms.

The legal materials comprise primary, secondary, and tertiary sources collected through a systematic literature review. Primary legal materials include constitutional provisions and relevant legislation governing the organization and exercise of legislative and executive powers in both countries. Secondary materials consist of scholarly books, peer-reviewed journal articles, and other academic publications addressing constitutional law, separation of powers, checks and balances, and comparative systems of government. Tertiary materials are used to clarify relevant legal concepts and terminology.

The collected materials are analyzed using a qualitative-descriptive method involving several stages: identification and classification of relevant legal norms, legal interpretation, conceptual construction, functional comparison, and critical evaluation. The comparative analysis is structured around several parameters, including the constitutional status of the legislative and executive branches, government formation, mechanisms of political accountability, legislative powers, and instruments of executive oversight. The validity and consistency of the analysis are strengthened through triangulation of constitutional provisions, statutory materials, institutional documents, and relevant academic literature. This methodological framework enables the study to assess not only the formal constitutional design of checks and balances but also the functional implications of different systems of government for legislative oversight of executive power.

3. RESEARCH RESULT AND DISCUSSION

3.1. The Concept and Evolution of Checks and Balances in Relation to the Separation of Powers and Modern Systems of Government

Checks and balances can no longer be understood merely as a mechanical consequence of the separation of powers. Rather, they function as a constitutional mechanism through which governmental authority is distributed, limited, monitored, and subject to institutional correction. This development reflects a paradigmatic shift from a rigid conception of the separation of powers toward a functional distribution of authority characterized by institutional interdependence. Historically, the doctrine of separation of powers emerged as a response to the concentration of political authority and the exercise of absolutist rule. Montesquieu conceptualized the division of governmental functions into legislative, executive, and judicial powers as a means of safeguarding political liberty. Liberty is protected not simply because different institutions possess distinct powers, but because governmental authority is prevented from being concentrated in a single institution.¹⁴ From its inception, therefore, the doctrine of separation of powers has been intrinsically connected to the principle of limiting governmental power.¹⁵ Checks and balances subsequently developed as an operational mechanism to ensure that the distribution of authority would not merely relocate the concentration of power from one institution to another.

This evolution has significantly transformed the understanding of relationships among the branches of government. In contemporary constitutional states, the separation of powers does not require the legislative, executive, and judicial branches to operate in complete isolation from one another. Instead, while each branch retains a relatively autonomous sphere of constitutional authority, each is also equipped with specific instruments through which it can monitor, constrain, or influence the exercise of power by the others. Checks and balances therefore embody two complementary dimensions: institutional independence and functional interdependence. Institutional independence ensures that no branch is hierarchically subordinate to another, whereas functional interdependence enables the exercise of public authority to remain subject to scrutiny, correction, and accountability.

The political liberty of citizens can be effectively protected only when governmental power is constrained by countervailing institutional powers. From this perspective, checks and balances should not be regarded merely as a technique for distributing governmental authority but as an instrument of constitutional protection. Legislative oversight of the executive, for example, is not intended simply to expand legislative authority; rather, it is designed to ensure that governmental policies and actions remain within constitutional and legal boundaries and are subject to public accountability. Accordingly, the effectiveness of checks and balances should be assessed not solely by the formal scope of oversight powers conferred upon state institutions but

¹⁴ Montesquieu, *Montesquieu: The Spirit of the Laws*.

¹⁵ Doron Goldbarsht and Hannah Harris, "Check the Balance: Is the Doctrine of Separation of Powers Sufficient in the Context of Intergovernmental Organisations? A Case Study of Australia's AML/CTF Financing Framework," *Federal Law Review* 50, no. 4 (2022): 527–57, <https://doi.org/10.1177/0067205X221126558>.

by their actual capacity to prevent arbitrary or excessive exercises of governmental authority.

The institutional character of checks and balances is strongly influenced by the system of government in which they operate. In a presidential system, the relationship between the legislature and the executive is generally interactive but institutionally separate, because the President and the legislature derive their political legitimacy through relatively distinct electoral processes. Legislative oversight of the executive consequently operates primarily as an external constitutional constraint intended to prevent the President from exceeding the boundaries of executive authority. Within this framework, legislative powers relating to lawmaking, budgeting, and oversight constitute important instruments for maintaining equilibrium between two independently legitimate centers of political authority.

By contrast, in a parliamentary system, the relationship between the legislature and the executive is more organic and internally integrated. The executive is not institutionally separate from the legislature to the same extent as in a presidential system because the government is formed on the basis of the political composition of the legislature and remains in office only so long as it retains parliamentary confidence. Accordingly, oversight mechanisms do not operate exclusively as forms of external institutional control. Instead, they function through the inherent political relationship between the government and the parliamentary majority. Checks and balances therefore do not conform to a universal institutional model; the same constitutional instrument may produce different effects depending on the system of government and the political environment in which it operates.

These findings extend Sartori's argument that institutional structures and political incentives are critical determinants of outcomes within constitutional arrangements.¹⁶ They also reinforce Nakano's analysis of the importance of party politics in parliamentary systems, particularly the proposition that the effectiveness of governmental oversight is substantially influenced by the relationship between the government and the parliamentary majority.¹⁷ The findings are likewise consistent with Sunarto, who argues that checks and balances are essential for preventing the concentration of governmental power following the amendments to the 1945 Constitution.¹⁸ Nevertheless, the existence of formal constitutional mechanisms alone does not guarantee effective checks and balances. Their practical effectiveness depends on the institutional design of the system of government, the distribution of political power, and the political configuration through which these mechanisms are exercised.

¹⁶ Giovanni Sartori, *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives, and Outcomes*, 2nd ed. (New York Univ. Press, 1997).

¹⁷ Nakano, *Party Politics and Decentralization in Japan and France*.

¹⁸ Sunarto, "Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Indonesia."

Further research reinforces the persistent challenges surrounding the effectiveness of checks and balances in Indonesia. Siregar et al. identify a trend toward executive dominance accompanied by a weakening of legislative oversight¹⁹, while Farabi et al. demonstrate that broad governing coalitions may reduce the legislature's capacity to adopt a critical stance toward the government.²⁰ Tampung and Munawir similarly show that constitutional arrangements designed to strengthen checks and balances continue to face challenges arising from multiparty political dynamics. These findings highlight an important distinction between constitutional and political checks and balances.²¹ Constitutional checks and balances concern the powers formally conferred by the constitution, whereas political checks and balances refer to the actual capacity of state institutions to exercise those powers independently and effectively within a particular political environment.

Manan argues that checks and balances require the exercise of governmental authority to be subject to mutual control, scrutiny, and correction through interinstitutional relationships, thereby preventing arbitrary action and safeguarding the rule of law.²² This principle remains relevant to contemporary systems of government; however, its implementation must be understood within the institutional and political context of each constitutional system. Effective checks and balances should not generate permanent institutional confrontation. Rather, they should provide mechanisms for meaningful oversight while preserving the government's capacity to formulate and implement public policy effectively.

The evolution of checks and balances thus reflects a transition from a rigid conception of the separation of powers toward a dynamic system of functional and interdependent constraints on governmental authority. The separation of powers continues to provide the structural foundation of constitutional government, whereas checks and balances operate as practical mechanisms for controlling and correcting the exercise of that authority. The two concepts are therefore complementary rather than mutually exclusive. Separation of powers prevents the structural concentration of governmental authority, while checks and balances help prevent its functional abuse. Accordingly, the effectiveness of a modern constitutional system should not be assessed by the rigidity of its institutional separation alone, but by the extent to which governmental powers can effectively monitor, constrain, and hold one another accountable without undermining governmental continuity or the rule of law.

¹⁹ Siregar et al., "Dinamika Check & Balance Antar Lembaga Negara Di Indonesia Pada Masa Periode Kedua Presiden Jokowi."

²⁰ Farabi et al., "Efektivitas Fungsi Pengawasan DPR Di Tengah Dominasi Koalisi Gemuk."

²¹ Tampung and Munawir, "Penguatan Prinsip Checks and Balances Antara Legislatif Dan Eksekutif Dalam Sistem Presidensial Indonesia."

²² Bagir Manan, *Lembaga Kepresidenan*, 3rd ed. (FH UII Press, 2006).

3.2. Design and Mechanisms of Checks and Balances between the Legislature and Executive in Indonesia

The constitutional amendments adopted between 1999 and 2002 fundamentally transformed Indonesia's constitutional structure from an executive-dominant model toward a more balanced distribution of governmental authority. Nevertheless, the normative strengthening of the House of Representatives (Dewan Perwakilan Rakyat, DPR) has not automatically translated into effective legislative oversight in practice. The effectiveness of checks and balances is influenced by several factors, including the configuration of political parties, the political relationship between the President and the DPR, the institutional capacity of the legislature, and the DPR's ability to exercise its constitutional powers independently and on the basis of reliable evidence.

Prior to the constitutional amendments, Indonesia's constitutional framework tended to position the President at the center of governmental authority. This concentration of executive power constrained the development of a balanced relationship between the executive and legislative branches. Politically, the DPR faced significant limitations in exercising effective oversight of the President, making executive dominance a fundamental structural concern that subsequently became a central target of constitutional reform. The amendments to Articles 20 and 20A of the 1945 Constitution represented a significant turning point. The DPR acquired a stronger constitutional position in the legislative process and was expressly vested with legislative, budgetary, and oversight functions. Following the amendments, legislative oversight was no longer conceived as merely an ancillary function but became an integral component of the constitutional framework for constraining executive power.

These reforms shifted the locus of legislative authority toward the DPR, although the enactment of legislation continues to involve the President as a constitutional partner in the legislative process. This arrangement demonstrates that Indonesia does not operate under a rigid or absolute separation of powers but rather under a division of powers characterized by functional interdependence. The President retains the authority to propose bills and participate in legislative deliberations, while the DPR exercises legislative authority within the constitutional framework. The legislative process therefore constitutes an important arena for reciprocal checks and balances: the DPR can constrain executive policy through legislation, while the President retains constitutionally defined opportunities to influence the formulation of laws. These findings reinforce Isra's argument that the constitutional amendments strengthened the parliamentary dimension of Indonesia's legislative process without transforming the country into a parliamentary system.²³

²³ Saldi Isra, *Pergeseran Fungsi Legislasi: Menguatnya Model Legislasi Parlementer Dalam Sistem Presidensial Indonesia* (RajaGrafindo Persada, 2010).

With respect to legislative oversight, Article 20A of the 1945 Constitution provides the constitutional basis for the DPR to exercise oversight through three principal instruments: the right of interpellation, the right of inquiry (*hak angket*), and the right to express an opinion. These instruments differ in their scope, intensity, and potential consequences. The right of interpellation enables the DPR to request explanations from the government concerning policies that are considered important, strategic, and broadly consequential. Through interpellation, the DPR may examine the rationale underlying a government policy, obtain relevant information, and demand political accountability from the executive. Because interpellation does not directly impose legal sanctions on the President, it is primarily an instrument of clarification, information gathering, and political accountability.

When an issue requires a more comprehensive investigation, the DPR may exercise its right of inquiry to investigate the implementation of laws and/or government policies that are considered important, strategic, and broadly consequential and that are alleged to be inconsistent with statutory provisions. Unlike interpellation, which primarily seeks governmental explanations, the right of inquiry has a more substantive investigative character. Nevertheless, the findings of an inquiry remain fundamentally within the sphere of legislative and political oversight and cannot be equated with the exercise of judicial authority.²⁴ If an inquiry uncovers indications of a criminal offense, subsequent law enforcement action remains the responsibility of the competent law enforcement authorities. Thus, the right of inquiry functions as a bridge between political oversight and potential legal proceedings rather than as a substitute for judicial power.

The instrument with the most significant constitutional consequences is the right to express an opinion (*hak menyatakan pendapat*). This right may be exercised to express the DPR's views on government policies, follow up on the exercise of the rights of interpellation and inquiry, or address alleged violations of law by the President and/or Vice President, as provided by the Constitution. In cases involving alleged violations by the President or Vice President, this mechanism may form part of the impeachment process established under Articles 7A and 7B of the 1945 Constitution. The findings of this study indicate that this institutional design reinforces the presidential character of Indonesia's system of government. The President cannot be removed from office merely because of a loss of political support in the DPR, as would be possible through a vote of no confidence in a parliamentary system. Instead, removal from office requires constitutionally specified grounds and involves both the Constitutional Court and the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*, MPR). The DPR's oversight powers are therefore subject to constitutional and legal procedures designed

²⁴ Nisrina Fawwazy Taorik and Efik YUSDiansyah, "Implementasi Hak Angket DPR Untuk Mewujudkan Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Di Indonesia," *Bandung Conference Series: Law Studies* 6, no. 1 (2026): 325–32, <https://doi.org/10.29313/bcsls.v6i1.21834>.

to prevent legislative oversight from becoming merely a political instrument for replacing the government during periods of political conflict.

Beyond political oversight, the budgetary function constitutes a critical instrument for constraining executive power. The DPR plays a constitutionally defined role in deliberating and approving the State Budget (*Anggaran Pendapatan dan Belanja Negara*, APBN), as provided in Article 23 of the 1945 Constitution. This “power of the purse” enables the DPR to influence governmental priorities and the allocation of public resources. Budgetary oversight operates before, during, and after the implementation of the budget, encompassing the review of budget proposals, monitoring of program implementation, and examination and follow-up of state financial accountability. Budgetary authority thus expands the scope of checks and balances beyond the oversight of executive political decisions to include supervision of the management and utilization of public resources.

These findings are consistent with Sunarto, who conceptualizes checks and balances as a mechanism for preventing the concentration of governmental power within Indonesia’s constitutional system.²⁵ They also reinforce Kurniawati and Rohmah’s analysis of the importance of interinstitutional mechanisms in maintaining a balance of governmental authority.²⁶ However, the present study places particular emphasis on the DPR–President relationship by identifying the gap between formally established constitutional authority and its political effectiveness in practice. This finding is consistent with Tampung and Munawir, who demonstrate that multiparty politics and competing political interests may weaken the DPR’s oversight function.²⁷ Similar conclusions are reached by Farabi et al., who show that broad governing coalitions can reduce parliamentary control over the government,²⁸ and by Siregar et al., who identify a tendency toward weakened legislative oversight during periods of political power consolidation.²⁹

The principal challenge facing checks and balances in Indonesia therefore lies no longer primarily in the absence of constitutional instruments. Constitutional reforms have established a relatively comprehensive framework for legislative oversight. The more fundamental challenge concerns the capacity and independence with which these instruments are exercised. When a majority of political parties represented in the DPR form part of the governing coalition, the political incentives to exercise instruments such as interpellation, the right of inquiry (*hak angket*), or the right to express critical opinions

²⁵ Sunarto, “Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Indonesia.”

²⁶ Kurniawati and Rohmah, “Peran Mahkamah Konstitusi Dalam Penguatan Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Indonesia.”

²⁷ Tampung and Munawir, “Penguatan Prinsip Checks and Balances Antara Legislatif Dan Eksekutif Dalam Sistem Presidensial Indonesia.”

²⁸ Farabi et al., “Efektivitas Fungsi Pengawasan DPR Di Tengah Dominasi Koalisi Gemuk.”

²⁹ Siregar et al., “Dinamika Check & Balance Antar Lembaga Negara Di Indonesia Pada Masa Periode Kedua Presiden Jokowi.”

may be substantially reduced. Conversely, when relations between the DPR and the President become highly confrontational, oversight instruments may be susceptible to political instrumentalization. Political configuration therefore functions as an intervening variable that can determine whether the DPR's formal constitutional powers operate as genuine mechanisms of accountability or become instruments of political bargaining and competition.

The quality of legislative oversight also depends heavily on the institutional capacity of the DPR. Effective oversight requires qualified expert staff, reliable and adequate data, strong policy-analysis capabilities, and the systematic use of evidence in evaluating government policies and programs. In this regard, Farabi et al.'s observation concerning the tendency for parliamentary hearings (*rapat dengar pendapat*, RDP) to become superficial and oriented toward publicity is particularly relevant.³⁰ Oversight that is procedurally rigorous but substantively weak may produce only formal constraints without generating a meaningful balance of power.

Following the amendments to the 1945 Constitution, Indonesia's system of checks and balances has been substantially strengthened through the allocation of legislative, oversight, and budgetary powers to the DPR. Nevertheless, the expansion of constitutional authority has not yet translated fully into commensurate effectiveness in legislative oversight. The effectiveness of checks and balances within Indonesia's presidential system depends on the interaction among constitutional design, oversight mechanisms, political configuration, and the institutional capacity of the DPR. Strengthening checks and balances therefore requires more than expanding formal institutional powers. It requires greater independence in the exercise of oversight, stronger evidence-based analytical capacity, increased transparency and accountability, and the consistent use of constitutional powers in accordance with their intended purposes. The DPR is not designed to obstruct the executive branch, but rather to function as a constitutional institution that ensures governmental power remains capable of effective action while being continuously subject to oversight, correction, and accountability within a democratic state governed by the rule of law.

3.3. Design and Mechanisms of Checks and Balances between the Diet and the Cabinet in Japan's Parliamentary System

The Japanese constitutional model is more accurately characterized not by a rigid separation of powers between the legislative and executive branches but by a high degree of institutional interdependence. The Diet designates the Prime Minister, while the Cabinet is collectively accountable to the Diet. At the same time, the Cabinet possesses a constitutional mechanism for responding to parliamentary pressure through the

³⁰ Farabi et al., "Efektivitas Fungsi Pengawasan DPR Di Tengah Dominasi Koalisi Gemuk."

dissolution of the House of Representatives. Accordingly, checks and balances in Japan operate primarily through mechanisms of political accountability rather than through separate sources of electoral legitimacy, as is characteristic of presidential systems.³¹

Article 41 of the Constitution of Japan designates the Diet as “the highest organ of state power” and the sole legislative organ of the state. This designation, however, does not confer unlimited authority upon the Diet. Article 65 simultaneously vests executive power in the Cabinet, while Article 66 provides that the Cabinet is collectively responsible to the Diet. The Prime Minister is designated by the Diet from among its members, and a majority of the ministers must also be selected from among the members of the Diet. The legislative–executive relationship in Japan is therefore based on a model of “fusion of powers with institutional accountability” rather than on an absolute separation of powers.

This institutional arrangement produces a form of checks and balances that differs substantially from the Indonesian model. In Indonesia, the President and the DPR derive their political legitimacy through separate electoral processes, thereby establishing distinct sources of democratic legitimacy. In Japan, by contrast, the political legitimacy of the Cabinet is closely connected to the composition and confidence of the Diet. Executive oversight is consequently more direct and continuous. The Prime Minister must maintain not only the legitimacy of government policies but also sufficient political support to ensure the Cabinet’s continued survival. Article 67 grants the *Diet* the authority to designate the Prime Minister and gives the House of Representatives precedence in resolving disagreements between the two chambers under the circumstances specified by the Constitution.

The vote of no confidence represents the parliamentary oversight mechanism with the most significant political consequences. Article 69 provides that when the House of Representatives adopts a resolution of no confidence or rejects a confidence resolution introduced by the government, the Cabinet must resign *en masse* unless the House of Representatives is dissolved within ten days. This arrangement illustrates a reciprocal form of checks and balances. The *Diet* can compel the Cabinet to resign by withdrawing parliamentary confidence, while the Prime Minister can respond by seeking the dissolution of the House of Representatives and returning the political dispute to the electorate through a general election. The mechanism therefore not only enables the legislature to hold the executive politically accountable but also allows the executive to seek renewed democratic legitimacy from voters.

This arrangement highlights a fundamental difference from Indonesia’s presidential system. In Indonesia, the President cannot be removed from office solely because of a loss of political support in the DPR; presidential removal requires specific constitutional grounds and adherence to constitutionally prescribed procedures. In

³¹ Nakano, *Party Politics and Decentralization in Japan and France*; Sartori, *Comparative Constitutional Engineering*.

Japan, by contrast, the political survival of the Cabinet is directly linked to maintaining the confidence of the House of Representatives. Executive accountability in Japan therefore contains a stronger dimension of political accountability, whereas the Indonesian model places greater emphasis on constitutional and legal grounds and procedures for removing the President from office.

Article 62 of the Constitution of Japan authorizes each house of the Diet to conduct investigations concerning government affairs and to require the attendance and testimony of witnesses and the production of records. These investigative functions are exercised through various parliamentary committees, including standing and special committees. The official institutional framework of the House of Representatives recognizes government investigations as part of the Diet's legislative responsibilities and its oversight of governmental activities. Legislative oversight in Japan is therefore not merely an exceptional mechanism activated during periods of political crisis; it constitutes an integral component of the ordinary parliamentary process.

Japanese parliamentary oversight is characterized by continuity and institutional integration. Ministers may be summoned to the Diet to explain government policies and respond to questions from legislators. Article 63 further provides that the Prime Minister and other Ministers of State must appear when their presence is required to provide answers or explanations. This arrangement ensures that legislative oversight remains closely connected to the formulation and implementation of public policy. Compared with Indonesia's system, in which interpellation and the right of inquiry operate through more formally defined procedures, Japan's model incorporates legislative oversight more directly into committee deliberations and routine parliamentary proceedings. As a result, oversight in Japan functions less as an exceptional constitutional intervention and more as a continuous component of the legislative process and executive accountability.

Budgetary oversight constitutes a critical component of the relationship between the Diet and the Cabinet. The Constitution of Japan requires public finances to be administered in accordance with decisions of the Diet: no public funds may be expended without Diet authorization, and the Cabinet is required to prepare and submit the annual budget to the Diet for deliberation and approval. In the relationship between the two chambers, the House of Representatives also occupies a constitutionally stronger position in the budgetary process. Where the two chambers disagree and the constitutionally prescribed conditions are satisfied, the decision of the House of Representatives may prevail as the decision of the Diet. This arrangement demonstrates that the "power of the purse" extends beyond a mere parliamentary approval function and operates as a structural mechanism through which the legislature can influence the direction and priorities of government policy.

These findings reinforce earlier scholarship characterizing Japan's parliamentary system as one in which the legislative and executive branches are closely integrated through mechanisms of political accountability.³² However, the institutional proximity between the *Diet* and the Cabinet constitutes both a strength and a potential weakness of Japan's oversight system. On the one hand, such integration facilitates oversight that is direct, continuous, and responsive. On the other hand, when the governing party or coalition commands a majority in the *Diet*, oversight may be weakened because the legislative majority has a political interest in sustaining a Cabinet supported by the same governing coalition.

The constitutional supremacy of the *Diet* does not, therefore, automatically ensure effective or absolute oversight. Although the *Diet* occupies a constitutionally strong position, the practical operation of checks and balances remains influenced by party configurations, majority–opposition dynamics, committee capacity, and the legislature's ability to obtain relevant information from the administrative bureaucracy. Official parliamentary documents in Japan recognize the power to investigate government affairs as an important instrument of administrative oversight; however, its effective implementation depends on adequate institutional capacity and the ability of parliamentary institutions to exercise this authority effectively. A distinction must therefore be drawn between formal parliamentary supremacy and the actual effectiveness of parliamentary oversight.

Japan's constitutional arrangement may consequently be characterized as a system of dynamic parliamentary checks and balances operating across three interrelated dimensions. The first is accountability by origin, whereby the Cabinet derives its political basis from the composition of the *Diet* through the designation of the Prime Minister. The second is accountability by supervision, which operates through investigations, the summoning of ministers, committee activities, parliamentary questioning, and budgetary control. The third is accountability by confidence, which is expressed through the vote of no confidence and may compel the Cabinet to resign or result in the dissolution of the House of Representatives.³³ Together, these three dimensions demonstrate that oversight is not treated as an extraordinary measure but as an inherent feature of the parliamentary system of government.

Japan's system of checks and balances does not rest on a strict institutional separation between the legislative and executive branches. Instead, it operates through an interdependent relationship accompanied by mechanisms of political accountability, administrative oversight, and financial control. Although the *Diet* occupies a powerful constitutional position, the Cabinet is not merely a passive object of legislative oversight. The power to dissolve the House of Representatives provides the executive with an

³² Shinoda, "The Japanese Prime Minister and the Executive Institutional Setting."

³³ Masaaki Higashijima et al., "Partisan Reactions to Endogenous Election Timing: Evidence from Conjoint Experiments in Japan," *Political Behavior*, ahead of print, 2025, <https://doi.org/10.1007/s11109-025-10106-7>.

important constitutional counterweight to the parliamentary vote of no confidence. A distinctive feature of the Japanese model, therefore, lies in its capacity to transform potential conflict between the legislature and the executive into a mechanism of political accountability that may ultimately return the resolution of the dispute to the electorate.

A comparison with Indonesia further demonstrates that the effectiveness of checks and balances is substantially shaped by the constitutional architecture of the system of government. Indonesia relies on separate sources of political legitimacy and oversight exercised by relatively distinct institutions, whereas Japan relies more heavily on the Cabinet's continuous political accountability to the legislature. These findings support the proposition that no single, universally applicable model of checks and balances exists. Rather, such mechanisms should be understood as constitutional arrangements whose design and effectiveness are shaped by each country's system of government, political configuration, and institutional structure. The principal strength of the Japanese model lies in its capacity to facilitate rapid and continuous political accountability, while its principal challenge arises from the potential weakening of legislative oversight when a dominant governing majority diminishes the legislature's capacity for independent and critical scrutiny. Accordingly, effective checks and balances depend not merely on the formal constitutional superiority of the *Diet* but also on the capacity of parliamentary institutions to exercise independent and substantive oversight while preserving the Cabinet's ability to govern effectively.

4. CONCLUSION

Modern checks and balances have evolved beyond a rigid conception of the separation of powers toward a dynamic and interdependent distribution of governmental authority centered on accountability. In Indonesia, the presidential system establishes the House of Representatives (DPR) and the President as institutions with distinct constitutional mandates, with their relationship balanced through legislative and budgetary powers and the DPR's rights of interpellation, inquiry, and expression of opinion. However, the effectiveness of these mechanisms remains significantly influenced by political coalition configurations and the institutional capacity of the DPR. In Japan, by contrast, the parliamentary system is characterized by a "fusion of powers," under which the Cabinet is politically accountable to the Diet through committee oversight, budgetary control, governmental investigations, parliamentary questioning, and votes of no confidence.

This study contributes to comparative constitutional law by demonstrating that the effectiveness of checks and balances depends not only on formal constitutional design but also on the interaction between the system of government and prevailing political practices. The principal limitation of this study is its reliance on document-based normative legal analysis without empirical assessment of how oversight mechanisms operate in practice. From a policy perspective, efforts to strengthen checks

and balances should prioritize institutional independence, evidence-based oversight capacity, transparency, and accountability. Future research should consider adopting socio-legal or empirical approaches to evaluate the practical effectiveness of legislative oversight mechanisms and to examine how political configurations influence their implementation in Indonesia and Japan.

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