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Strengthening People's Relationship with Parliament: The Constitution's Role in Safeguarding Indonesian Democracy

Menguatkan Hubungan Antara Rakyat dan Parlemen: Peran Konstitusi dalam Mengawal Demokrasi Indonesia

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Abstract

Relationship between the people and parliament constitutes a democratic mandate enshrined in the Indonesian Constitution; however, in practice, it has been weakened by closed legislative processes, party dominance, electoral thresholds, and disregard for Constitutional Court rulings. This study analyzes how the Constitution safeguards the mandate. Using normative legal research with legislative, conceptual, and case-based approaches, it examines primary, secondary, and tertiary legal sources through a qualitative-prescriptive framework. Findings confirm that the Constitution establishes the democratic mandate through popular sovereignty, the rule of law, elections, and interrelated parliamentary functions. This interconnectedness proves fragile amid lawmaking with minimal meaningful participation, party control over mid-term dismissal of parliamentary members, and the 2024 Regional Election Bill controversy conflicting with a Constitutional Court ruling. Safeguarding the mandate depends on simultaneous vertical, horizontal, and diagonal accountability. It concludes that strengthening this relationship requires institutionalizing meaningful participation, restricting arbitrary party control, and complying with Constitutional Court rulings.

Abstrak

Hubungan antara rakyat dan parlemen merupakan mandat demokrasi dalam Konstitusi Indonesia, namun praktiknya hubungan tersebut melemah akibat proses legislasi yang tertutup, dominasi partai politik, ambang batas elektoral, serta pengabaian putusan Mahkamah Konstitusi. Penelitian ini bertujuan menganalisis bagaimana konstitusi mengawal mandat demokrasi dalam hubungan rakyat dan parlemen. Penelitian menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus terhadap bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif-preskriptif. Hasil penelitian menegaskan bahwa Konstitusi membangun mandat demokrasi melalui kedaulatan rakyat, negara hukum, pemilu, dan fungsi Parlemen yang saling terkait. Keterhubungan itu rapuh pada pembentukan undang-undang yang minim partisipasi bermakna, kendali partai atas pemberhentian antarwaktu anggota Parlemen, dan polemik pengaturan Pilkada 2024 yang berhadapan dengan putusan Mahkamah Konstitusi. Pengawalan mandat bergantung pada kerja simultan akuntabilitas vertikal, horizontal, dan diagonal. Penelitian menyimpulkan bahwa penguatan hubungan rakyat parlemen menuntut pelembagaan partisipasi bermakna, pembatasan kendali partai yang sewenang-wenang, dan kepatuhan terhadap putusan Mahkamah Konstitusi.

A. INTRODUCTION

1. Background

Following the 1998 Reform, amendments to the 1945 Constitution in 1999–2002 reaffirmed that sovereignty resides with the people and is exercised in accordance with the Constitution, and that Indonesia is a nation governed by the rule of law. Members of Parliament are elected, and Parliament has the power to enact laws and to carry out legislative, budgetary, and oversight functions. However, authoritarian innovations in Indonesia—such as the narrowing of electoral competition, identity politics, and executive illiberalism—are taking place within the framework of procedural democracy.[1] This paradox forms the backdrop of this study: while elections continue to be held regularly, the connection between the people as the grantors of the mandate and Parliament as the holder of the mandate is not always maintained.

The revision process of the Corruption Eradication Commission Act, which resulted in Law No. 19 of 2019, was debated and enacted in a very short timeframe amid widespread public opposition. A similar situation occurred with Law No. 11 of 2020 on Job Creation. Through Decision No. 91/PUU-XVIII/2020, the Constitutional Court declared the law conditionally unconstitutional due to procedural defects—including the fact that its enactment failed to meet the principles of transparency and meaningful public participation—and ordered amendments to be made within two years. This ruling is significant because it establishes public participation as a constitutional requirement for lawmaking—not merely a matter of political ethics—and demonstrates that the quality of the relationship between the people and parliament can be tested through legal.[2] This situation also raises a fundamental question about who is truly represented when laws with far-reaching impacts are debated without adequate space for public dialogue.

Instead of opening up opportunities for public participation in amending the law, the government issued Government Regulation in Lieu of Law (Perppu) No. 2 of 2022, which was subsequently approved by the House of Representatives (DPR) as Law No. 6 of 2023. This move disregarded the spirit of the ruling, as a Perppu is an instrument that

[1] Albar Adetary Hasibuan et al., "Analysis of Indonesia ' s Democratic Backsliding After 2024 Using an Institutional Democracy and Elite Power Approach," *Al-Risalah: Jurnal Ilmu Syariah Dan Hukum* 26, no. 1 (2026): 1480–91, https://doi.org/https://doi.org/10.24252/al-risalah.vi.67799.
[2] Antoni Putra, "Pengabaian Prinsip Partisipasi Masyarakat Dalam Undang-Undang Cipta Kerja: Kajian Putusan Mahkamah Konstitusi Nomor 91/PUU-XVIII/2020," *Jurnal Yudisial* 17, no. 1 (September 17, 2024): 81–105, https://doi.org/10.29123/jy.v17i1.613.

does not involve the public in its drafting.[3] Meaningful participation is understood as a compromise between legal certainty, utility, and justice so that participation does not stop at merely fulfilling formal requirements.[4] Therefore, the debate no longer revolves around the existence or absence of a consultation forum, but rather on whether public input is truly heard, considered, and explained. Thus, the Constitutional Court's ruling will only be effective if Parliament views it as a guideline for fulfilling constitutional obligations, rather than as an obstacle to be circumvented through other procedural means.

In addition, the drafting of Law No. 3 of 2022 on the National Capital was criticized for proceeding so quickly that the participation was largely a formality.[5] Standards for assessing the adequacy of participation—such as who should be heard and how the law's objectives align with the relevance of public input—serve as benchmarks. The revision of the Indonesian National Armed Forces Act, which resulted in Law No. 3 of 2025, has once again drawn criticism because the deliberations were deemed closed-door and lacked public engagement. Emergencies and crises tend to expand executive authority and test the ability of the legislature and the judiciary to rein it in.[6] This situation demonstrates that the weak connection between the people and parliament is a recurring pattern. Public trust in Parliament will erode, even though that trust is the primary foundation for the legitimacy of the laws it produces.

The importance of this research lies in its constitutional law perspective, because the constitution not only regulates the separation of powers but also limits power and guarantees that power derives from the people. Constitutionalism requires that every state institution act within the limits set by the constitution and be held accountable.[7] The Indonesian Constitution itself is designed with checks and balances, including the Constitutional Court, which has the authority to review laws against the 1945

[3] Putra.
[4] Nur Pratama, "Meaningful Participation Sebagai Upaya Kompromi Idee Des Recht Pasca Putusan MK No. 91/PUU-XVIII/2020," *Crepido* 4, no. 2 (November 30, 2022): 137–47, https://doi.org/10.14710/crepido.4.2.137-147.
[5] Merdiansa Paputungan and Syaiful Bakhri, "Menyoal Pemenuhan Partisipasi Masyarakat Yang Bermakna Dalam Pembentukan Undang-Undang Tentang Ibu Kota Negara," *Al-Qisth Law Review* 6 (February 14, 2023): 274, https://doi.org/10.24853/al-qisth.6.2.274-300.
[6] Tom Ginsburg and Mila Versteeg, "The Bound Executive: Emergency Powers during the Pandemic," *International Journal of Constitutional Law* 19, no. 5 (June 24, 2021): 1498–1535, https://doi.org/10.1093/icon/moab059.
[7] Muhammad RM Fayasy Failaq, "Legitimacy and Reconstruction of Restrictions Tindakan Ekstra Konstitusional Presiden Di Indonesia : Legitimasi Dan Rekonstruksi Pembatasan," *Jurnal Konstitusi* 23, no. 2 (2026): 501–31, https://doi.org/https://doi.org/10.31078/jk23211.

Constitution.[8] Therefore, the issue of the relationship between the people and parliament is not merely a political matter, but a matter of compliance with constitutional norms that can be tested and corrected through legal instruments. Only through an analysis of legal norms, principles, and court rulings can one determine where constitutional deviations lie, who is responsible, and what remedies are legally available.

Based on previous research conducted by Prastyo, this study examines the criteria for meaningful participation in the legislative process, drawing on the reasoning in Constitutional Court Decision No. 91/PUU-XVIII/2020. This study outlines who the participants are, the scope of the subject matter, the appropriate venues or media, and how public input is considered and addressed—including through both conventional and virtual channels.[9] This research is distinct in that it views meaningful participation as an integral part of the relationship between the people and parliament, which must be analyzed in conjunction with political party control and compliance with Constitutional Court rulings. Subsequently, Krisdiansyah and Widodo analyzed Constitutional Court Decision No. 41/PUU-XXIII/2025 regarding the right to recall political party members and concluded that the Court relied on Article 22E, paragraph (3) of the 1945 Constitution without examining the original intent behind its formulation; consequently, this decision reinforces party control over members of the House of Representatives (DPR), and they recommend that the right to recall be limited to objective grounds.[10] This study treats recall as one of the weak points of the democratic mandate, then assesses it alongside the closed legislative process, electoral thresholds, and the disregard for Constitutional Court decisions.

The purpose of this study is to formulate strategies for strengthening the relationship between the people and parliament. The scope of the study is limited to the provisions of the 1945 Constitution, election laws, the composition and status of the House of Representatives, the legislative process, and relevant decisions of the Constitutional Court from 2021 to 2026. This study is expected to provide a theoretical contribution to the development of constitutional law and a practical contribution to lawmakers and election administrators.

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[8] Simon Butt and Tim Lindsey, *The Constitution of Indonesia: A Contextual Analysis* (Hart Publishing, 2012), 1-10. https://doi.org/10.5040/9781509955732

[9] Angga Prastyo, "Limitation of Meaningful Participation Requirements in the Indonesian Law-Making Process," *Jurnal Hukum Dan Peradilan* 11, no. 3 (December 1, 2022): 405, https://doi.org/10.25216/jhp.11.3.2022.405-436.

[10] Indra Jaya Krisdiansyah Hananta Widodo, "Analisis Yuridis Putusan Mahkamah Konstitusi 41/PUU-XXIII/2025 Terkait Hak Recall Partai Politik Dalam Perspektif Kedaulatan Rakyat.," *Indonesian Journal of Contemporary Law* 2, no. 3 (2025): 1–14, https://journal.unesa.ac.id/index.php/ijcl/article/view/56703.

2. Research Questions

Based on this discussion, the research questions are as follows: First, how does the 1945 Constitution construct the democratic mandate in the relationship between the people and the House of Representatives ? Second, how do legislative practices and representation reveal the weakening of this relationship? Third, how can constitutional mechanisms safeguard the democratic mandate?

3. Research Methods

This study employs a normative legal research method because the issues under examination center on constitutional norms rather than on directly observed social behavior. The research questions concern how the 1945 Constitution of the Republic of Indonesia safeguards the democratic mandate in the relationship between the people and parliament; thus, the answers can only be found through an examination of norms, principles, and court decisions. The appropriateness of this method is assessed from three perspectives. First, popular sovereignty, the rule of law, general elections, and the functions of parliament are normative concepts formulated through a conceptual approach. Second, the weaknesses in the relationship between the people and parliament—namely, a closed legislative process, the dominance of political parties, electoral thresholds, and disregard for Constitutional Court rulings—constitute issues of inconsistency between norms and practice, thus requiring both a statutory and a case-based approach. Third, the research objective goes beyond mere description to include prescriptive formulations regarding the institutionalization of meaningful participation. This orientation aligns with the nature of legal research, which addresses legal issues through arguments based on legal rules and principles.[11] Thus, the normative method allows for an assessment of the consistency of the implementation of constitutional norms in the practice of representative institutions.

Data collection was conducted through a literature review, in accordance with the nature of normative legal research, which relies on secondary data.[12] Primary legal sources include the 1945 Constitution of the Republic of Indonesia, laws on general elections, laws on the formulation of legislation, laws on the People's Consultative

[11] Syamsuddin Hardianto et al., *Panduan Lengkap Metode Penelitian Hukum Empiris dan Normatif* (Nusantara Press, 2025), 20-30.
[12] Yulia Audina Sukmawan and Dwi Damayanti, "Metode Penelitian Hukum Normatif Dan Empiris Sebagai Strategi Perspektif Kajian Ilmu Hukum," *Master of Notary, Faculty of Law, Lambung Mangkurat University* 4, no. 01 (2025): 114–28, https://doi.org/10.32801/nolaj.v4i3.116.

Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council, as well as Constitutional Court decisions downloaded from the institution's official website. Secondary legal sources include books, journal articles, and research findings on popular sovereignty, representation, and parliamentary accountability. Tertiary legal sources include legal dictionaries and encyclopedias, which are used to verify terminology accuracy. The search for materials was conducted systematically using keywords relevant to the research issues, while irrelevant or unverifiable materials were excluded from the analysis. All materials were inventoried, classified by issue, and then analyzed qualitatively and prescriptively by linking constitutional norms, legislative practices, and court decisions to formulate recommendations.

Cases were selected purposefully based on four criteria.[13] First, the case must be directly related to one of the research issues, namely legislation with minimal public participation, party control over the mid-term dismissal of members of parliament, electoral thresholds, or the disregard of Constitutional Court rulings. Second, the cases involved verifiable legal documents, such as final and binding rulings, draft legislation, or meeting minutes. Third, the cases contained constitutional considerations regarding popular sovereignty, the rule of law, or the accountability of representative institutions. Fourth, the cases occurred in a relatively recent period, thereby reflecting contemporary constitutional practices. Based on these criteria, this study has selected Constitutional Court Decision No. 91/PUU-XVIII/2020 regarding the lack of public participation in the legislative process, the practice of mid-term dismissal of members of parliament at the party's request, and the controversy surrounding the —which contradicts a Constitutional Court decision—as the subjects of this study; these three cases are thus deemed to adequately represent the relationship between the people and parliament for the purposes of analysis.

B. RESULTS AND DISCUSSION

Constitutionalism positions the constitution as both the source and the limit of power, such that Parliament's power derives from the people and is bound by the 1945 Constitution.[14] Representation theory distinguishes between representation as an action

[13] Yulia Audina Sukmawan and Dwi Damayanti, "Metode Penelitian Hukum Normatif dan Empiris."
[14] Miftah Hadinatha, "Peran Mahkamah Konstitusi Mencegah Gejala Autocratic Legalism Di Indonesia," *Jurnal Konstitusi* 19, no. 4 (December 1, 2022): 741–65, https://doi.org/10.31078/jk1941.

in the interest of those represented and representation as merely formal authorization; a sound mandate requires both. Meanwhile, modern representative government is characterized by periodic elections, the freedom of representatives to make decisions, freedom of public opinion, and decision-making through deliberation. Contemporary democracy adds that control over those in power is exercised through vertical, horizontal, and diagonal accountability. Thus, the relationship between the people and parliament is viewed as a series of interconnected pathways—from elections to parliamentary decisions—and any obstacle along that path constitutes a constitutional issue, not merely a political one.

1. The 1945 Constitution Establishes the Mandate of Democracy as a Series of Interrelated Norms

The 1945 Constitution does not articulate the democratic mandate in a single article, but rather through a series of norms. Article 1, paragraph (2), establishes the sovereignty of the people, which is exercised in accordance with the Constitution, while Article 1, paragraph (3), establishes the rule of law. These two articles form the principle of a democratic state governed by law, namely that the people are sovereign, but that sovereignty is exercised through procedures and institutions limited by law. Popular sovereignty in the Indonesian Constitution is realized through representative institutions and is limited by law, so that democracy and the rule of law go hand in hand.[15] Thus, Parliament's mandate is derivative—it originates from the people and must be accountable to the people through mechanisms prescribed by the Constitution. Consequently, Parliamentary actions that deviate from the will of the people can be assessed not only politically but also legally. The view of the Constitution as a check on power is also affirmed in a contextual study of the 1945 Constitution, which shows that post-Reform constitutional amendments were intentionally designed to strengthen the control over power.[16] In its interpretive practice, the Constitutional Court holds that the enactment of laws that violate procedures may be declared formally defective. This indicates that the principles of the rule of law and popular sovereignty interact with one another. Procedures that do not involve the people may be deemed unconstitutional, even

[15] Risman Setiawan and Yan Fathahillah Purnama, "Implikasi Hukum Apabila Pancasila Di Abaikan Dalam Pembentukan Undang-Undang Di Indonesia," *Catha : Jurnal Penelitian Kreatif Dan Inovatif* 1, no. 4 (2024): 102–9, https://doi.org/10.31004/catha.v1i4.87.
[16] Failaq, "Legitimacy and Reconstruction of Restrictions Tindakan Ekstra Konstitusional Presiden Di Indonesia : Legitimasi Dan Rekonstruksi Pembatasan."

if the substance of the law remains subject to debate. Thus, the relationship between the people and parliament always has its own procedural dimension—namely, how decisions are made, who is involved, and what justifications are provided to the people.

Article 22E, paragraph (1), mandates that elections be direct, universal, free, secret, honest, and fair every five years. Article 19, paragraph (1), stipulates that members of the House of Representatives (DPR) are elected through general elections, and Article 20A, paragraph (1), grants the DPR legislative, budgetary, and oversight functions. Elections are merely an initial authorization, whereas the function of Parliament constitutes a form of substantive representation—that is, acting in the interests of the people.[17] This framework is important because it demonstrates that the mandate does not end on election day. The mandate continues throughout the term of office and requires that legislative decisions align with the electorate's interests. The legitimacy of representative government also depends on freedom of public opinion and the scrutiny of decisions through discourse. In the Indonesian context, this means that the legislative function of Parliament cannot be understood as an exclusive authority free from oversight, but rather as a legitimate authority to the extent that it is exercised through an open and accountable process. The relationship between the people and the House of Representatives (DPR) is therefore ongoing, not a once-every-five-years event, and the law must provide mechanisms to ensure continuity. Thus, the measure of a mandate's success is not merely the number of seats won, but rather the extent to which decisions made in Parliament can be explained to voters and align with the principles they hold dear.

The 1945 Constitution also provides for citizens' rights that serve as mechanisms to safeguard the mandate, namely the right to collective self-improvement under Article 28C(2), the right to form associations, assemble, and express opinions under Article 28E(3), and the right to obtain and disseminate information under Article 28F. These rights form a system of "diagonal accountability"—that is, oversight by civil society and the media outside of elections and beyond state institutions.[18] By integrating the principles of sovereignty, elections, the functions of Parliament, and civil rights, the Indonesian Constitution actually provides a fairly comprehensive framework for maintaining the relationship between the people and Parliament. There is also the

[17] Risman Setiawan, "Legal Analysis of Strategies for Regional Institutional Reform to Advance Democratic Governance," *Journal of State Democracy* 1, no. 3 (2026): 1–15, https://doi.org/10.65101/jsd.v1i3.364.
[18] Hasibuan et al., "Analysis of Indonesia ' s Democratic Backsliding After 2024 Using an Institutional Democracy and Elite Power Approach."

Constitutional Court, which, under Article 24C (1), has the authority to review laws for conformity with the 1945 Constitution. This means that, normatively, there is vertical control through elections, horizontal control through constitutional adjudication, and diagonal control through civil liberties. The combination of these three forms of checks and balances reflects the idea that power is most securely controlled through multiple channels, so that if one channel fails, it can be compensated for by another.

The strength of formal norms does not automatically result in substantive representation. The connection between voters and political parties is relatively weak in a democracy still shaped by clientelism, so elections have not always served as a channel for transmitting voters' policy preferences to decision-makers.[19] Furthermore, contemporary studies often depict the development of Indonesian democracy as moving from stagnation toward regression, which means that the quality of norm implementation has become a primary concern.[20] This picture underscores the need to distinguish between the existence of norms and their effectiveness. A constitutional provision may exist and be respected in the text, but it is powerless if those responsible for its implementation disregard it. It is this distinction between norms and their effectiveness that serves as the starting point for analyzing cases that appear valid procedurally but lack deliberative meaning.

Thus, the democratic mandate in the 1945 Constitution is structured to include the source of the mandate in Article 1, paragraph (2); the limits of the mandate in Article 1, paragraph (3); the conferral of the mandate in Articles 19 and 22E; and the exercise of the mandate in Articles 20 and 20A. This corrects the simplistic view that reduces democracy to mere elections. Regression can occur gradually through the weakening of institutions during the inter-electoral period, making competitive elections alone insufficient to ensure the quality of democracy.[21] Therefore, a legal analysis of the relationship between the people and parliament must take into account the entire mandate, from its origins to its implementation. The constitutional framework of the mandate is adequate, but it only becomes meaningful if all aspects of the mandate remain interconnected in practice. Thus,

[19] Diego Fossati et al., "Ideological Representation in Clientelistic Democracies: The Indonesian Case," *Electoral Studies* 63 (2020): 102111, https://doi.org/10.1016/j.electstud.2019.102111.
[20] Failaq, "Legitimacy and Reconstruction of Restrictions Tindakan Ekstra Konstitusional Presiden Di Indonesia : Legitimasi Dan Rekonstruksi Pembatasan."
[21] Johannes Gerschewski, "Erosion or Decay? Conceptualizing Causes and Mechanisms of Democratic Regression," *Democratization* 28, no. 1 (January 14, 2021): 43–62, https://doi.org/10.1080/13510347.2020.1826935.

any deviations observed in practice are assessed by comparing them against these four layers of the mandate, and any proposed improvements aim to restore the mandate's disconnected layers.

2. The Connection Between the People and the House of Representatives Is Fragile at Three Points: Legislation, Party Representation, and Compliance with Constitutional Court Rulings

This connection is fragile at three points. The first point is closed and hasty legislation. Decision No. 91/PUU-XVIII/2020 affirms that meaningful public participation includes the right to have one's opinion heard, the right to have one's opinion considered, and the right to receive an explanation regarding the opinion provided. This standard was subsequently adopted in Article 96 of Law No. 12 of 2011, as amended by Law No. 13 of 2022. This standard translates the principle of substantive representation into procedural terms.[22] After the Constitutional Court ordered the amendment of the Job Creation Law with meaningful participation, the government pursued the route of a Government Regulation in Lieu of Law (Perppu), which was subsequently enacted by the House of Representatives as Law No. 6 of 2023. This choice of instrument negates the space for participation and undermines the authority of the ruling, even though the DPR, as the holder of legislative functions, should be the primary forum for public engagement.[23]

This demonstrates that the obligation to comply with court rulings is not yet fully effective when political bodies have procedural alternatives to circumvent them, and that horizontal control requires other forms of control to support it.[24] The Court did not immediately overturn the law but granted a two-year deadline for amendments. Such a ruling provided an opportunity for lawmakers to genuinely improve the process; the fact that this opportunity was utilized through non-participatory channels demonstrates that the will to improve the process does not always align with the will to fulfill the substance of the ruling.

Other legislative cases reveal the same pattern. In the case of the National Capital Law, participation appeared to be merely formal—experts were invited, but there was no

[22] Pratama, "Meaningful Participation Sebagai Upaya Kompromi Idee Des Recht Pasca Putusan MK No. 91/PUU-XVIII/2020."
[23] Putra, "Pengabaian Prinsip Partisipasi Masyarakat Dalam Undang-Undang Cipta Kerja: Kajian Putusan Mahkamah Konstitusi Nomor 91/PUU-XVIII/2020."
[24] Melis Laebens and Anna Lührmann, "What Halts Democratic Erosion? The Changing Role of Accountability," *Democratization* 28, no. 4 (April 15, 2021): 1–21, https://doi.org/10.1080/13510347.2021.1897109.

evidence that their input was considered or explained, and the deliberation process proceeded too quickly to meet the standards set by Decision 91/PUU-XVIII/2020.[25] On the other hand, the criteria regarding who is entitled to be heard and how the relevance of input is assessed remain inconsistent, leaving lawmakers with broad discretion to claim that participation requirements have been met.[26] The 2025 revision of the TNI Law, which was criticized for its closed-door deliberations, demonstrates that this issue is not limited to a single law but reflects a broader legislative practice. This indicates that authoritarian forces in Indonesia often operate through legal-procedural channels that appear legitimate. This phenomenon can be explained by the concept of the abuse of legal form.[27] Political actors can use the instruments and language of liberal constitutionalism to undermine the substance of democracy, thereby preserving the legal form while emptying it of its function. In this context, deliberative meetings, public hearings, and plenary approvals continue to take place, but their deliberative and participatory functions are absent. This pattern demonstrates that formal compliance with procedures does not necessarily mean that the procedures' objectives have been fulfilled. In this regard, the law needs to shift from asking whether a forum has been held to asking whether that forum has influenced the substance and rationale of a decision.

The second point is the party's control over representation. Article 22B of the 1945 Constitution delegates the requirements and procedures for the removal of DPR members to legislation, and Article 239(2)(d) of Law No. 17 of 2014 establishes a party's proposal as one of the grounds for mid-term removal. The Constitutional Court, through Decision No. 008/PUU-IV/2006, recognized this authority.[28] This provision shifts political control from voters to the party elite and undermines the independence of representatives, resulting in representatives of the (People's Representative Council) elected by the people being more subservient to the party than to their constituents.[29] Patterns of clientelism

[25] Paputungan and Bakhri, "Menyoal Pemenuhan Partisipasi Masyarakat Yang Bermakna Dalam Pembentukan Undang-Undang Tentang Ibu Kota Negara."
[26] Prastyo, "Limitation of Meaningful Participation Requirements in the Indonesian Law-Making Process."
[27] Risman Setiawan, "Formal Requirements for the Revision of the TNI Law from the Perspective of Public Participation," *JIHAD : Jurnal Ilmu Hukum Dan Administrasi* 7, no. 4 (2025), https://doi.org/10.58258/jihad.v7i4.9774.
[28] Lade Sirjon; La Ode M Sulihin; Risman Setiawan, "Putusan Mahkamah Konstitusi No. 105/PUU-XXII/2024 : Mewujudkan Kembali Kesadaran Demokrasi Konstitusional," *Journal of Innovative and Creativity* 5, no. 2 (2025): 3486–92, https://doi.org/10.31004/joecy.v5i2.631.
[29] Moh Yusuf et al., "Constitutional Regulation of Party-Driven Recall and Democratic Accountability in Indonesia's Parliament," *Law Development Journal* 8, no. 2 (June 4, 2026): 1148–62, https://doi.org/10.30659/ldj.8.2.1148-1162.

and weak ideological ties cause parties to function more as gatekeepers of access than as channels for voter preferences.[30] Furthermore, the Constitutional Court, through Decision No. 62/PUU-XXII/2024, ruled that Article 222 of Law No. 7 of 2017 regarding the presidential nomination threshold is inconsistent with the 1945 Constitution. The removal of the threshold supports the rule of law and popular sovereignty by opening up competition, but it also warns that legal uncertainty and political fragmentation may arise if revisions to the election law are delayed or incomplete. This ruling expands inclusive political participation while calling for comprehensive reforms to maintain the stability of the presidential system.[31] From a representational perspective, expulsion by a party also poses a normative dilemma. On the one hand, parties have an interest in maintaining discipline and adhering to their platform. On the other hand, representatives derive their legitimacy directly from the voters' ballots. In other words, the relationship between the people and parliament through political parties requires an explicitly defined balance, rather than relying on internal party practices that are difficult for the public to monitor.

The third point is compliance with constitutional rulings. Final and binding decisions of the Constitutional Court can be treated as material for legislative negotiations. When the Legislative Body agreed to a revision of the Regional Election Law that deviated from Rulings No. 60/PUU-XXII/2024 and No. 70/PUU-XXII/2024, it was not the DPR's internal mechanisms that upheld those rulings, but rather widespread public pressure. This incident demonstrates that diagonal accountability can serve as the last line of defense when horizontal and vertical mechanisms are disrupted.[32] From a constitutional law perspective, actions that substantively deviate from the Court's rulings by enacting new laws pose serious problems. Article 24C(1) establishes that the Court's rulings are final, and Article 1(3) requires all state organs to be subject to the law. Therefore, attempts to amend laws to nullify a ruling are not merely a matter of policy choice but touch upon the principle of the rule of law, which serves as the limit to the DPR's own legislative authority. In a state governed by the rule of law, compliance with court rulings must be guaranteed by clear mechanisms and by a legal culture that respects

[30] Ahmad Siboy and Sholahuddin Al-fatih, "Indonesian Presidential Election on Presidential Threshold Policy : Evidence from Various Countries," *Journal of Human Rights, Culture and Legal System* 5, no. 3 (2025): 949–81, https://doi.org/https://doi.org/10.53955/jhcls.v5i3.639.
[31] Putri Octaviani, "Analisis Yuridis Putusan Hakim Nomor 62/PUU-XXII 2024 Penghapusan Presidential Threshold," *Jurnal Hukum Lex Generalis* 7, no. 8 (2026): 1–14, https://doi.org/https://doi.org/10.56370/jhlg.v6i10.3212.
[32] Laebens and Lührmann, "What Halts Democratic Erosion? The Changing Role of Accountability."

these limits. Without both, decisions that are final and binding can lose their moral and political force.

These three points of vulnerability reinforce one another. Opaque legislation becomes possible because the parties supporting the government control the House of Representatives; party control over representatives ensures factional discipline; electoral thresholds preserve the existing party configuration; and the disregard for court rulings demonstrates the audacity to breach constitutional boundaries when all three factors align. Studies on the erosion of democracy in various countries show that what weakens democracy is not a single event, but rather an accumulation of measures, each of which appears legitimate.[33] On the other hand, there is a critical view that the term "backsliding" can be applied too broadly, thereby obscuring differences between cases. Therefore, these findings do not conclude that Indonesian democracy has collapsed, but rather that the relationship between the people and the DPR has experienced a specific, demonstrable, and remediable weakening. Within the framework of accountability, these three issues simultaneously undermine three channels: closed-door legislation weakens public participation and oversight; party control weakens representatives' accountability to voters; and the disregard for court rulings weakens horizontal oversight. These findings serve as the basis for discussing how the oversight of the mandate can be restored through mechanisms that work in concert. Conclusions at this level indicate that improvements must be systemic—that is, they must address participation, representation, and compliance with rulings in an integrated manner. Partial reforms—such as regulating participation forums without addressing party control or compliance with rulings—risk producing cosmetic changes that do not alter the trajectory of the relationship between the people and parliament. By placing these three elements within a single framework, this study offers a perspective distinct from partial analyses, in which each element is evaluated not in isolation but as part of a mutually reinforcing pattern.

3. The Mandate of Democracy Is Safeguarded by the Simultaneous Work of Meaningful Participation, Constitutional Review, and Diagonal Accountability

Based on an analysis of legal norms and case law, three mechanisms operate at different levels: meaningful participation in the legislative process, constitutional review by the Constitutional Court, and diagonal accountability by civil society and the media.

[33] Gerschewski, "Erosion or Decay? Conceptualizing Causes and Mechanisms of Democratic Regression."

Figure 1 illustrates the relationship among these three mechanisms, the chain of mandate, and the vulnerable points that weaken their interconnectedness. This diagram shows that oversight is not the responsibility of a single institution, but rather a collaborative effort in which each component complements the others. The top section displays the chain of mandate from the people, through elections, to the legislature, while the middle section shows the three oversight mechanisms, each supporting a link in the chain. The bottom section highlights the vulnerable points. Reading the diagram from bottom to top, it is evident that each vulnerable point weakens the interconnectedness and must be addressed by the appropriate guardian. This diagram is also intended as a simple evaluation tool: every draft law can be examined using three questions—namely, whether the public has been meaningfully involved, whether the substance and procedures can be scrutinized, and whether there is space for civil society to critique it.

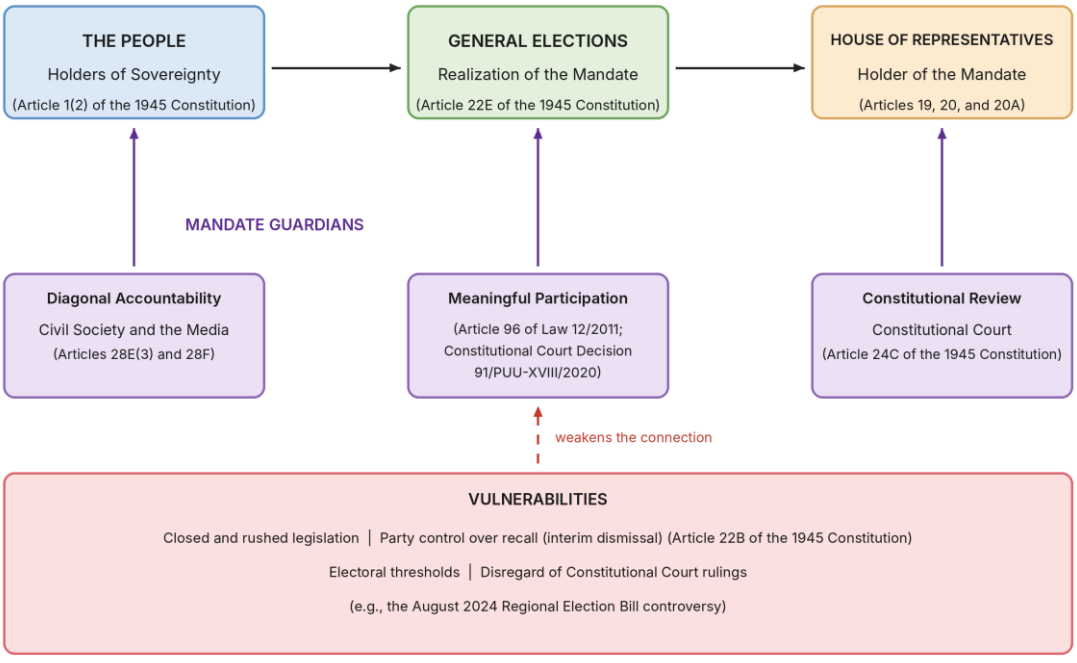

Figure 1. Public–House of Representatives Connectivity, Mandate Oversight Mechanisms, and Vulnerable Points

Source: The author's analysis based on the 1945 Constitution and the Constitutional Court's rulings

The first mechanism—meaningful participation—operates before a law is enacted and is preventive in nature; public input can improve a draft before it causes constitutional harm. However, its effectiveness depends on clear institutionalization. Meaningful participation suggests that engagement should include groups directly affected or with a special interest, use the law's objectives as a measure of relevance, and

utilize both conventional and virtual channels.[34] Without such operational standards, participation can easily be reduced to mere attendance. Therefore, meaningful participation must be strengthened through technical provisions in the House of Representatives' rules of procedure and in implementing regulations for the law on legislative drafting. The second mechanism, constitutional review, takes effect after a law is enacted and serves a corrective function. Decisions No. 91/PUU-XVIII/2020, No. 62/PUU-XXII/2024, and No. 60/PUU-XXII/2024 demonstrate that the Constitutional Court can restore the severed link between the people and Parliament, both procedurally and substantively. Nevertheless, the court can also be misused—either because it is controlled by political forces or because it legitimizes actions that undermine democracy—so constitutional review cannot be regarded as an automatic guarantee.[35] In practice, meaningful participation can be institutionalized by combining technical guidelines with procedural consequences—for example, delaying ratification if public response documents have not yet been provided. This approach does not eliminate Parliament's authority but ensures that such authority is exercised through an accountable process. Such institutionalization simultaneously provides the public with certainty regarding what they can demand from Parliament.

This warning is relevant because the effectiveness of constitutional review depends on the compliance of other institutions and on the integrity of the court itself. In the case of the Job Creation Law, the ruling was countered by the issuance of a Government Regulation in Lieu of Law (Perppu); in the case of the Regional Election Bill, the ruling was nearly circumvented through legislation. Constitutional design must account for the possibility that political actors will seek loopholes to circumvent restrictions; thus, the resilience of oversight institutions must be carefully designed.[36] Consequently, the second mechanism must be supported by clear follow-up obligations—specifically, the establishment of deadlines, the identification of responsible parties, and consequences for failure to implement rulings. On the other hand, the third mechanism—diagonal accountability—operates continuously outside state institutions. Rights are more likely

[34] Prastyo, "Limitation of Meaningful Participation Requirements in the Indonesian Law-Making Process."
[35] Muhammad Fathi Nanik Prasetyoningsih Muhammad Nur Rifqi Amirullah, "From Guardians to Threats? Abusive Judicial Review and Public Distrust," *Jurnal Hukum Ius Quia Iustum* 32, no. 2 (2025): 505–27, https://doi.org/https://doi.org/10.20885/iustum.vol32.iss2.art10.
[36] Yohanes Suhardin and Henny Flora, "Eksistensi Putusan Mahkamah Konstitusi Pasca Disahkannya Undang-Undang Penetapan Perpu Cipta Kerja," *Jurnal USM Law Review* 6, no. 1 (May 18, 2023): 320–31, https://doi.org/10.26623/julr.v6i1.6307.

to be respected when there are organized groups capable of pressuring violators; thus, the existence of a strong civil society is a prerequisite for the functioning of constitutional norms.[37] However, the burden cannot fall solely on civil society. Therefore, the rights under Article 28C(2), Article 28E(3), and Article 28F must be protected to ensure that criticism of parliament does not result in criminalization, and that access to legislative information—such as academic papers and draft laws—is made available in a timely manner.

Crisis experiences provide valuable lessons for oversight mechanisms. A comparative study of emergency powers during the pandemic shows that executive authority tends to be strengthened during crises, and that restrictions imposed by the legislature, the courts, and the public determine the extent to which that authority remains bound by the law.[38] In the case of Indonesia, a study of the pandemic response links weak oversight and the quality of democracy to the quality of the resulting public policies.[39] This lesson supports the finding that oversight of executive authority is not only important in normal times but is most severely tested under pressure, when the need for speed is used to justify streamlining procedures. Therefore, standards for meaningful participation and the obligation to follow through on decisions must be formulated so that they remain applicable under urgent conditions, with the possibility of adjusting the form—for example, through online participation—but not eliminating the substance. In this way, speed need not be pitted against transparency, and the state need not choose between efficiency and legitimacy. Lessons from crisis experiences are also relevant to the reform of legislative procedure laws. Lawmakers can establish fast-track procedures that still require publication of draft legislation, brief stakeholder forums, and written reports documenting the input received. In this way, the need for speed need not come at the expense of the public's right to be heard.

An interpretation of the diagram indicates that these three mechanisms are complementary in timing. Meaningful participation operates before decisions are made, constitutional review operates after decisions are made, and diagonal accountability operates throughout the process. If one mechanism fails, another must fill the gap. The

[37] Anna Lührmann, Kyle Marquardt, and Valeriya Mechkova, "Constraining Governments: New Indices of Vertical, Horizontal, and Diagonal Accountability," *American Political Science Review* 114, no. 3 (May 20, 2020): 811–20, https://doi.org/10.1017/S0003055420000222.
[38] Ginsburg and Versteeg, "The Bound Executive: Emergency Powers during the Pandemic."
[39] Marcus Mietzner, "Authoritarian Innovations in Indonesia: Electoral Narrowing, Identity Politics and Executive Illiberalism," *Democratization* 27, no. 6 (August 17, 2020): 1021–36, https://doi.org/10.1080/13510347.2019.1704266.

democratic mandate is most effectively safeguarded by the simultaneous operation of these three mutually reinforcing mechanisms, rather than by strengthening any single mechanism. Horizontal and diagonal accountability play a crucial role in preventing erosion when elections alone are insufficient.[40] Thus, there is a logical relationship among the three findings: the first finding establishes the standard, the second shows where that standard is not met, and the third indicates the tools available to restore it. Ultimately, this discussion demonstrates that safeguarding the democratic mandate is an ongoing process involving lawmakers, the courts, and citizens—not a task that is completed with a single ruling or a single revision of the law.

From a theoretical perspective, this study demonstrates that the concept of the democratic mandate is more useful when understood as a set of norms and mechanisms, rather than merely the outcome of an election. The framework of vertical, horizontal, and diagonal accountability has proven helpful in analyzing the Indonesian case because it reveals where the chain is broken and which mechanisms can restore it.[41]l The theoretical implication is that Indonesian constitutional law must incorporate meaningful participation and compliance with rulings as integral parts of the doctrine of popular sovereignty, not merely as procedural matters in the lawmaking process. From this perspective, violations of meaningful participation are no longer viewed as minor technical flaws but as disruptions to the constitutional relationship between the mandate's grantors and its holders.

The first practical implication concerns the legislature. The House of Representatives (DPR) and the Government must translate Article 96 of Law No. 12 of 2011 into verifiable procedures: the early publication of academic papers and draft legislation, an adequate timeframe for public input, both online and offline channels, and response documents explaining which inputs were accepted or rejected along with the reasons. Lawmakers need to review regulations on interim dismissals to ensure that the grounds for dismissal are objective, legally verifiable, and not used to silence critical representatives. Revisions to the election law following the elimination of the presidential nomination threshold must also be comprehensive and timely to avoid creating legal uncertainty. Additionally, compliance with the Constitutional Court's rulings is necessary.

[40] Laebens and Lührmann, "What Halts Democratic Erosion? The Changing Role of Accountability."
[41] Lührmann, Marquardt, and Mechkova, "Constraining Governments: New Indices of Vertical, Horizontal, and Diagonal Accountability."

Parliament, the government, and election administrators need to establish mechanisms for following up on Constitutional Court rulings.

Based on the above discussion, the study's recommendations are as follows. First, the House of Representatives (DPR) needs to establish technical standards for meaningful participation in its rules of procedure and provide an openly accessible system for tracking public input, including written responses to input that is not accepted. Second, lawmakers need to restructure mid-term dismissals and electoral thresholds to align with the principle of popular sovereignty and the mandate of the Constitutional Court's rulings. Third, a mechanism for monitoring follow-up to Constitutional Court rulings must be established, involving the House of Representatives, the Government, and the public, with periodic reporting. These recommendations are directed at different parties but share the same goal: to ensure that every decision made by Parliament can be traced back to the will of the people and tested against the Constitution.

C. CONCLUSION

This study finds that the 1945 Constitution articulates the democratic mandate as a set of norms comprising popular sovereignty, the rule of law, elections, and the functions of the House of Representatives, as well as civil rights that enable the people to oversee their representatives. In constitutional practice, this mutual dependence proves fragile at three points: closed legislative proceedings with minimal meaningful participation; party control over representation through mid-term dismissals and electoral thresholds; and disregard for Constitutional Court rulings, as evidenced by the controversy surrounding the 2024 Regional Election Bill. Thus, protecting the democratic mandate depends on the simultaneous functioning of meaningful participation, constitutional review, and diagonal accountability. Building up these relationships requires institutionalizing meaningful participation, limiting arbitrary party control, and securing compliance with constitutional rulings.

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