

CONSTITUTIONAL LAW AND THE DISMISSAL OF INDONESIA'S PRESIDENT AND VICE PRESIDENT: ACCOUNTABILITY AND DEMOCRATIC RESILIENCE

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Abstract. *This study explores the constitutional processes surrounding the dismissal of the President and Vice President in Indonesia, focusing on legal mechanisms, government accountability, and the impact on democratic resilience. Using a qualitative approach with a literature review and library research, this study examines relevant legal frameworks, political dynamics, and institutional roles in the impeachment process. The findings reveal that while Indonesia's Constitution provides clear guidelines for presidential dismissal, ambiguities in the criteria for "grave violations" and the potential for political manipulation of the process pose significant challenges. Furthermore, the research highlights that while the impeachment process can reinforce government accountability, its politicization can undermine public trust and destabilize democratic institutions. The study concludes that strengthening the independence of key institutions, such as the Constitutional Court and the People's Consultative Assembly, is crucial to preserving democratic integrity and ensuring the legitimacy of the impeachment process. This work contributes to the ongoing discourse on constitutional law and democratic governance in Indonesia and provides recommendations for future legal and institutional reforms.*

Keywords: *Constitutional Law; Democratic Resilience; Government Accountability; Presidential Dismissal.*

1. Introduction

The dismissal of a President and Vice President is a significant issue within the framework of constitutional law, particularly in democratic systems such as Indonesia. The Indonesian Constitution, through the 1945 Constitution (*Undang-Undang Dasar/UUD 1945*), establishes mechanisms for the removal of the head of state and government, a

process that carries profound implications for governance, political stability, and the resilience of democracy (Ulum, 2010). This issue gains particular importance in Indonesia, where a dynamic political landscape has posed unique challenges to constitutional governance, particularly in ensuring that the dismissal of top leaders does not undermine democratic institutions and government accountability (Mujani & Liddle, 2021).

Normatively, Article 7A of the 1945 Constitution stipulates that the President and/or Vice President may only be dismissed during their term of office if proven to have committed treason, corruption, bribery, another grave criminal offense, or conduct that no longer fulfils the constitutional requirements of the office, through a legal process before the Constitutional Court followed by a political decision of the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*/MPR). In practice, however, the phrase "grave violations of the law" is not accompanied by a precise operational definition, so that its interpretation depends heavily on the political configuration of the institutions involved (Wahid, 2014; Ayuningtiyas et al., 2023). This gap between the constitutional norm and its practical application constitutes the central legal problem examined in this study: to what extent a dismissal mechanism that is normatively clear can still be exercised consistently with the rule of law when its key terms remain open to political interpretation.

Previous research on the topic often focuses on legal procedures or the political implications of impeachment (Wajdi & Andryan, 2020; Whittington, 2024). This topic is urgent at present because the discretionary interpretation of "grave violations" continues to be tested in Indonesia's increasingly polarized political environment, where impeachment provisions risk being invoked, or threatened, for partisan rather than legal reasons. However, there is a lack of comprehensive studies that analyze the intersection of legal frameworks, governance accountability, and democratic resilience when the highest offices are at stake (Muhdar & Susilowati, 2023; Yusvida, 2025). This research purpose to fill that gap by offering an in-depth examination of how the dismissal process affects both the integrity of governance and the sustainability of democracy in Indonesia.

A review of the existing literature shows that scholarship on presidential dismissal in Indonesia has largely developed along three lines. The first line examines the procedural mechanism of impeachment itself: Arifin (2020) analyzes the constitutional procedure as a safeguard against the abuse of power by high-ranking officials, while Kartiko (2011), Fudin (2020), and Nizar and Tohawi (2023) trace how the involvement of the MPR and the Constitutional Court is intended to prevent arbitrary decision-making. The second line links the dismissal mechanism to the broader concept of accountability: Sujatnika et al. (2024) argue that the power to remove a President is inseparable from the principle of democratic accountability, and Ginsburg et al. (2021) caution that this power can be misused when political motives override constitutional requirements. The third line examines the consequences of dismissal for democratic resilience, showing that a transparent and legally grounded process can reinforce democratic institutions, whereas a politically motivated or procedurally flawed one can trigger a crisis of legitimacy (Power, 2020; Muheeb, 2023). Yet, there remains limited exploration of how such legal provisions, when enacted, influence public trust and democratic consolidation. This research seeks to build upon these foundational studies by examining not only the legal mechanisms involved but also the broader implications of presidential dismissal on governance accountability and the resilience of democratic structures.

In sum, the existing literature provides a foundational understanding of the constitutional framework for presidential removal, emphasizing legality, transparency, and accountability, but significant gaps remain in explaining how the ambiguity of “grave violations” translates into political practice and how it ultimately shapes democratic resilience (Marzuki, 2010; Sanusi, 2018). The novelty of this study lies in its dual focus on both the legal procedures surrounding the dismissal of a President and Vice President and the political and social consequences of such actions. By integrating perspectives from constitutional law, political science, and public administration, this paper presents a holistic view of the effects of presidential dismissal on Indonesia’s democratic system. Theoretically, this study contributes to the discourse on the interpretation of open-textured constitutional norms in presidential systems; practically, its findings are intended to inform legislative and institutional reforms aimed at narrowing the gap between the constitutional norm and its application in Indonesia’s impeachment practice.

This study aims to achieve several objectives, namely to critically examine the legal mechanisms in the dismissal of the President and Vice President under Indonesian constitutional law, to assess the impact of these mechanisms on government accountability and the legitimacy of the political system, and to analyze how these processes affect the resilience of Indonesia’s democracy in the long run. The findings of this study are expected to provide valuable insights for policymakers, scholars, and legal practitioners regarding the optimization of constitutional procedures for ensuring effective governance while preserving democratic principles.

Based on these objectives, this study is guided by the following research questions:

1. What are the legal mechanisms governing the dismissal of the President and Vice President under Indonesian constitutional law, and what gap exists between the constitutional norm and its practical application?
2. How does the impeachment process affect government accountability and the legitimacy of Indonesia’s political system?
3. How does the presidential dismissal process affect the resilience of Indonesia’s democracy in the long run?

2. Research Methods

This study employs a qualitative, normative-juridical (doctrinal) legal research design, combined with library research, to examine the constitutional mechanisms of presidential dismissal, government accountability, and their impact on Indonesia’s democratic resilience. Qualitative research is chosen for its capacity to explore complex, context-dependent phenomena and provide in-depth insights into legal and political systems (Creswell & Poth, 2016). By reviewing and synthesizing existing literature, this research aims to identify gaps, assess existing frameworks, and offer new perspectives on the dynamics of presidential dismissal in Indonesia.

This study applies a statute approach, by analyzing the 1945 Constitution of the Republic of Indonesia (UUD 1945) and its implementing regulations, and a conceptual approach, by drawing on doctrines of constitutional law, accountability, and democratic resilience. The primary sources of data for this study are the 1945 Constitution of the Republic of Indonesia and relevant Constitutional Court decisions, supplemented by secondary data obtained from peer-reviewed academic articles, books, and reports related to

constitutional law, government accountability, and democratic resilience. These sources provide a comprehensive understanding of the legal mechanisms for presidential dismissal, the political and social implications, and the impact on democratic stability. Articles from reputable journals such as *Indonesian Journal of Constitutional Law* and *Asian Journal of Law and Politics* are included, alongside the 1945 Constitution of Indonesia (UUD 1945), which governs the processes of presidential impeachment and removal.

Data collection in this study involves a systematic search and review of existing literature. The search strategy includes both manual and electronic database searches using keywords such as "presidential dismissal," "government accountability," "democratic resilience," and "constitutional law in Indonesia." These keywords are used to find scholarly articles, books, and legal documents published in reputable journals and academic publishers. The review process focuses on studies published in the last decade, with priority given to sources published within the last five years, to ensure the relevance and timeliness of the data. Additionally, governmental and non-governmental reports that address issues related to the impeachment process, the role of democratic institutions, and public trust are also incorporated.

The data analysis method used is thematic analysis, which involves identifying, analyzing, and interpreting patterns or themes within the literature (Braun & Clarke, 2006). Thematic analysis is appropriate for this study as it allows for an organized examination of the different legal frameworks, institutional roles, and political dynamics related to the dismissal process. The identified themes are organized around the three research questions of this study, namely the legal mechanism and the *das sollen*-*das sein* gap, government accountability, and democratic resilience, so that the findings can be synthesized to draw conclusions about the effectiveness of the constitutional mechanisms and their influence on the resilience of Indonesia's democracy.

3. Results and Discussion

3.1. Legal Mechanisms of Presidential Dismissal and the Gap between Norms and Practice

The legal mechanisms for the dismissal of the President and Vice President, as enshrined in Indonesia's 1945 Constitution (UUD 1945), are clear but subject to complex interpretations. Arifin (2020) shows that the Constitution envisions this process as a safeguard to protect public interest from the abuse of power by high-ranking officials, and Kartiko (2011) and Fudin (2020) explain that the requirement for multiple institutions, such as the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*/MPR) and the Constitutional Court, to be involved in the dismissal process is intended to ensure transparency and avoid arbitrary decisions.

According to the Constitution, a President or Vice President may be removed from office if they are found guilty of committing "grave violations" of the law, which may include criminal activities such as corruption or actions that severely undermine national governance (Fudin, 2020). While this provision is crucial for ensuring that the highest offices in the country remain accountable to the law, Hathaway et al. (2021) highlight that the term "grave violations" remains ambiguous, leading to potential challenges in determining its scope. The involvement of multiple state institutions in the impeachment

process is designed to ensure that this process is not subject to arbitrary decision-making; however, this complexity has the potential to create challenges in practice, particularly in defining the thresholds that justify presidential removal and ensuring that the process is both transparent and impartial.

Another important aspect that emerges from the analysis is the relationship between constitutional interpretation and legal certainty in presidential dismissal proceedings (Ulum, 2010). Although Article 7A and Article 7B of the 1945 Constitution establish procedural requirements and institutional responsibilities for impeachment, the constitutional text provides only broad legal standards without detailed interpretative guidance regarding what constitutes conduct warranting removal from office. This situation places considerable responsibility on the Constitutional Court in interpreting constitutional provisions while balancing legal certainty with democratic legitimacy (Salsabila et al., 2024; Yusvida, 2025). In constitutional theory, open-textured constitutional norms are not uncommon; however, their effectiveness depends on the development of consistent judicial interpretation capable of providing predictable legal standards for future cases. Without such interpretative consistency, constitutional provisions may become vulnerable to competing political narratives, thereby reducing public confidence in the neutrality of constitutional adjudication (Maulana, 2024). Consequently, the effectiveness of Indonesia's constitutional mechanism depends not only on procedural compliance but also on the ability of constitutional institutions to develop coherent jurisprudence that minimizes legal uncertainty while preserving constitutional accountability (Wahid, 2014; Muhdar & Susilowati, 2023).

This finding confirms the gap between the constitutional norm and its practical application identified in the Introduction. This ambiguity creates room for potential political manipulation, where the decision to remove a leader might not be based on legal grounds but rather on political motivations (Whitfield, 2022). This issue is highly relevant in the current political climate in Indonesia, where the impeachment process remains a tool in the political arsenal of various factions. The potential for politicized impeachment has been evident in recent years, especially when political opponents leverage legal mechanisms for strategic purposes.

The comparative development of constitutional practice in presidential systems further demonstrates that detailed constitutional procedures alone are insufficient to prevent political conflict during impeachment processes (Ulum, 2010; Yusvida, 2025). Many democratic states supplement constitutional provisions with established constitutional conventions, judicial precedents, and institutional practices that gradually clarify the substantive meaning of impeachment standards over time. Indonesia, however, is still in the process of developing such interpretative consistency, particularly concerning constitutional concepts that remain broadly formulated. This institutional evolution requires not only judicial independence but also sustained cooperation between constitutional institutions in maintaining the supremacy of the Constitution over short-term political interests (Sanusi, 2018; Salsabila et al., 2024). Strengthening constitutional interpretation through consistent judicial reasoning would reduce opportunities for conflicting legal interpretations while providing clearer guidance for legislators, political actors, and the public regarding the constitutional limits of presidential accountability (Marzuki, 2010; Maulana, 2024). Such development would reinforce the rule of law by ensuring that presidential dismissal remains an extraordinary constitutional remedy

exercised exclusively on objective legal grounds rather than fluctuating political considerations (Wahid, 2014).

This phenomenon resonates with broader theoretical discussions on the abuse of legal procedures within political systems, which often result in instability and the erosion of democratic values (Ginsburg & Huq, 2020). Comparatively, Ginsburg et al. (2021) show that involving multiple institutions in the impeachment process is a common safeguard across presidential systems, suggesting that Indonesia's institutional design is not itself unusual; the distinguishing problem, rather, is the absence of a settled interpretive standard for "grave violations" that would allow the design to function as intended. Taken together, these findings answer that the constitutional mechanism for presidential dismissal is normatively clear in procedure but practically indeterminate in substance, and it is this indeterminacy, rather than the procedure itself, that creates the principal legal problem addressed in this study.

3.2. Government Accountability and the Politicization of Impeachment

The process of presidential dismissal is intricately tied to the broader concept of government accountability. As a fundamental principle in democratic systems, accountability requires that government officials, particularly those in the highest offices, be answerable to the public and the law. Sujatnika et al. (2024) argue that the ability to remove the President from office is directly tied to the concept of accountability in a democratic state, while Ginsburg et al. (2021) note that the impeachment process can serve as a tool for maintaining governmental accountability but caution against potential abuses of this power, particularly when political motivations overshadow the constitutional requirements for presidential removal.

Accountability in this context can be understood as the obligation of the President and Vice President to act in the public interest, which includes adhering to constitutional norms and responding to the needs and demands of the populace (Jackson, 2023). The ability to dismiss a sitting President or Vice President reflects the power of democratic institutions, particularly the legislature and judiciary, to maintain control over executive actions and ensure that they serve the people's interests. The impeachment process, as prescribed by Indonesia's constitution, is intended to be a mechanism that ensures the President and Vice President remain responsible for their actions while in office (Nizar & Tohawi, 2023).

An equally important dimension of government accountability is the constitutional role of the Constitutional Court in ensuring that the dismissal process remains firmly anchored in legal rather than political considerations. The constitutional amendments intentionally introduced judicial review into the impeachment process to ensure that allegations against the President or Vice President are examined objectively before any political decision is taken by the People's Consultative Assembly (MPR). According to Saputra (2020), the Constitutional Court's decision constitutes a fundamental legal prerequisite that prevents arbitrary dismissal based solely on political interests. Likewise, Putra (2016) argues that the post-amendment constitutional design reflects a stronger commitment to the rule of law by requiring legal verification before political accountability may be exercised. This institutional arrangement is further reinforced by Widya (2022), who emphasizes that constitutional procedures were designed to balance democratic accountability with constitutional stability. the binding character of

Constitutional Court decisions serves as an essential safeguard for maintaining constitutional supremacy throughout the impeachment process (Efendi et al., 2024).

However, the research highlights significant concerns regarding the political exploitation of the impeachment process. When impeachment is used as a political tool to target an incumbent leader based on partisan motives, rather than legal grounds, it undermines the intended purpose of holding leaders accountable. This can lead to the erosion of trust in democratic institutions, as the process risks being viewed as a form of political maneuvering rather than a legitimate action to uphold the rule of law (Jakab, 2020). Therefore, the integrity of the impeachment process is highly dependent on the independence of the institutions involved, which must act free from political influence to preserve government accountability.

This finding is consistent with the concept of “political accountability” advanced by Giacomini and de Silva (2024), who argue that accountability mechanisms are only effective when they are free from political interference. The current political dynamics in Indonesia highlight this issue, as political parties have increasingly used impeachment as a strategy to challenge incumbent leaders. This creates a paradox in which accountability, meant to serve the public interest, is instead harnessed for political gains, thus weakening public trust in both the political system and the impeachment process itself. These findings answer that the impeachment mechanism can strengthen government accountability, but only to the extent that the institutions administering it remain independent of partisan pressure; where that independence is compromised, the same mechanism can be turned into an instrument of political contestation.

The effectiveness of government accountability also depends on the consistent interpretation and application of constitutional standards governing presidential dismissal. Although constitutional procedures establish institutional checks and balances, accountability cannot function effectively if legal standards remain susceptible to inconsistent interpretation or partisan influence. Miru (2017) explains that presidential dismissal should always be understood as an extraordinary constitutional mechanism intended to preserve democratic governance rather than resolve ordinary political disagreements. From a comparative perspective, Andika (2025) demonstrates that jurisdictions adopting stronger judicial involvement in impeachment procedures generally provide greater legal certainty and institutional stability. comparative constitutional practice illustrates the importance of balancing judicial scrutiny with political decision-making to prevent abuses of impeachment authority (Mirnawati & Haryono, 2025). This observation is consistent with the findings of Sari et al. (2023), who maintain that constitutional accountability should prioritize objective legal assessment over political expediency, thereby strengthening public confidence in democratic institutions and reinforcing the legitimacy of presidential dismissal as a constitutional instrument rather than a partisan strategy.

3.3. Presidential Dismissal and Democratic Resilience

The findings show that the impact of presidential dismissal on the resilience of Indonesia’s democracy is profound and multifaceted. Power (2020) and Muheeb (2023) note that while the dismissal process can be a necessary tool to ensure accountability, it can also destabilize the political system if mishandled. When the process is carried out transparently and based on clear legal grounds, it can serve to reinforce democratic

values by demonstrating that no individual, regardless of their position, is above the law. This adherence to constitutional principles strengthens public trust in the political system and contributes to the overall stability of democracy (Dawson & Krakoff, 2024). However, the research also reveals that a politically charged or flawed impeachment process can have the opposite effect. If the public perceives the removal of the President or Vice President as unjust or politically motivated, it risks causing significant political instability and undermining democratic institutions, consistent with Fossati's (2024) analysis of democratic backsliding in Indonesia. Such a scenario can trigger widespread disillusionment with the democratic process, weakening public confidence in the system's ability to maintain legitimacy. As Ridwan (2025) notes, the credibility of the institutions responsible for impeachment, such as the Constitutional Court and the MPR, plays a crucial role in determining whether the dismissal strengthens or weakens democratic resilience.

In addition, the analysis emphasizes the crucial role that institutional integrity plays in maintaining public trust during the presidential dismissal process. For the impeachment to be perceived as legitimate, it must be carried out by independent institutions that are free from political pressure. When these institutions act with transparency and adhere to constitutional principles, they help to maintain the public's trust in democratic governance (Ingrams, 2018). Conversely, if these institutions are seen as compromised or influenced by political forces, the legitimacy of the entire process comes into question, consistent with broader theories of democratic backsliding, in which institutional integrity is compromised through the abuse of power by elected leaders or political actors (Petlach & Říčanová, 2025). This loss of institutional credibility can lead to significant erosion in public confidence, further destabilizing the democratic system.

An equally significant factor influencing democratic resilience is the existence of legal certainty throughout the constitutional dismissal process. Democratic stability depends not only on institutional independence but also on the availability of clear constitutional standards that can be applied consistently by all state institutions involved in impeachment proceedings. Within Indonesia's constitutional system, the Constitutional Court occupies a strategic position in safeguarding constitutional supremacy by ensuring that presidential dismissal is based on objective legal assessment rather than political expediency (Islami & Riwanto, 2023). The binding character of the Court's decisions further reinforces legal certainty by limiting arbitrary constitutional interpretation and providing authoritative guidance for subsequent political processes (Wuisang & Nugraha, 2022; Sanusi, 2018). Comparative constitutional studies likewise indicate that presidential systems with clearly defined impeachment standards and strong judicial oversight tend to demonstrate greater institutional resilience during periods of political contestation (Mulyanti, 2018; Maulana, 2024). Therefore, strengthening democratic resilience requires not only preserving institutional independence but also developing consistent constitutional interpretation capable of balancing accountability, political stability, and the rule of law.

The study reveals that political polarization presents a significant risk to the integrity of the presidential dismissal process. Given Indonesia's politically charged environment, the impeachment process can become a tool for partisan conflict rather than a legitimate mechanism for ensuring accountability. If political factions use impeachment as a means to advance their own agendas, rather than as a measure to address actual wrongdoing, it can lead to heightened political tensions and social unrest (Song, 2023). This dynamic

was evident during previous impeachment efforts, where public perception of fairness was heavily influenced by the political climate at the time (Keck, 2023).

Read together with the findings on legal mechanisms and accountability, this pattern suggests that democratic resilience is not a fixed outcome of the dismissal provision itself but a function of how transparently and independently it is administered, a conclusion consistent with Power's (2020) and Muheeb's (2023) observations on the dual potential of impeachment to either safeguard or destabilize a political system. These findings answer that presidential dismissal can either reinforce or erode Indonesia's democratic resilience depending on the transparency of the process and the independence of the institutions that carry it out, and it is this conditional relationship, rather than the existence of the dismissal mechanism itself, that determines its ultimate effect on democracy.

4. Conclusion

This study set out to answer three research questions concerning the constitutional dismissal of the President and Vice President in Indonesia. In answer to RQ1, the findings show that the constitutional mechanism for presidential dismissal is procedurally clear but substantively ambiguous: the criterion of "grave violations" is not accompanied by a precise operational definition, producing a persistent gap between the legal norm and its practical application. In answer to RQ2, the findings show that the impeachment process can strengthen government accountability when the institutions administering it, particularly the Constitutional Court and the MPR, act independently of partisan pressure, but that the same process can be turned into an instrument of political contestation when that independence is compromised. In answer to RQ3, the findings show that presidential dismissal can either reinforce or erode Indonesia's democratic resilience, depending on the transparency of the process and the credibility of the institutions involved.

These findings indicate that the ambiguity of the "grave violations" criterion is the principal legal problem underlying the risk of politicization identified throughout this study, and that closing the gap between the constitutional norm and practice is therefore the most direct way to protect both government accountability and democratic resilience. In advancing the field, this research contributes to a deeper understanding of the constitutional and political complexities surrounding the impeachment of Indonesia's leaders. It recommends that lawmakers and the Constitutional Court formulate clearer operational indicators for "grave violations" through statutory revision or constitutional interpretation, and that civil society and academic institutions strengthen independent monitoring of the impeachment process to safeguard its legitimacy.

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