

THE LAW OF PRESIDENTIAL IMPEACHMENT IN INDONESIA

Dian Aries Mujiburohman*

M. Syamsudin**

ABSTRACT

This study examines the legal framework and practical implementation of presidential impeachment in Indonesia through a normative legal lens. It traces the evolution of impeachment provisions across different constitutional regimes—from the original 1945 Constitution, the 1949 Federal Constitution, and the 1950 Provisional Constitution to the amended 1945 Constitution—and highlights persistent inconsistencies in regulation and enforcement. Formally intended as a constitutional mechanism to ensure accountability, historical practice reveals that political forces heavily influence its application. By analysing the premature terminations of four presidents—Soekarno, Soeharto, B.J. Habibie, and Abdurrahman Wahid—this study explores the tension between constitutional norms and political realities in Indonesia's impeachment practice. A perspective from other countries, including cases from the United States, Brazil, and South Korea, is also introduced to situate the Indonesian experience in a broader context. The findings suggest that although the constitutional basis for impeachment has been strengthened, particularly after the adoption of Articles 7A and 7B in the Third Amendment of the 1945 Constitution, its application remains vulnerable to political manoeuvring. Rather than offering a definitive resolution, this study points out that there must be further reforms to ensure a more accountable and legally consistent process of presidential removal in Indonesia.

*Doctoral Student in Law, Universitas Islam Indonesia (UII), Yogyakarta, and
Lecturer at Sekolah Tinggi Pertanahan Nasional, Yogyakarta 55293,
Indonesia. Email: 25932004@students.uui.ac.id (Corresponding Author)

** Professor, Faculty of Law, Universitas Islam Indonesia (UII), Yogyakarta
55584, Indonesia. Email: m.syamsudin@uui.ac.id

[Received: 14 April 2025, Accepted: 12 November 2025, Published: 30 November 2025]



The IIUM Law Journal is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License.

Keywords: Presidential Impeachment, Presidential Succession, Indonesian Constitutional Law, Law and Politics.

UNDANG-UNDANG PEMECATAN PRESIDEN DI INDONESIA

ABSTRAK

Kajian ini meneliti rangka kerja perundangan dan pelaksanaan praktikal pemecatan presiden di Indonesia melalui pendekatan undang-undang normatif. Ia menelusuri evolusi peruntukan pemecatan presiden di bawah pelbagai rejim perlembagaan—daripada Perlembagaan 1945 yang asal, Perlembagaan Persekutuan 1949, dan Perlembagaan Sementara 1950 hingga kepada Perlembagaan 1945 yang telah dipinda—serta menyoroti ketidakselarasan berterusan dalam aspek pengawalseliaan dan penguatkuasaan. Walaupun secara formal dimaksudkan sebagai mekanisme perlembagaan untuk memastikan kebertanggungjawaban, amalan sejarah menunjukkan bahawa kuasa politik amat mempengaruhi pelaksanaannya. Dengan menganalisis penamatan awal empat presiden—Soekarno, Soeharto, B.J. Habibie, dan Abdurrahman Wahid—kajian ini meneliti ketegangan antara norma perlembagaan dan realiti politik dalam amalan pemecatan presiden di Indonesia. Perspektif daripada negara lain, termasuk kes di Amerika Syarikat, Brazil, dan Korea Selatan, turut diperkenalkan bagi meletakkan pengalaman Indonesia dalam konteks yang lebih luas. Dapatan kajian menunjukkan bahawa walaupun asas perlembagaan bagi pemecatan presiden telah diperkukuh, khususnya selepas penggubalan Artikel 7A dan 7B dalam Pindaan Ketiga Perlembagaan 1945, pelaksanaannya masih terdedah kepada manipulasi politik. Kajian ini tidak menawarkan penyelesaian muktamad, tetapi menegaskan keperluan pembaharuan lanjut bagi memastikan proses pemecatan presiden yang lebih bertanggungjawab dan konsisten dari segi undang-undang di Indonesia.

Kata Kunci: Pemecatan Presiden, Penggantian Presiden, Undang-undang Perlembagaan Indonesia, Undang-undang dan Politik.

INTRODUCTION

Impeachment is a legal mechanism that allows for the prosecution or indictment of high-ranking state officials for alleged violations of the law or abuse of power. This process is not simply an act of dismissal or removal from office, but rather a procedure that must meet certain legal and political requirements. In practice, impeachment often results in different decisions in each country. Some leaders have been successfully impeached and removed from office, while others have retained their positions because they did not meet the majority threshold in parliament. Therefore, impeachment is not only based on legal aspects, but is also greatly influenced by the political, social, and economic dynamics in a country.

Impeachment ideally aims to uphold the principles of accountability and the rule of law, but its implementation often faces complex challenges. Political and institutional factors are often the main obstacles in this process. In addition, impeachment is often used as a political tool to pressure the country's leader, divert attention from the government's agenda, or increase public and military support for the incumbent head of state. In some cases, officials facing impeachment proceedings chose to recuse themselves before the final vote was held, as happened to Fernando Collor in Brazil (1992) and Raúl Cubas in Paraguay (1999). Meanwhile, in several other countries, impeachment efforts failed in parliamentary votes, as experienced by Ion Iliescu in Romania (1994) and Levy Mwanawasa in Zambia (2003).¹

The success or failure of impeachment depends not only on the legal aspects but also on political dynamics, the balance of power, and public support. In countries with less stable political systems, it is easier for parliaments to form coalitions to support impeachment, while in countries with more consolidated systems, legal mechanisms and institutional protections for the executive are stronger, making impeachment more difficult. The role of the judiciary is also crucial, especially in countries that require a legal decision before the impeachment process can proceed. In addition, mass mobilisation and

¹Young Hun Kim, "Impeachment and Presidential Politics in New Democracies," *Democratization* 21, no. 3 (April 16, 2014): 519–53, <https://doi.org/10.1080/13510347.2012.751973>.

media pressure can accelerate impeachment, especially in situations of a government legitimacy crisis. Other factors, such as support or withdrawal from the military, also influence the success of the impeachment of a country's leader.

In the last decade, studies on presidential impeachment have developed by highlighting legal, political, and social aspects in various countries.² Impeachment is not only understood as a legal mechanism but also as a political instrument influenced by the dynamics of power and elite interests. Tamir argues that in a presidential system, impeachment often functions as a checks and balances mechanism, especially in situations of political crisis that threaten government stability.³ Meanwhile, Slap highlights that impeachment can also be used as a political strategy by the opposition, referring to the cases of Andrew Johnson and Donald Trump as examples of how the process was politicised in the history of the United States.⁴ A study conducted by Ansell on the impeachment of Dilma Rousseff in Brazil in 2016 shows that military factors played a role in creating political conditions that supported impeachment, emphasising that the success of this process depends not only on the legal aspect but also on the dynamics of power outside the legislative and judicial institutions.⁵

These studies reveal impeachment as both a safeguard and a political weapon. Most scholarship centres on established presidential systems such as the United States, Brazil, or South Korea.⁶ Little is known about impeachment in transitional democracies with fragile institutions and ambiguous constitutional frameworks. Indonesia is distinctive: presidents were removed or resigned outside the latter

²Tom Ginsburg, Aziz Huq, and David Landau, "The Comparative Constitutional Law of Presidential Impeachment," *The University of Chicago Law Review* 88, no. 1 (2021): 81–164.

³Oren Tamir, "Constitutional Norm Entrepreneurship," *SSRN Electronic Journal* 80 (2020): 881–961, <https://doi.org/10.2139/ssrn.3577781>.

⁴Andrew L Slap, "Historians and the Impeachment of Andrew Johnson," *The Journal of the Civil War Era* 15, no. 1 (March 2025): 81–105, <https://doi.org/10.1353/cwe.2025.a952583>.

⁵Aaron Ansell, "Impeaching Dilma Rousseff: The Double Life of Corruption Allegations on Brazil's Political Right," *Culture, Theory and Critique* 59, no. 4 (October 2, 2018): 312–31, doi:10.1080/14735784.2018.1499432.

⁶Tom Ginsburg, Aziz Z. Huq, and David Landau, "Designing Presidential Impeachment," *University of Chicago Public Law Working Paper* 731, 2019, 9–20, doi:10.2139/ssrn.3461120.

provisions of Articles 7A and 7B, through parliamentary manoeuvres and political pressures framed as legal arguments. This gap requires a closer study of how legal reasoning is constructed to legitimise political objectives in Indonesia.

Presidential impeachment is a constitutional process that allows for the removal of a head of state before the end of his or her term. The main grounds for impeachment usually include violations of the law, abuse of power, or incompetence. However, the definition of a serious offence is often debated. In the United States, the phrase “high crimes and misdemeanours” in the Constitution has led to various interpretations of what constitutes impeachment. Historically, impeachment has often been related to abuse of executive power. Richard Nixon was nearly impeached over the Watergate scandal, while Bill Clinton was impeached for perjury.⁷ While impeachment has a clear legal basis, politics often play a role in the process.

Corruption has also been a major reason for impeachment in various countries. The impeachment of Dilma Rousseff in Brazil in 2016, for example, was related to allegations of budget fraud, although many believe that political factors played a greater role.⁸ Political stability and support in parliament greatly determine the outcome of impeachment. Donald Trump, for example, was impeached by the House of Representatives but acquitted by the Senate due to strong support from the Republican Party.⁹ Some countries also use impeachment as a political tool to bring down their opponents. The impeachment of Park Geun-hye in South Korea in 2017 occurred after

⁷Allen C. Sumrall, “The Law Incongruous Ideas of Impeachment: ‘Impeachable Offenses’ and the Constitutional Order,” *Presidential Studies Quarterly* 50, no. 4 (December 10, 2020): 948–67, doi:10.1111/psq.12681.

⁸Vitor Eduardo Schincariol and Paris Yeros, “The Political Economy of ‘Impeachment’ in Brazil: An Assessment of the Temer Interlude (2016–2018),” *Revista Galega de Economía* 28, no. 1 (September 12, 2019): 73–90, doi:10.15304/rge.28.1.6165.

⁹Jean Galbraith, “President Trump Impeached and Acquitted of Charges Relating to His Conduct of Foreign Affairs,” *American Journal of International Law* 114, no. 3 (July 17, 2020): 494–504, <https://doi.org/10.1017/ajil.2020.40>.

a corruption scandal involving certain business figures.¹⁰ Overall, political forces and changes in parliamentary support often influence the impeachment process, despite its aim to hold the government accountable.

This paper contributes by examining Indonesia as a case study. It traces the evolution of constitutional provisions and analyses four presidential removals. The focus is on the tension between law and politics, showing how legal norms were invoked to justify political outcomes. The study fills a gap in the literature and deepens understanding of impeachment in transitional democracies.

RESEARCH METHODOLOGY

This study employs a normative legal method, using statutory provisions, constitutional rules, and legal doctrines as its primary sources. The analysis focuses on impeachment regulations across different Indonesian constitutional regimes, namely the 1945 Constitution before and after the amendments, the 1949 Federal Constitution, and the 1950 Provisional Constitution. In addition, the research examines other legal instruments, such as decrees from the People's Consultative Assembly (MPR) and relevant judicial decisions. Secondary sources, including academic literature, constitutional law scholarship, and prior studies, are also used to enrich the understanding of the legal dynamics of impeachment.

The study incorporates a historical-contextual perspective in addition to the normative approach. This is applied through case studies of four Indonesian presidents—Soekarno, Soeharto, B.J. Habibie, and Abdurrahman Wahid—whose terms ended prematurely. The analysis draws on legal documents, accountability speeches, and political decisions that accompanied their removal. By combining the normative and historical-contextual approaches, the study seeks to demonstrate the extent to which the constitutional basis for impeachment has been applied in practice and how political considerations have often prevailed over legal mechanisms.

¹⁰Soon-ok Shin, "The Rise and Fall of Park Geun-Hye: The Perils of South Korea's Weak Party System," *The Pacific Review* 33, no. 1 (January 2, 2020): 153–83, <https://doi.org/10.1080/09512748.2018.1523804>.

THE DYNAMICS OF PRESIDENTIAL IMPEACHMENT IN VARIOUS COUNTRIES

Presidential impeachment in various countries demonstrates the close relationship between law and politics. Formally, impeachment is designed as a legal instrument to uphold constitutional accountability, but its practice often takes place in the political arena. South Korea, Brazil, and the United States present different experiences but convey a similar message: the success or failure of an impeachment is determined not only by legal evidence but also by political legitimacy, coalition support, and public opinion.¹¹ This experience becomes relevant when compared to Indonesia, which exhibits similar tendencies, particularly the dominance of political considerations and the weakness of judicial mechanisms in determining presidential term limits.

South Korea demonstrates that the existence of a judicial institution can be a crucial counterweight. The 1987 Constitution sets strict requirements: presidential impeachment requires the support of two-thirds of the National Assembly and the approval of the Constitutional Court.¹² The 2004 case of President Roh Moo-hyun tested this mechanism. Parliament passed an impeachment on charges of violating political neutrality, but the Constitutional Court overturned it as insufficiently serious.¹³ The ruling affirmed that minor offenses cannot be grounds for the removal of a president. This scenario contrasts with Indonesia, particularly the impeachment of Abdurrahman Wahid, where unproven corruption charges were nevertheless used as political grounds to oust him. This difference demonstrates the importance of effective judicial oversight in

¹¹Chris Monaghan, Matthew Flinders, and Aziz Z. Huq, *Impeachment in a Global Context* (London: Routledge, 2023), doi:10.4324/9781003256007

¹²Hannes B. Mosler, "The Institution of Presidential Impeachment in South Korea, 1992-2017," *Verfassung in Recht Und Übersee* 50, no. 2 (2017): 111–34, <https://doi.org/10.5771/0506-7286-2017-2-111>

¹³Youngjae Lee, "Law, Politics, and Impeachment: The Impeachment of Roh Moo-Hyun from a Comparative Constitutional Perspective," *American Journal of Comparative Law* 53, no. 2 (2005): 403–32, <https://doi.org/10.1016/j.jorganchem.2004.09.053>

maintaining a balance between law and politics.¹⁴

Brazil serves as an example of the use of administrative charges as political weapons. In 1992, a major corruption scandal implicated President Fernando Collor in his resignation, but in 2016, Dilma Rousseff faced a different situation.¹⁵ Rousseff was accused of fiscal pedaladas, or budget manipulation, a practice that previous presidents had also engaged in without legal repercussions. Rousseff's impeachment came as political support waned and the economic crisis worsened her position, making the process appear more like a political manoeuvre than a legal one.¹⁶ This situation is similar to Indonesia during the era of B.J. Habibie, when his accountability report was rejected by the MPR, not because of constitutional violations, but because of the controversy surrounding his East Timor policy.¹⁷ Similarly, Wahid was ousted on financial grounds, even though the charges were never tested in court.

The United States emphasises the importance of political legitimacy and public opinion in impeachment proceedings. President Andrew Johnson was nearly removed from office in 1868 but survived by a single vote.¹⁸ Richard Nixon, faced with clear evidence in the Watergate scandal, chose to resign before the process was completed.¹⁹

¹⁴Ghunarsa Sujatnika, Ahmad Khozi, and Catur Alfath Satriya, "Impeachment and Its Problem: The Study from Constitutional Law vs Criminal Law Perspective in Indonesia," *Revista de Investigações Constitucionais* 11, no. 1 (May 13, 2024): 1–25, doi:10.5380/rinc.v11i1.87862.

¹⁵Argelina Cheibub Figueiredo, "The Collor Impeachment and Presidential Government in Brazil," in *Presidential Breakdowns in Latin America: Causes and Outcomes of Executive Instability in Developing Democracies*, 2010, <https://doi.org/10.1057/9780230105812>.

¹⁶Frederico Fetter, Daniel Gamermann, and Carolina Brito, "On the Stability of the Brazilian Presidential Regime: A Statistical Analysis," *Physica A: Statistical Mechanics and Its Applications* 571 (2021): 1–15, <https://doi.org/10.1016/j.physa.2021.125832>.

¹⁷Nadirsyah Hosen, "The Habibie Government and Anti-Corruption Reform in Indonesia," *Asia Pacific Law Review* 12, no. 1 (June 4, 2004): 53–68, doi:10.1080/18758444.2004.11788128.

¹⁸Edmund G. Ross, *History of the Impeachment of Andrew Johnson, President of The United States*, New Delhi: Double 9 Books, 2023.

¹⁹Grant R. Brodrecht, "5. The Union Saved Again," in *Our Country: Northern Evangelicals and the Union during the Civil War Era*, 117–140. New

Bill Clinton remained in office in 1998 despite being convicted of perjury, due to strong political support and public sympathy.²⁰ These three cases demonstrate that the legal weight of the charges does not always determine the outcome, but rather political support and public opinion. This phenomenon parallels Indonesia. Sukarno lost legitimacy due to elite conflict and the 1966 political crisis, while Suharto stepped down in 1998 after mass pressure and an economic crisis destroyed political support, not through formal legal mechanisms.²¹

The patterns of these three countries offer a mirror for Indonesia. The absence of a judicial role in Wahid's case contrasts with the Constitutional Court mechanism in South Korea. Habibie's denial of accountability resembles Rousseff's impeachment, where administrative issues and controversial policies were politicised as grounds for impeachment. The downfalls of Sukarno and Suharto bear a resemblance to the pattern in the United States, where public legitimacy and political support are more important than legal considerations. All of these cases demonstrate that in Indonesia, impeachment or the termination of a presidential term is rarely based on strict legal norms but rather on dominant political dynamics.²²

In this description, a general pattern can be drawn. First, impeachment requires a balance between law and politics; without a judicial oversight mechanism, politics will always dominate. Second, administrative weaknesses or failed policies are often politicised as grounds for impeachment, even if they are not legally proven, as seen in the cases of Rousseff, Habibie, and Wahid. Third, public opinion and the strength of political coalitions are determining factors, as reflected

York, USA: Fordham University Press, 2018. <https://doi.org/10.1515/9780823279937-006...>

²⁰Patrick Horst, "The Politics of Removal: The Impeachment of a President," in *Mobilization, Representation, and Responsiveness in the American Democracy*, ed. M.T. Oswald (Cham: Springer International Publishing, 2020), 63–104, doi:10.1007/978-3-030-24792-8_4.

²¹Marcus Mietzner, "Authoritarian Elections, State Capacity, and Performance Legitimacy: Phases of Regime Consolidation and Decline in Suharto's Indonesia," *International Political Science Review* 39, no. 1 (January 21, 2018): 83–96, doi:10.1177/0192512116687139.

²²Muhammad Yoppy Adhiernawan and Annisa Nur Fadhila, "Telaah Efektivitas Mekanisme Pemberhentian Presiden Indonesia: Perbandingan Praktik Amerika Serikat dan Korea Selatan," *Jurnal Kajian Pembaruan Hukum* 1, no. 2 (July 28, 2021): 211, doi:10.19184/jkph.v1i2.24453.

in the case of the United States and the downfalls of Sukarno and Suharto. Thus, international experience confirms that in Indonesia, presidential impeachment is more often the result of political infighting than the objective application of constitutional norms. This underscores the need to strengthen the role of legal institutions to serve as a political counterweight in maintaining presidential accountability.

IMPEACHMENT ARRANGEMENTS IN INDONESIA

The 1945 Constitution

Indonesia officially became an independent and sovereign country on August 17, 1945. However, the 1945 Constitution (UD 1945) does not regulate in detail the mechanism for dismissing the president. The 1945 Constitution only regulates the transfer of power from the president to the vice president if the president dies, resigns, or is unable to carry out his duties. There is no provision that explicitly states that the President can be dismissed from office. In addition, the MPR only has the authority to elect the president through a majority vote and is not given the authority to dismiss the president. Therefore, it can be concluded that the spirit of impeachment is not reflected in the 1945 Constitution.

However, several constitutional law experts argue that Indonesia also applies the concept of impeachment. This concept can be found in several MPR decrees, such as MPR Decree Number II of 1999, MPR Decree Number II of 2000, and MPR Decree Number III of 1978. These decrees basically regulate the MPR Rules of Procedure and the position of state institutions. Based on these decrees, it can be concluded that:

1. The MPR has the authority to revoke power and dismiss the president during his term of office if the president violates the General Guidelines of State Policy or the 1945 Constitution.
2. The forum for impeachment is the Special Session (SI), which hears the President's accountability report.
3. If the MPR SI rejects the President's accountability report, the President can exercise his right of reply. If the answer is still rejected, the MPR can dismiss the president.

4. Before reaching the stage of requesting the President's accountability report, the DPR first issues three memoranda to warn the President about violations of state policy
5. The majority vote determines decisions in the MPR, including those involving impeachment.

The 1945 Constitution does not mention "impeachment," but those who think the Explanation of the 1945 Constitution is not part of the Constitution assume it does not recognise "impeachment." But this view is only theoretical, as the 1945 Constitution's Explanation has been part of the Constitution's Body since 1959. The explanation states that if the DPR considers the president to have violated state policy, the assembly can be invited to hold him accountable through a special trial. Therefore, the concept of 'impeachment,' which is known in almost all modern constitutional countries in the world, clearly cannot be ignored in the context of the 1945 Constitution.

The 1949 Republic of Indonesia Serikat Constitution

The 1949 Republic of Indonesia Serikat Constitution (RIS) resulted from a political process following the Round Table Conference (KMB) held in the Netherlands. This conference took place after the Netherlands carried out military aggression against the newly independent Republic of Indonesia. The implementation of the RIS Constitution replaced the 1945 Constitution, and this was an important achievement in Indonesian diplomacy during the KMB. The text of the RIS Constitution was drafted and agreed upon by the delegation of the Republic of Indonesia and the BFO (Bijeenkomst van Federale Organisaties, namely federal organisations) at the KMB. After obtaining approval from the Central National Committee (the representative body of the Indonesian people) on December 14, 1949, the RIS Constitution was officially enforced on December 27, 1949.

The RIS Constitution has many differences from the 1945 Constitution, especially in terms of constitutional principles. One of the main differences lies in the form of the state and the system of government used. In the 1945 Constitution, the Indonesian state is a republic with a presidential system of government. Meanwhile, the 1949 RIS Constitution adopted a federal state form with a system of government that combines presidential and parliamentary elements.

The second presidential election, on December 16, 1949, resulted in Ir. Soekarno as president, who was elected by acclamation as the sole candidate. This presidential election was regulated in Article 69, paragraph (2), and was *einmalig* (only once), because Article 72, paragraph (2), stated that a new presidential election would only be held if the president was permanently incapacitated, died, or resigned. The next presidential election, outside of these three conditions, would be regulated by the constituent assembly, which had to immediately create a new law. However, in practice, neither the federal law nor the constituent assembly was ever formed.²³

Similar to the 1945 Constitution, the 1949 RIS Constitution also did not clearly regulate the impeachment procedure. Given that the RIS government system was parliamentary, impeachment was more often applied to the prime minister in the context of political struggles in parliament. Article 72 of the RIS Constitution only stipulated that the election of a new president would be regulated by federal law in cases where the president was permanently incapacitated, died, or resigned. Because the implementation of the RIS Constitution was short-lived, there was no recorded experience of impeachment practices in its history.

Provisional Constitution of 1950

The position of the president in the 1950 UUDS is forceful, as emphasized in Article 83, which states that the president and vice president cannot be challenged, meaning that both cannot be dismissed by the People's Representative Council (DPR). In addition, Article 84 gives the president the right to dissolve the DPR, followed by an order to hold new DPR elections within 30 days. However, the 1950 UUDS does not clearly regulate the mechanism and reasons for impeachment. Article 48 only regulates the replacement of the president if the president dies, resigns, or is unable to carry out his duties, and he is then replaced by the vice president until his term of office ends. Although the 1950 UUDS was in effect for quite a long time compared to the 1949 RIS Constitution, during its validity period there was never an impeachment of the president. Cabinet changes, often triggered by

²³Harun Alrasyid, *Pemilihan Presiden dan Pengantian Presiden dalam Hukum Positif Indonesia* (Jakarta: UI-Press, 1995), <https://lib.ui.ac.id/detail?id=81614&lokasi=lokal>.

a motion of no confidence from parliament, marked the political dynamics.

Like the 1945 Constitution and the RIS Constitution, the 1950 UUDS was also designed as a temporary constitution, as reflected in Article 134, which mandated the drafting of a new constitution by the Constituent Assembly together with the government. During the validity period of the 1950 UUDS, one of the advances that occurred was the holding of general elections in December 1955 to elect members of the Constituent Assembly who would be tasked with drafting a replacement constitution. However, despite the progress in organizing the elections, the 1950 UUDS was still considered a temporary constitution that was only used until a more permanent constitution could be drafted.

The 1945 Constitution Post Amendment

One of the key issues following the four amendments to the 1945 Constitution is the provision that explicitly outlines the process for the dismissal of the president and vice president during their term of office by the MPR, based on the recommendation of the DPR. The grounds for dismissal are specified in a limited manner in the constitution, including treason against the state, corruption, bribery, other serious crimes, disgraceful conduct, or failure to meet the qualifications required of the president and vice president. These provisions are set forth in Articles 7A and 7B of the Third Amendment to the 1945 Constitution of the Republic of Indonesia.

In terms of the impeachment mechanism against the president, there are three stages. The first stage begins with the DPR, which carries out its supervisory function against the President in running the government. If the DPR is of the opinion that the President has truly violated Article 7A of the 1945 Constitution of the Republic of Indonesia, then the DPR can file an impeachment lawsuit against the President to the Constitutional Court. However, before filing an impeachment lawsuit, a plenary meeting must be held to make a decision on the DPR's opinion. This decision-making must be attended by at least 2/3 (two-thirds) of all MPR members. The decision-making on whether the DPR's statement of opinion is approved or rejected must be supported by at least 2/3 (two-thirds) of the members present at the meeting. If the Plenary Session approves the proposed impeachment

demands against the President, then the opinion is forwarded to the Constitutional Court to be decided. If the Constitutional Court confirms the DPR's opinion regarding the violation in Article 7A of the 1945 Constitution of the Republic of Indonesia committed by the President, then the DPR can ask the MPR to hold another Plenary Session to follow up on the process of dismissing the President.

The second stage in the impeachment mechanism against the president, in accordance with the provisions of Article 7B, paragraph 4, of the 1945 Constitution, is in the hands of the Constitutional Court (MK). The Constitutional Court has the obligation to examine, try, and decide on the DPR's opinion regarding the impeachment demands against the president. In the trial, the DPR acts as the applicant because they are the ones who filed the accusation that the President has violated Article 7A of the 1945 Constitution. The president then assumes the role of a party involved in the case and will receive a summons to provide information, either directly or in writing. If the Constitutional Court confirms the DPR's opinion about presidential violations, then with a copy of its decision, the DPR can forward the proposal to dismiss the President to the MPR. However, if the president and vice president resign during the examination process at the Constitutional Court, then the process will be stopped and the application will be considered invalid by the Constitutional Court.

In the third stage, the impeachment mechanism is in the hands of the MPR. The MPR holds a session no later than thirty working days. Furthermore, the MPR holds a plenary meeting with the agenda "Dismissal of the President and/or Vice President," which is attended by at least 3/4 of the total number of MPR members. The decision to dismiss the president and/or vice president must be approved by at least 2/3 of the total number of members present, after previously giving the president and vice president the opportunity to provide an explanation in the plenary meeting.

However, legal issues arise related to the Constitutional Court's decision on impeachment. For example, if the Constitutional Court grants the DPR's opinion that the President has violated the law or is unable to carry out his duties, but the MPR decides otherwise, or if the Constitutional Court rejects the DPR's opinion but the DPR still submits a proposal to the MPR, this becomes a problem because the DPR and MPR are political institutions that have the authority to determine the decision. The discrepancy between the decisions of the

Constitutional Court and the MPR or DPR can create confusion regarding the authority of these institutions in terms of impeachment.

The question is which institution should have the final authority in this dispute. Although each institution has the right to issue an "opinion," this is not always binding. Differences of opinion between these institutions are considered reasonable because each has different authorities and functions. The DPR and MPR as political institutions have the authority to make decisions based on political considerations, while the Constitutional Court functions as a legal institution that decides based on the constitution and applicable laws.

This difference has led to various opinions among legal experts. Some argue that the Constitutional Court's decision is not final and binding, so it can be forwarded to the MPR for further assessment. Meanwhile, another opinion states that the Constitutional Court's decision is final and legally binding, which means that the Constitutional Court's decision should also bind the MPR in the case of impeachment.²⁴ This difference in interpretation arises due to the separation of authority between these institutions, each of which has a different role in the Indonesian government system.

IMPEACHMENT PRACTICES IN INDONESIA CONSTITUTIONAL HISTROY

Since Indonesia's independence in 1945, eight presidents have led the country, but four of them—Soekarno, Soeharto, B.J. Habibie, and Abdurrahman Wahid—had to end their terms of office unusually before their terms ended. This anomaly raises fundamental questions about whether their dismissals were constitutional or driven more by political interests than legal considerations. If political reasons are more dominant, then the situation has the potential to obscure the principle of the rule of law that is the foundation of Indonesia's constitutional system. Therefore, in every change of leadership, whether it occurs naturally due to age or through a political process,

²⁴Sunarto Efendi, Sylli Meliora Sterigma, and Nur Alfitra Mappuna, "Menakar Kekuatan Mengikat Putusan Mahkamah Konstitusi Dalam Pemberhentian Presiden dan/atau Wakil Presiden di Indonesia," *Jurnal Konstitusi dan Demokrasi* 4, no. 2 (December 25, 2024): 95–118, doi:10.7454/JKD.v4i2.1406.

the constitution should still be upheld as the main guideline so that the legitimacy of the government is maintained and the stability of the country is not disturbed.

President Sukarno

Soekarno, who became the first president of the Republic of Indonesia, was elected based on the recommendation of Otto Iskandardinata. On August 18, 1945, for the first time, the Preparatory Committee for Indonesian Independence (PPKI) elected the president and vice president, in accordance with the Transitional Provisions of Article III in the 1945 Constitution, which gave the PPKI the authority to elect the two positions. Meanwhile, Article 6, paragraph (2) of the 1945 Constitution stated that the election of the president and vice president was the authority of the MPR. However, the MPR had not yet been formed, so the role of the PPKI was very dominant in the election process.

The formation of the MPR as stipulated in the Transitional Provisions of the 1945 Constitution could not be implemented immediately due to the Dutch Military Aggression and various domestic crises, including the rebellion of the Indonesian Communist Party (PKI) in Madiun. This situation forced Indonesia to make several constitutional changes, starting with the 1949 RIS Constitution, continuing with the 1950 Provisional Constitution, and finally returning to the 1945 Constitution. During this period, the MPR was not formed, so that the presidential election in accordance with Article 6, paragraph (2), could not be held until 1973, which was 28 years after Soekarno was elected.

Soekarno's dismissal of Soeharto was inseparable from the events of the 30 September Movement (G30S), which involved the PKI. Soekarno was considered to have implemented policies that benefited and protected the PKI leader. In addition, the decline in economic and moral conditions also affected the political situation in Indonesia, so that the People's Representative Council issued a memorandum asking Soekarno to provide accountability. Soekarno then submitted an accountability report to the Provisional People's Consultative Assembly (MPRS), known as Nawaksara. However, the MPRS was not satisfied with the report, especially regarding the G30S,

the economic crisis, and the decline in morale, so they asked Soekarno to revise Nawaksara.²⁵

This is where significant parliamentary maneuvering becomes apparent. The DPR used the memorandum as a political tool to pressure Sukarno, even though such a mechanism was not regulated in the 1945 Constitution. Furthermore, the MPRS's rejection of the Nawaksara and Additional Nawaksara demonstrated a strategy of delegitimation: what should have been political accountability was positioned as evidence of a "constitutional violation." Thus, legal arguments were used as a tool to conceal the political goal of replacing the president.

Soekarno revised Nawaksara and submitted a supplement, but the MPRS still did not accept the report. Therefore, in 1967, the MPRS issued Decree No. XXXIII/MPRS/1967, which ended Soekarno's term of office and appointed Soeharto as acting president. This decree used Article 8 of the 1945 Constitution as the legal basis, interpreting the term "permanently impeded" politically to justify Sukarno's dismissal. Political elites, particularly the military and anti-PKI parties, formulated the argument that Sukarno's failure to address the G30S, the economic crisis, and the nation's moral decline constituted "inability to carry out duties." This interpretation was a political construct disguised as legal legitimacy that appeared constitutional.²⁶

President Soeharto

On May 21, 1998, President Soeharto announced his resignation after leading Indonesia for 32 years since receiving the mandate from the March 11th Order. This decision was made in response to pressure from massive demonstrations by students and the public caused by the economic crisis that devastated the country. This economic crisis not only had an impact on economic problems but also triggered a political

²⁵Gili Argenti and Dini Sri Istiningdias, "Soekarno's Political Thingking About Guided Democracy," *Jurnal Politikom Indonesiana* 3, no. 2 (December 31, 2018): 46–63, doi:10.35706/jpi.v3i2.1654.

²⁶Aan Anshari, "Kemenangan Faksi Militer; Jejak Kelam Elit Nahdlatul Ulama' Akhir September-Oktober 1965," *Khazanah: Jurnal Studi Islam dan Humaniora* 13, no. 2 (June 2, 2016): 1–24, doi:10.18592/khazanah.v14i1.1046.

crisis and demands for reform in various aspects of the country's life. In this situation, Soeharto's resignation was an inevitable step.

Soeharto's resignation statement sparked quite a long legal debate. His statement created confusion among legal experts because it more or less stated that he was ending his term as president on "today, Thursday, May 21, 1998." Some argued that Soeharto resigned, while others argued that he only stated that he was ending his term. These two conditions have different legal implications. If Soeharto had resigned, then, according to the 1945 Constitution, a special session of the MPR would have been needed to accept or reject his resignation. However, because the MPR building was surrounded by demonstrators, the special session could not be held. On the other hand, if the termination of office occurred, then it was a unilateral statement from the President who did not require the approval of the MPR.

Here, we see parliamentary manoeuvring typical of the Reformation era. Political elites in the DPR and MPR did not formally use the impeachment instrument as stipulated in the MPR Decree, but instead allowed Suharto's "resignation" to proceed without the approval of high state institutions. This strategy was deliberately chosen because significant public pressure made the parliamentary route risky, and the legal route did not yet provide a definitive mechanism. Thus, the DPR/MPR used "constitutional neglect" as a political tactic to expedite the transition.

Legally, both resignation and termination of office have their respective bases. Resignation is described in Article 4 of the MPR Decree No. III/MPR/1978, which lists reasons for resigning, such as the president's personal request, inability to perform duties, or serious violations of the General Guidelines of State Policy. Meanwhile, the termination of the president's term of office is regulated in Article 8 of the 1945 Constitution.

Based on Article 8 of the 1945 Constitution, after Soeharto ended his term of office, Vice President B.J. Habibie was inaugurated to replace the president. Habibie then took the oath of office before the Chief Justice of the Supreme Court. However, this oath of office also caused debate. Several parties argued that Habibie's inauguration was unconstitutional because it contradicted Article 9 of the 1945 Constitution, which requires the oath of office to be taken before the MPR and DPR. According to this opinion, the oath of office should

have been taken before the MPR because they elect the president and vice president, as regulated in Article 6, Paragraph (2) of the 1945 Constitution.

Habibie's swearing-in at the Supreme Court was also a form of legal improvisation. Politically, the DPR/MPR elite accepted the ceremony as a quick solution to avoid a power vacuum. The legal argument used was an interpretation of MPR Decree No. VII/MPR/1973, which permits the swearing-in at the Supreme Court if the MPR/DPR cannot convene. This incident demonstrates that secondary legal norms, such as MPR Decrees, can be applied flexibly to adapt to political conditions during transitional periods. These norms serve as complementary legal instruments that address the regulatory requirements of the 1945 Constitution. The application of the law in this case was not rigid but rather pragmatic, to maintain government stability and prevent broader political conflict.

However, there are also opinions that justify Habibie's oath of office at the Supreme Court. This refers to Article 2, Paragraph (3) of MPR Decree No. VII/MPR/1973 concerning the Situation of the President and Vice President's Inability, which states that if the DPR cannot hold a meeting, the Vice President can take the oath of office before the Supreme Court to assume the office of President. Thus, there is no need to hold a special session, which requires a large budget.

Habibie was finally inaugurated as president after taking the oath of office on May 21, 1998, and served until October 19, 1999. His term of office, which was supposed to end in 2003, was shortened due to his desire to hold elections immediately. Therefore, he did not apply the "until the end of the term of office" provision in Article 8 of the 1945 Constitution. In addition, the position of vice president was not filled after Habibie's inauguration.

Analytically, the Soeharto case demonstrates a different pattern than that of Soekarno: while Soekarno was impeached through a TAP MPR (People's Consultative Assembly Decree), Soeharto was "forced to resign" through public pressure and institutional neglect. In other words, the political elite chose not to formulate a legal argument for impeachment, instead relying on political legitimacy derived from the student movement, the economic crisis, and moral delegitimation. This approach demonstrates that the law is once again subject to

politics, even though it remains normatively justified through the interpretation of the TAP MPR and Article 8 of the 1945 Constitution.

In previous Indonesian governments, the role of the vice president was not very significant in day-to-day politics. The main task of the vice president was to replace the president if the president died, resigned, or was unable to carry out his duties. According to Roziqin, the vice president was tasked with assisting the president in carrying out daily duties, representing the president, and filling a vacant presidential position.²⁷ During the reign of President Soekarno, the position of vice president was vacant after the resignation of Mohammad Hatta on December 1, 1966. The position of vice president was only filled on March 24, 1973, when Sri Sultan Hamengkubuwono IX was inaugurated as vice president by President Soeharto. During the reign of Soeharto, although there were several changes of vice presidents, there was never a change of president. The vice presidents who served during the Soeharto administration were Sri Sultan Hamengkubuwono IX, Adam Malik, Umar Wirahadikusumah, Sudharmono, Try Sutrisno, and B.J. Habibie.

President Bacharuddin Jusuf Habibie

Bacharuddin Jusuf Habibie served as the third president of the Republic of Indonesia from May 21, 1998, to October 1999, with a very short term of office, namely only 1 year and 5 months. Habibie's leadership ended after receiving sharp criticism, especially related to the separation of East Timor from Indonesia. Students also demanded that he resign because he was perceived to have failed to carry out the promised reform mandate. The MPR rejected Habibie's accountability speech at the special session on November 13, 1999, thereby ending his term as president.

In Habibie's case, parliamentary manoeuvring was more subtle. The House of Representatives (DPR) and the MPR did not directly dismiss Habibie through impeachment but instead used the instrument of rejecting the accountability report as a political tool. Legally, the

²⁷Roziqin Roziqin, "Vice President's Power and Role in Indonesian Government Post Amendment 1945 Constitution," *AL WASATH Jurnal Ilmu Hukum* 1, no. 2 (October 29, 2020): 61–78, doi:10.47776/alwasath.v1i2.57.

pre-amendment 1945 Constitution did not regulate this mechanism, but the MPR Decree provided space for the president's accountability report to serve as a basis for evaluation. Political elites exploited this loophole to convey the message: Habibie had lost his constitutional legitimacy, despite not committing any explicit violations of the law.

The process of changing leadership from Soeharto to B.J. Habibie was based on Article 8 of the 1945 Constitution, which states that the President of the Republic of Indonesia "resigns." Soeharto made the decision after taking into account the national situation and the people's aspirations for reform. In accordance with Article 8 of the 1945 Constitution, Vice President B.J. Habibie was given the authority to replace Soeharto. Despite the provision stating "until the end of his term," Habibie chose to hold general elections immediately, so his term did not last until 2003.

This parliamentary strategy demonstrates how legal arguments are crafted to justify political objectives. The rejection of Habibie's accountability report was justified on the grounds that he failed to carry out his reform mandate and was responsible for the loss of East Timor. Legally, the report does not automatically constitute grounds for the president's impeachment. However, by linking the issue of constitutional accountability to the political crisis, the MPR elite successfully framed it as a violation of legal norms.

President KH AbdurrahmanWahid (GusDur)

Abdurrahman Wahid's presidency lasted just two years, from October 1999 to July 2001. His removal was prompted by two major scandals: the Buloggate, involving the misuse of funds from the Indonesia Logistics Bureau's Employee Welfare Fund, and Bruneigate, concerning questionable financial dealings with the Sultan of Brunei.²⁸ These controversies led 236 members of the House of Representatives to propose an inquiry into the issue. The House approved the proposal,

²⁸Kukuh Bergas, "Dewan Perwakilan Rakyat dan Majelis Permusyawaratan Rakyat dalam Proses Impeachment Presiden Abdurrahman Wahid," *Jurnal Hukum & Pembangunan* 49, no. 4 (March 27, 2020): 847–59, doi:10.21143/jhp.vol49.no4.2344.

and a special committee was formed to investigate the allegations.²⁹

The Special Committee's report, presented on January 5, 2001, concluded that Wahid was implicated in the Buloggate case, where funds from the logistics bureau were allegedly misused. In the Bruneigate case, Wahid's inconsistent statements about the Sultan of Brunei's financial aid raised suspicions that he had misled the public. The House of Representatives accepted the committee's findings and issued two memorandums demanding that Wahid provide an explanation for his actions.³⁰ When Wahid failed to respond, the House called for a special session of the MPR.

The House used two memorandums to put pressure on Wahid, even though the old 1945 Constitution didn't clearly allow for this kind of action. The House created a political path with legal legitimacy to make the impeachment process appear constitutional. By connecting the Buloggate and Bruneigate accusations to the idea of "presidential accountability," the House built a legal case that Wahid broke constitutional rules, even though these accusations had not been proven in court.

Before the special session could take place, President Wahid made controversial decisions, including the dismissal of Police General S. Bimantoro as chief of the Indonesian National Police. This action violated constitutional requirements for such appointments, as the law mandates that the House of Representatives must approve the appointment of the police chief. Additionally, Wahid issued a decree dismissing the People's Consultative Assembly and the Golkar Party, both of which were widely considered unlawful actions.

Wahid's decree, which dissolved the MPR and Golkar, marked a significant shift. Political elites in the MPR quickly formulated legal arguments that the action violated the 1945 Constitution and exceeded the president's authority. So, the "abuse of authority" claim was used as a legal reason for impeachment, even though the main goal was to

²⁹Muhammad Bahrul Ulum, "Mekanisme Pemakzulan Presiden dan/atau Wakil Presiden Menurut UUD 1945 (Antara Realitas Politik dan Penegakan Konstitusi)," *Jurnal Konstitusi* 7, no. 4 (May 20, 2016): 131–58, doi:10.31078/jk747.

³⁰Seto Cahyono, "Hubungan Memorandum dan Sidang Istimewa dalam Penegakan Hukum Tata Negara," *Perspektif* 6, no. 4 (October 30, 2006): 243–49, doi:10.30742/perspektif.v6i4.532.

strengthen the political power of the DPR/MPR, which was mostly made up of Wahid's opponents.³¹

On July 23, 2001, the MPR issued Decree Number II/MPR/2001, formally removing Wahid from office. The decree cited his failure to provide accountability during the special session and his illegal decrees as grounds for his dismissal. The decision led to a legal debate over the nature of Wahid's removal, as the 1945 Constitution does not explicitly mention "dismissal" as a cause for presidential succession, only "death," "resignation," or "inability to perform duties." Legal experts were divided on whether Wahid's removal should be categorised as "resignation" or "dismissal".

An analysis of Wahid's case demonstrates the most aggressive parliamentary manoeuvring of any president before him. The DPR/MPR combined a strategy of memorandums, legal framing of financial scandals, and justification of unconstitutional decrees as "serious violations" of the 1945 Constitution. Legal arguments were formulated to strengthen the political basis of the impeachment, thus enveloping the essentially political process in normative legitimacy. This procedure led to the amendment of the 1945 Constitution, which added Articles 7A–7B as a correction to the lack of legal clarity in Wahid's case.

CONCLUSION

This study reveals that political manoeuvring masquerading as legal justification, rather than constitutional law, has driven presidential dismissal in Indonesia. Although impeachment is formally conceived as a constitutional safeguard to ensure accountability, in practice it has consistently functioned as a political instrument. Law has served not as a binding framework, but rather as a legitimising veneer for political decisions, making presidential removal highly contingent on shifts in parliamentary coalitions and public legitimacy.

³¹Mohamad Fandrian Adhianto, H. Muhamad Rezky Pahlawan MP, and Bhanu Prakash Nunna, "Disobedience of Constitutional Court Decision as a Reason for Impeachment of President and/or Vice President," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 24, no. 1 (June 29, 2024): 71–87, doi:10.30631/alrisalah.v24i1.1509.

The experiences of four presidents—Soekarno, Soeharto, Habibie, and Abdurrahman Wahid—illustrate this dynamic. Each case reflected a unique blend of parliamentary tactics and legal reinterpretation: Soekarno was dismissed through a broad reading of “incapacity,” Soeharto was forced to resign under mass pressure, Habibie was delegitimised via rejection of his accountability report, and Wahid was removed through memoranda and accusations of unconstitutional decrees. Together, these episodes show that political considerations consistently outweighed legal ones. When compared globally, Indonesia mirrors Brazil in the politicisation of accountability, resembles the United States in the primacy of coalition politics and legitimacy, but diverges from South Korea, where judicial review serves as an effective counterbalance. Indonesia’s impeachment history thus reveals a constitutional mechanism still dominated by politics rather than law.

The persistence of politicised impeachment carries profound implications for Indonesian democracy. By subordinating legal norms to political bargaining, impeachment undermines the rule of law, erodes institutional trust, and leaves presidential stability vulnerable to volatile parliamentary alliances. This weakens executive authority and fosters uncertainty in democratic consolidation, as leadership transitions risk being driven more by elite manoeuvring than by constitutional fidelity. Future research should therefore explore how the amended provisions of Articles 7A and 7B might operate in practice, including the Constitutional Court’s role as arbiter between law and politics. Potential reforms include clarifying the binding force of Constitutional Court decisions, strengthening ethical standards for legislators in impeachment deliberations, and enhancing public understanding of the constitutional limits of presidential removal. Comparative lessons from jurisdictions with stronger judicial safeguards could help Indonesia realign impeachment with its constitutional promise: a mechanism for accountability grounded in law, not merely an instrument of political expediency.

REFERENCES

- Abdul Ghafur Hamid @ Khin Maung Sein, "The Law of the World Trade Organization: An Analysis from an International Law Perspective," *Asian Journal of International Law*, 1(1)(2006): 1-24, at 3.
- Aan Anshari. "Kemenangan Faksi Militan; Jejak Kelam Elit Nahdlatul Ulama' Akhir September–Oktober 1965." *Khazanah: Jurnal Studi Islam dan Humaniora* 13, no. 2 (June 2, 2016): 1–24. doi:10.18592/khazanah.v14i1.1046.
- Aaron Ansell. "Impeaching Dilma Rousseff: The Double Life of Corruption Allegations on Brazil's Political Right." *Culture, Theory and Critique* 59, no. 4 (October 2, 2018): 312–31. doi:10.1080/14735784.2018.1499432.
- Allen C. Sumrall. "The Law Incongruous Ideas of Impeachment: 'Impeachable Offenses' and the Constitutional Order." *Presidential Studies Quarterly* 50, no. 4 (December 10, 2020): 948–67. doi:10.1111/psq.12681.
- Andrew L. Slap. "Historians and the Impeachment of Andrew Johnson." *The Journal of the Civil War Era* 15, no. 1 (March 2025): 81–105. <https://doi.org/10.1353/cwe.2025.a952583>.
- Argelina Cheibub Figueiredo. "The Collor Impeachment and Presidential Government in Brazil." In *Presidential Breakdowns in Latin America: Causes and Outcomes of Executive Instability in Developing Democracies*, 2010. <https://doi.org/10.1057/9780230105812>.
- Chris Monaghan, Matthew Flinders, dan Aziz Z. Huq. *Impeachment in a Global Context*. London: Routledge, 2023. doi:10.4324/9781003256007.
- Edmund G. Ross. *History of the Impeachment of Andrew Johnson, President of The United States*. New Delhi: Double 9 Books, 2023.
- Frederico Fetter, Daniel Gamermann, dan Carolina Brito. "On the Stability of the Brazilian Presidential Regime: A Statistical Analysis." *Physica A: Statistical Mechanics and Its Applications* 571 (2021): 1–15. <https://doi.org/10.1016/j.physa.2021.125832>.

- Ghunarsa Sujatnika, Ahmad Khozi, dan Catur Alfath Satriya. "Impeachment and Its Problem: The Study from Constitutional Law vs Criminal Law Perspective in Indonesia." *Revista de Investigações Constitucionais* 11, no. 1 (May 13, 2024): 1–25. doi:10.5380/rinc.v11i1.87862.
- Gili Argenti dan Dini Sri Istiningdias. "Soekarno's Political Thinking About Guided Democracy." *Jurnal Politikom Indonesiana* 3, no. 2 (December 31, 2018): 46–63. doi:10.35706/jpi.v3i2.1654.
- Grant R. Brodrecht. "5. The Union Saved Again." Dalam *Our Country: Northern Evangelicals and the Union during the Civil War Era*, 117–140. New York: Fordham University Press, 2018. <https://doi.org/10.1515/9780823279937-006>.
- Harun Alrasyid. *Pemilihan Presiden dan Pengantian Presiden Dalam Hukum Positif Indonesia*. Jakarta: UI-Press, 1995. <https://lib.ui.ac.id/detail?id=81614&lokasi=lokal>.
- Hannes B. Mosler. "The Institution of Presidential Impeachment in South Korea, 1992–2017." *Verfassung in Recht Und Übersee* 50, no. 2 (2017): 111–34. <https://doi.org/10.5771/0506-7286-2017-2-111>.
- Jean Galbraith. "President Trump Impeached and Acquitted of Charges Relating to His Conduct of Foreign Affairs." *American Journal of International Law* 114, no. 3 (July 17, 2020): 494–504. <https://doi.org/10.1017/ajil.2020.40>.
- Kukuh Bergas. "Dewan Perwakilan Rakyat dan Majelis Permusyawaratan Rakyat dalam Proses Impeachment Presiden Abdurrahman Wahid." *Jurnal Hukum & Pembangunan* 49, no. 4 (March 27, 2020): 847–59. doi:10.21143/jhp.vol49.no4.2344.
- Marcus Mietzner. "Authoritarian Elections, State Capacity, and Performance Legitimacy: Phases of Regime Consolidation and Decline in Suharto's Indonesia." *International Political Science Review* 39, no. 1 (January 21, 2018): 83–96. doi:10.1177/0192512116687139.
- Mohamad Fandrian Adhianto, H. Muhamad Rezky Pahlawan MP, dan Bhanu Prakash Nunna. "Disobedience of Constitutional Court Decision as a Reason for Impeachment of President and/or Vice President." *Al-Risalah: Forum Kajian Hukum dan Sosial*

- Kemasyarakatan* 24, no. 1 (June 29, 2024): 71–87. doi:10.30631/alrisalah.v24i1.1509.
- Muhammad Bahrul Ulum. “Mekanisme Pemakzulan Presiden dan/atau Wakil Presiden Menurut UUD 1945 (Antara Realitas Politik dan Penegakan Konstitusi).” *Jurnal Konstitusi* 7, no. 4 (May 20, 2016): 131–58. doi:10.31078/jk747.
- Muhammad Yoppy Adhihernawan dan Annisa Nur Fadhila. “Telaah Efektivitas Mekanisme Pemberhentian Presiden Indonesia: Perbandingan Praktik Amerika Serikat dan Korea Selatan.” *Jurnal Kajian Pembaruan Hukum* 1, no. 2 (July 28, 2021): 211. doi:10.19184/jkph.v1i2.24453.
- Nadirsyah Hosen. “The Habibie Government and Anti-Corruption Reform in Indonesia.” *Asia Pacific Law Review* 12, no. 1 (June 4, 2004): 53–68. doi:10.1080/18758444.2004.11788128.
- Oren Tamir. “Constitutional Norm Entrepreneurship.” *SSRN Electronic Journal* 80 (2020): 881–961. <https://doi.org/10.2139/ssrn.3577781>.
- Patrick Horst. “The Politics of Removal: The Impeachment of a President.” Dalam *Mobilization, Representation, and Responsiveness in the American Democracy*, ed. M.T. Oswald, 63–104. Cham: Springer International Publishing, 2020. doi:10.1007/978-3-030-24792-8_4.
- Roziqin Roziqin. “Vice President’s Power and Role in Indonesian Government Post Amendment 1945 Constitution.” *AL WASATH Jurnal Ilmu Hukum* 1, no. 2 (October 29, 2020): 61–78. doi:10.47776/alwasath.v1i2.57.
- Seto Cahyono. “Hubungan Memorandum dan Sidang Istimewa dalam Penegakan Hukum Tata Negara.” *Perspektif* 6, no. 4 (October 30, 2006): 243–49. doi:10.30742/perspektif.v6i4.532.
- Soon-ok Shin. “The Rise and Fall of Park Geun-Hye: The Perils of South Korea’s Weak Party System.” *The Pacific Review* 33, no. 1 (January 2, 2020): 153–83. <https://doi.org/10.1080/09512748.2018.1523804>.
- Sunarto Efendi, Sylli Meliora Sterigma, dan Nur Alfitra Mappuna. “Menakar Kekuatan Mengikat Putusan Mahkamah Konstitusi Dalam Pemberhentian Presiden dan/atau Wakil Presiden Di

- Indonesia.” *Jurnal Konstitusi dan Demokrasi* 4, no. 2 (December 25, 2024): 95–118. doi:10.7454/JKD.v4i2.1406.
- Tom Ginsburg, Aziz Huq, dan David Landau. “The Comparative Constitutional Law of Presidential Impeachment.” *The University of Chicago Law Review* 88, no. 1 (2021): 81–164.
- Tom Ginsburg, Aziz Z. Huq, dan David Landau. “Designing Presidential Impeachment.” *University of Chicago Public Law Working Paper* 731 (2019): 9–20. doi:10.2139/ssrn.3461120.
- Vitor Eduardo Schincariol dan Paris Yeros. “The Political Economy of ‘Impeachment’ in Brazil: An Assessment of the Temer Interlude (2016–2018).” *Revista Galega de Economía* 28, no. 1 (September 12, 2019): 73–90. doi:10.15304/rge.28.1.6165.
- Young Hun Kim. “Impeachment and Presidential Politics in New Democracies.” *Democratization* 21, no. 3 (April 16, 2014): 519–53. <https://doi.org/10.1080/13510347.2012.751973>
- Youngjae Lee. “Law, Politics, and Impeachment: The Impeachment of Roh Moo-Hyun from a Comparative Constitutional Perspective.” *American Journal of Comparative Law* 53, no. 2 (2005): 403–32. <https://doi.org/10.1016/j.jorganchem.2004.09.053>