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1. Submission

MODEL OF DIVISION OF POWERS IN CONSTITUTIONAL LAW: CASE STUDY OF INDONESIA AND THE RUSSIAN FEDERATION

Authors are not required to provide their identity, email, or affiliation; the Managing Editor will access this information from the submission metadata.

Abstract

The distribution of power in Indonesia and Russia shows differences in the implementation of the principle of separation of powers. Indonesia, as a unitary state with a presidential system, faces challenges in maintaining balance between the central and regional governments. Meanwhile, Russia, as a federal state with a semi-presidential system, remains centralized, with executive power largely dominated by the president. This study aims to analyze the model of power distribution in the constitutional law of Indonesia and the Russian Federation based on their respective governmental systems, as well as to identify the advantages, disadvantages, and implications for government stability in both countries. This research employs a normative legal method with a statutory, comparative, and conceptual approach to analyze the power distribution model in Indonesia and Russia based on their constitutions and relevant regulations, using library research techniques and qualitative analysis. The findings indicate that the power distribution models in Indonesia and Russia differ according to their respective governmental systems. Indonesia adopts a presidential system with strong checks and balances between the executive, legislative, and judicial branches, while Russia follows a semi-presidential system that grants dominant authority to the president. Indonesia emphasizes power balance through democracy and decentralization, though it faces challenges such as political gridlock and slow bureaucracy. Conversely, Russia enjoys stronger political stability due to executive dominance, but at the risk of weakening checks and balances and limiting political freedoms. Thus, the governmental systems in both countries have their own advantages and disadvantages in influencing stability and governance effectiveness.

Keywords: Division, Power, Presidential, Semi-Presidential, Stability.

Introduction (Constantia, 12 Pt)

The division of powers is a fundamental principle in constitutional law that serves to maintain balance in a country's government system. This concept is rooted in Montesquieu's thinking in his work *L'Esprit des Lois* (1748), which states that to prevent abuse of power, state power must be separated into three main branches: executive, legislative, and judiciary. This principle is not only applied in democratic countries but also becomes the basis for various government systems in the world. (Suparto, 2019) However, the implementation of the separation of powers can vary depending on the political system, history, and government structure of each country.

In a global context, there are various models of the separation of powers that have developed, including the unitary state model and the federal state model. Unitary states tend to have centralized governments, while federal states give greater authority to local governments or states in regulating their own domestic affairs. (Prayudi, 2014) Two countries with differing governmental systems, Indonesia and the Russian Federation, are interesting to study in the context of

constitutional law because both implement distinctive models of power-sharing in accordance with their respective political and constitutional characteristics.

Indonesia, as a unitary state, adopts a presidential system based on the 1945 Constitution (UUD 1945) as its supreme law. Although it has a concept of separation of powers among the executive, legislative, and judicial branches, in practice, there is often an overlap of authority among these three institutions. Furthermore, the political reforms that began in the late 1990s have brought about significant changes to the Indonesian government system, including the decentralization of authority through the implementation of regional autonomy. This decentralization gives greater roles to local governments in managing government affairs, but remains within the framework of the Unitary State of the Republic of Indonesia (NKRI). (Syahfitri et al., 2021)

Conversely, the Russian Federation is a country that adopts a semi-presidential system within a federal state structure. Based on the 1993 Russian Constitution, the country is divided into several federal subjects, including republics, krais, oblasts, and federal cities, each of which has specific powers guaranteed by the constitution. This system provides regional autonomy in managing domestic affairs, although in practice, power remains highly centralized in the hands of the Russian President. The executive dualism in the Russian semi-presidential system also creates its own dynamics in the relationship between the president, prime minister, and parliament. (Yunus, 2021)

The study of power-sharing models in Indonesia and the Russian Federation is crucial for understanding how the principle of separation of powers is applied in different contexts. While both countries adopt a separation of powers in their government systems, implementation in practice often faces various challenges. One of the main issues in the Indonesian government system is the dominance of the executive branch in the legislative process and public policy. (Mawardi, 2008) On the other hand, although Russia theoretically grants authority to the subjects of the federation, the president's enormous powers often limit regional autonomy in decision-making. (Burkhardt, 2017)

In the Indonesian context, changes to the state structure since the reform era have provided space for strengthening the principle of separation of powers. Amendments to the 1945 Constitution have transformed the previously highly centralized government structure into a more democratic and inclusive one. For example, a more open electoral system has enabled the public to directly elect the president, members of the legislature, and regional heads. This has created a stronger mechanism of checks and balances between state institutions. (Tutik, 2021) However, the main challenge is how to maintain a balance between the

powers of the central and regional governments to prevent overlaps or even conflicts of authority.

In Russia, although the country is officially a federation, many observers believe that its power structure tends towards a more centralized system. The Russian President has significant power in controlling state policy, including in determining government officials at the regional level. Although federal subjects have the right to regulate domestic affairs, in practice, they remain highly dependent on the central government for budget and strategic policy. (Tuminez, 2003) This situation has sparked debate about the extent to which Russia truly implements the principle of federalism or whether it is reverting to a centralized system.

From a constitutional law perspective, these differences in power-sharing models reflect how constitutions and legal systems play a crucial role in regulating relations between state institutions. In Indonesia, although the presidential system grants full authority to the president as head of state and head of government, the constitution still assigns a significant role to parliament in the legislative process and executive oversight. (Firdaus Arifin, 2024) Meanwhile in Russia, the semi-presidential system places the president as the holder of the main power, which in some cases causes an imbalance between the executive and legislative branches. (Lewis, 2020)

Furthermore, another challenge in the implementation of the separation of powers in both countries is how the judicial system carries out its functions independently. In Indonesia, the Constitutional Court (MK) plays a strategic role in upholding the constitutionality of laws and serves as a balance between the executive and legislative branches. However, debates often arise regarding the independence of the judiciary from political interference. (Putra, 2024) In Russia, although the constitution guarantees the independence of the courts, in practice, there is still a lot of criticism regarding political influence on court decisions. (Hendley, 2024)

This research will also examine how power-sharing models affect political stability and the effectiveness of government in both countries. In the case of Indonesia, although the government system has undergone various reforms, challenges remain in addressing conflicts between the center and regions and in strengthening the accountability of state institutions. (Suryanto, 2006) Meanwhile, in Russia, although political stability tends to be more secure due to the strong leadership of the president, the limited space for opposition and political freedom remains a contentious issue. (Nadkarni et al., 2024)

This research aims to provide insights into the strengths and weaknesses of each system and how power-sharing can be developed to support better governance. It is anticipated that this research will contribute to the study of constitutional law, specifically in understanding how the principle of separation of powers is implemented in different government systems. In addition, this study can serve as a reference for policymakers in formulating more effective regulations to maintain the balance of power between state institutions. Thus, this research is not only academic but also has practical relevance in supporting improvements to the state structure in Indonesia and the Russian Federation.

Research on power-sharing models in constitutional law, particularly case studies of Indonesia and the Russian Federation, has been the focus of various academic studies. Previous research has addressed important aspects of the government systems of both countries, including constitutional structure, checks and balances mechanisms, and the implementation of the principle of separation of powers. Here is a summary of some relevant research in this context.

One study that highlights a comparison of the constitutions of Indonesia and Russia is an article published on ResearchGate titled "Comparison of the Constitution of the Republic of Indonesia and Russia". This study discusses the state institutional structure in Russia, which is divided into three branches of power: executive, legislative, and judicial. The executive branch in Russia is led by the president, who has broad authority, including selecting the Prime Minister with the approval of the State Duma and directing foreign policy. However, the Russian president has limitations on his power and can be impeached with the approval of two-thirds of the members of the State Duma. This study also highlights the role of the State Duma and the Federation Council in the Russian legislative structure, as well as the function of the Constitutional Court in the judicial branch. A comparison with Indonesia shows that although both countries uphold the principle of separation of powers, there are significant differences in the government systems adopted, where Indonesia adopts a pure presidential system while Russia adopts a semi-presidential system. (Rafiqi, 2022)

Another relevant piece of research is the article titled "Constitutional Law: The System of Territorial Control with the Formation of Federal Districts in the Russian Federation" published in the ADALAH journal. This article discusses President Vladimir Putin's policy in 2000 to form nine federal districts to oversee federal subjects in Russia. This policy aimed to strengthen central control over federal territories and ensure the effective implementation of national policies. This research provides insights into how the federal structure in Russia is implemented and how the central government controls regions through the

formation of federal districts. This provides an important perspective in understanding the dynamics of power-sharing between the central and regional governments in Russia.(Yunus, 2022)

In the Indonesian context, research titled "Dynamics of the Relationship between the Executive, Legislative, and Judiciary in the Indonesian Constitutional Law System" published in the Tambusai Education Journal discusses the role, function, and interaction between the three branches of government in the Indonesian constitutional law system. This research highlights that although the Indonesian constitution affirms the principle of separation of powers, in practice, there is often dependence and influence between institutions influenced by political dynamics. The executive has a dominant influence on the legislature, which can lead to the legislature's dependence on executive policy. In addition, the independence of the judiciary is often hampered by political pressure from the executive and legislative branches, which affects fairness in the judicial process. This research emphasizes the importance of strengthening the independence and autonomy of each branch of government and maintaining a balance of power so that the implementation of law and justice can run optimally.(Hamdi et al., 2024)

In addition, the article titled "Comparison of the Constitution and Institutions between Indonesia and Russia Based on the System and Mechanism of Human Rights" published in Indonesian Legal Literacy discusses the 1993 revision of the Russian Federation Constitution, which changed Russia's form of state to a federation. This constitution consists of a preamble and two parts that explain the basis of the political, social, legal, economic, fundamental rights and freedoms, and institutional structure of Russia. This study also highlights the bicameral parliamentary system in Russia, consisting of the Federation Council and the State Duma, as well as the role of the president as head of state who oversees the coordination of the functions and interaction of state institutions. A comparison with Indonesia shows that although both countries have different institutional structures, both emphasize the importance of the separation of powers and independence between the legislature, executive, and judiciary.(Sari, 2023)

These studies make a significant contribution to understanding the power-sharing model in Indonesian and Russian constitutional law. While there are similarities in the application of the principle of separation of powers, differences in government systems and institutional structures reflect the unique characteristics of each country. Indonesia, with its pure presidential system, and Russia, with its semi-presidential system, show how historical, political, and socio-cultural contexts influence the implementation of state law principles. Such comparative studies are important for evaluating the effectiveness of checks and

balances mechanisms and for understanding the challenges faced in maintaining the balance of power between branches of government.

In addition, these studies highlight the importance of judicial independence in ensuring justice and effective law enforcement. In Indonesia, although there are efforts to strengthen the independence of the judiciary, political pressure from the executive and legislature remain a challenge. In Russia, although the constitution guarantees judicial independence, the strong influence of the executive can influence judicial decisions. This shows that the separation of powers requires not only a clear legal framework but also a political culture that supports the independence and accountability of each branch of government.

Problems (Constantia, 12 Pt)

Based on the background explanation above, the formulation of the problem in this research is:

1. What is the model for the division of powers in constitutional law in Indonesia and the Russian Federation based on their respective systems of government?
2. What are the advantages and disadvantages of implementing the division of powers in Indonesia and the Russian Federation and its implications for government stability?

Methods (Constantia, 12 Pt)

This research uses a normative legal research method, which focuses on the study of laws and regulations, legal principles, and relevant legal doctrines. (Marzuki, 2021) with the model of division of powers in constitutional law in Indonesia and the Russian Federation. Normative legal research aims to analyze how the concept of division of powers is regulated in the constitution and legal regulations in both countries and how these norms are applied in constitutional practice. With this method, the research will attempt to identify the strengths and weaknesses of the system of division of powers based on case studies in Indonesia and the Russian Federation.

In this study, several legal research approaches are used to gain a comprehensive understanding of the object of study. The first approach is the statute approach, which is used to analyze the legal norms governing the division of powers in the constitutions of Indonesia and the Russian Federation and their derivative regulations. Second, the comparative approach is carried out by comparing the models of division of powers in the two countries to find similarities and differences in their application. Third, the conceptual approach is used to

understand the basic concept of the division of powers in constitutional law and the theories that support it.

This research relies on legal material sources which are divided into three main categories. (Muhaimin, 2020) Primary legal materials include the constitutions of both countries, namely the 1945 Constitution of the Republic of Indonesia (UUD 1945) and the 1993 Constitution of the Russian Federation, as well as laws and regulations related to the division of powers in each country. Secondary legal materials consist of legal literature, books, scientific journals, and academic articles that discuss the principle of division of powers in constitutional law and its implementation in various systems of government. Tertiary legal materials include legal dictionaries, legal encyclopedias, and other references that provide additional understanding of the legal concepts used in this study.

The data collection technique in this normative legal research is carried out through library research. (Sugiyono, 2019), namely by collecting, reviewing, and analyzing various legal documents, books, journals, and other relevant sources. Data is collected from credible sources such as official laws and regulations, court decisions relating to the division of power, and scientific articles from research institutions or universities. In addition, secondary data sources are obtained from previous research results that discuss similar themes in order to enrich the analysis.

The data that has been collected is analyzed using qualitative analysis techniques. (J. Moleong, 2017), namely by examining the contents of various legal sources and interpreting legal rules relevant to the model of division of powers in Indonesia and the Russian Federation. The analysis is carried out descriptively by explaining how the principle of division of powers is applied in both countries, as well as comparatively to find patterns, differences, and similarities in the implementation of their constitutional systems. In addition, this study also uses legal interpretation methods, such as systematic interpretation to understand the relationship between legal norms, as well as historical interpretation to see the development of the division of powers in the constitutional law of each country over time.

With this research method, it is hoped that the research can provide a deep and systematic understanding of the power-sharing model in Indonesia and the Russian Federation and its implications for the governance system and political stability in both countries.

Discussion (Constantia, 12 Pt)

Model of Division of Powers in Constitutional Law: Case Study of Indonesia and the Russian Federation

The division of powers in constitutional law is a fundamental principle in the modern system of government. This concept aims to avoid the concentration of power in one hand and ensure balance between the various branches of government. This principle refers a lot to the theory of trias politica developed by Montesquieu, which divides power into three main branches: executive, legislative, and judiciary.(Chandranegara, 2016) However, in practice, the application of this concept varies from country to country, depending on the system of government adopted and the political and legal context that develops in that country.

Indonesia and the Russian Federation are two countries that have different models of power sharing, according to the system of government they implement. Indonesia adopts a presidential system of government, which places the President as both head of state and head of government.(Sudirman, 2014) Meanwhile, Russia implements a semi-presidential system, which divides executive power between the President and the Prime Minister.(Sedelius et al., 2024) The differences in these models of government have a direct impact on the distribution of power in the state system of each country.

This discussion delves into how the model of power-sharing in constitutional law is implemented in Indonesia and Russia, encompassing the executive, legislative, and judicial branches. By understanding the governmental structures of both countries, we can gain a clearer picture of the strengths and weaknesses of each system and its implications for political stability and governance.

Indonesia adopts a presidential system of government, where the President serves as both head of state and head of government, directly elected by the people through general elections. The model of power-sharing in Indonesia is enshrined in the 1945 Constitution, particularly after four amendments that clarified the relationships between state institutions and strengthened the principle of democracy.(Susilo & Roesli, 2018) In general, the division of power in Indonesia is divided into two main categories, namely horizontal and vertical division of power.

1. Horizontal Division of Power

Horizontal separation of powers refers to the distribution of power among state institutions that hold equal standing. In Indonesia's governmental system, this power is divided into several forms, including:(Oktavira, 2024)

- Executive Power → exercised by the President, who is responsible for implementing laws, national policies, and foreign relations.
- Legislative Power → vested in the House of Representatives (DPR), which has the primary responsibility of enacting laws and overseeing the government's operations.

- Judicial Power → exercised by the Supreme Court (MA) and the Constitutional Court (MK), responsible for upholding the law and assessing the constitutionality of legislation.
- Examination Power → held by the Audit Board of Indonesia (BPK) which is tasked with overseeing the management of state finances.
- Constitutive Power → held by the People's Consultative Assembly (MPR) which has the authority to amend the Constitution.

The principle of checks and balances is applied to ensure that no one branch of power dominates and abuse of authority can be prevented.

2. Vertical Division of Power

Besides horizontal separation of powers, Indonesia also implements vertical separation of powers, which pertains to the relationship between the central government and local governments. This principle is materialized through decentralization and regional autonomy, as stipulated in Article 18 of the 1945 Constitution. (Isabela, 2022) The central government holds authority over matters such as defense, foreign policy, national security, monetary policy, and the national legal system. Meanwhile, local governments are empowered in areas like healthcare, education, infrastructure, and social welfare. This division aims to bring public services closer to the people and enhance government efficiency. (Paendong, 2022)

Unlike Indonesia, Russia employs a semi-presidential system of government, characterized by a dual executive structure involving the President and Prime Minister. The 1993 Constitution of the Russian Federation serves as the primary legal framework for regulating the separation of powers in this nation. (Shugart, 2005)

1. Executive Branch

The executive branch in Russia consists of two main figures, namely the President and the Prime Minister. (Yunus, 2017)

- The President of Russia serves as the head of state with extensive powers, encompassing control over foreign policy, defense, and international relations. The President also holds the authority to appoint and dismiss high-ranking officials, including the Prime Minister and other ministers.
- The Prime Minister is responsible for day-to-day governance and managing domestic policy. Although the Prime Minister is elected by the State Duma (lower house of parliament), in practice, the President wields significant influence in the appointment of the Prime Minister.
- Executive power in Russia tends to be centralized in the President, who has dominant authority in running the government.

2. Legislative Branch

The Russian parliament is called the Federal Assembly, which consists of two chambers:

1. State Duma (Lower House) → is responsible for making laws and supervising the executive.
2. Federation Council (Upper House) → has a role in approving federal policies, including decisions regarding territories and inter-regional relations.

The Russian parliament has more limited powers than parliaments in pure presidential systems.

3. Judicial Branch

The judicial system in Russia comprises the Constitutional Court, the Supreme Court, and various other courts. However, there are widespread criticisms regarding the independence of the judiciary in Russia, as it is often perceived to be subservient to the interests of the executive branch, particularly the President. (Marpaung, 2013)

The following is a comparative table of the models of division of powers in constitutional law between Indonesia and the Russian Federation based on their respective systems of government:

Aspect	Indonesia (Presidential System)	Russian Federation (Semi-Presidential System)
Head of state	President	President
Head of Government	President	Prime Minister (in some aspects, the President also has a significant role in government)
Presidential Election	Directly elected by the people	Elected through elections, but has great power in government
Presidential Term	5 years, maximum 2 terms (according to the 1945 Constitution)	6 years, can be re-elected (can be extended through constitutional amendment)
Presidential Powers	Very strong in government, but still supervised by the DPR and MK	Very dominant, controlling many aspects of government, including the appointment of the Prime Minister.
Prime Minister	There isn't any	There is, but it plays a role as a technical implementer of

		government and is subject to the President.
Legislative Power	DPR as the main institution in the formation of laws	Federal Assembly (State Duma and Federation Council), but in practice influenced by the President
Executive-Legislative Relations	Separate and mutually monitored (checks and balances)	Tends to lean towards the executive, because the President has great control over the State Duma.
Judicial System	Independent, consisting of the Constitutional Court (MK) and the Supreme Court (MA)	In theory it is independent, but in practice it often comes under pressure from executives.
Regional autonomy	Using a decentralized system, with a division of authority between the central and regional governments.	Using a federal system, where each region has its own government, but in practice remains closely monitored by the central government.
Political Stability	Stable with more transparent democratic mechanisms	Stable but tends to be authoritarian due to the President's dominance in various aspects of government.

From this table, it can be concluded that although both have a power-sharing system, Indonesia emphasizes checks and balances more, while Russia tends to have a more centralized government on the President. Based on the discussion above, there are several main differences between the power-sharing models in Indonesia and Russia:

1. Government system
 - Indonesia → Presidential, the President has full authority as head of government.
 - Russia → Semi-Presidential, there is executive dualism between the President and the Prime Minister.
2. Powers of the President
 - Indonesia → The President is directly responsible for the government and is elected by the people.
 - Russia → The President has very dominant control, even stronger than the Prime Minister.

3. Legislative Role

- Indonesia → The DPR has great authority in legislation.
- Russia → The State Duma has a role in legislation, but is under the strong control of the President.

4. Judicial System

- Indonesia → The judiciary is more independent with the existence of the Constitutional Court and the Supreme Court.
- Russia → The judiciary is often criticized for lacking independence and being subordinate to executive power.

Overall, the system in Indonesia is more balanced in the distribution of power, while the system in Russia is more centralized on the power of the President, although in theory there is a wider distribution of power.

Advantages and Disadvantages of the Implementation of the Division of Power in Indonesia and the Russian Federation and its Implications for Government Stability

The division of powers is a fundamental principle in constitutional law that aims to prevent the concentration of power in one entity and ensure the existence of a mechanism of checks and balances. This concept was first developed by Montesquieu in his work *The Spirit of the Laws* (1748), which divides state power into three main branches, namely the executive, legislative, and judiciary. (Chariza & Bangsawan, 2023) Although this principle is applied in many countries, its implementation varies greatly depending on the system of government adopted.

Indonesia adopts a presidential system of government, where executive power lies in the hands of the President who is directly elected by the people and has broad authority in running the government. (Ahsanul Khuluqi & Muwahid, 2024) On the other hand, the Russian Federation adopts a semi-presidential system, which in theory divides executive power between the President and the Prime Minister, but in practice the Russian President has very dominant control over the government. (Tsanava, 2017) Both models have their own advantages and disadvantages, especially in terms of decision-making effectiveness, political stability, and government accountability. In this discussion, we analyze in depth the advantages and disadvantages of the division of power in Indonesia and Russia and their impact on government stability in both countries.

Advantages and Disadvantages of Division of Power in Indonesia

Advantages

1. Strong Checks and Balances Mechanism

One of the main advantages of the presidential system in Indonesia is the clear separation of powers between the executive, legislative, and judiciary.

The President does not have the authority to dissolve parliament (DPR), while the DPR also cannot bring down the President except through a strict impeachment mechanism as stipulated in Article 7A of the 1945 Constitution. This mechanism maintains the balance of power and prevents abuse of authority by one branch of government. (Noviati, 2016)

2. Strong Legitimacy of Direct Elections

The President in Indonesia is directly elected by the people in elections every five years. This provides strong political legitimacy for the government because the President obtains a direct mandate from the people, not from parliament. This system also increases the political participation of the people in the election of national leaders, which is one of the main indicators of a healthy democratic system. (Rauta, 2016)

3. Decentralization and Regional Autonomy

Since the implementation of Law No. 22 of 1999 concerning Regional Government (which was later revised by Law No. 23 of 2014), Indonesia has implemented a decentralized system that gives greater authority to regional governments in managing local affairs. This model allows regions to create policies that are more in line with the needs of local communities without having to rely entirely on the central government. (Ferizaldi, 2016)

4. Independence of the Judicial Power

Since the implementation of Law No. 22 of 1999 concerning Regional Government (which was later revised by Law No. 23 of 2014), Indonesia has implemented a decentralized system that gives greater authority to regional governments in managing local affairs. This model allows regions to create policies that are more in line with the needs of local communities without having to rely entirely on the central government. (Silaban & Kosariza, 2021)

Lack

1. Executive Dependence on the Legislature

Although the President has broad authority, in practice many policies require the approval of the DPR, especially in the ratification of the budget and the formation of laws. If the President comes from a party that does not have a majority in the DPR, then political deadlock often occurs which hinders the running of the government. (Utomo, 2016)

2. Political Fragmentation in a Multiparty System

Indonesia implements a multiparty system, where there are many political parties competing in legislative elections. This often results in the formation of unstable government coalitions and hampers the effectiveness of

decision-making. In some cases, public policy is held hostage by the political interests of parties in the government coalition.(Barus et al., 2024)

3. Slow Bureaucratic Process

The existence of a strong system of checks and balances often results in slow bureaucracy in decision-making. Many policies must pass through various administrative and political stages before they can be implemented, which can hinder a quick response to a crisis or urgent need.(Yusriasis, 2012)

Advantages and Disadvantages of the Division of Powers in the Russian Federation Advantages

1. High Political Stability

Russia's semi-presidential system gives the President strong executive powers, allowing for stable governance. The President has broad powers over domestic and foreign policy, and can appoint and dismiss the Prime Minister without parliamentary approval.(McAfee, 2023)

2. Efficiency in Decision Making

3. Due to the strong executive dominance, government policies can be implemented quickly without having to go through lengthy negotiations with parliament. This makes Russia more responsive to emergency situations, such as economic crises or national security threats.

4. Centralization of Power Prevents Regional Instability

As a federation, Russia has various regions with different characteristics. With a more centralized system of government, the central government can control these regions to prevent the emergence of separatist movements or internal conflicts that could threaten the integrity of the country.

Lack

1. Weak Checks and Balances

Despite the theoretical separation of powers, in practice the Russian President has considerable control over the legislative and judicial branches. The Russian parliament (the State Duma) often acts only as a formal body that approves executive policy, while the judicial system tends to favor the government.(Choudhry & Stacey, 2014)

2. Restrictions on Political Freedom

Russia's system of government is often criticized for its lack of political freedoms and its suppression of the opposition. There are many cases where parties or individuals who oppose the government have experienced political repression, including restrictions on media access and legal intimidation.(Earl et al., 2022)

3. Potential for Abuse of Authority

With power so centralized in the President, the Russian system of government is vulnerable to authoritarianism and abuse of power. The lack of effective control mechanisms allows the President to act without much constraint from other state institutions.

The different division of powers in Indonesia and Russia has a significant impact on government stability.

In Indonesia, a strong system of checks and balances allows democracy to develop well, but on the other hand causes the political process to be slow and often hampered by political party interests.(Febie DY Saiful M., 2021) Meanwhile, in Russia, the government is more stable because the President has full control over state policy, but with the consequence of limited political freedom and excessive executive dominance.(Watts, 2008)

In general, Indonesia places more emphasis on democracy and political openness, although it still faces challenges in government effectiveness.(Riskiyono, 2015) Russia, on the other hand, is more oriented towards political stability with strong executive power, but often at the expense of democratic principles and human rights.(Stivachtis, 2015) In conclusion, no system is perfect, but a balance between stability and democracy must be maintained so that the government remains effective and accountable to its people.

Conclusion (Constantia, 12 Pt)

The power-sharing systems in the Indonesian and Russian constitutions differ according to their respective systems of government. Indonesia employs a presidential system, where the President serves as both head of state and head of government, wielding strong executive powers but remaining subject to oversight by the legislative (DPR) and judicial (MA and MK) branches under the principle of checks and balances. Power in Indonesia is divided horizontally among the executive, legislative, and judicial branches, and vertically through decentralization to local governments. Russia, on the other hand, operates under a semi-presidential system, with the President as head of state holding dominant executive authority, while the Prime Minister is responsible for domestic policy. The Russian Parliament (Federal Assembly), comprising the State Duma and the Federation Council, has limited practical power to oversee the executive. The Russian judicial system, encompassing the Constitutional Court and the Supreme Court, is often criticized for lacking independence due to the President's strong influence. Thus, Indonesia emphasizes a balance of power through democratic mechanisms, while Russia tends towards a more centralized executive power vested in the President.

The implementation of power-sharing in Indonesia and Russia has advantages and disadvantages affecting governmental stability. Indonesia's presidential system boasts robust checks and balances, ensuring equilibrium among the executive, legislative, and judicial branches. The President's legitimacy, derived from direct elections, strengthens political stability, but often faces challenges such as political deadlock due to party fragmentation and bureaucratic slowdowns. Conversely, Russia's semi-presidential system grants significant power to the President, enabling efficient decision-making and stronger political stability. However, excessive executive dominance weakens checks and balances, restricts political freedoms, and increases the risk of authoritarianism. Consequently, Indonesia faces challenges in governmental effectiveness but enjoys greater democracy, while Russia is more stable but with limitations on political freedom and governmental accountability.

To enhance governmental effectiveness, Indonesia needs to strengthen coordination between the executive and legislative branches to prevent political deadlock without sacrificing checks and balances, and to streamline bureaucracy for faster and more efficient decision-making. Russia, meanwhile, should bolster the independence of the legislative and judicial branches and create space for political freedom to make the government more transparent and accountable without compromising national stability. Both countries can learn from each other: Indonesia can adopt aspects of Russian efficiency, while Russia can emulate Indonesia's more open democracy, aiming for a balance between stability and sound democratic principles.

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MODEL OF DIVISION OF POWERS IN CONSTITUTIONAL LAW: CASE STUDY OF INDONESIA AND THE RUSSIAN FEDERATION

Authors are not required to provide their identity, email, or affiliation; the Managing Editor will access this information from the submission metadata.

Abstract

The distribution of power in Indonesia and Russia shows differences in the implementation of the principle of separation of powers. Indonesia, as a unitary state with a presidential system, faces challenges in maintaining balance between the central and regional governments. Meanwhile, Russia, as a federal state with a semi-presidential system, remains centralized, with executive power largely dominated by the president. This study aims to analyze the model of power distribution in the constitutional law of Indonesia and the Russian Federation based on their respective governmental systems, as well as to identify the advantages, disadvantages, and implications for government stability in both countries. This research employs a normative legal method with a statutory, comparative, and conceptual approach to analyze the power distribution model in Indonesia and Russia based on their constitutions and relevant regulations, using library research techniques and qualitative analysis. The findings indicate that the power distribution models in Indonesia and Russia differ according to their respective governmental systems. Indonesia adopts a presidential system with strong checks and balances between the executive, legislative, and judicial branches, while Russia follows a semi-presidential system that grants dominant authority to the president. Indonesia emphasizes power balance through democracy and decentralization, though it faces challenges such as political gridlock and slow bureaucracy. Conversely, Russia enjoys stronger political stability due to executive dominance, but at the risk of weakening checks and balances and limiting political freedoms. Thus, the governmental systems in both countries have their own advantages and disadvantages in influencing stability and governance effectiveness.

Keywords: Division, Power, Presidential, Semi-Presidential, Stability.

Introduction (Constantia, 12 Pt)

The division of powers is a fundamental principle in constitutional law that serves to maintain balance in a country's government system. This concept is rooted in Montesquieu's thinking in his work *L'Esprit des Lois* (1748), which states that to prevent abuse of power, state power must be separated into three main branches: executive, legislative, and judiciary. This principle is not only applied in democratic countries but also becomes the basis for various government systems in the world.¹ However, the implementation of the separation of powers can vary depending on the political system, history, and government structure of each country.

In a global context, there are various models of the separation of powers that have developed, including the unitary state model and the federal state model. Unitary states tend to have centralized governments, while federal states give greater authority to local governments or states in regulating their own domestic

Dikomentari [LU1]: Editorial Recommendation

Comparing the Separation of Powers in Indonesia and Russia: Constitutional Structures and Political Impacts

Word count: The current title contains 14 words, which remains within the journal's maximum limit of 15 words.

Sentence effectiveness: The title is constructed as a nominal phrase ("Model of Division of Powers"), not a complete or effective sentence as recommended by the journal's author guidelines. As such, it lacks clarity in conveying the specific focus or argument of the study.

Clarity of focus: While the title correctly identifies the field of study (constitutional law), the general topic (division of powers), and the comparative objects (Indonesia and the Russian Federation), it fails to articulate the specific analytical lens applied in the research. It does not indicate whether the study addresses structural models, practical implementation, institutional implications, or comparative challenges.

Terminology accuracy: The use of the phrase "Division of Powers" is somewhat misleading in this context. In legal discourse, this term is more commonly associated with federalism, referring to the verti...

Dikomentari [LU2]: The abstract provides a clear overview of the research topic, methodology, and findings, with a solid structure that outlines the context, purpose, and comparative analysis of Indonesia and Russia. However, the use of the term "distribution of power" is misleading, as the study primarily focuses on the separation of powers among branches of government rather than federal-regional dynamics. Consistency in terminology is essential to avoid conceptual confusion. The methodology section is appropriate, though mentioning "library research" and "qualitative analysis" is redundant for a normative legal study and can be omitted. Additionally, some sentences are repetitive and could be combined to improve flow and cohesion. The abstract remains largely descriptive, lacking a sharper analytical statement that highlights the research's significance or theoretical contribution.

Suggestion: Replace "distribution of power" with "separation of powers" to align with the study's core focus, streamline the methodology explanation, reduce redundancy, and conclude with a clear analytical insight on how the findings contribute to the discourse on constitutional governance and institutional balance. ...

Dikomentari [LU3]: A. Lack of Explicit Justification for the Selection of Russia as a Comparative Case

While the article provides a general background on the importance of studying comparative models of power-sharing between Indonesia and other nations, it **does not explicitly explain why Russia was chosen** as the country for comparison. To strengthen the argument and focus of the research, the author is advised to include a clear rationale, such as:

- (1) Whether there are historical, political, or systemic transitions that Indonesia and Russia share;
- (2) Whether both countries exhibit similar trends of power centralization despite their differing systems (unitary vs. federal);
- (3) Why Russia is considered more relevant than other federal states such as the United States or Germany, for example.

This explanation is essential to provide a **strong academic justification** for the selection of the case study and to avoid the impression of an arbitrary choice. ...

¹ Suparto Suparto, "Teori Pemisahan Kekuasaan Dan Konstitusi Menurut Negara Barat Dan Islam," *Hukum Islam*, 2019, <https://doi.org/10.24014/hi.v19i1.7044>.

affairs.² Two countries with differing governmental systems, Indonesia and the Russian Federation, are interesting to study in the context of constitutional law because both implement distinctive models of power-sharing in accordance with their respective political and constitutional characteristics.

Indonesia, as a unitary state, adopts a presidential system based on the 1945 Constitution (UUD 1945) as its supreme law. Although it has a concept of separation of powers among the executive, legislative, and judicial branches, in practice, there is often an overlap of authority among these three institutions. Furthermore, the political reforms that began in the late 1990s have brought about significant changes to the Indonesian government system, including the decentralization of authority through the implementation of regional autonomy. This decentralization gives greater roles to local governments in managing government affairs, but remains within the framework of the Unitary State of the Republic of Indonesia (NKRI).³

Conversely, the Russian Federation is a country that adopts a semi-presidential system within a federal state structure. Based on the 1993 Russian Constitution, the country is divided into several federal subjects, including republics, krais, oblasts, and federal cities, each of which has specific powers guaranteed by the constitution. This system provides regional autonomy in managing domestic affairs, although in practice, power remains highly centralized in the hands of the Russian President. The executive dualism in the Russian semi-presidential system also creates its own dynamics in the relationship between the president, prime minister, and parliament.⁴

The study of power-sharing models in Indonesia and the Russian Federation is crucial for understanding how the principle of separation of powers is applied in different contexts. While both countries adopt a separation of powers in their government systems, implementation in practice often faces various challenges. One of the main issues in the Indonesian government system is the dominance of

² Prayudi, "DESENTRALISASI DALAM SISTEM PEMERINTAHAN INDONESIA: POLITIK NEGARA DI TENGAH HUBUNGAN PUSAT-DAERAH," *Jurnal Kajian: Menjembatani Teori Dan Persoalan Masyarakat Dalam Perumusan Kebijakan* 19, no. 4 (2014), <https://doi.org/https://doi.org/10.22212/kajian.v19i4.561>.

³ Cut Novisar Syahfitri, Irfan Setiawan, and Nurul Khoiriah Putri, "PENERAPAN SISTEM PEMERINTAHAN INDONESIA DITINJAU DARI PENDEKATAN BERBASIS TEORI MAUPUN PRAKTIK," *Tata Kelola Pemerintahan Daerah* 13, no. 1 (2021), <https://doi.org/https://doi.org/10.33701/jiapd.v13i1.2036>.

⁴ Nur Rohim Yunus, "Constitutional Law: Implikasi Bentuk Negara, Bentuk Pemerintahan Dan Sistem Pemerintahan Terhadap Sistem Bernegara Federasi Rusia," *Adalah: Buletin Hukum Dan Keadilan* 5, no. 1 (2021), <https://doi.org/https://doi.org/10.15408/adalah.v5i1.38425>.

the executive branch in the legislative process and public policy.⁵ On the other hand, although Russia theoretically grants authority to the subjects of the federation, the president's enormous powers often limit regional autonomy in decision-making.⁶

In the Indonesian context, changes to the state structure since the reform era have provided space for strengthening the principle of separation of powers. Amendments to the 1945 Constitution have transformed the previously highly centralized government structure into a more democratic and inclusive one. For example, a more open electoral system has enabled the public to directly elect the president, members of the legislature, and regional heads. This has created a stronger mechanism of checks and balances between state institutions.⁷ However, the main challenge is how to maintain a balance between the powers of the central and regional governments to prevent overlaps or even conflicts of authority.

In Russia, although the country is officially a federation, many observers believe that its power structure tends towards a more centralized system. The Russian President has significant power in controlling state policy, including in determining government officials at the regional level. Although federal subjects have the right to regulate domestic affairs, in practice, they remain highly dependent on the central government for budget and strategic policy.⁸ This situation has sparked debate about the extent to which Russia truly implements the principle of federalism or whether it is reverting to a centralized system.

From a constitutional law perspective, these differences in power-sharing models reflect how constitutions and legal systems play a crucial role in regulating relations between state institutions. In Indonesia, although the presidential system grants full authority to the president as head of state and head of government, the constitution still assigns a significant role to parliament in the legislative process and executive oversight.⁹ Meanwhile in Russia, the semi-presidential system places

⁵ M. Arsyad Mawardi, *PENGAWASAN DAN KESEIMBANGAN ANTARA DEWAN PERWAKILAN RAKYAT DAN PRIZSIDEN DALAM SISTEM KETATANEGARAAN REPUBLIK INDONESIA* (Yogyakarta: Universitas Islam Indonesia, 2008).

⁶ Fabian Burkhardt, "The Institutionalization of Relative Advantage: Formal Institutions, Subconstitutional Presidential Powers, and the Rise of Authoritarian Politics in Russia, 1994–2012," *Post-Soviet Affairs* 33, no. 6 (November 2017): 472–95, <https://doi.org/10.1080/1060586X.2017.1388471>.

⁷ Titik Triwulan Tutik, "Position and Functions of Judges in Enforcing the Supreme of the Law: Case Study of Code of Ethics Violation by Judge," *Walisongo Law Review (Walrev)* 3, no. 2 (December 2021): 185–222, <https://doi.org/10.21580/walrev.2021.3.2.9996>.

⁸ Astrid S. Tuminez, "Nationalism, Ethnic Pressures, and the Breakup of the Soviet Union," *Journal of Cold War Studies* 5, no. 4 (September 2003): 81–136, <https://doi.org/10.1162/152039703322483765>.

⁹ Firdaus Arifin, "Pembentukan Kabinet Dalam Sistem Pemerintahan Presidensial Di Indonesia: Studi Komparasi UUD 1945 Sebelum Dan Setelah Perubahan," *Lex Renaissance* 9, no. 2 (December 2024): 333–58, <https://doi.org/10.20885/JLR.vol9.iss2.art5>.

the president as the holder of the main power, which in some cases causes an imbalance between the executive and legislative branches.¹⁰

Furthermore, another challenge in the implementation of the separation of powers in both countries is how the judicial system carries out its functions independently. In Indonesia, the Constitutional Court (MK) plays a strategic role in upholding the constitutionality of laws and serves as a balance between the executive and legislative branches. However, debates often arise regarding the independence of the judiciary from political interference.¹¹ In Russia, although the constitution guarantees the independence of the courts, in practice, there is still a lot of criticism regarding political influence on court decisions.¹²

This research will also examine how power-sharing models affect political stability and the effectiveness of government in both countries. In the case of Indonesia, although the government system has undergone various reforms, challenges remain in addressing conflicts between the center and regions and in strengthening the accountability of state institutions.¹³ Meanwhile, in Russia, although political stability tends to be more secure due to the strong leadership of the president, the limited space for opposition and political freedom remains a contentious issue.¹⁴

This research aims to provide insights into the strengths and weaknesses of each system and how power-sharing can be developed to support better governance. It is anticipated that this research will contribute to the study of constitutional law, specifically in understanding how the principle of separation of powers is implemented in different government systems. In addition, this study can serve as a reference for policymakers in formulating more effective regulations to maintain the balance of power between state institutions. Thus, this research is not only academic but also has practical relevance in supporting improvements to the state structure in Indonesia and the Russian Federation.

Research on power-sharing models in constitutional law, particularly case studies of Indonesia and the Russian Federation, has been the focus of various

¹⁰ David G. Lewis, *Russia's New Authoritarianism* (Edinburgh University Press, 2020).

¹¹ Adi Putra, "Peran Mahkamah Konstitusi Dalam Menjaga Keseimbangan Kekuasaan Di Sistem Pemerintahan Indonesia," *Warta Dharmawangsa* 18, no. 4 (October 2024): 1451–62, <https://doi.org/10.46576/wdw.v18i4.5690>.

¹² Kathryn Hendley, "Russian Legal System and Use of Law," in *Oxford Research Encyclopedia of Politics* (Oxford University Press, 2024), <https://doi.org/10.1093/acrefore/9780190228637.013.2248>.

¹³ Suryanto, "IMPLIKASI IMPLEMENTASI KEBIJAKAN DESENTRALISASI DAN OTONOMI DAERAH TERHADAP HUBUNGAN KEUANGAN PUSAT – DAERAH," *Jurnal Borneo Administrator* 2, no. 3 (2006), <https://doi.org/https://doi.org/10.24258/jba.v2i3.154>.

¹⁴ Vidya Nadkarni et al., "Forum: The Russia–Ukraine War and Reactions from the Global South," *The Chinese Journal of International Politics* 17, no. 4 (September 2024): 449–89, <https://doi.org/10.1093/cjip/poae021>.

academic studies. Previous research has addressed important aspects of the government systems of both countries, including constitutional structure, checks and balances mechanisms, and the implementation of the principle of separation of powers. Here is a summary of some relevant research in this context.

One study that highlights a comparison of the constitutions of Indonesia and Russia is an article published on ResearchGate titled "Comparison of the Constitution of the Republic of Indonesia and Russia". This study discusses the state institutional structure in Russia, which is divided into three branches of power: executive, legislative, and judicial. The executive branch in Russia is led by the president, who has broad authority, including selecting the Prime Minister with the approval of the State Duma and directing foreign policy. However, the Russian president has limitations on his power and can be impeached with the approval of two-thirds of the members of the State Duma. This study also highlights the role of the State Duma and the Federation Council in the Russian legislative structure, as well as the function of the Constitutional Court in the judicial branch. A comparison with Indonesia shows that although both countries uphold the principle of separation of powers, there are significant differences in the government systems adopted, where Indonesia adopts a pure presidential system while Russia adopts a semi-presidential system.¹⁵

Another relevant piece of research is the article titled "Constitutional Law: The System of Territorial Control with the Formation of Federal Districts in the Russian Federation" published in the ADALAH journal. This article discusses President Vladimir Putin's policy in 2000 to form nine federal districts to oversee federal subjects in Russia. This policy aimed to strengthen central control over federal territories and ensure the effective implementation of national policies. This research provides insights into how the federal structure in Russia is implemented and how the central government controls regions through the formation of federal districts. This provides an important perspective in understanding the dynamics of power-sharing between the central and regional governments in Russia.¹⁶

In the Indonesian context, research titled "Dynamics of the Relationship between the Executive, Legislative, and Judiciary in the Indonesian Constitutional Law System" published in the Tambusai Education Journal discusses the role, function, and interaction between the three branches of government in the

¹⁵ Ilham Dwi Rafiqi, "Perbandingan Konstitusi Negara Indonesia Dan Rusia," *Widya Yuridika* 5, no. 1 (May 2022): 1, <https://doi.org/10.31328/wy.v5i1.3561>.

¹⁶ Nur Rohim Yunus, "Constitutional Law: Sistem Kontrol Wilayah Dengan Pembentukan Distrik Federal Di Negara Rusia," *ADALAH* 6, no. 1 (June 2022): 85–100, <https://doi.org/10.15408/adalah.v6i1.26610>.

Indonesian constitutional law system. This research highlights that although the Indonesian constitution affirms the principle of separation of powers, in practice, there is often dependence and influence between institutions influenced by political dynamics. The executive has a dominant influence on the legislature, which can lead to the legislature's dependence on executive policy. In addition, the independence of the judiciary is often hampered by political pressure from the executive and legislative branches, which affects fairness in the judicial process. This research emphasizes the importance of strengthening the independence and autonomy of each branch of government and maintaining a balance of power so that the implementation of law and justice can run optimally.¹⁷

In addition, the article titled "Comparison of the Constitution and Institutions between Indonesia and Russia Based on the System and Mechanism of Human Rights" published in Indonesian Legal Literacy discusses the 1993 revision of the Russian Federation Constitution, which changed Russia's form of state to a federation. This constitution consists of a preamble and two parts that explain the basis of the political, social, legal, economic, fundamental rights and freedoms, and institutional structure of Russia. This study also highlights the bicameral parliamentary system in Russia, consisting of the Federation Council and the State Duma, as well as the role of the president as head of state who oversees the coordination of the functions and interaction of state institutions. A comparison with Indonesia shows that although both countries have different institutional structures, both emphasize the importance of the separation of powers and independence between the legislature, executive, and judiciary.¹⁸

These studies make a significant contribution to understanding the power-sharing model in Indonesian and Russian constitutional law. While there are similarities in the application of the principle of separation of powers, differences in government systems and institutional structures reflect the unique characteristics of each country. Indonesia, with its pure presidential system, and Russia, with its semi-presidential system, show how historical, political, and socio-cultural contexts influence the implementation of state law principles. Such comparative studies are important for evaluating the effectiveness of checks and balances mechanisms and for understanding the challenges faced in maintaining the balance of power between branches of government.

¹⁷ Muhammad Naufal Razzan Hamdi et al., "Dinamika Hubungan Antara Eksekutif, Legislatif, Dan Yudikatif Dalam Sistem Hukum Tata Negara Indonesia," *Jurnal Pendidikan Tambusai* 8, no. 2 (2024).

¹⁸ Dini Wininta Sari, "Perbandingan Konstitusi Dan Kelembagaan Antara Indonesia Dengan Rusia Berdasarkan Sistem Dan Mekanisme Hak Asasi Manusia," *Literasi Hukum Indonesia*, 2023.

In addition, these studies highlight the importance of judicial independence in ensuring justice and effective law enforcement. In Indonesia, although there are efforts to strengthen the independence of the judiciary, political pressure from the executive and legislature remain a challenge. In Russia, although the constitution guarantees judicial independence, the strong influence of the executive can influence judicial decisions. This shows that the separation of powers requires not only a clear legal framework but also a political culture that supports the independence and accountability of each branch of government.

Problems (Constantia, 12 Pt)

Based on the background explanation above, the formulation of the problem in this research is:

1. What is the model for the division of powers in constitutional law in Indonesia and the Russian Federation based on their respective systems of government?
2. What are the advantages and disadvantages of implementing the division of powers in Indonesia and the Russian Federation and its implications for government stability?

Methods (Constantia, 12 Pt)

This research uses a normative legal research method, which focuses on the study of laws and regulations, legal principles, and relevant legal doctrines.¹⁹ With the model of division of powers in constitutional law in Indonesia and the Russian Federation. Normative legal research aims to analyze how the concept of division of powers is regulated in the constitution and legal regulations in both countries and how these norms are applied in constitutional practice. With this method, the research will attempt to identify the strengths and weaknesses of the system of division of powers based on case studies in Indonesia and the Russian Federation.

In this study, several legal research approaches are used to gain a comprehensive understanding of the object of study. The first approach is the statute approach, which is used to analyze the legal norms governing the division of powers in the constitutions of Indonesia and the Russian Federation and their derivative regulations. Second, the comparative approach is carried out by comparing the models of division of powers in the two countries to find similarities and differences in their application. Third, the conceptual approach is used to understand the basic concept of the division of powers in constitutional law and the theories that support it.

¹⁹ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta: Kencana, 2021).

Dikomentari [LU4]: General comment:

The problem formulation presented in this article is **insufficiently precise and academically underdeveloped**. As it currently stands, the research questions are overly broad, somewhat vague in terminology, and **lack analytical depth** expected in constitutional law scholarship—particularly for a comparative study involving two distinct political-legal systems.

Comment on Problem 1:

“What is the model for the division of powers in constitutional law in Indonesia and the Russian Federation based on their respective systems of government?”

This formulation is **overly descriptive and lacks comparative direction**. The phrase “model for the division of powers” is too general and leaves room for interpretive ambiguity—whether the analysis is structural, functional, or institutional is not made clear. Moreover, the question fails to engage with the **comparative dimension** of the study, which is supposed to be its core focus. Editorial Recommendation (Rephrasing): **How do the models of separation of powers in Indonesia and the Russian Federation compare in relation to their respective constitutional and governmental structures?**

Comment on Problem 2:

“What are the advantages and disadvantages of implementing the division of powers in Indonesia and the Russian Federation and its implications for government stability?”

This question is **methodologically problematic**. First, the use of “advantages and disadvantages” is simplistic and fails to reflect the **complex institutional dynamics** inherent in constitutional design and practice. Second, by combining normative evaluation and impact analysis into one question, it becomes **thematically overloaded** and lacks focus.

Editorial Recommendation (Rephrasing): **“How does the implementation of the separation of powers in Indonesia and the Russian Federation influence institutional performance and political stability?”**

This version elevates the analytical quality of the research by encouraging exploration of causal relationships between constitutional structure and governance outcomes—a far more relevant and rigorous inquiry in the context of modern comparative constitutional law.

The author is strongly advised to revise the problem formulation entirely. Without a clear and focused research question, the article risks becoming a descriptive summary rather than an academically valuable comparative analysis. Problem formulation is not merely a formality—it is the conceptual backbone of scholarly work. It must be approached with clarity, precision, and theoretical intent.

This research relies on legal material sources which are divided into three main categories.²⁰ Primary legal materials include the constitutions of both countries, namely the 1945 Constitution of the Republic of Indonesia (UUD 1945) and the 1993 Constitution of the Russian Federation, as well as laws and regulations related to the division of powers in each country. Secondary legal materials consist of legal literature, books, scientific journals, and academic articles that discuss the principle of division of powers in constitutional law and its implementation in various systems of government. Tertiary legal materials include legal dictionaries, legal encyclopedias, and other references that provide additional understanding of the legal concepts used in this study.

The data collection technique in this normative legal research is carried out through library research.²¹, namely by collecting, reviewing, and analyzing various legal documents, books, journals, and other relevant sources. Data is collected from credible sources such as official laws and regulations, court decisions relating to the division of power, and scientific articles from research institutions or universities. In addition, secondary data sources are obtained from previous research results that discuss similar themes in order to enrich the analysis.

The data that has been collected is analyzed using qualitative analysis techniques.²², namely by examining the contents of various legal sources and interpreting legal rules relevant to the model of division of powers in Indonesia and the Russian Federation. The analysis is carried out descriptively by explaining how the principle of division of powers is applied in both countries, as well as comparatively to find patterns, differences, and similarities in the implementation of their constitutional systems. In addition, this study also uses legal interpretation methods, such as systematic interpretation to understand the relationship between legal norms, as well as historical interpretation to see the development of the division of powers in the constitutional law of each country over time.

With this research method, it is hoped that the research can provide a deep and systematic understanding of the power-sharing model in Indonesia and the Russian Federation and its implications for the governance system and political stability in both countries.

Discussion (Constantia, 12 Pt)

Model of Division of Powers in Constitutional Law: Case Study of Indonesia and the Russian Federation

²⁰ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

²¹ Sugiyono, *Metode Penelitian Kuantitatif Kualitatif Dan R&D* (Bandung: Alfabeta, 2019).

²² Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2017).

The division of powers in constitutional law is a fundamental principle in the modern system of government. This concept aims to avoid the concentration of power in one hand and ensure balance between the various branches of government. This principle refers a lot to the theory of trias politica developed by Montesquieu, which divides power into three main branches: executive, legislative, and judiciary.²³ However, in practice, the application of this concept varies from country to country, depending on the system of government adopted and the political and legal context that develops in that country.

Indonesia and the Russian Federation are two countries that have different models of power sharing, according to the system of government they implement. Indonesia adopts a presidential system of government, which places the President as both head of state and head of government.²⁴ Meanwhile, Russia implements a semi-presidential system, which divides executive power between the President and the Prime Minister.²⁵ The differences in these models of government have a direct impact on the distribution of power in the state system of each country.

This discussion delves into how the model of power-sharing in constitutional law is implemented in Indonesia and Russia, encompassing the executive, legislative, and judicial branches. By understanding the governmental structures of both countries, we can gain a clearer picture of the strengths and weaknesses of each system and its implications for political stability and governance.

Indonesia adopts a presidential system of government, where the President serves as both head of state and head of government, directly elected by the people through general elections. The model of power-sharing in Indonesia is enshrined in the 1945 Constitution, particularly after four amendments that clarified the relationships between state institutions and strengthened the principle of democracy.²⁶ In general, the division of power in Indonesia is divided into two main categories, namely horizontal and vertical division of power.

1. Horizontal Division of Power

²³ Ibnu Sina Chandranegara, "GENEALOGY OF CHECKS AND BALANCES FORMULA ON THE CONSTITUTION," *Proceedings The 2nd International Multidisciplinary Conference 2016* 1, no. 1 (2016).

²⁴ Sudirman, "KEDUDUKAN PRESIDEN DALAM SISTEM PEMERINTAHAN PRESIDENSIAL (Telaah Terhadap Kedudukan Dan Hubungan Presiden Dengan Lembaga Negara Yang Lain Dalam Undang-Undang Dasar NRI Tahun 1945)," *Brawijaya Law Student Journal*, 2014.

²⁵ Thomas Sedelius, Olga Mashtaler, and Tapio Raunio, "Semi-Presidentialism and War: Executive Leadership Models in Ukraine during Zelenskyi's Presidency," *East European Politics* 40, no. 4 (October 2024): 658–83, <https://doi.org/10.1080/21599165.2024.2369978>.

²⁶ Daniel Susilo and Mohammad Roesli, "KONSEP PEMERINTAHAN INDONESIA MENURUT UUD 1945," *Himbar Yustitia: Jurnal Hukum Dan Hak Asasi Manusia* 2, no. 1 (2018), <https://doi.org/https://doi.org/10.52166/mimbar.v2i1.1385>.

Horizontal separation of powers refers to the distribution of power among state institutions that hold equal standing. In Indonesia's governmental system, this power is divided into several forms, including:²⁷

- Executive Power → exercised by the President, who is responsible for implementing laws, national policies, and foreign relations.
- Legislative Power → vested in the House of Representatives (DPR), which has the primary responsibility of enacting laws and overseeing the government's operations.
- Judicial Power → exercised by the Supreme Court (MA) and the Constitutional Court (MK), responsible for upholding the law and assessing the constitutionality of legislation.
- Examination Power → held by the Audit Board of Indonesia (BPK) which is tasked with overseeing the management of state finances.
- Constitutive Power → held by the People's Consultative Assembly (MPR) which has the authority to amend the Constitution.

The principle of checks and balances is applied to ensure that no one branch of power dominates and abuse of authority can be prevented.

2. Vertical Division of Power

Besides horizontal separation of powers, Indonesia also implements vertical separation of powers, which pertains to the relationship between the central government and local governments. This principle is materialized through decentralization and regional autonomy, as stipulated in Article 18 of the 1945 Constitution.²⁸ The central government holds authority over matters such as defense, foreign policy, national security, monetary policy, and the national legal system. Meanwhile, local governments are empowered in areas like healthcare, education, infrastructure, and social welfare. This division aims to bring public services closer to the people and enhance government efficiency.²⁹

Unlike Indonesia, Russia employs a semi-presidential system of government, characterized by a dual executive structure involving the President

²⁷ Bernadetha Aurelia Oktavira, "Kekuasaan Eksekutif, Legislatif, Dan Yudikatif Di Indonesia," Hukum Online, 2024.

²⁸ Monica Ayu Caesar Isabela, "Pembagian Kekuasaan Horizontal Dan Vertikal Di Indonesia," KOMPAS.com, 2022.

²⁹ Ofelia Maria Paendong, "KEDUDUKAN DAN KEWENANGAN PEMERINTAH PUSAT TERHADAP OTONOMI KHUSUS PROVINSI PAPUA MENURUT UNDANG-UNDANG NOMOR 2 TAHUN 2021 TENTANG PERUBAHAN KEDUA ATAS UNDANG-UNDANG NOMOR 21 TAHUN 2001 TENTANG OTONOMI KHUSUS BAGI PROVINSI PAPUA," *Lex Privatum* 10, no. 2 (2022).

and Prime Minister. The 1993 Constitution of the Russian Federation serves as the primary legal framework for regulating the separation of powers in this nation.³⁰

1. Executive Branch

The executive branch in Russia consists of two main figures, namely the President and the Prime Minister.³¹

- The President of Russia serves as the head of state with extensive powers, encompassing control over foreign policy, defense, and international relations. The President also holds the authority to appoint and dismiss high-ranking officials, including the Prime Minister and other ministers.
- The Prime Minister is responsible for day-to-day governance and managing domestic policy. Although the Prime Minister is elected by the State Duma (lower house of parliament), in practice, the President wields significant influence in the appointment of the Prime Minister.
- Executive power in Russia tends to be centralized in the President, who has dominant authority in running the government.

2. Legislative Branch

The Russian parliament is called the Federal Assembly, which consists of two chambers:

1. State Duma (Lower House) → is responsible for making laws and supervising the executive.
2. Federation Council (Upper House) → has a role in approving federal policies, including decisions regarding territories and inter-regional relations.

The Russian parliament has more limited powers than parliaments in pure presidential systems.

3. Judicial Branch

The judicial system in Russia comprises the Constitutional Court, the Supreme Court, and various other courts. However, there are widespread criticisms regarding the independence of the judiciary in Russia, as it is often perceived to be subservient to the interests of the executive branch, particularly the President.³²

³⁰ Matthew Soberg Shugart, "Semi-Presidential Systems: Dual Executive And Mixed Authority Patterns," *French Politics* 3, no. 3 (December 2005): 323–51, <https://doi.org/10.1057/palgrave.fp.8200087>.

³¹ Nur Rohim Yunus, "Sistem Pemerintahan Presidensial Negara Federasi Rusia," *ADALAH* 1, no. 8 (August 2017), <https://doi.org/10.15408/adalah.v1i8.9122>.

³² Lintje Anna Marpaung, "The Comparison Between Indonesian Constitutional Court and Russian Constitutional Court," *1st International Conference on Law, Business and Governance*, 2013.

The following is a comparative table of the models of division of powers in constitutional law between Indonesia and the Russian Federation based on their respective systems of government:

Aspect	Indonesia (Presidential System)	Russian Federation (Semi-Presidential System)
Head of state	President	President
Head of Government	President	Prime Minister (in some aspects, the President also has a significant role in government)
Presidential Election	Directly elected by the people	Elected through elections, but has great power in government
Presidential Term	5 years, maximum 2 terms (according to the 1945 Constitution)	6 years, can be re-elected (can be extended through constitutional amendment)
Presidential Powers	Very strong in government, but still supervised by the DPR and MK	Very dominant, controlling many aspects of government, including the appointment of the Prime Minister.
Prime Minister	There isn't any	There is, but it plays a role as a technical implementer of government and is subject to the President.
Legislative Power	DPR as the main institution in the formation of laws	Federal Assembly (State Duma and Federation Council), but in practice influenced by the President
Executive-Legislative Relations	Separate and mutually monitored (checks and balances)	Tends to lean towards the executive, because the President has great control over the State Duma.
Judicial System	Independent, consisting of the Constitutional Court (MK) and the Supreme Court (MA)	In theory it is independent, but in practice it often comes under pressure from executives.
Regional autonomy	Using a decentralized system, with a division of authority between the	Using a federal system, where each region has its own government, but in practice

	central and regional governments.	remains closely monitored by the central government.
Political Stability	Stable with more transparent democratic mechanisms	Stable but tends to be authoritarian due to the President's dominance in various aspects of government.

From this table, it can be concluded that although both have a power-sharing system, Indonesia emphasizes checks and balances more, while Russia tends to have a more centralized government on the President. Based on the discussion above, there are several main differences between the power-sharing models in Indonesia and Russia:

1. Government system
 - Indonesia → Presidential, the President has full authority as head of government.
 - Russia → Semi-Presidential, there is executive dualism between the President and the Prime Minister.
2. Powers of the President
 - Indonesia → The President is directly responsible for the government and is elected by the people.
 - Russia → The President has very dominant control, even stronger than the Prime Minister.
3. Legislative Role
 - Indonesia → The DPR has great authority in legislation.
 - Russia → The State Duma has a role in legislation, but is under the strong control of the President.
4. Judicial System
 - Indonesia → The judiciary is more independent with the existence of the Constitutional Court and the Supreme Court.
 - Russia → The judiciary is often criticized for lacking independence and being subordinate to executive power.

Overall, the system in Indonesia is more balanced in the distribution of power, while the system in Russia is more centralized on the power of the President, although in theory there is a wider distribution of power.

Advantages and Disadvantages of the Implementation of the Division of Power in Indonesia and the Russian Federation and its Implications for Government Stability

The division of powers is a fundamental principle in constitutional law that aims to prevent the concentration of power in one entity and ensure the existence

of a mechanism of checks and balances. This concept was first developed by Montesquieu in his work *The Spirit of the Laws* (1748), which divides state power into three main branches, namely the executive, legislative, and judiciary.³³ Although this principle is applied in many countries, its implementation varies greatly depending on the system of government adopted.

Indonesia adopts a presidential system of government, where executive power lies in the hands of the President who is directly elected by the people and has broad authority in running the government.³⁴ On the other hand, the Russian Federation adopts a semi-presidential system, which in theory divides executive power between the President and the Prime Minister, but in practice the Russian President has very dominant control over the government..³⁵ Both models have their own advantages and disadvantages, especially in terms of decision-making effectiveness, political stability, and government accountability. In this discussion, we analyze in depth the advantages and disadvantages of the division of power in Indonesia and Russia and their impact on government stability in both countries.

Advantages and Disadvantages of Division of Power in Indonesia

Advantages

1. Strong Checks and Balances Mechanism

One of the main advantages of the presidential system in Indonesia is the clear separation of powers between the executive, legislative, and judiciary. The President does not have the authority to dissolve parliament (DPR), while the DPR also cannot bring down the President except through a strict impeachment mechanism as stipulated in Article 7A of the 1945 Constitution. This mechanism maintains the balance of power and prevents abuse of authority by one branch of government.³⁶

2. Strong Legitimacy of Direct Elections

The President in Indonesia is directly elected by the people in elections every five years. This provides strong political legitimacy for the government because the President obtains a direct mandate from the people, not from parliament. This system also increases the political

³³ Alvian Tresna Chariza and Moh. Indra Bangsawan, "Reviewing Montesquieu's Thoughts on Trias Politica and Its Relevance to Article 6A Paragraph (2) of the 1945 Constitution of the Republic of Indonesia: Securing Freedom and Preventing Authoritarianism," *Proceeding International Conference Restructuring and Transforming Law* 2, no. 2 (2023).

³⁴ Mohammad Ahsanul Khuluqi and Muwahid Muwahid, "Sejarah Sistem Pemerintahan Dan Kekuasaan Eksekutif Di Indonesia," *Al-Qanun Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 26, no. 2 (January 2024): 167–80, <https://doi.org/10.15642/alqanun.2023.26.2.167-180>.

³⁵ Lana Tsanova, "The Power Balance Issues in the Semi-Presidential Republic," *Journal of Law* 1 (2017).

³⁶ Cora Elly Novianti, "Demokrasi Dan Sistem Pemerintahan," *Jurnal Konstitusi* 10, no. 2 (May 2016): 333, <https://doi.org/10.31078/jk1027>.

participation of the people in the election of national leaders, which is one of the main indicators of a healthy democratic system.³⁷

3. Decentralization and Regional Autonomy

Since the implementation of Law No. 22 of 1999 concerning Regional Government (which was later revised by Law No. 23 of 2014), Indonesia has implemented a decentralized system that gives greater authority to regional governments in managing local affairs. This model allows regions to create policies that are more in line with the needs of local communities without having to rely entirely on the central government.³⁸

4. Independence of the Judicial Power

Since the implementation of Law No. 22 of 1999 concerning Regional Government (which was later revised by Law No. 23 of 2014), Indonesia has implemented a decentralized system that gives greater authority to regional governments in managing local affairs. This model allows regions to create policies that are more in line with the needs of local communities without having to rely entirely on the central government.³⁹

Lack

1. Executive Dependence on the Legislature

Although the President has broad authority, in practice many policies require the approval of the DPR, especially in the ratification of the budget and the formation of laws. If the President comes from a party that does not have a majority in the DPR, then political deadlock often occurs which hinders the running of the government.⁴⁰

2. Political Fragmentation in a Multiparty System

Indonesia implements a multiparty system, where there are many political parties competing in legislative elections. This often results in the formation of unstable government coalitions and hampers the effectiveness of decision-making. In some cases, public policy is held hostage by the political interests of parties in the government coalition.⁴¹

3. Slow Bureaucratic Process

³⁷ Umbu Rauta, "Menggagas Pemilihan Presiden Yang Demokratis Dan Aspiratif," *Jurnal Konstitusi* 11, no. 3 (May 2016): 600, <https://doi.org/10.31078/jk11310>.

³⁸ Ferizaldi, *Dinamika Otonomi Daerah Di Indonesia* (Lhokseumawe: Unimal Press, 2016).

³⁹ Virto Silaban and Kosariza, "Kedudukan Mahkamah Konstitusi Dalam Sistem Ketatanegaraan Republik Indonesia," *Jurnal of Constitutional Law* 1, no. 1 (2021): 1–17.

⁴⁰ Nurrahman Aji Utomo, "Dinamika Hubungan Antara Pengujian Undang-Undang Dengan Pembentukan Undang-Undang," *Jurnal Konstitusi* 12, no. 4 (May 2016): 825, <https://doi.org/10.31078/jk1248>.

⁴¹ Tirta Yasa Agung Barus et al., "MENGURAI PERMASALAHAN SISTEM PEMILU DI INDONESIA DAN DAMPAKNYA TERHADAP DEMOKRASI," *GOVERNANCE: Jurnal Ilmiah Kajian Politik Lokal Dan Pembangunan* 11, no. 2 (December 2024): 40–45, <https://doi.org/10.56015/gjikplp.v11i2.318>.

The existence of a strong system of checks and balances often results in slow bureaucracy in decision-making. Many policies must pass through various administrative and political stages before they can be implemented, which can hinder a quick response to a crisis or urgent need.⁴²

Advantages and Disadvantages of the Division of Powers in the Russian Federation Advantages

1. High Political Stability
Russia's semi-presidential system gives the President strong executive powers, allowing for stable governance. The President has broad powers over domestic and foreign policy, and can appoint and dismiss the Prime Minister without parliamentary approval.⁴³
2. Efficiency in Decision Making
3. Due to the strong executive dominance, government policies can be implemented quickly without having to go through lengthy negotiations with parliament. This makes Russia more responsive to emergency situations, such as economic crises or national security threats.
4. Centralization of Power Prevents Regional Instability
As a federation, Russia has various regions with different characteristics. With a more centralized system of government, the central government can control these regions to prevent the emergence of separatist movements or internal conflicts that could threaten the integrity of the country.

Lack

1. Weak Checks and Balances
Despite the theoretical separation of powers, in practice the Russian President has considerable control over the legislative and judicial branches. The Russian parliament (the State Duma) often acts only as a formal body that approves executive policy, while the judicial system tends to favor the government.⁴⁴
2. Restrictions on Political Freedom
Russia's system of government is often criticized for its lack of political freedoms and its suppression of the opposition. There are many cases where parties or individuals who oppose the government have experienced

⁴² Yusrialis Yusrialis, "BUDAYA BIROKRASI PEMERINTAHAN (Keperihatinan Dan Harapan)," *Jurnal Sosial Budaya* 9, no. 1 (2012), <https://doi.org/http://dx.doi.org/10.24014/sb.v9i1.372>.

⁴³ Connor McAfee, "Semi-Presidentialism: A Pathway to Democratic Backslidefile:///C:/Users/ERLIN/OneDrive/Documents/Semi-Presidentialism-as-Power-Sharing-Constitutional-Reform-after-the-Arab-Spring.Pdf," *The Penn State Journal of Law & International Affairs*, 2023.

⁴⁴ Sujit Choudhry and Richard Stacey, *Semi-Presidentialism as Power Sharing: Constitutional Reform after the Arab Spring*, 2014.

political repression, including restrictions on media access and legal intimidation.⁴⁵

3. Potential for Abuse of Authority

With power so centralized in the President, the Russian system of government is vulnerable to authoritarianism and abuse of power. The lack of effective control mechanisms allows the President to act without much constraint from other state institutions.

The different division of powers in Indonesia and Russia has a significant impact on government stability.

In Indonesia, a strong system of checks and balances allows democracy to develop well, but on the other hand causes the political process to be slow and often hampered by political party interests.⁴⁶ Meanwhile, in Russia, the government is more stable because the President has full control over state policy, but with the consequence of limited political freedom and excessive executive dominance.⁴⁷

In general, Indonesia places more emphasis on democracy and political openness, although it still faces challenges in government effectiveness.⁴⁸ Russia, on the other hand, is more oriented towards political stability with strong executive power, but often at the expense of democratic principles and human rights.⁴⁹ In conclusion, no system is perfect, but a balance between stability and democracy must be maintained so that the government remains effective and accountable to its people.

Conclusion (Constantia, 12 Pt)

The power-sharing systems in the Indonesian and Russian constitutions differ according to their respective systems of government. Indonesia employs a presidential system, where the President serves as both head of state and head of government, wielding strong executive powers but remaining subject to oversight by the legislative (DPR) and judicial (MA and MK) branches under the principle of

⁴⁵ Jennifer Earl, Thomas V. Maher, and Jennifer Pan, "The Digital Repression of Social Movements, Protest, and Activism: A Synthetic Review," *Science Advances* 8, no. 10 (March 2022), <https://doi.org/10.1126/sciadv.abl8198>.

⁴⁶ Febie DY Saiful M., "SISTEM POLITIK DAN PEMERINTAHAN INDONESIA SETELAH REFORMASI," *Jurnal Mahasiswa Karakter Bangsa* 1, no. 1 (2021).

⁴⁷ LR. Watts, *Comparing Federal Systems*. 3rd Editions. London, McGill-Quees University Press, 2008.

⁴⁸ Joko Riskiyono, "PARTISIPASI MASYARAKAT DALAM PEMBENTUKAN PERUNDANG-UNDANGAN UNTUK MEWUJUDKAN KESEJAHTERAAN," *Aspirasi: Jurnal Masalah-Masalah Sosial* 6, no. 2 (2015).

⁴⁹ Yannis A. Stivachtis, "Liberal Democracy, Market Economy, and International Conduct as Standards of 'Civilization' in Contemporary International Society: The Case of Russia's Entry into the 'Community of Civilized States,'" *Journal of Eurasian Studies* 6, no. 2 (July 2015): 130–42, <https://doi.org/10.1016/j.euras.2015.04.001>.

checks and balances. Power in Indonesia is divided horizontally among the executive, legislative, and judicial branches, and vertically through decentralization to local governments. Russia, on the other hand, operates under a semi-presidential system, with the President as head of state holding dominant executive authority, while the Prime Minister is responsible for domestic policy. The Russian Parliament (Federal Assembly), comprising the State Duma and the Federation Council, has limited practical power to oversee the executive. The Russian judicial system, encompassing the Constitutional Court and the Supreme Court, is often criticized for lacking independence due to the President's strong influence. Thus, Indonesia emphasizes a balance of power through democratic mechanisms, while Russia tends towards a more centralized executive power vested in the President.

The implementation of power-sharing in Indonesia and Russia has advantages and disadvantages affecting governmental stability. Indonesia's presidential system boasts robust checks and balances, ensuring equilibrium among the executive, legislative, and judicial branches. The President's legitimacy, derived from direct elections, strengthens political stability, but often faces challenges such as political deadlock due to party fragmentation and bureaucratic slowdowns. Conversely, Russia's semi-presidential system grants significant power to the President, enabling efficient decision-making and stronger political stability. However, excessive executive dominance weakens checks and balances, restricts political freedoms, and increases the risk of authoritarianism. Consequently, Indonesia faces challenges in governmental effectiveness but enjoys greater democracy, while Russia is more stable but with limitations on political freedom and governmental accountability.

To enhance governmental effectiveness, Indonesia needs to strengthen coordination between the executive and legislative branches to prevent political deadlock without sacrificing checks and balances, and to streamline bureaucracy for faster and more efficient decision-making. Russia, meanwhile, should bolster the independence of the legislative and judicial branches and create space for political freedom to make the government more transparent and accountable without compromising national stability. Both countries can learn from each other: Indonesia can adopt aspects of Russian efficiency, while Russia can emulate Indonesia's more open democracy, aiming for a balance between stability and sound democratic principles.

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Comparing the Separation of Powers in Indonesia and Russia: Constitutional Structures and Political Impacts

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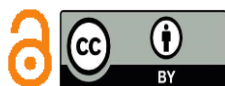
The separation of powers in Indonesia and Russia exhibits notable differences shaped by their respective government systems. Indonesia, a unitary state with a presidential system, strives to maintain a balance among executive, legislative, and judicial branches while pursuing decentralization to empower regional governments. In contrast, Russia, a federal state with a semi-presidential system, maintains centralized authority with significant executive dominance by the president. This study analyzes the separation of powers in the constitutional frameworks of Indonesia and Russia, examining their strengths, weaknesses, and implications for governmental stability. Employing a normative legal research method with statutory, comparative, and conceptual approaches, this research focuses on constitutional texts and related regulations without redundant references to library research techniques. The findings reveal that Indonesia emphasizes democratic checks and balances but faces challenges such as political gridlock and bureaucratic inertia, whereas Russia achieves stronger political stability at the cost of weakened checks and balances and restricted political freedoms. Ultimately, the research highlights that while Indonesia advances democratic governance, Russia prioritizes executive efficiency, and each system offers lessons on balancing institutional power for effective and accountable governance.

Keywords:

Division, Power, Presidential, Semi-Presidential, Stability.

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Introduction

The division of powers is a fundamental principle in constitutional law that serves to maintain balance in a country's government system. This concept is rooted in Montesquieu's thinking in his work *L'Esprit des Lois* (1748), which states that to prevent abuse of power, state power must be separated into three main branches: executive, legislative, and judiciary. This principle is not only applied in democratic countries but also becomes the basis for various government systems in the world.¹ However, the implementation of the separation of powers can vary depending on the political system, history, and government structure of each country.

In a global context, there are various models of the separation of powers that have developed, including the unitary state model and the federal state model. Unitary states tend to have centralized governments, while federal states give greater authority to local governments or states in regulating their own domestic affairs.² Two countries with differing governmental systems, Indonesia and the Russian Federation, are interesting to study in the context of constitutional law because both implement distinctive models of power-sharing in accordance with their respective political and constitutional characteristics.

The division of powers is a fundamental principle in constitutional law that serves to maintain balance in a country's government system. Rooted in Montesquieu's concept of *trias politica* in *L'Esprit des Lois* (1748), this principle separates state power into executive, legislative, and judicial branches to prevent the abuse of authority.³ While applied across democratic systems worldwide, the actual implementation of separation of powers varies based on each nation's political history, structure, and cultural context.

In the global context, numerous models of power-sharing have evolved, most notably the distinction between unitary and federal states. Unitary systems tend to centralize authority, whereas federal systems grant significant autonomy to regional governments. Against this backdrop, Indonesia and the Russian Federation present particularly interesting case studies. Despite their differing constitutional structures Indonesia as a unitary state with a presidential system

¹ Suparto Suparto, "Teori Pemisahan Kekuasaan Dan Konstitusi Menurut Negara Barat Dan Islam," *Hukum Islam* 19, no. 1 (October 23, 2019): 134, <https://doi.org/10.24014/hi.v19i1.7044>.

² Prayudi, "DESENTRALISASI DALAM SISTEM PEMERINTAHAN INDONESIA: POLITIK NEGARA DI TENGAH HUBUNGAN PUSAT-DAERAH," *Jurnal Kajian: Menjembatani Teori Dan Persoalan Masyarakat Dalam Perumusan Kebijakan* 19, no. 4 (2014), <https://doi.org/https://doi.org/10.22212/kajian.v19i4.561>.

³ Tobias Oberdieck and Enrico Moch, "Principle of Separation of Powers between the Legislature and Judicially," *International Journal of Public Administration, Management and Economic Development* 8, no. 2 (December 31, 2023), <https://doi.org/10.60026/ijpamed.v8i2.129>.

and Russia as a federal state with a semi-presidential system both countries exhibit tendencies toward executive centralization.⁴ This phenomenon invites a deeper analysis of how the separation of powers is maintained or challenged within contrasting governmental frameworks.

The selection of Russia as a comparative case is deliberate and academically significant. First, both Indonesia and Russia have undergone major political and systemic transitions in the late twentieth century Indonesia following the Reformasi era (1998) and Russia after the collapse of the Soviet Union (1991) leading to substantial constitutional and governmental reforms. Second, although differing in state structure (unitary vs. federal), both countries have experienced centralization of executive authority, raising critical questions about the resilience of separation of powers in different governance models. Third, compared to other federal states like the United States or Germany, Russia presents a hybrid model where federalism coexists with strong presidential dominance, offering a more relevant comparative framework for understanding executive-legislative dynamics and decentralization challenges in Indonesia.⁵

Therefore, the comparative focus on Russia allows for a nuanced exploration of how political centralization can emerge in distinct constitutional settings and the implications this has for democratic governance and institutional balance.⁶ Previous research on comparative constitutional law provides important insights into the government structures of both countries. However, the present study seeks to enrich the discourse by integrating sources not only from Indonesian and international literature but also by drawing upon Russian constitutional texts, scholarly analyses by Russian legal experts, and reputable Russian-based journalistic sources. Incorporating these materials aims to ensure a more balanced, credible, and in-depth understanding of Russia's constitutional practices beyond external interpretations. This approach is essential to minimize bias and strengthen the validity of the comparative analysis.⁷

⁴ Blake Hudson, "Federal Constitutions: The Keystone of Nested Commons Governance," *LSU Law Digital Commons* 154 (2012).

⁵ Muhamad Trishadi Pratama and Mohammad Iskandar, "Indoctrination in Higher Education: Guided Democracy Politics in Campus Environments, 1961–1965," in *Trajectories of Memory* (Singapore: Springer Nature Singapore, 2023), 203–21, https://doi.org/10.1007/978-981-99-1995-6_12.

⁶ Rendy Pahrin Wadipalapa et al., "An Ambitious Artificial Intelligence Policy in a Decentralised Governance System: Evidence From Indonesia," *Journal of Current Southeast Asian Affairs* 43, no. 1 (April 22, 2024): 65–93, <https://doi.org/10.1177/18681034231226393>.

⁷ Nur Rohim Yunus, Amrizal Siagian, and Fitriyani Zein, "Constitutional Law System in Indonesia and Its Comparison with Other Legal Systems," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 9, no. 6 (September 19, 2022): 1837–58, <https://doi.org/10.15408/sjsbs.v9i6.28113>.

Indonesia, as a unitary state, adopts a presidential system based on the 1945 Constitution (UUD 1945) as its supreme law. Although it has a concept of separation of powers among the executive, legislative, and judicial branches, in practice, there is often an overlap of authority among these three institutions. Furthermore, the political reforms that began in the late 1990s have brought about significant changes to the Indonesian government system, including the decentralization of authority through the implementation of regional autonomy. This decentralization gives greater roles to local governments in managing government affairs, but remains within the framework of the Unitary State of the Republic of Indonesia (NKRI).⁸

Conversely, the Russian Federation is a country that adopts a semi-presidential system within a federal state structure. Based on the 1993 Russian Constitution, the country is divided into several federal subjects, including republics, krais, oblasts, and federal cities, each of which has specific powers guaranteed by the constitution. This system provides regional autonomy in managing domestic affairs, although in practice, power remains highly centralized in the hands of the Russian President. The executive dualism in the Russian semi-presidential system also creates its own dynamics in the relationship between the president, prime minister, and parliament.⁹

The study of power-sharing models in Indonesia and the Russian Federation is crucial for understanding how the principle of separation of powers is applied in different contexts. While both countries adopt a separation of powers in their government systems, implementation in practice often faces various challenges. One of the main issues in the Indonesian government system is the dominance of the executive branch in the legislative process and public policy.¹⁰ On the other hand, although Russia theoretically grants authority to the subjects of the federation, the president's enormous powers often limit regional autonomy in decision-making.¹¹

⁸ Cut Novisar Syahfitri, Irfan Setiawan, and Nurul Khoiriah Putri, "Penerapan Sistem Pemerintahan Indonesia Ditinjau Dari Pendekatan Berbasis Teori Maupun Praktik," *Tata Kelola Pemerintahan Daerah* 13, no. 1 (2021), <https://doi.org/https://doi.org/10.33701/jiapd.v13i1.2036>.

⁹ Nur Rohim Yunus, "Constitutional Law: Implikasi Bentuk Negara, Bentuk Pemerintahan Dan Sistem Pemerintahan Terhadap Sistem Bernegara Federasi Rusia," *Adalah: Buletin Hukum Dan Keadilan* 5, no. 1 (2021), <https://doi.org/https://doi.org/10.15408/adalah.v5i1.38425>.

¹⁰ M. Arsyad Mawardi, *Pengawasan Dan Keseimbangan Antara Dewan Perwakilan Rakyat Dan Priziden Dalam Sistem Ketatanegaraan Republik Indonesia* (Yogyakarta: Universitas Islam Indonesia, 2008).

¹¹ Fabian Burkhardt, "The Institutionalization of Relative Advantage: Formal Institutions, Subconstitutional Presidential Powers, and the Rise of Authoritarian Politics in Russia, 1994–2012," *Post-Soviet Affairs* 33, no. 6 (November 2, 2017): 472–95, <https://doi.org/10.1080/1060586X.2017.1388471>.

In the Indonesian context, changes to the state structure since the reform era have provided space for strengthening the principle of separation of powers. Amendments to the 1945 Constitution have transformed the previously highly centralized government structure into a more democratic and inclusive one. For example, a more open electoral system has enabled the public to directly elect the president, members of the legislature, and regional heads. This has created a stronger mechanism of checks and balances between state institutions.¹² However, the main challenge is how to maintain a balance between the powers of the central and regional governments to prevent overlaps or even conflicts of authority.

In Russia, although the country is officially a federation, many observers believe that its power structure tends towards a more centralized system. The Russian President has significant power in controlling state policy, including in determining government officials at the regional level. Although federal subjects have the right to regulate domestic affairs, in practice, they remain highly dependent on the central government for budget and strategic policy.¹³ This situation has sparked debate about the extent to which Russia truly implements the principle of federalism or whether it is reverting to a centralized system.

From a constitutional law perspective, these differences in power-sharing models reflect how constitutions and legal systems play a crucial role in regulating relations between state institutions. In Indonesia, although the presidential system grants full authority to the president as head of state and head of government, the constitution still assigns a significant role to parliament in the legislative process and executive oversight.¹⁴ Meanwhile in Russia, the semi-presidential system places the president as the holder of the main power, which in some cases causes an imbalance between the executive and legislative branches.¹⁵

Furthermore, another challenge in the implementation of the separation of powers in both countries is how the judicial system carries out its functions independently. In Indonesia, the Constitutional Court (MK) plays a strategic role in upholding the constitutionality of laws and serves as a balance between the executive and legislative branches. However, debates often arise regarding the

¹² Titik Triwulan Tutik, "Position and Functions of Judges in Enforcing the Supreme of the Law: Case Study of Code of Ethics Violation by Judge," *Walisingo Law Review (Walrev)* 3, no. 2 (December 17, 2021): 185–222, <https://doi.org/10.21580/walrev.2021.3.2.9996>.

¹³ Astrid S. Tuminez, "Nationalism, Ethnic Pressures, and the Breakup of the Soviet Union," *Journal of Cold War Studies* 5, no. 4 (September 2003): 81–136, <https://doi.org/10.1162/152039703322483765>.

¹⁴ Firdaus Arifin, "Pembentukan Kabinet Dalam Sistem Pemerintahan Presidensial Di Indonesia: Studi Komparasi UUD 1945 Sebelum Dan Setelah Perubahan," *Lex Renaissance* 9, no. 2 (December 30, 2024): 333–58, <https://doi.org/10.20885/JLR.vol9.iss2.art5>.

¹⁵ David G. Lewis, *Russia's New Authoritarianism* (Edinburgh University Press, 2020).

independence of the judiciary from political interference.¹⁶ In Russia, although the constitution guarantees the independence of the courts, in practice, there is still a lot of criticism regarding political influence on court decisions.¹⁷

This research will also examine how power-sharing models affect political stability and the effectiveness of government in both countries. In the case of Indonesia, although the government system has undergone various reforms, challenges remain in addressing conflicts between the center and regions and in strengthening the accountability of state institutions.¹⁸ Meanwhile, in Russia, although political stability tends to be more secure due to the strong leadership of the president, the limited space for opposition and political freedom remains a contentious issue.¹⁹

This research aims to provide insights into the strengths and weaknesses of each system and how power-sharing can be developed to support better governance. It is anticipated that this research will contribute to the study of constitutional law, specifically in understanding how the principle of separation of powers is implemented in different government systems. In addition, this study can serve as a reference for policymakers in formulating more effective regulations to maintain the balance of power between state institutions. Thus, this research is not only academic but also has practical relevance in supporting improvements to the state structure in Indonesia and the Russian Federation.

Research on power-sharing models in constitutional law, particularly case studies of Indonesia and the Russian Federation, has been the focus of various academic studies. Previous research has addressed important aspects of the government systems of both countries, including constitutional structure, checks and balances mechanisms, and the implementation of the principle of separation of powers. Here is a summary of some relevant research in this context.

One study that highlights a comparison of the constitutions of Indonesia and Russia is an article published on ResearchGate titled "Comparison of the Constitution of the Republic of Indonesia and Russia". This study discusses the

¹⁶ Adi Putra, "Peran Mahkamah Konstitusi Dalam Menjaga Keseimbangan Kekuasaan Di Sistem Pemerintahan Indonesia," *Warta Dharmawangsa* 18, no. 4 (October 31, 2024): 1451–62, <https://doi.org/10.46576/wdw.v18i4.5690>.

¹⁷ Kathryn Hendley, "Russian Legal System and Use of Law," in *Oxford Research Encyclopedia of Politics* (Oxford University Press, 2024), <https://doi.org/10.1093/acrefore/9780190228637.013.2248>.

¹⁸ Suryanto, "Implikasi Implementasi Kebijakan Desentralisasi Dan Otonomi Daerah Terhadap Hubungan Keuangan Pusat – Daerah," *Jurnal Borneo Administrator* 2, no. 3 (2006), <https://doi.org/https://doi.org/10.24258/jba.v2i3.154>.

¹⁹ Vidya Nadkarni et al., "Forum: The Russia–Ukraine War and Reactions from the Global South," *The Chinese Journal of International Politics* 17, no. 4 (September 23, 2024): 449–89, <https://doi.org/10.1093/cjip/poae021>.

state institutional structure in Russia, which is divided into three branches of power: executive, legislative, and judicial. The executive branch in Russia is led by the president, who has broad authority, including selecting the Prime Minister with the approval of the State Duma and directing foreign policy. However, the Russian president has limitations on his power and can be impeached with the approval of two-thirds of the members of the State Duma. This study also highlights the role of the State Duma and the Federation Council in the Russian legislative structure, as well as the function of the Constitutional Court in the judicial branch. A comparison with Indonesia shows that although both countries uphold the principle of separation of powers, there are significant differences in the government systems adopted, where Indonesia adopts a pure presidential system while Russia adopts a semi-presidential system.²⁰

Another relevant piece of research is the article titled "Constitutional Law: The System of Territorial Control with the Formation of Federal Districts in the Russian Federation" published in the ADALAH journal. This article discusses President Vladimir Putin's policy in 2000 to form nine federal districts to oversee federal subjects in Russia. This policy aimed to strengthen central control over federal territories and ensure the effective implementation of national policies. This research provides insights into how the federal structure in Russia is implemented and how the central government controls regions through the formation of federal districts. This provides an important perspective in understanding the dynamics of power-sharing between the central and regional governments in Russia.²¹

In the Indonesian context, research titled "Dynamics of the Relationship between the Executive, Legislative, and Judiciary in the Indonesian Constitutional Law System" published in the Tambusai Education Journal discusses the role, function, and interaction between the three branches of government in the Indonesian constitutional law system. This research highlights that although the Indonesian constitution affirms the principle of separation of powers, in practice, there is often dependence and influence between institutions influenced by political dynamics. The executive has a dominant influence on the legislature, which can lead to the legislature's dependence on executive policy. In addition, the independence of the judiciary is often hampered by political pressure from the

²⁰ Ilham Dwi Rafiqi, "Perbandingan Konstitusi Negara Indonesia Dan Rusia," *Widya Yuridika* 5, no. 1 (May 31, 2022): 1, <https://doi.org/10.31328/wy.v5i1.3561>.

²¹ Nur Rohim Yunus, "Constitutional Law: Sistem Kontrol Wilayah Dengan Pembentukan Distrik Federal Di Negara Rusia," *Adalah* 6, no. 1 (June 18, 2022): 85–100, <https://doi.org/10.15408/adalah.v6i1.26610>.

executive and legislative branches, which affects fairness in the judicial process. This research emphasizes the importance of strengthening the independence and autonomy of each branch of government and maintaining a balance of power so that the implementation of law and justice can run optimally.²²

In addition, the article titled "Comparison of the Constitution and Institutions between Indonesia and Russia Based on the System and Mechanism of Human Rights" published in Indonesian Legal Literacy discusses the 1993 revision of the Russian Federation Constitution, which changed Russia's form of state to a federation. This constitution consists of a preamble and two parts that explain the basis of the political, social, legal, economic, fundamental rights and freedoms, and institutional structure of Russia. This study also highlights the bicameral parliamentary system in Russia, consisting of the Federation Council and the State Duma, as well as the role of the president as head of state who oversees the coordination of the functions and interaction of state institutions. A comparison with Indonesia shows that although both countries have different institutional structures, both emphasize the importance of the separation of powers and independence between the legislature, executive, and judiciary.²³

These studies make a significant contribution to understanding the power-sharing model in Indonesian and Russian constitutional law. While there are similarities in the application of the principle of separation of powers, differences in government systems and institutional structures reflect the unique characteristics of each country. Indonesia, with its pure presidential system, and Russia, with its semi-presidential system, show how historical, political, and socio-cultural contexts influence the implementation of state law principles. Such comparative studies are important for evaluating the effectiveness of checks and balances mechanisms and for understanding the challenges faced in maintaining the balance of power between branches of government.

In addition, these studies highlight the importance of judicial independence in ensuring justice and effective law enforcement. In Indonesia, although there are efforts to strengthen the independence of the judiciary, political pressure from the executive and legislature remain a challenge. In Russia, although the constitution guarantees judicial independence, the strong influence of the executive can influence judicial decisions. This shows that the separation of powers requires not

²² Muhammad Naufal Razzan Hamdi et al., "Dinamika Hubungan Antara Eksekutif, Legislatif, Dan Yudikatif Dalam Sistem Hukum Tata Negara Indonesia," *Jurnal Pendidikan Tambusai* 8, no. 2 (2024).

²³ Dini Wininta Sari, "Perbandingan Konstitusi Dan Kelembagaan Antara Indonesia Dengan Rusia Berdasarkan Sistem Dan Mekanisme Hak Asasi Manusia," *Literasi Hukum Indonesia*, 2023.

only a clear legal framework but also a political culture that supports the independence and accountability of each branch of government. Based on the background explanation above, the formulation of the problem in this research is:

1. How do the models of separation of powers in Indonesia and the Russian Federation compare in relation to their respective constitutional frameworks and systems of government?
2. How does the implementation of the separation of powers in Indonesia and the Russian Federation affect institutional performance and political stability within each country's governance system?

Method

This research uses a normative legal research method, which focuses on the study of laws and regulations, legal principles, and relevant legal doctrines.²⁴ with the model of division of powers in constitutional law in Indonesia and the Russian Federation. Normative legal research aims to analyze how the concept of division of powers is regulated in the constitution and legal regulations in both countries and how these norms are applied in constitutional practice. With this method, the research will attempt to identify the strengths and weaknesses of the system of division of powers based on case studies in Indonesia and the Russian Federation.

In this study, several legal research approaches are used to gain a comprehensive understanding of the object of study. The first approach is the statute approach, which is used to analyze the legal norms governing the division of powers in the constitutions of Indonesia and the Russian Federation and their derivative regulations. Second, the comparative approach is carried out by comparing the models of division of powers in the two countries to find similarities and differences in their application. Third, the conceptual approach is used to understand the basic concept of the division of powers in constitutional law and the theories that support it.

This research relies on legal material sources which are divided into three main categories.²⁵ Primary legal materials include the constitutions of both countries, namely the 1945 Constitution of the Republic of Indonesia (UUD 1945) and the 1993 Constitution of the Russian Federation, as well as laws and regulations related to the division of powers in each country. Secondary legal materials consist of legal literature, books, scientific journals, and academic articles that discuss the principle of division of powers in constitutional law and its implementation in various systems of government. Tertiary legal materials include legal dictionaries,

²⁴ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta: Kencana, 2021).

²⁵ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

legal encyclopedias, and other references that provide additional understanding of the legal concepts used in this study.

The data collection technique in this normative legal research is carried out through library research.²⁶, namely by collecting, reviewing, and analyzing various legal documents, books, journals, and other relevant sources. Data is collected from credible sources such as official laws and regulations, court decisions relating to the division of power, and scientific articles from research institutions or universities. In addition, secondary data sources are obtained from previous research results that discuss similar themes in order to enrich the analysis.

The data that has been collected is analyzed using qualitative analysis techniques.²⁷, namely by examining the contents of various legal sources and interpreting legal rules relevant to the model of division of powers in Indonesia and the Russian Federation. The analysis is carried out descriptively by explaining how the principle of division of powers is applied in both countries, as well as comparatively to find patterns, differences, and similarities in the implementation of their constitutional systems. In addition, this study also uses legal interpretation methods, such as systematic interpretation to understand the relationship between legal norms, as well as historical interpretation to see the development of the division of powers in the constitutional law of each country over time.

With this research method, it is hoped that the research can provide a deep and systematic understanding of the power-sharing model in Indonesia and the Russian Federation and its implications for the governance system and political stability in both countries.

Discussion

1. Comparative Analysis of the Separation of Powers Models in Indonesia and the Russian Federation

The division of powers in constitutional law is a fundamental principle in the modern system of government. This concept aims to avoid the concentration of power in one hand and ensure balance between the various branches of government. This principle refers a lot to the theory of trias politica developed by Montesquieu, which divides power into three main branches: executive, legislative, and judiciary.²⁸ However, in practice, the application of this concept varies from country to country, depending on the system of government adopted and the political and legal context that develops in that country.

²⁶ Sugiyono, "Metode Penelitian Kuantitatif, Kualitatif, Dan R&D," *Bandung: CV. Alfabeta*, 2019.

²⁷ Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2017).

²⁸ Ibnu Sina Chandranegara, "Genealogy Of Checks And Balances Formula On The Constitution," *Proceedings The 2nd International Multidisciplinary Conference 2016* 1, no. 1 (2016).

Indonesia and the Russian Federation are two countries that have different models of power sharing, according to the system of government they implement. Indonesia adopts a presidential system of government, which places the President as both head of state and head of government.²⁹ Meanwhile, Russia implements a semi-presidential system, which divides executive power between the President and the Prime Minister.³⁰ The differences in these models of government have a direct impact on the distribution of power in the state system of each country.

This discussion delves into how the model of power-sharing in constitutional law is implemented in Indonesia and Russia, encompassing the executive, legislative, and judicial branches. By understanding the governmental structures of both countries, we can gain a clearer picture of the strengths and weaknesses of each system and its implications for political stability and governance.

The division of powers in constitutional law is a fundamental principle in the modern system of government, aiming to prevent the concentration of authority and to ensure a balance between various branches of government. Rooted in Montesquieu's trias politica theory, the practical application of this concept varies depending on each nation's political and constitutional system.³¹ Indonesia and the Russian Federation present two distinct models of power-sharing based on their respective systems: Indonesia adopts a presidential system within a unitary state, while Russia applies a semi-presidential model within a federal framework.

The selection of Russia as a comparative case for Indonesia is deliberate and academically grounded. Both countries share experiences of major political transitions in the late 20th century, moving from authoritarian regimes to more structured constitutional frameworks. Despite differences in governmental form (unitary versus federal), both exhibit a trend toward centralization of executive authority, making them relevant for examining the dynamics of separation of powers and the challenges in maintaining institutional balance. Russia was chosen over other federal states, such as the United States or Germany, because it represents a federal system where centralized presidential control is prominent,

²⁹ Sudirman, "Kedudukan Presiden Dalam Sistem Pemerintahan Presidensial (Telaah Terhadap Kedudukan Dan Hubungan Presiden Dengan Lembaga Negara Yang Lain Dalam Undang-Undang Dasar NRI Tahun 1945)," *Brawijaya Law Student Journal*, 2014.

³⁰ Thomas Sedelius, Olga Mashtaler, and Tapio Raunio, "Semi-Presidentialism and War: Executive Leadership Models in Ukraine during Zelensky's Presidency," *East European Politics* 40, no. 4 (October 2024): 658–83, <https://doi.org/10.1080/21599165.2024.2369978>.

³¹ Ashutosh Acharya and Manindra Singh Hanspal, "Comparative Analysis of Separation of Powers: Theoretical and Practical Insights from India," *International Journal of Political Science and Governance* 7, no. 1 (January 1, 2025): 191–98, <https://doi.org/10.33545/26646021.2025.v7.iic.446>.

offering a more direct comparative insight into the tension between decentralization and executive dominance, similar to issues faced by Indonesia.³²

Indonesia's model of division of powers is constitutionally structured through a strong presidential system enshrined in the 1945 Constitution (UUD 1945), emphasizing a horizontal division among executive, legislative, and judicial branches, and a vertical division between central and regional authorities. The President, as both head of state and head of government, is directly elected by the people, with a mandate limited to two terms. The horizontal separation of powers manifests in the distinct roles of the DPR (House of Representatives), the judiciary through the Supreme Court (MA) and Constitutional Court (MK), and financial oversight through the Audit Board (BPK), all ensuring a system of checks and balances. Vertically, the implementation of regional autonomy reflects Indonesia's commitment to decentralization, granting substantial self-governance to provinces and districts under Article 18 of the Constitution.³³

Conversely, the Russian Federation, under the 1993 Constitution (Конституция Российской Федерации), implements a semi-presidential system characterized by a dual executive composed of the President and the Prime Minister. The President of Russia, elected by direct vote, holds extensive authority over defense, foreign policy, and major appointments, while the Prime Minister manages domestic affairs but remains subordinate to the President. Although Russia is constitutionally a federation, scholarly analyses (e.g., Russian constitutional scholars such as O.E. Kutafin and V.E. Chirkin) and official documents reveal that actual political practice shows a strong centralization of power in the federal executive, especially under presidential decrees and federal laws. The legislative branch, consisting of the State Duma and the Federation Council, formally participates in law-making but operates under significant executive influence. The judiciary, composed of bodies like the Constitutional Court and the Supreme Court, is constitutionally independent, although various academic and policy reports from Russian sources indicate ongoing concerns about judicial independence due to political pressure.³⁴

³² Jan Melissen, *The New Public Diplomacy Soft Power in International Relations* (Palgrave Macmillan, 2005).

³³ Muhtadi Muhtadi and Zulkarnain Ridlwan, "Reinstating the National Guidelines of State Policy within Indonesia's Presidential System: Exploring the Possibilities," *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 2 (April 11, 2023): 131–42, <https://doi.org/10.25041/fiatjustisia.v17n02.2909>.

³⁴ Esra Aksoy And Vehbi Alpay Günel, "A Comparative Study on the Semi-Presidential Government System: The Cases of the Russian Federation and Post-Communist Poland," *İnsan ve Sosyal Bilimler Dergisi* 6, no. Education Special Issue (September 28, 2023): 486–509, <https://doi.org/10.53048/johass.1362583>.

Integrating primary references from Russian scholarly writings and constitutional documents clarifies the nuanced power dynamics within Russia's system, offering a more grounded comparative analysis. This enriched understanding shows that while Indonesia seeks to balance democratic principles with decentralization, it faces bureaucratic inefficiencies and political fragmentation. Russia, meanwhile, prioritizes executive efficiency and centralized control, often at the expense of political freedoms and judicial independence. Thus, the comparative study between Indonesia and Russia not only highlights structural differences but also offers insight into how constitutional design and political practice shape the realities of governance and stability in differing national contexts.

Indonesia adopts a presidential system of government, where the President serves as both head of state and head of government, directly elected by the people through general elections. The model of power-sharing in Indonesia is enshrined in the 1945 Constitution, particularly after four amendments that clarified the relationships between state institutions and strengthened the principle of democracy.³⁵ In general, the division of power in Indonesia is divided into two main categories, namely horizontal and vertical division of power.

1. Horizontal Division of Power

Horizontal separation of powers refers to the distribution of power among state institutions that hold equal standing. In Indonesia's governmental system, this power is divided into several forms, including:³⁶

- Executive Power → exercised by the President, who is responsible for implementing laws, national policies, and foreign relations.
- Legislative Power → vested in the House of Representatives (DPR), which has the primary responsibility of enacting laws and overseeing the government's operations.
- Judicial Power → exercised by the Supreme Court (MA) and the Constitutional Court (MK), responsible for upholding the law and assessing the constitutionality of legislation.
- Examination Power → held by the Audit Board of Indonesia (BPK) which is tasked with overseeing the management of state finances.

³⁵ Daniel Susilo and Mohammad Roesli, "Konsep Pemerintahan Indonesia Menurut UUD 1945," *Himbar Yustitia: Jurnal Hukum Dan Hak Asasi Manusia* 2, no. 1 (2018), <https://doi.org/https://doi.org/10.52166/mimbar.v2i1.1385>.

³⁶ Bernadetha Aurelia Oktavira, "Kekuasaan Eksekutif, Legislatif, Dan Yudikatif Di Indonesia," *Hukum Online*, 2024, <https://www.hukumonline.com/klinik/a/kekuasaan-eksekutif-legislatif-yudikatif-lt628dfc34715c9/>.

- Constitutive Power → held by the People's Consultative Assembly (MPR) which has the authority to amend the Constitution.

The principle of checks and balances is applied to ensure that no one branch of power dominates and abuse of authority can be prevented.

2. Vertical Division of Power

Besides horizontal separation of powers, Indonesia also implements vertical separation of powers, which pertains to the relationship between the central government and local governments. This principle is materialized through decentralization and regional autonomy, as stipulated in Article 18 of the 1945 Constitution.³⁷ The central government holds authority over matters such as defense, foreign policy, national security, monetary policy, and the national legal system. Meanwhile, local governments are empowered in areas like healthcare, education, infrastructure, and social welfare. This division aims to bring public services closer to the people and enhance government efficiency.³⁸

Unlike Indonesia, Russia employs a semi-presidential system of government, characterized by a dual executive structure involving the President and Prime Minister. The 1993 Constitution of the Russian Federation serves as the primary legal framework for regulating the separation of powers in this nation.³⁹

1. Executive Branch

The executive branch in Russia consists of two main figures, namely the President and the Prime Minister.⁴⁰

- The President of Russia serves as the head of state with extensive powers, encompassing control over foreign policy, defense, and international relations. The President also holds the authority to appoint and dismiss high-ranking officials, including the Prime Minister and other ministers.
- The Prime Minister is responsible for day-to-day governance and managing domestic policy. Although the Prime Minister is elected by the State Duma (lower house of parliament), in practice, the President wields significant influence in the appointment of the Prime Minister.

³⁷ Monica Ayu Caesar Isabela, "Pembagian Kekuasaan Horizontal Dan Vertikal Di Indonesia," KOMPAS.com, 2022, <https://nasional.kompas.com/read/2022/04/09/01000011/pembagian-kekuasaan-horizontal-dan-vertikal-di-indonesia>.

³⁸ Ofelia Maria Paendong, "Kedudukan Dan Kewenangan Pemerintah Pusat Terhadap Otonomi Khusus Provinsi Papua Menurut Undang-Undang Nomor 2 Tahun 2021 Tentang Perubahan Kedua Atas Undang-Undang Nomor 21 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Papua," *Lex Privatum* 10, no. 2 (2022).

³⁹ Matthew S  berg Shugart, "Semi-Presidential Systems: Dual Executive And Mixed Authority Patterns," *French Politics* 3, no. 3 (December 30, 2005): 323-51, <https://doi.org/10.1057/palgrave.fp.8200087>.

⁴⁰ Nur Rohim Yunus, "Sistem Pemerintahan Presidensial Negara Federasi Rusia," *Adalah* 1, no. 8 (August 5, 2017), <https://doi.org/10.15408/adalah.vii8.9122>.

- Executive power in Russia tends to be centralized in the President, who has dominant authority in running the government.

2. Legislative Branch

The Russian parliament is called the Federal Assembly, which consists of two chambers:

1. State Duma (Lower House) → is responsible for making laws and supervising the executive.
2. Federation Council (Upper House) → has a role in approving federal policies, including decisions regarding territories and inter-regional relations.

The Russian parliament has more limited powers than parliaments in pure presidential systems.

3. Judicial Branch

The judicial system in Russia comprises the Constitutional Court, the Supreme Court, and various other courts. However, there are widespread criticisms regarding the independence of the judiciary in Russia, as it is often perceived to be subservient to the interests of the executive branch, particularly the President.⁴¹

The following is a comparative table of the models of division of powers in constitutional law between Indonesia and the Russian Federation based on their respective systems of government:

Aspect	Indonesia (Presidential System)	Russian Federation (Semi-Presidential System)
Head of state	President	President
Head of Government	President	Prime Minister (in some aspects, the President also has a significant role in government)
Presidential Election	Directly elected by the people	Elected through elections, but has great power in government
Presidential Term	5 years, maximum 2 terms (according to the 1945 Constitution)	6 years, can be re-elected (can be extended through constitutional amendment)
Presidential Powers	Very strong in government, but still supervised by the DPR and MK	Very dominant, controlling many aspects of government,

⁴¹ Lintje Anna Marpaung, "The Comparison Between Indonesian Constitutional Court and Russian Constitutional Court," *1st International Conference on Law, Business and Governance*, 2013.

		including the appointment of the Prime Minister.
Prime Minister	There isn't any	There is, but it plays a role as a technical implementer of government and is subject to the President.
Legislative Power	DPR as the main institution in the formation of laws	Federal Assembly (State Duma and Federation Council), but in practice influenced by the President
Executive-Legislative Relations	Separate and mutually monitored (checks and balances)	Tends to lean towards the executive, because the President has great control over the State Duma.
Judicial System	Independent, consisting of the Constitutional Court (MK) and the Supreme Court (MA)	In theory it is independent, but in practice it often comes under pressure from executives.
Regional autonomy	Using a decentralized system, with a division of authority between the central and regional governments.	Using a federal system, where each region has its own government, but in practice remains closely monitored by the central government.
Political Stability	Stable with more transparent democratic mechanisms	Stable but tends to be authoritarian due to the President's dominance in various aspects of government.

From this table, it can be concluded that although both have a power-sharing system, Indonesia emphasizes checks and balances more, while Russia tends to have a more centralized government on the President. Based on the discussion above, there are several main differences between the power-sharing models in Indonesia and Russia:

1. Government system
 - Indonesia → Presidential, the President has full authority as head of government.
 - Russia → Semi-Presidential, there is executive dualism between the President and the Prime Minister.
2. Powers of the President

- Indonesia → The President is directly responsible for the government and is elected by the people.
 - Russia → The President has very dominant control, even stronger than the Prime Minister.
3. Legislative Role
- Indonesia → The DPR has great authority in legislation.
 - Russia → The State Duma has a role in legislation, but is under the strong control of the President.
4. Judicial System
- Indonesia → The judiciary is more independent with the existence of the Constitutional Court and the Supreme Court.
 - Russia → The judiciary is often criticized for lacking independence and being subordinate to executive power.

Overall, the system in Indonesia is more balanced in the distribution of power, while the system in Russia is more centralized on the power of the President, although in theory there is a wider distribution of power.

2. ***The Impact of Separation of Powers Implementation on Institutional Performance and Political Stability in Indonesia and the Russian Federation***

In selecting Russia as a comparative case to Indonesia, this study acknowledges several critical justifications. Both countries have undergone significant political and constitutional transitions in the post-Cold War and post-Reformasi periods respectively, facing challenges of democratization and centralization simultaneously. Despite Indonesia's unitary-presidential system and Russia's federal-semi-presidential system, both nations exhibit notable trends of executive dominance and a persistent struggle to balance centralized authority with regional autonomy. Russia is chosen specifically over other federal systems, such as the United States or Germany, because its unique trajectory transitioning from a Soviet centralized model to a federal framework on paper but maintaining central control in practice offers a more relevant comparative context for understanding power dynamics similar to Indonesia's post-authoritarian experience.⁴²

The advantages of Indonesia's presidential system lie in its relatively strong checks and balances mechanism, grounded in the amendments to the 1945 Constitution, which affirm the separation of executive, legislative, and judicial

⁴² Fnu Testriono, *Persistence of Power and Subnational Democracy and Subnational Democratic Performance: The Case of Indonesia* (Graduate Research Theses & Dissertations, 2022).

powers. The direct election of the president enhances political legitimacy and citizen participation. Decentralization policies have further empowered regional governments, although coordination challenges remain. However, Indonesia's multiparty system often leads to fragmented coalitions, political deadlocks, and slow bureaucratic processes, which can undermine governmental efficiency and responsiveness.⁴³

Conversely, Russia's semi-presidential model, as enshrined in the 1993 Constitution of the Russian Federation (Конституция Российской Федерации), formally establishes a dual executive structure with a president and a prime minister. Nevertheless, practical governance heavily favors presidential authority, as reflected in presidential decrees and the appointment processes outlined in federal laws (Федеральные законы). This concentration of power allows for swift decision-making and political stability, particularly in managing the diverse federal subjects. Yet, criticisms from Russian constitutional scholars and independent media outlets such as The Moscow Times highlight that such centralization comes at the expense of judicial independence, legislative effectiveness, and political freedoms.⁴⁴

The limited checks and balances in Russia have enabled efficiency but raised concerns over authoritarian tendencies, echoing scholarly analyses from Russian legal experts like Elena Lukyanova and Sergey Alexeev. Reports from TASS and independent evaluations reveal how regional autonomy remains heavily supervised by the presidential administration, reducing the intended federal character to a largely nominal level. In contrast, Indonesia's decentralization, while complicated, better reflects the spirit of democratic governance through power dispersion and local participation. Thus, while Indonesia's system fosters democracy but grapples with efficiency, Russia's system secures stability at the cost of democratic openness and institutional accountability. Both models reveal that striking a balance between executive strength and democratic checks is essential to achieving effective, legitimate governance.

The division of powers is a fundamental principle in constitutional law that aims to prevent the concentration of power in one entity and ensure the existence of a mechanism of checks and balances. This concept was first developed by Montesquieu in his work *The Spirit of the Laws* (1748), which divides state power

⁴³ Muhtadi and Ridlwan, "Reinstating the National Guidelines of State Policy within Indonesia's Presidential System: Exploring the Possibilities."

⁴⁴ Jiaqi Lu, "A Comparative Study of The Russian Super-Presidential System and the French Semi-Presidential System," 2024, 570–79, https://doi.org/10.2991/978-2-38476-259-0_61.

into three main branches, namely the executive, legislative, and judiciary.⁴⁵ Although this principle is applied in many countries, its implementation varies greatly depending on the system of government adopted.

Indonesia adopts a presidential system of government, where executive power lies in the hands of the President who is directly elected by the people and has broad authority in running the government.⁴⁶ On the other hand, the Russian Federation adopts a semi-presidential system, which in theory divides executive power between the President and the Prime Minister, but in practice the Russian President has very dominant control over the government..⁴⁷ Both models have their own advantages and disadvantages, especially in terms of decision-making effectiveness, political stability, and government accountability. In this discussion, we analyze in depth the advantages and disadvantages of the division of power in Indonesia and Russia and their impact on government stability in both countries.

Advantages and Disadvantages of Division of Power in Indonesia

Advantages

1. Strong Checks and Balances Mechanism

One of the main advantages of the presidential system in Indonesia is the clear separation of powers between the executive, legislative, and judiciary. The President does not have the authority to dissolve parliament (DPR), while the DPR also cannot bring down the President except through a strict impeachment mechanism as stipulated in Article 7A of the 1945 Constitution. This mechanism maintains the balance of power and prevents abuse of authority by one branch of government.⁴⁸

2. Strong Legitimacy of Direct Elections

The President in Indonesia is directly elected by the people in elections every five years. This provides strong political legitimacy for the government because the President obtains a direct mandate from the people, not from parliament. This system also increases the political

⁴⁵ Alvian Tresna Chariza and Moh. Indra Bangsawan, "Reviewing Montesquieu's Thoughts on Trias Politica and Its Relevance to Article 6A Paragraph (2) of the 1945 Constitution of the Republic of Indonesia: Securing Freedom and Preventing Authoritarianism," *Proceeding International Conference Restructuring and Transforming Law* 2, no. 2 (2023).

⁴⁶ Mohammad Ahsanul Khuluqi and Muwahid Muwahid, "Sejarah Sistem Pemerintahan Dan Kekuasaan Eksekutif Di Indonesia," *Al-Qanun Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 26, no. 2 (January 26, 2024): 167–80, <https://doi.org/10.15642/alqanun.2023.26.2.167-180>.

⁴⁷ Lana Tsanova, "The Power Balance Issues in the Semi-Presidential Republic," *Journal of Law* 1 (2017).

⁴⁸ Cora Elly Noviati, "Demokrasi Dan Sistem Pemerintahan," *Jurnal Konstitusi* 10, no. 2 (May 20, 2016): 333, <https://doi.org/10.31078/jk1027>.

participation of the people in the election of national leaders, which is one of the main indicators of a healthy democratic system.⁴⁹

3. Decentralization and Regional Autonomy

Since the implementation of Law No. 22 of 1999 concerning Regional Government (which was later revised by Law No. 23 of 2014), Indonesia has implemented a decentralized system that gives greater authority to regional governments in managing local affairs. This model allows regions to create policies that are more in line with the needs of local communities without having to rely entirely on the central government.⁵⁰

4. Independence of the Judicial Power

Since the implementation of Law No. 22 of 1999 concerning Regional Government (which was later revised by Law No. 23 of 2014), Indonesia has implemented a decentralized system that gives greater authority to regional governments in managing local affairs. This model allows regions to create policies that are more in line with the needs of local communities without having to rely entirely on the central government.⁵¹

Lack

1. Executive Dependence on the Legislature

Although the President has broad authority, in practice many policies require the approval of the DPR, especially in the ratification of the budget and the formation of laws. If the President comes from a party that does not have a majority in the DPR, then political deadlock often occurs which hinders the running of the government.⁵²

2. Political Fragmentation in a Multiparty System

Indonesia implements a multiparty system, where there are many political parties competing in legislative elections. This often results in the formation of unstable government coalitions and hampers the effectiveness of decision-making. In some cases, public policy is held hostage by the political interests of parties in the government coalition.⁵³

⁴⁹ Umbu Rauta, "Menggagas Pemilihan Presiden Yang Demokratis Dan Aspiratif," *Jurnal Konstitusi* 11, no. 3 (May 20, 2016): 600, <https://doi.org/10.31078/jk11310>.

⁵⁰ Ferizaldi, *Dinamika Otonomi Daerah Di Indonesia* (Lhokseumawe: Unimal Press, 2016).

⁵¹ Virto Silaban and Kosariza, "Kedudukan Mahkamah Konstitusi Dalam Sistem Ketatanegaraan Republik Indonesia," *Limbago: Journal of Constitutional Law* 1, no. 1 (2021), <https://doi.org/https://doi.org/10.22437/limbago.viii.8636>.

⁵² Nurrahman Aji Utomo, "Dinamika Hubungan Antara Pengujian Undang-Undang Dengan Pembentukan Undang-Undang," *Jurnal Konstitusi* 12, no. 4 (May 20, 2016): 825, <https://doi.org/10.31078/jk1248>.

⁵³ Tirta Yasa Agung Barus et al., "Mengurai Permasalahan Sistem Pemilu Di Indonesia Dan Dampaknya Terhadap Demokrasi," *Governance: Jurnal Ilmiah Kajian Politik Lokal Dan Pembangunan* 11, no. 2 (December 4, 2024): 40-45, <https://doi.org/10.56015/gjikplp.viii2.318>.

3. Slow Bureaucratic Process

The existence of a strong system of checks and balances often results in slow bureaucracy in decision-making. Many policies must pass through various administrative and political stages before they can be implemented, which can hinder a quick response to a crisis or urgent need.⁵⁴

Advantages and Disadvantages of the Division of Powers in the Russian Federation

Advantages

1. High Political Stability

Russia's semi-presidential system gives the President strong executive powers, allowing for stable governance. The President has broad powers over domestic and foreign policy, and can appoint and dismiss the Prime Minister without parliamentary approval.⁵⁵

2. Efficiency in Decision Making

3. Due to the strong executive dominance, government policies can be implemented quickly without having to go through lengthy negotiations with parliament. This makes Russia more responsive to emergency situations, such as economic crises or national security threats.

4. Centralization of Power Prevents Regional Instability

As a federation, Russia has various regions with different characteristics. With a more centralized system of government, the central government can control these regions to prevent the emergence of separatist movements or internal conflicts that could threaten the integrity of the country.

Lack

1. Weak Checks and Balances

Despite the theoretical separation of powers, in practice the Russian President has considerable control over the legislative and judicial branches. The Russian parliament (the State Duma) often acts only as a formal body that approves executive policy, while the judicial system tends to favor the government.⁵⁶

2. Restrictions on Political Freedom

⁵⁴ Yusriallis Yusriallis, "Budaya Birokrasi Pemerintahan (Keperihatinan Dan Harapan)," *Jurnal Sosial Budaya* 9, no. 1 (2012), <https://doi.org/http://dx.doi.org/10.24014/sb.v9i1.372>.

⁵⁵ Connor McAfee, "Semi-Presidentialism: A Pathway to Democratic Backslidefile:///C:/Users/ERLIN/OneDrive/Documents/Semi-Presidentialism-as-Power-Sharing-Constitutional-Reform-after-the-Arab-Spring.Pdf," *The Penn State Journal of Law & International Affairs*, 2023.

⁵⁶ Sujit Choudhry and Richard Stacey, *Semi-Presidentialism as Power Sharing: Constitutional Reform after the Arab Spring*, 2014.

Russia's system of government is often criticized for its lack of political freedoms and its suppression of the opposition. There are many cases where parties or individuals who oppose the government have experienced political repression, including restrictions on media access and legal intimidation.⁵⁷

3. Potential for Abuse of Authority

With power so centralized in the President, the Russian system of government is vulnerable to authoritarianism and abuse of power. The lack of effective control mechanisms allows the President to act without much constraint from other state institutions.

The different division of powers in Indonesia and Russia has a significant impact on government stability.

In Indonesia, a strong system of checks and balances allows democracy to develop well, but on the other hand causes the political process to be slow and often hampered by political party interests.⁵⁸ Meanwhile, in Russia, the government is more stable because the President has full control over state policy, but with the consequence of limited political freedom and excessive executive dominance.⁵⁹

In general, Indonesia places more emphasis on democracy and political openness, although it still faces challenges in government effectiveness.⁶⁰ Russia, on the other hand, is more oriented towards political stability with strong executive power, but often at the expense of democratic principles and human rights.⁶¹ In conclusion, no system is perfect, but a balance between stability and democracy must be maintained so that the government remains effective and accountable to its people.

Conclusion

The power-sharing systems in the Indonesian and Russian constitutions differ according to their respective systems of government. Indonesia employs a

⁵⁷ Jennifer Earl, Thomas V. Maher, and Jennifer Pan, "The Digital Repression of Social Movements, Protest, and Activism: A Synthetic Review," *Science Advances* 8, no. 10 (March 11, 2022), <https://doi.org/10.1126/sciadv.abl8198>.

⁵⁸ Febie DY Saiful M., "Sistem Politik Dan Pemerintahan Indonesia Setelah Reformasi," *Jurnal Mahasiswa Karakter Bangsa* 1, no. 1 (2021).

⁵⁹ LR. Watts, *Comparing Federal Systems*. 3rd Editions. London, McGill-Quees University Press, 2008.

⁶⁰ Joko Riskiyono, "Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Kesejahteraan," *Aspirasi: Jurnal Masalah-Masalah Sosial* 6, no. 2 (2015).

⁶¹ Yannis A. Stivachtis, "Liberal Democracy, Market Economy, and International Conduct as Standards of 'Civilization' in Contemporary International Society: The Case of Russia's Entry into the 'Community of Civilized States,'" *Journal of Eurasian Studies* 6, no. 2 (July 1, 2015): 130-42, <https://doi.org/10.1016/j.euras.2015.04.001>.

presidential system, where the President serves as both head of state and head of government, wielding strong executive powers but remaining subject to oversight by the legislative (DPR) and judicial (MA and MK) branches under the principle of checks and balances. Power in Indonesia is divided horizontally among the executive, legislative, and judicial branches, and vertically through decentralization to local governments. Russia, on the other hand, operates under a semi-presidential system, with the President as head of state holding dominant executive authority, while the Prime Minister is responsible for domestic policy. The Russian Parliament (Federal Assembly), comprising the State Duma and the Federation Council, has limited practical power to oversee the executive. The Russian judicial system, encompassing the Constitutional Court and the Supreme Court, is often criticized for lacking independence due to the President's strong influence. Thus, Indonesia emphasizes a balance of power through democratic mechanisms, while Russia tends towards a more centralized executive power vested in the President.

The implementation of power-sharing in Indonesia and Russia has advantages and disadvantages affecting governmental stability. Indonesia's presidential system boasts robust checks and balances, ensuring equilibrium among the executive, legislative, and judicial branches. The President's legitimacy, derived from direct elections, strengthens political stability, but often faces challenges such as political deadlock due to party fragmentation and bureaucratic slowdowns. Conversely, Russia's semi-presidential system grants significant power to the President, enabling efficient decision-making and stronger political stability. However, excessive executive dominance weakens checks and balances, restricts political freedoms, and increases the risk of authoritarianism. Consequently, Indonesia faces challenges in governmental effectiveness but enjoys greater democracy, while Russia is more stable but with limitations on political freedom and governmental accountability.

To enhance governmental effectiveness, Indonesia needs to strengthen coordination between the executive and legislative branches to prevent political deadlock without sacrificing checks and balances, and to streamline bureaucracy for faster and more efficient decision-making. Russia, meanwhile, should bolster the independence of the legislative and judicial branches and create space for political freedom to make the government more transparent and accountable without compromising national stability. Both countries can learn from each other: Indonesia can adopt aspects of Russian efficiency, while Russia can emulate

Indonesia's more open democracy, aiming for a balance between stability and sound democratic principles.

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3. Acceptance

Round 1

Round 1 Status

Submission accepted

Notifications

[JDH] Editor Decision

Reviewer's Attachments

Revisions

Notifications

[JDH] Editor Decision

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Comparing the Separation of Powers in Indonesia and Russia: Constitutional Structures and Political Impacts

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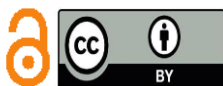
The separation of powers in Indonesia and Russia exhibits notable differences shaped by their respective government systems. Indonesia, a unitary state with a presidential system, strives to maintain a balance among executive, legislative, and judicial branches while pursuing decentralization to empower regional governments. In contrast, Russia, a federal state with a semi-presidential system, maintains centralized authority with significant executive dominance by the president. This study analyzes the separation of powers in the constitutional frameworks of Indonesia and Russia, examining their strengths, weaknesses, and implications for governmental stability. Employing a normative legal research method with statutory, comparative, and conceptual approaches, this research focuses on constitutional texts and related regulations without redundant references to library research techniques. The findings reveal that Indonesia emphasizes democratic checks and balances but faces challenges such as political gridlock and bureaucratic inertia, whereas Russia achieves stronger political stability at the cost of weakened checks and balances and restricted political freedoms. Ultimately, the research highlights that while Indonesia advances democratic governance, Russia prioritizes executive efficiency, and each system offers lessons on balancing institutional power for effective and accountable governance.

Keywords:

Separation of power; Indonesian Constitution, Russian Constitution

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Introduction

The separation of power is a fundamental principle in constitutional law that serves to maintain balance in a country's government system. This concept is rooted in Montesquieu's thinking in his work *L'Esprit des Lois* (1748), which states that to prevent abuse of power, state power must be separated into three main branches: executive, legislative, and judiciary. This principle is not only applied in democratic countries but also becomes the basis for various government systems

in the world.¹ However, the implementation of the separation of powers can vary depending on the political system, history, and government structure of each country.

In a global context, there are various models of the separation of powers that have developed, including the unitary state model and the federal state model. Unitary states tend to have centralized governments, while federal states give greater authority to local governments or states in regulating their own domestic affairs.² Two countries with differing governmental systems, Indonesia and the Russian Federation, are interesting to study in the context of constitutional law because both implement distinctive models of power-sharing in accordance with their respective political and constitutional characteristics.

The separation of powers is a fundamental principle in constitutional law that serves to maintain balance in a country's government system. Rooted in Montesquieu's concept of *trias politica* in *L'Esprit des Lois* (1748), this principle separates state power into executive, legislative, and judicial branches to prevent the abuse of authority.³ While applied across democratic systems worldwide, the actual implementation of separation of powers varies based on each nation's political history, structure, and cultural context.

In the global context, numerous models of power-sharing have evolved, most notably the distinction between unitary and federal states. Unitary systems tend to centralize authority, whereas federal systems grant significant autonomy to regional governments. Against this backdrop, Indonesia and the Russian Federation present particularly interesting case studies. Despite their differing constitutional structures Indonesia as a unitary state with a presidential system and Russia as a federal state with a semi-presidential system both countries exhibit tendencies toward executive centralization.⁴ This phenomenon invites a deeper analysis of how the separation of powers is maintained or challenged within contrasting governmental frameworks.

Research on power-sharing models in constitutional law, particularly case studies of Indonesia and the Russian Federation, has been the focus of various academic studies. Previous research has addressed important aspects of the government systems of both countries, including constitutional structure, checks

¹ Suparto Suparto, "Teori Pemisahan Kekuasaan Dan Konstitusi Menurut Negara Barat Dan Islam," *Hukum Islam* 19, no. 1 (October 23, 2019): 134, <https://doi.org/10.24014/hi.v19i1.7044>.

² Prayudi Prayudi, "Desentralisasi Dalam Sistem Pemerintahan Indonesia: Politik Negara Di Tengah Hubungan Pusat-Daerah," *Kajian* 19, no. 4 (2014): 293–310, <https://doi.org/http://dx.doi.org/10.22212/kajian.v19i4.561>.

³ Tobias Oberdieck and Enrico Moch, "Principle of Separation of Powers between the Legislature and Judiciary," *International Journal of Public Administration, Management and Economic Development* 8, no. 2 (December 2023), <https://doi.org/10.60026/ijpamed.v8i2.129>.

⁴ Blake Hudson, "Federal Constitutions: The Keystone of Nested Commons Governance," *LSU Law Digital Commons* 154 (2012).

and balances mechanisms, and the implementation of the principle of separation of powers. Here is a summary of some relevant research in this context.

First, Putri (2020) found that both countries adhere to the principle of separation of powers, but adopt different government systems: Indonesia follows a pure presidential system, while Russia implements a semi-presidential system.⁵ Second, Rahmadani (2021) concluded that the formation of nine federal districts by President Vladimir Putin in 2000 was a significant move to strengthen central control over regional governments and implement federal laws more effectively across Russian territories.⁶ Third, [Santosa] (2022) highlighted that in Indonesia, the relationship between the executive, legislative, and judiciary branches is often influenced by political dynamics, where the executive tends to dominate, potentially compromising judicial independence.⁷ However, none of these studies have thoroughly examined how the models of separation of powers in Indonesia and the Russian Federation align with their respective constitutional frameworks and systems of government, nor how the implementation of these models impacts institutional performance and political stability.

These studies emphasize the importance of judicial independence for upholding justice and effective law enforcement. In Indonesia, efforts have been made to strengthen the judiciary, but political pressure from the executive and legislature remains a challenge. In Russia, while the constitution guarantees judicial independence, the executive still holds significant influence over court decisions. This indicates that separation of powers needs not only a solid legal framework but also a political culture that supports the independence and accountability of each branch of government.

Based on the above background, this study addresses the following questions:

1. How do the models of separation of powers in Indonesia and the Russian Federation compare in relation to their respective constitutional frameworks and systems of government?
2. How does the implementation of the separation of powers in Indonesia and the Russian Federation affect institutional performance and political stability within each country's governance system?

This studies differs from the three previous studies by adopting a more integrative comparative approach that not only analyzes the constitutional frameworks and government systems of Indonesia and the Russian Federation, but

⁵ Ilham Dwi Rafiqi, "Perbandingan Konstitusi Negara Indonesia Dan Rusia," *Widya Yuridika* 5, no. 1 (May 2022): 1, <https://doi.org/10.31328/wy.v5i1.3561>.

⁶ Nur Rohim Yunus, "Constitutional Law: Sistem Kontrol Wilayah Dengan Pembentukan Distrik Federal Di Negara Rusia," *Adalah* 6, no. 1 (June 18, 2022): 85-100, <https://doi.org/10.15408/adalah.v6i1.26610>.

⁷ Muhammad Naufal Razzan Hamdi et al., "Dinamika Hubungan Antara Eksekutif, Legislatif, Dan Yudikatif Dalam Sistem Hukum Tata Negara Indonesia," *Jurnal Pendidikan Tambusai* 8, no. 2 (2024).

also critically examines how these structures shape their respective models of separation of powers. It focuses specifically on assessing how the distribution and exercise of power among the executive, legislative, and judicial branches influence institutional performance and contribute to political stability within each country's governance system. This research offers a distinct contribution to the international academic community by enriching comparative constitutional law literature through a contextual evaluation of power-sharing practices in presidential and semi-presidential systems. It also offers policy-relevant insights for emerging democracies seeking to enhance institutional design, ensure effective checks and balances, and promote sustainable political stability.

Method

This research uses a normative legal research method, which focuses on the study of laws and regulations, legal principles, and relevant legal doctrines.⁸ with the model of separation of powers in constitutional law in Indonesia and the Russian Federation. Normative legal research aims to analyze how the concept of separation of powers is regulated in the constitution and legal regulations in both countries and how these norms are applied in constitutional practice. With this method, the research will attempt to identify the strengths and weaknesses of the system of separation of powers based on case studies in Indonesia and the Russian Federation. In this study, several legal research approaches are used to gain a comprehensive understanding of the object of study. The first approach is the statute approach, which is used to analyze the legal norms governing the separation of powers in the constitutions of Indonesia and the Russian Federation and their derivative regulations. Second, the comparative approach is carried out by comparing the models of separation of powers in the two countries to find similarities and differences in their application. Third, the conceptual approach is used to understand the basic concept of the separation of powers in constitutional law and the theories that support it.

This research relies on legal material sources which are divided into three main categories.⁹ Primary legal materials include the constitutions of both countries, namely the 1945 Constitution of the Republic of Indonesia (UUD 1945) and the 1993 Constitution of the Russian Federation, as well as laws and regulations related to the separation of powers in each country. Secondary legal materials consist of legal literature, books, scientific journals, and academic articles that discuss the principle of separation of powers in constitutional law and its

⁸ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta: Kencana, 2021).

⁹ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

implementation in various systems of government. Tertiary legal materials include legal dictionaries, legal encyclopedias, and other references that provide additional understanding of the legal concepts used in this study. The data collection technique in this normative legal research is carried out through library research,¹⁰ namely by collecting, reviewing, and analyzing various legal documents, books, journals, and other relevant sources. Data is collected from credible sources such as official laws and regulations, court decisions relating to the separation of power, and scientific articles from research institutions or universities. In addition, secondary data sources are obtained from previous research results that discuss similar themes in order to enrich the analysis.

The data that has been collected is analyzed using qualitative analysis techniques,¹¹ namely by examining the contents of various legal sources and interpreting legal rules relevant to the model of separation of powers in Indonesia and the Russian Federation. The analysis is carried out descriptively by explaining how the principle of separation of powers is applied in both countries, as well as comparatively to find patterns, differences, and similarities in the implementation of their constitutional systems. In addition, this study also uses legal interpretation methods, such as systematic interpretation to understand the relationship between legal norms, as well as historical interpretation to see the development of the separation of powers in the constitutional law of each country over time. With this research method, it is hoped that the research can provide a deep and systematic understanding of the power-sharing model in Indonesia and the Russian Federation and its implications for the governance system and political stability in both countries.

Discussion

1. Comparative Analysis of the Separation of Powers Models in Indonesia and the Russian Federation

The separation of powers in constitutional law is a fundamental principle in the modern system of government. This concept aims to avoid the concentration of power in one hand and ensure balance between the various branches of government. This principle refers a lot to the theory of trias politica developed by Montesquieu, which divides power into three main branches: executive, legislative, and judiciary.¹² However, in practice, the application of this concept varies from

¹⁰ Sugiyono, "Metode Penelitian Kuantitatif, Kualitatif, Dan R&D," Bandung: CV. Alfabeta, 2019.

¹¹ Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2017).

¹² Ibnu Sina Chandranegara, "Genealogy Of Checks And Balances Formula On The Constitution," in *Proceedings The 2nd International Multidisciplinary Conference*, 2016.

country to country, depending on the system of government adopted and the political and legal context that develops in that country.

Indonesia and the Russian Federation are two countries that have different models of power sharing, according to the system of government they implement. Indonesia adopts a presidential system of government, which places the President as both head of state and head of government.¹³ Meanwhile, Russia implements a semi-presidential system, which divides executive power between the President and the Prime Minister.¹⁴ The differences in these models of government have a direct impact on the distribution of power in the state system of each country.

This discussion delves into how the model of power-sharing in constitutional law is implemented in Indonesia and Russia, encompassing the executive, legislative, and judicial branches. By understanding the governmental structures of both countries, we can gain a clearer picture of the strengths and weaknesses of each system and its implications for political stability and governance.

The separation of powers in constitutional law is a fundamental principle in the modern system of government, aiming to prevent the concentration of authority and to ensure a balance between various branches of government. Rooted in Montesquieu's trias politica theory, the practical application of this concept varies depending on each nation's political and constitutional system.¹⁵ Indonesia and the Russian Federation present two distinct models of power-sharing based on their respective systems: Indonesia adopts a presidential system within a unitary state, while Russia applies a semi-presidential model within a federal framework.

The selection of Russia as a comparative case for Indonesia is deliberate and academically grounded. Both countries share experiences of major political transitions in the late 20th century, moving from authoritarian regimes to more structured constitutional frameworks. Despite differences in governmental form (unitary versus federal), both exhibit a trend toward centralization of executive authority, making them relevant for examining the dynamics of separation of powers and the challenges in maintaining institutional balance. Russia was chosen over other federal states, such as the United States or Germany, because it

¹³ Sudirman Sudirman, "Kedudukan Presiden Dalam Sistem Pemerintahan Presidensial (Telaah Terhadap Kedudukan Dan Hubungan Presiden Dengan Lembaga Negara Yang Lain Dalam Undang-Undang Dasar NRI Tahun 1945)," *Brawijaya Law Student Journal* 1, no. 1 (2014): 1–27.

¹⁴ Thomas Sedelius, Olga Mashtaler, and Tapio Raunio, "Semi-Presidentialism and War: Executive Leadership Models in Ukraine during Zelenskyi's Presidency," *East European Politics* 40, no. 4 (October 2024): 658–83, <https://doi.org/10.1080/21599165.2024.2369978>.

¹⁵ Ashutosh Acharya and Manindra Singh Hanspal, "Comparative Analysis of Separation of Powers: Theoretical and Practical Insights from India," *International Journal of Political Science and Governance* 7, no. 1 (January 2025): 191–98, <https://doi.org/10.33545/26646021.2025.v7.i1c.446>.

represents a federal system where centralized presidential control is prominent, offering a more direct comparative insight into the tension between decentralization and executive dominance, similar to issues faced by Indonesia.¹⁶

Indonesia's model of separation of powers is constitutionally structured through a strong presidential system enshrined in the 1945 Constitution (UUD 1945), emphasizing a horizontal separation among executive, legislative, and judicial branches, and a vertical separation between central and regional authorities. The President, as both head of state and head of government, is directly elected by the people, with a mandate limited to two terms. The horizontal separation of powers manifests in the distinct roles of the DPR (House of Representatives), the judiciary through the Supreme Court (MA) and Constitutional Court (MK), and financial oversight through the Audit Board (BPK), all ensuring a system of checks and balances. Vertically, the implementation of regional autonomy reflects Indonesia's commitment to decentralization, granting substantial self-governance to provinces and districts under Article 18 of the Constitution.¹⁷

Conversely, the Russian Federation, under the 1993 Constitution (*Конституция Российской Федерации*), implements a semi-presidential system characterized by a dual executive composed of the President and the Prime Minister. The President of Russia, elected by direct vote, holds extensive authority over defense, foreign policy, and major appointments, while the Prime Minister manages domestic affairs but remains subordinate to the President. Although Russia is constitutionally a federation, scholarly analyses (e.g., Russian constitutional scholars such as O.E. Kutafin and V.E. Chirkin) and official documents reveal that actual political practice shows a strong centralization of power in the federal executive, especially under presidential decrees and federal laws. The legislative branch, consisting of the State Duma and the Federation Council, formally participates in law-making but operates under significant executive influence. The judiciary, composed of bodies like the Constitutional Court and the Supreme Court, is constitutionally independent, although various academic and policy reports from Russian sources indicate ongoing concerns about judicial independence due to political pressure.¹⁸

¹⁶ Jan Melissen, "The New Public Diplomacy: Between Theory and Practice," *Studies in Diplomacy and International Relations*, 2005, 3–27, https://doi.org/10.1057/9780230554931_1.

¹⁷ Muhtadi Muhtadi and Zulkarnain Ridlwan, "Reinstating the National Guidelines of State Policy within Indonesia's Presidential System: Exploring the Possibilities," *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 2 (April 2023): 131–42, <https://doi.org/10.25041/fiatjustisia.v17n02.2909>.

¹⁸ Esra Aksoy And Vehbi Alpay Günel, "A Comparative Study on the Semi-Presidential Government System: The Cases of the Russian Federation and Post-Communist Poland," *İnsan ve Sosyal Bilimler Dergisi* 6, no. Education Special Issue (September 28, 2023): 486–509, <https://doi.org/10.53048/johass.1362583>.

Integrating primary references from Russian scholarly writings and constitutional documents clarifies the nuanced power dynamics within Russia's system, offering a more grounded comparative analysis. This enriched understanding shows that while Indonesia seeks to balance democratic principles with decentralization, it faces bureaucratic inefficiencies and political fragmentation. Russia, meanwhile, prioritizes executive efficiency and centralized control, often at the expense of political freedoms and judicial independence. Thus, the comparative study between Indonesia and Russia not only highlights structural differences but also offers insight into how constitutional design and political practice shape the realities of governance and stability in differing national contexts.

Indonesia adopts a presidential system of government, where the President serves as both head of state and head of government, directly elected by the people through general elections. The model of power-sharing in Indonesia is enshrined in the 1945 Constitution, particularly after four amendments that clarified the relationships between state institutions and strengthened the principle of democracy.¹⁹ In general, the separation of power in Indonesia is divided into two main categories, namely horizontal and vertical separation of power.

1. Horizontal Separation of Power

Horizontal separation of powers refers to the distribution of power among state institutions that possess equal status and authority within the constitutional framework. In Indonesia's system of governance, this separation manifests through several institutional divisions. Executive power is exercised by the President, who is tasked with implementing laws, managing national policies, and conducting foreign affairs. Legislative power lies with the House of Representatives (DPR), which is responsible for law-making and government oversight. Judicial power is held by the Supreme Court (MA) and the Constitutional Court (MK), which interpret and uphold the law and constitutional compliance. Additionally, the Audit Board of Indonesia (BPK) oversees state financial management, while the People's Consultative Assembly (MPR) holds constitutive power, including the authority to amend the Constitution.²⁰ The principle of checks and balances is applied to ensure that no one branch of power dominates and abuse of authority can be prevented.

2. Vertical Separation of Power

¹⁹ Mohammad Roesli Daniel Susilo, "Konsep Pemerintahan Indonesia Menurut UUD 1945," *Mimbar Yustitia: Jurnal Hukum Dan Hak Asasi Manusia* 105, no. 3 (1945): 129–33, <https://doi.org/https://doi.org/10.52166/mimbar.v2i1.1385>.

²⁰ Bernadetha Aurelia Oktavira, "Kekuasaan Eksekutif, Legislatif, Dan Yudikatif Di Indonesia," *Hukum Online*, 2025, <https://www.hukumonline.com/klinik/a/kekuasaan-eksekutif-legislatif-yudikatif-lt628dfc34715c9/>.

Besides horizontal separation of powers, Indonesia also implements vertical separation of powers, which pertains to the relationship between the central government and local governments. This principle is materialized through decentralization and regional autonomy, as stipulated in Article 18 of the 1945 Constitution.²¹ The central government holds authority over matters such as defense, foreign policy, national security, monetary policy, and the national legal system. Meanwhile, local governments are empowered in areas like healthcare, education, infrastructure, and social welfare. This separation aims to bring public services closer to the people and enhance government efficiency.²²

Unlike Indonesia, Russia employs a semi-presidential system of government, characterized by a dual executive structure involving the President and Prime Minister. The 1993 Constitution of the Russian Federation serves as the primary legal framework for regulating the separation of powers in this nation.²³

1. Executive Branch

The executive branch in Russia is composed of the President and the Prime Minister, with the President serving as the head of state and holding broad powers over foreign policy, defense, and international affairs.²⁴ The President also has the authority to appoint and dismiss top officials, including the Prime Minister and cabinet members. While the Prime Minister oversees the country's daily governance and manages domestic policy, their position is heavily influenced by the President despite being formally elected by the State Duma. In practice, executive power is largely concentrated in the hands of the President, who plays the dominant role in directing government operations. This centralization of authority underscores the President's leading position in the political hierarchy. Overall, the structure reflects a strong presidential system with limited checks from other branches.

2. Legislative Branch

The Russian parliament, known as the Federal Assembly, is composed of two chambers: the State Duma and the Federation Council. The State Duma, which serves as the lower house, is tasked with making laws and overseeing the executive branch. The Federation Council, or upper house, plays a significant role in

²¹ Monica Ayu Caesar Isabela, "Pembagian Kekuasaan Horizontal Dan Vertikal Di Indonesia," Kompas, 2022, https://nasional.kompas.com/read/2022/04/09/01000011/pembagian-kekuasaan-horizontal-dan-vertikal-di-indonesia?lgn_method=google&google_btn=onetap.

²² Ofelia Maria Paendong, Flora Pricilla Kalalo, and Michael G. Nainggolan, "Kedudukan Dan Kewenangan Pemerintah Pusat Terhadap Otonomi Khusus Provinsi Papua Menurut UU No. 2 Tahun 2021 Tentang Perubahan Kedua Atas UU No. 21 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Papua," *Lex Privatum* 10, no. 1 (2022): 1–40.

²³ Matthew Søberg Shugart, "Semi-Presidential Systems: Dual Executive And Mixed Authority Patterns," *French Politics* 3, no. 3 (December 2005): 323–51, <https://doi.org/10.1057/palgrave.fp.8200087>.

²⁴ Nur Rohim Yunus, "Sistem Pemerintahan Presidensial Negara Federasi Rusia," *ADALAH* 1, no. 8 (August 2017), <https://doi.org/10.15408/adalah.v1i8.9122>.

approving federal policies, especially those related to territorial issues and inter-regional affairs. Despite these responsibilities, the Russian parliament operates with more restricted authority compared to legislative bodies in purely presidential systems. Its influence is often overshadowed by the strong executive powers held by the President. Nonetheless, it remains a formal part of Russia's federal structure.

3. Judicial Branch

The judicial system in Russia comprises the Constitutional Court, the Supreme Court, and various other courts. However, there are widespread criticisms regarding the independence of the judiciary in Russia, as it is often perceived to be subservient to the interests of the executive branch, particularly the President.²⁵

The Models of Separation of Powers in Constitutional Law Between Indonesia and the Russian Federation Based on Their Respective Systems of Government

Aspect	Indonesia (Presidential System)	Russian Federation (Semi-Presidential System)
Head of state	President	President
Head of Government	President	Prime Minister (in some aspects, the President also has a significant role in government)
Presidential Election	Directly elected by the people	Elected through elections, but has great power in government
Presidential Term	5 years, maximum 2 terms (according to the 1945 Constitution)	6 years, can be re-elected (can be extended through constitutional amendment)
Presidential Powers	Very strong in government, but still supervised by the DPR and MK	Very dominant, controlling many aspects of government, including the appointment of the Prime Minister.
Prime Minister	There isn't any	There is, but it plays a role as a technical implementer of government and is subject to the President.
Legislative Power	DPR as the main institution in the formation of laws	Federal Assembly (State Duma and Federation Council), but in practice influenced by the President
Executive-Legislative Relations	Separate and mutually monitored (checks and balances)	Tends to lean towards the executive, because the President has great control over the State Duma.
Judicial System	Independent, consisting of the Constitutional Court (MK) and the Supreme Court (MA)	In theory it is independent, but in practice it often comes under pressure from executives.

²⁵ Lintje Anna Marpaung, "The Comparison Between Indonesian Constitutional Court and Russian Constitutional Court," *1st International Conference on Law, Business and Governance*, 2013.

Regional autonomy	Using a decentralized system, with a separation of authority between the central and regional governments.	Using a federal system, where each region has its own government, but in practice remains closely monitored by the central government.
Political Stability	Stable with more transparent democratic mechanisms	Stable but tends to be authoritarian due to the President's dominance in various aspects of government.

Source:

From this table, it can be concluded that although both have a power-sharing system, Indonesia emphasizes checks and balances more, while Russia tends to have a more centralized government on the President. Based on the discussion above, there are several main differences between the power-sharing models in Indonesia and Russia.

Indonesia and Russia have different governmental systems. Indonesia follows a presidential system in which the President holds full authority as the head of government. In contrast, Russia adopts a semi-presidential system characterized by executive dualism, where both the President and the Prime Minister share executive responsibilities, although the balance of power heavily favors the President. Regarding presidential powers, the Indonesian President is directly elected by the people and holds full responsibility for the administration of the government. Meanwhile, in Russia, the President exercises dominant authority over all branches of power, often exerting control that surpasses even that of the Prime Minister, making the Russian President a far more commanding figure in governance.

The role of political parties plays a central role in shaping the balance of power between state institutions, particularly in Indonesia's presidential system and Russia's semi-presidential system. In the Indonesian context, large coalitions of parties that tend to accommodate the interests of the executive make the legislative body, namely the DPR, less effective as a government watchdog. The president, who is supported by the majority of parties in parliament, has an easy time carrying out his political agenda, and in some cases the DPR appears more as a “partner” of the executive rather than an independent counterweight. This condition creates a distortion of the principle of separation of powers, as the legislative control function is weakened due to political closeness between elites. This practice also reflects the reality of transactional politics where the position and interests of parties become more dominant than their constitutional roles. As

a result, the presidential system, which should emphasize checks and balances, has instead transformed into a system oriented towards executive dominance.²⁶

In Russia where the dominance of the United Russia Party (Единая Россия, Yedinaya Rossiya) has created a political order that is highly centralized to Presidential power. The party has consistently supported President Putin's agenda and controls the majority of seats in the State Duma, so the parliament has almost lost its function as an independent legislative body.²⁷ In practice, political parties in Russia do not function as channels of representation of the pluralistic people, but rather as instruments of executive power to maintain the stability and legitimacy of the President's power.²⁸ Therefore, the semi-presidential system in Russia does not show a balanced separation of power, but rather merges into a power structure controlled by the executive elite and the ruling party. This results in a symbolic system of checks and balances, as political parties reinforce the dominance of one branch of power over the other.²⁹ This configuration shows that the power of the dominant party can be a major factor in weakening democratic institutions.

In the legislative sphere, Indonesia's DPR (People's Representative Council) wields significant legislative power and plays a major role in drafting and passing laws. the supervisory function over the executive is normatively held by the House of Representatives (DPR) as stipulated in the 1945 Constitution. However, in practice, this oversight often does not run optimally due to the dominance of the coalition of parties supporting the government in parliament. Majority coalitions often lead to political loyalty that hinders the function of control over the President. In addition, there is a tendency to politicize policy and budget discussions, so that the DPR acts more as a political partner than as an independent watchdog. Some DPR sessions do not even produce binding recommendations despite findings of violations by the executive. This suggests that the checks and balances mechanism is limited in the context of legislative oversight.

On the other hand, while Russia's State Duma has a legislative role that can theoretically oversee the executive, but its implementation is heavily influenced by the political power of the President. The dominance of the United Russia party, which supports President Vladimir Putin, means that the parliament tends to

²⁶ Marcus Mietzner, *Money, Power, and Ideology: Political Parties in Post-Authoritarian Indonesia* (NUS Press Pte Ltd, 2014), <https://doi.org/10.2307/j.ctv1nthsj>.

²⁷ Thomas Remington, "Patronage and the Party of Power: President-Parliament Relations Under Vladimir Putin," *Europe-Asia Studies* 60, no. 6 (August 18, 2008): 959-87, <https://doi.org/10.1080/09668130802161215>.

²⁸ Ora John Reuter and Graeme B. Robertson, "Subnational Appointments in Authoritarian Regimes: Evidence from Russian Gubernatorial Appointments," *The Journal of Politics* 74, no. 4 (October 2012): 1023-37, <https://doi.org/10.1017/S0022381612000631>.

²⁹ Grigori V. Golosov, "The Regional Roots of Electoral Authoritarianism in Russia," *Europe-Asia Studies* 63, no. 4 (June 2011): 623-39, <https://doi.org/10.1080/09668136.2011.566427>.

approve executive policies without meaningful criticism. The oversight process is rarely accompanied by interpellation efforts or the formation of independent investigative committees. This has led to the legislature functioning more as an extension of the executive rather than a counterweight. In many cases, legislation is passed quickly as directed by the President, without substantive discussion. As a result, the balance between state institutions in practice is not idealized in Russia.

The judicial systems in the two countries also differ notably. Indonesia maintains a relatively independent judiciary supported by institutions like the Constitutional Court and the Supreme Court, which help ensure checks and balances. However, political dynamics often affect public perceptions of judges' independence. Ethical scandals within the Constitutional Court, such as the case of the Chief Justice in an election dispute, show the potential for intervention and conflicts of interest. The recruitment mechanism for constitutional judges also raises concerns because it involves political elements, namely the President and the DPR. On the other hand, the Constitutional Court has also shown courage by annulling laws that are considered unconstitutional, such as in the case of the Job Creation Law. This means that the independence of the judiciary in Indonesia fluctuates depending on the political context.

In contrast, Russia's judiciary often faces criticism for its lack of independence, with courts frequently seen as being under the control of the executive branch, thereby undermining the rule of law. Many important rulings, such as those relating to the extension of the President's term of office through the 2020 constitutional amendment, show a tendency to favor the interests of the executive. The Court is often perceived as a tool for legalizing the President's political policies rather than a balance of power. The judicial structure in Russia also has a strong hierarchy and is close to the central power, making it difficult for judges to act independently. There are not many decisions that show the courage of the Constitutional Court to reject executive policies. This indicates that the principle of separation of powers in Russian legal practice does not work.

Indonesia demonstrates a more balanced distribution of power among its branches of government, allowing for a clearer separation between the executive, legislative, and judicial institutions. This balance is reflected in the roles and authorities assigned to each institution, helping to maintain checks and accountability. In contrast, Russia's system, while formally structured to include a separation of power, tends to concentrate authority in the hands of the President. The President in Russia exercises dominant control over both the executive and legislative processes, limiting the influence of other institutions. Although the Russian constitution outlines a broader dispersion of power, its implementation

often reflects a highly centralized structure. This fundamental difference highlights the contrast in governance between the two countries.

2. *The Impact of Separation of Powers Implementation on Institutional Performance and Political Stability in Indonesia and the Russian Federation*

The selection of Russia as a comparative case to Indonesia is grounded in several critical considerations. Both nations have undergone profound political and constitutional transformations in the aftermath of the Cold War and Indonesia's Reformasi era. These transitions were marked by efforts to democratize while simultaneously grappling with the pressures of centralization. Although Indonesia follows a unitary-presidential model and Russia adopts a federal-semi-presidential structure, both exhibit strong patterns of executive concentration. Their respective challenges in maintaining a balance between national authority and regional autonomy highlight parallel governance dilemmas. These shared dynamics make Russia a compelling counterpart for comparative analysis.

Russia is chosen over other federal systems such as the United States or Germany due to its distinctive historical trajectory. Unlike those Western federations, Russia evolved from a highly centralized Soviet regime into a nominally federal system that still retains strong central control. This contradiction—federalism in form but centralism in function—provides a closer resemblance to Indonesia's own post-authoritarian evolution. By examining Russia, the study gains insights into how formal institutional changes may diverge from actual power practices. The comparative relevance lies in the tension between legal decentralization and real political centralism. This framework enhances the understanding of executive dominance in transitional political systems like Indonesia's.³⁰

The advantages of Indonesia's presidential system lie in its relatively strong checks and balances mechanism, grounded in the amendments to the 1945 Constitution, which affirm the separation of executive, legislative, and judicial powers. The direct election of the president enhances political legitimacy and citizen participation. Decentralization policies have further empowered regional governments, although coordination challenges remain. However, Indonesia's multiparty system often leads to fragmented coalitions, political deadlocks, and

³⁰ Fnu Testriono, *Persistence of Power and Subnational Democratic Performance: The Case of Indonesia* (Graduate Research Theses & Dissertations, 2022).

slow bureaucratic processes, which can undermine governmental efficiency and responsiveness.³¹

Conversely, Russia's semi-presidential model, as enshrined in the 1993 Constitution of the Russian Federation (Конституция Российской Федерации), formally establishes a dual executive structure with a president and a prime minister. Nevertheless, practical governance heavily favors presidential authority, as reflected in presidential decrees and the appointment processes outlined in federal laws (Федеральные законы). This concentration of power allows for swift decision-making and political stability, particularly in managing the diverse federal subjects. Yet, criticisms from Russian constitutional scholars and independent media outlets such as The Moscow Times highlight that such centralization comes at the expense of judicial independence, legislative effectiveness, and political freedoms.³²

The limited checks and balances in Russia have enabled efficiency but raised concerns over authoritarian tendencies, echoing scholarly analyses from Russian legal experts like Elena Lukyanova and Sergey Alexeev. Reports from TASS and independent evaluations reveal how regional autonomy remains heavily supervised by the presidential administration, reducing the intended federal character to a largely nominal level. In contrast, Indonesia's decentralization, while complicated, better reflects the spirit of democratic governance through power dispersion and local participation. Thus, while Indonesia's system fosters democracy but grapples with efficiency, Russia's system secures stability at the cost of democratic openness and institutional accountability. Both models reveal that striking a balance between executive strength and democratic checks is essential to achieving effective, legitimate governance.

The separation of powers is a fundamental principle in constitutional law that aims to prevent the concentration of power in one entity and ensure the existence of a mechanism of checks and balances. This concept was first developed by Montesquieu in his work *The Spirit of the Laws* (1748), which divides state power into three main branches, namely the executive, legislative, and judiciary.³³ Although this principle is applied in many countries, its implementation varies greatly depending on the system of government adopted.

³¹ Muhtadi Muhtadi and Zulkarnain Ridlwan, "Reinstating the National Guidelines of State Policy within Indonesia's Presidential System: Exploring the Possibilities," *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 2 (April 11, 2023): 131-42, <https://doi.org/10.25041/fiatjustisia.v17n02.2909>.

³² Jiaqi Lu, "A Comparative Study of The Russian Super-Presidential System and the French Semi-Presidential System," 2024, 570-79, https://doi.org/10.2991/978-2-38476-259-0_61.

³³ Alvian Tresna Chariza and Moh. Indra Bangsawan, "Reviewing Montesquieu's Thoughts on Trias Politica and Its Relevance to Article 6A Paragraph (2) of the 1945 Constitution of the Republic of Indonesia: Securing Freedom and Preventing Authoritarianism," *Proceeding International Conference Restructuring and Transforming Law* 2, no. 2 (2023).

Indonesia adopts a presidential system of government, where executive power lies in the hands of the President who is directly elected by the people and has broad authority in running the government.³⁴ On the other hand, the Russian Federation adopts a semi-presidential system, which in theory divides executive power between the President and the Prime Minister, but in practice the Russian President has very dominant control over the government.³⁵ Both models have their own advantages and disadvantages, especially in terms of decision-making effectiveness, political stability, and government accountability. In this discussion, we analyze in depth the advantages and disadvantages of the separation of power in Indonesia and Russia and their impact on government stability in both countries.

The separation of power in Indonesia offers several notable advantages. One is the presence of a strong checks and balances system, where the President cannot dissolve the parliament (DPR), and the DPR cannot remove the President except through a constitutionally regulated impeachment process. This ensures power is balanced and no branch becomes overly dominant.³⁶ Additionally, direct presidential elections held every five years provide strong democratic legitimacy and foster political participation among citizens.³⁷ The implementation of regional autonomy under the Local Government Law (1999, amendment 2014) has enhanced decentralized governance, allowing regions to manage their own affairs more effectively.³⁸ Moreover, judicial independence has been strengthened, helping to uphold the rule of law and separate the judiciary from executive interference.³⁹

Despite these advantages, several drawbacks persist in the system. The executive often remains dependent on the legislature for policy approval, particularly regarding the national budget and lawmaking, which can result in political gridlock if the President lacks majority support in the DPR.⁴⁰ Indonesia's multiparty system further complicates governance, as fragmented coalitions often form unstable governments, delaying or obstructing policy decisions. In some

³⁴ Mohammad Ahsanul Khuluqi and Muwahid Muwahid, "Sejarah Sistem Pemerintahan Dan Kekuasaan Eksekutif Di Indonesia," *Al-Qanun Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 26, no. 2 (January 2024): 167–80, <https://doi.org/10.15642/alqanun.2023.26.2.167-180>.

³⁵ Lana Tsanova, "The Power Balance Issues in the Semi-Presidential Republic," *Journal of Law* 1 (2017).

³⁶ Cora Elly Novianti, "Demokrasi Dan Sistem Pemerintahan," *Jurnal Konstitusi* 10, no. 2 (May 2016): 333, <https://doi.org/10.31078/jk1027>.

³⁷ Umbu Rauta, "Menggagas Pemilihan Presiden Yang Demokratis Dan Aspiratif," *Jurnal Konstitusi* 11, no. 3 (May 2016): 600, <https://doi.org/10.31078/jk11310>.

³⁸ Ferizaldi Ferizaldi, *Dinamika Otonomi Daerah Di Indonesia*, 1 (Lhokseumawe: Unimal Press, 2016).

³⁹ Virto Silaban and Kosariza, "Kedudukan Mahkamah Konstitusi Dalam Sistem Ketatanegaraan Republik Indonesia," *Limbago: Journal of Constitutional Law* 1, no. 1 (2021), <https://doi.org/10.22437/limbago.viii.8636>.

⁴⁰ Nurrahman Aji Utomo, "Dinamika Hubungan Antara Pengujian Undang-Undang Dengan Pembentukan Undang-Undang," *Jurnal Konstitusi* 12, no. 4 (May 2016): 825, <https://doi.org/10.31078/jk1248>.

cases, political interests dominate public policy, reducing effectiveness.⁴¹ The strong emphasis on checks and balances also leads to bureaucratic sluggishness, as decisions must pass through multiple procedural layers. This can hinder rapid government responses, especially during crises or urgent situations.⁴² These weaknesses illustrate the complexity of maintaining both democratic mechanisms and effective governance in Indonesia's political system.

The separation of powers in the Russian Federation presents several advantages. Russia's semi-presidential system grants the President broad authority over domestic and foreign affairs, contributing to political stability and strong executive leadership. The President can appoint or dismiss the Prime Minister without parliamentary consent, streamlining government control.⁴³ This centralized authority allows for quick and efficient decision-making, enabling the government to respond rapidly to crises like economic disruptions or security threats. Additionally, centralized power helps manage the country's diverse regions by limiting separatist tendencies and maintaining national unity. These features contribute to a highly stable, top-down governance structure.

However, this system also has significant drawbacks. Despite a formal separation of power, the President's dominance undermines effective checks and balances, as the legislature and judiciary often operate in alignment with executive interests. The State Duma frequently functions as a rubber-stamp institution, and the judiciary is criticized for partiality toward the ruling power.⁴⁴ Furthermore, Russia faces widespread international and domestic criticism for limiting political freedoms, including the suppression of opposition voices and restrictions on independent media. These conditions reduce democratic accountability and discourage dissent.⁴⁵ The concentration of power in the executive branch heightens the risk of authoritarian practices and abuse of authority.

In Indonesia, a strong system of checks and balances allows democracy to develop well, but on the other hand causes the political process to be slow and often hampered by political party interests.⁴⁶ Meanwhile, in Russia, the government is more stable because the President has full control over state policy,

⁴¹ Tirta Yasa Agung Barus et al., "Mengurai Permasalahan Sistem Pemilu Di Indonesia Dan Dampaknya Terhadap Demokrasi," *Governance: Jurnal Ilmiah Kajian Politik Lokal Dan Pembangunan* 11, no. 2 (December 4, 2024): 40-45, <https://doi.org/10.56015/gjikplp.v11i2.318>.

⁴² Yusriasis Yusriasis, "Budaya Birokrasi Pemerintahan (Keperihatinan Dan Harapan)," *Jurnal Sosial Budaya* 9, no. 1 (2012): 1-28, <https://doi.org/https://doi.org/http://dx.doi.org/10.24014/sb.v9i1.372>.

⁴³ Connor McAfee, "Semi-Presidentialism : A Pathway to Democratic Backslide," *Penn State Journal of Law & International Affairs* 11, no. 2 (2023).

⁴⁴ Sujit Choudhry and Richard Stacey, *Semi-Presidentialism as Power Sharing: Constitutional Reform after the Arab Spring* (New York: The Center for Constitutional Transitions at NYU Law, 2014).

⁴⁵ Jennifer Earl, Thomas V. Maher, and Jennifer Pan, "The Digital Repression of Social Movements, Protest, and Activism: A Synthetic Review," *Science Advances* 8, no. 10 (March 2022), <https://doi.org/10.1126/sciadv.abl8198>.

⁴⁶ Yulita Pujilestari et al., "Sistem Politik Dan Pemerintahan Indonesia Setelah Reformasi," *Jurnal Mahasiswa Karakter Bangsa* 1, no. 1 (2021): 49-50.

but with the consequence of limited political freedom and excessive executive dominance.⁴⁷

Conclusion

The power-sharing systems in Indonesia and Russia reflect the core differences in their forms of government. Indonesia applies a presidential system where the President serves as both head of state and government, with power balanced by legislative and judicial oversight. Authority is divided both horizontally across state institutions and vertically through regional decentralization. In contrast, Russia's semi-presidential system concentrates executive power in the President, while the Prime Minister manages domestic policy with limited independence. Although Russia has a bicameral parliament and formal judicial institutions, these are often seen as subordinate to presidential control, limiting true checks and balances. Indonesia's system promotes democratic accountability and broader participation, but struggles with inefficiencies such as legislative deadlock and bureaucratic delays. Russia, while politically stable and efficient in decision-making, sacrifices political freedom and transparency due to executive dominance.

To enhance governmental effectiveness, Indonesia needs to strengthen coordination between the executive and legislative branches to prevent political deadlock without sacrificing checks and balances, and to streamline bureaucracy for faster and more efficient decision-making. Russia, meanwhile, should bolster the independence of the legislative and judicial branches and create space for political freedom to make the government more transparent and accountable without compromising national stability. Both countries can learn from each other: Indonesia can adopt aspects of Russian efficiency, while Russia can emulate Indonesia's more open democracy, aiming for a balance between stability and sound democratic principles.

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⁴⁷ LR. Watts, *Comparing Federal Systems*. 3rd Editions. London, McGill-Quees University Press, 2008.

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