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

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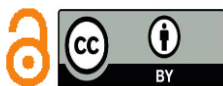
The separation of powers in Indonesia and Russia exhibits notable differences shaped by their respective government systems. Indonesia, a unitary state with a presidential system, strives to maintain a balance among executive, legislative, and judicial branches while pursuing decentralization to empower 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 Justitia: 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 Alvia 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 Noviati, "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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