

MPR Annual Session and Substantial Democracy: Considering the Relevance of Constitutionalism and Popular Sovereignty in the Governance of Indonesian Democracy

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Abstract: *The institutional transformation of the People's Consultative Assembly (MPR) post-reformation has shifted its constitutional role from the highest state institution to one of the important pillars in the state system that emphasizes the principle of division of powers. The MPR Annual Session emerged as a forum that accommodates the submission of annual reports of state institutions and the President's state address. However, the effectiveness of this forum is still questionable: is it merely ceremonial or does it play a role in strengthening substantial democracy based on people's sovereignty and constitutionalism? This paper examines the relevance of the MPR Annual Session in strengthening substantial democracy in Indonesia through a normative-constitutional approach and the theory of people's sovereignty. The focus of the analysis is directed at the potential of this forum as an accountable deliberative instrument, to strengthen transparency and the mechanism of checks and balances between state institutions. This article argues that strengthening the role of the MPR Annual Session is not merely symbolic, but important in facing the challenges of procedural democracy and oligarchic tendencies in policy practice. Thus, the institutional reform of the MPR Annual Session is a strategic step to realize a more inclusive, responsive, and equitable constitutional democracy.*

Keywords: *MPR Annual Session, substantial democracy, people's sovereignty, constitutionalism, checks and balances.*

INTRODUCTION

The 1998 Reformation marked a fundamental change in the structure of the Indonesian state, including the shift in the position of the People's Consultative Assembly (MPR) from the highest state institution to part of a more egalitarian power-sharing system. One of the roles that the MPR now plays is holding the Annual Session. However, this forum is often considered ceremonial rather than substantive, raising the question: to what extent can the MPR Annual Session contribute to strengthening democracy rooted in people's sovereignty?

The MPR Annual Session, as part of the institutional repositioning after the amendment to the 1945 Constitution, is normatively intended as a forum for public accountability through the submission of annual reports of state institutions and the President's state address. In practice, this forum is often seen as symbolic without any real contribution to strengthening the checks and balances mechanism between branches of power.

Procedurally, the implementation of the Annual Session does fulfill the principle of formality. However, from the perspective of substantial democracy - which emphasizes the quality of representation, the effectiveness of public oversight, and the articulation of the will of the people - this forum has not fully answered the constitutional needs or aspirations of the

people. There is a gap between normative ideals and institutional realities that are not yet deliberative.

This paper aims to critically examine the role and institutional design of the MPR Annual Session in the context of strengthening substantial democracy. The approach used is constitutionalism which emphasizes the limitation of power, the supremacy of the constitution, and the accountability of state institutions as well as the theory of popular sovereignty which views that the legitimacy of power must come from the active participation of the people. Through these two approaches, the study is expected to formulate a reform of the Annual Session so that it becomes a deliberative space that is reflective and has corrective power.

By strengthening the function of the MPR Annual Session as part of inter-institutional supervision, Indonesia can go further in building a democracy that is not only procedural, but also realizes openness, accountability, and response to public aspirations. This is where the importance of designing institutional reform systematically so that democracy runs substantively and sustainably.

RESULT AND DISCUSSIONS

Conceptualization of Substantial Democracy, Constitutionalism, and Its Relevance to the MPR Annual Session

Substantial democracy goes beyond electoral procedures and demands a government that truly reflects the will of the people through meaningful public participation, strong accountability, and protection of human rights. Diamond and Morlino (2004) emphasize that this kind of democracy is characterized by quality political participation, the rule of law, vertical and horizontal accountability, and the effectiveness of institutions in responding to the needs of the community fairly. In Indonesia, the achievement of procedural democracy has increased since the reformation, but the quality of substantial democracy is still hampered by weak oversight of power, elite dominance in the policy process, and minimal open deliberative space.

The MPR Annual Session should be a constitutional space that allows public assessment of the course of government through accountability mechanisms between state institutions. Ideally, this forum functions as a deliberative arena, where MPR members who represent the aspirations of the people and the aspirations of regional interests can provide critical responses to reports on the performance of state institutions and the President's state address. However, in practice, this forum tends to turn into an annual forum with minimal substantive debate and civil society involvement. The absence of reciprocal responses from the MPR, the absence of follow-up mechanisms, and the lack of transparency have caused the MPR's representative function to lose its corrective power.

This condition reflects the lack of synchronization between the normative potential of the MPR Annual Session and the reality of its implementation. If people's sovereignty is interpreted as public control over power, then this forum should be an articulate, not a symbolic, forum. Reformulation of the structure and procedures of the Annual Session is a necessity so that democracy does not only live in the electoral process, but also in open, reflective, and substantive supervisory practices.

Constitutionalism is classically understood as a doctrine that emphasizes the limitation of power through the supremacy of the Constitution, the separation of powers, and the accountability of state institutions within the legal framework (Vile, 1998). In its development, modern thinking on constitutionalism also includes substantive values such as the protection of human rights, public participation, and democratic deliberation (Tushnet, 2003; Habermas, 1996). In a presidential system like Indonesia, the principle of checks and balances is crucial

to ensure that power is not centralized in one branch of government. One potential space to realize this principle is through the MPR Annual Session, which brings together the People's Representative Council (DPR), Regional Representative Council (DPD), and other high state institutions in a forum for delivering performance accountability or constitutional 'accountability'.

Normatively, the MPR Annual Session has the potential to become a horizontal accountability forum for strengthening state governance, similar to the State of the Union Address in the United States or the Speech from the Throne in the United Kingdom and Canada, which is followed by an official response from parliament as a form of institutional dialogue. However, in reality in Indonesia, the Annual Session still lacks deliberative space and takes place in a one-way manner, where reports from state institutions and the President's Speech are only read without any substantive response from the MPR as an institution or structured public participation. This condition reduces the forum's control function and distances it from the principle of people's sovereignty which should be the basis of constitutional forums. Even according to A.B. Kusuma, the implementation of checks and balances after the amendment seems to have failed because the checks on the President have decreased and there is no mutual check between the DPR and DPD on the President's power.

The absence of an official response session, the absence of a follow-up mechanism for annual reports, and the weak integration of evaluation results into state policy indicate that the MPR Annual Session has not functioned as an optimal checks and balances instrument. In fact, in a strong presidential system where the President is not directly responsible to parliament, a cross-institutional forum like this is becoming increasingly important as a channel for constitutional correction of state policy. Therefore, institutional reform of the Annual Session is important, including strengthening the procedures and regulations for official response sessions by the MPR, as well as involving the public and experts in compiling annual constitutional notes. With these steps, this forum can be transformed from a mere ceremonial event into a reflection of constitutionalism that lives in the practice of Indonesian democracy.

Comparison of the MPR Annual Session and Similar Forums in Other Countries

In a system of government that adheres to the principle of modern constitutionalism, the existence of an annual forum between branches of power is an important instrument in realizing the principle of checks and balances. This forum acts as an evaluative space and strategic communication between the executive and legislative branches, and a means of public transparency regarding the direction of state policy. Indonesia has the MPR Annual Session, while countries such as the United States, England, Germany, and South Africa have similar forums that have been rooted in their respective state practices.

In the United States, the President delivers the State of the Union Address before Congress as a constitutional mandate (Article II Section 3 of the US Constitution). This speech not only conveys the achievements and agenda of national policy but is also followed by an official response from the opposition party, which strengthens the deliberative aspect and public accountability through legislative and media responses.

In the UK, in a parliamentary monarchy system, an annual speech known as the Speech from the Throne is read by the King or Queen based on a script prepared by the government. This speech opens the parliamentary session and sets the legislative agenda. Uniquely, the speech was responded to officially through the Debate on the Address, allowing people's representatives to openly convey criticism and support for government programs.

In Germany, the Regierungserklärung or Government Statement is delivered by the Chancellor to the Bundestag to explain the direction of the government. This forum is not just

a delivery of the agenda but is followed by a parliamentary debate that allows for active legislative control and can even lead to a motion of no confidence if the majority of parliament rejects the direction of government policy.

South Africa implements the State of the Nation Address (SONA) as the President's annual speech delivered before a combination of the two legislative chambers. SONA is open, widely monitored by the media and the public, and is an important forum for executive accountability. Afterward, parliament discusses the speech in a plenary session, indicating the existence of a substantive oversight mechanism.

In contrast to the practices of these countries, the MPR Annual Session in Indonesia does not yet have an official response mechanism, has not produced binding strategic recommendations, and tends to be one-way. There is no room for substantive debate in parliament on the President's speech or reports from state institutions, and civil society participation is still symbolic.

In fact, if reformatted as a deliberative forum with the provision of institutional MPR response space with the involvement of academics and the public, as well as the formation of annual policy notes, the MPR Annual Session has great potential to become an instrument of checks and balances in the Indonesian presidential system. Institutional reform through changes to the MPR's rules of procedure and strengthening of deliberative political culture can transform this forum into a living, reflective, and substantial democracy-oriented accountability mechanism.

People's Sovereignty and Representative Function of the MPR

Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia emphasizes that "sovereignty lies in the hands of the people and is implemented according to the Constitution." The provision is the foundation that all state institutions including the MPR are responsible for channeling and realizing people's sovereignty through state institutional apparatus. Historically, Soepomo's thinking on the integralist state emphasized the unity between the people and the ruler, while in modern democratic theory, such as in Rousseau's conception of *volonté générale*, the state is seen as an expression of the general will of the people which must be realized through authentic representation and legitimate institutional mechanisms.

After the reformation and constitutional amendments, the role of the MPR shifted from being the highest state institution to being equal to other constitutional institutions. The loss of the MPR's authority to determine the General Guidelines of State Policy (GBHN) and the absence of direct control over the President is often seen as a decline in the representative function. However, in a strong presidential system like Indonesia, supervision does not always have to be directed towards the executive. It can be carried out through reflective and deliberative mechanisms, such as the Annual Session which brings together political and regional representation of all Indonesian people in one national forum.

For the Annual Session not to be trapped in formality without substantive meaning, structural and procedural reforms are needed to make it an evaluative and dialogical space. These reforms include the provision of an official response session from the MPR institutionally, the involvement of academics and civil society in the formulation of the MPR's annual policy note, and the preparation of national constitutional notes as a reference for policy direction. With this step, the MPR can resume its role as the guardian of the constitutional spirit and the articulation of people's sovereignty substantively and not just symbolically.

Urgency of Renewing the MPR Annual Session

The MPR Annual Session held every August is a strategic constitutional forum for strengthening substantive democracy, especially within the framework of horizontal accountability between state institutions. However, in practice, this forum has not implemented the deliberative principle optimally as idealized in the theory of deliberative democracy (Habermas, 1996), due to the absence of a discussion mechanism, policy debate, or critical response to the annual reports of the President and other state institutions.

Procedurally, this weakness is exacerbated by the absence of a policy follow-up mechanism that is institutionally binding. There are no provisions that explicitly regulate the MPR's obligation to prepare evaluative notes or strategic recommendations on the reports submitted. This situation weakens the principle of checks and balances in the presidential system and distances the Annual Session from the essence of participatory democracy that assumes open dialogue between the executive, legislative, and society. Therefore, institutional reform of the MPR Annual Session is seen as an urgent need. This forum needs to be transformed into an evaluative deliberative space by providing an official MPR response session based on the inclusion of civil society and academic elements. To ensure sustainability, the MPR should provide space or even assign its supporting apparatus to prepare an Annual Policy Note based on the forum's findings as a reference document in ongoing national policy dialogue. In this way, the Annual Session will function as an instrument for evaluating state policies that are participatory, transparent, and based on modern constitutionalism.

CONCLUSION

The MPR Annual Session is a constitutional forum that has great potential to strengthen the quality of Indonesian democracy, especially in the substantive dimension that emphasizes the principles of accountability, transparency, and participation. However, in its implementation, the deliberative function of this forum has not been utilized optimally to reflect the principles of constitutionalism and people's sovereignty. As explained by Diamond and Morlino (2004), substantive democracy is not only based on electoral procedures but also requires a response from state institutions to public aspirations fairly and sustainably. The absence of an official response session, the absence of a follow-up mechanism for annual reports, and minimal public involvement make this forum still take place symbolically and unilaterally.

In fact, in a presidential system like Indonesia, cross-institutional forums such as the Annual Session have the potential to be a vehicle for strengthening horizontal accountability that supports the sustainability of checks and balances. Therefore, the reformulation of the Annual Session as a deliberative and reflective space is an important step in building a more substantial, participatory, and responsible practice of constitutional democracy.

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