



Implementation of the Annual Session of The MPR from A Constitutional Perspective

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ABSTRACT

This paper adopts a descriptive-analytical design intended to map out the annual session from a constitutional standpoint, drawing on normative legal research supported by statutory, conceptual, and historical approaches. The analysis concludes that the annual session already rests on solid ground both as a matter of constitutional law and as an established constitutional convention and that it plays an indispensable part in the MPR's function as the embodiment of popular sovereignty, since it gives state institutions a channel through which to account to the people, the true holders of sovereign power. Even so, the legal architecture surrounding the existence and operating mechanism of the annual session still needs to be reinforced, so that every state institution genuinely internalizes its duty and the significance of reporting its performance to the people through the MPR.

INTRODUCTION

Popular sovereignty stands among the guiding principles of Indonesian statehood, expressed both in the Preamble and in the body of the 1945 Constitution (UUD NRI 1945). Understanding how this doctrine came to be adopted in Indonesia therefore matters, not because it was lifted wholesale from J.J. Rousseau's teaching, but because it also grew out of values already embedded in Indonesian society itself what is often referred to as the *volkgeist*.

As Bakar (1987, p. 110) put it, the populist principle guided by the wisdom of deliberation and representation, as found in the fourth paragraph of the Preamble, essentially blends the village-level tradition of *musyawarah-mufakat* with the Euro-American conception of popular sovereignty grounded in representation.

Muhammad Yamin, for his part, traced Indonesia's notion of popular sovereignty in the 1945 Constitution to two intellectual currents: one rooted in the historical evolution of sovereignty within the archipelago itself, and the other borrowed from the great world revolutions – American, French, and Russian (Bakar, 1987, p. 115). According to Yamin, the guiding wisdom of the Indonesian people is a form of healthy rationalism, one that has broken free from anarchy, liberalism, and colonial mentality (Yamin, 1971, p. 98).

Soekarno, discussing deliberation, identified three benefits it brings to a nation under divine protection. First, deliberation refines human struggle and channels it along a righteous path, since it compels people to open their minds to one another. Second, deliberation ensures that state affairs are not steered by a single mind but carried collectively by every group in society, so that the state functions like a living body in which each cell performs its own duty within a shared consensus differences in role notwithstanding, all serve the perfection of the whole. Third, deliberation corrects or removes the errors that any single person's judgment or conduct might otherwise introduce, steering the state toward right action (Yamin, 1971, p. 95).

These ideas together show that "democracy guided by the wisdom of deliberation/representation" carries deeper philosophical implications:

1. Democracy functions as a philosophical and spiritual foundation. It expresses the ideal that the state exists for the whole of its people. On that basis, democracy is not confined to the political sphere alone but extends into the socio-economic domain as well a scope broader than the term "democracy" is sometimes taken to mean.
2. Deliberation and representation are inseparable from the very idea of democracy. Because deliberation/representation belongs to the realm of political democracy, political democracy becomes an indispensable precondition for realizing popular sovereignty (Kaelan, 1996, p. 141).

A look back at the records of the 1945 Constitution's drafting confirms that the MPR was conceived to represent the entire Indonesian people and to hold the highest authority in the state. Muhammad Yamin, describing the intended state structure, explained that above the Head of State and Deputy Head of State would sit a Consultative Assembly representing all Indonesians the highest authority in the republic whose members would come not merely from regional delegations but from freely and independently elected representatives of the people and its various groups, chosen by majority vote (State Secretariat of the Republic of Indonesia, 1995, p. 181).

This shows that, in the founders' original design, the Consultative Assembly was meant to be the forum in which the entire Indonesian people deliberated, and for that reason it was ranked as the highest state institution. After the Amendment to the 1945 Constitution, however, the MPR's standing was effectively lowered to a position equal with other state bodies the DPR, DPD, the Supreme Court, the Constitutional Court, and so on under the logic of a checks-and-balances system, even though Jimly Asshiddiqie observes that, from the standpoint of the separation of powers, strict equality and balance among institutions is not necessarily the primary organizing value (Asshiddiqie, 2004, p. 11).

Under the present constitutional design, Article 3 of the 1945 Constitution assigns the MPR three powers: amending and enacting the Constitution, installing the President and/or Vice President, and dismissing either official during their term in accordance with constitutional procedure.

Article 2 of the same Constitution also requires the MPR to convene at least once every five years in the nation's capital – a provision that has since crystallized into constitutional tradition. On that footing, the MPR holds an annual session to obtain the President's accountability report as mandate-holder, together with performance reports from other state institutions, a practice currently meant to give those institutions a venue for reporting on their work (People's Consultative Assembly of the Republic of Indonesia, 2019, art. 61). This practice nonetheless calls for renewed constitutional scrutiny, precisely because the MPR is no longer the highest state institution but merely one high institution among equals, and because the annual session itself is not explicitly spelled out either in the 1945 Constitution or in the MD3 Law governing the MPR, DPR, DPD, and DPRD.

Oligarchic practice illustrates how sovereignty can be quietly wrested from the people's hands by political parties, leaving citizens dispossessed of one of their most fundamental rights. There is, therefore, no alternative but to recover the sovereignty taken by officials and parties and restore it to its rightful owners.

Sovereignty, in this sense, cannot be reduced merely to political power or the act of electing representatives; it must also be read in terms of welfare, justice, and prosperity (Siregar, 2015, p. 59). Ideally, then, the MPR in Indonesia ought to be a distinctive institution rooted in the nation's own cultural foundations, rather than one built purely on the Western doctrine of separation of powers, which tends toward individualism and liberalism.

THEORETICAL REVIEW

Theory of the Rule of Law

This theory posits that the exercise of state power must be grounded strictly in law (constitutional supremacy) rather than arbitrary power (*machtstaat*). In the Indonesian constitutional framework, this principle is explicitly enshrined in Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). The implementation of the Annual Session of the People's Consultative Assembly (MPR) must be evaluated against constitutional principles and statutory rules. This theory serves to examine whether the MPR's Annual Session possesses a clear legal basis and legitimacy within the hierarchy of Indonesian legislation post-UUD 1945 amendments.

Theory of Separation of Powers & Checks and Balances

Stemming from Montesquieu's *Trias Politica*, this doctrine evolved into a modern system of horizontal checks and balances among state organs. Following the constitutional amendments, the MPR is no longer the supreme state institution (supremacy of MPR), but rather a co-equal state organ alongside the President, DPR, DPD, MK, MA, and BPK. This theory analyzes how the MPR Annual Session operates as a forum for state reports without undermining the balanced horizontal relationships among state institutions.

Theory of Popular Sovereignty and Democracy

Under Article 1 Paragraph (2) of the 1945 Constitution, sovereignty resides in the people and is exercised according to the Constitution. The Annual Session—wherein state organs present performance reports—serves as a mechanism for public transparency. This theory helps assess how effectively the session embodies popular sovereignty through public openness regarding the state's governance.

Doctrine of Constitutional Conventions

Constitutional conventions are unwritten practices or customs within state governance that, while not explicitly defined in formal constitutional texts, are consistently practiced and accepted as legally or politically binding (*opinio juris sive necessitatis*). Since the term "Annual Session of the MPR" (*Sidang Tahunan MPR*) is not explicitly detailed in the post-amendment UUD 1945 text, this doctrine serves as the primary analytical framework to determine whether the session has established itself as a binding constitutional convention in Indonesia.

Theory of Public Accountability

Public accountability refers to the obligation of state officials and institutions to report, justify, and answer for their actions and policies to the public or designated constitutional bodies. This theory is used to analyze the nature of the "Performance Reports of State Institutions" delivered during the session—specifically whether these reports carry purely political/informational value or entail direct legal consequences for the reporting bodies.

METHODOLOGY

Research Specification

Given the background outlined above, this study is descriptive-analytical in nature, seeking to portray the existence of the MPR annual session from a constitutional lens in Indonesia. It examines how the annual session functions within the wider constitutional framework and the surrounding legal institutions, with the aim of producing a holistic account that can inform a new institutional format for the MPR within Indonesia's state system.

Approach

The study relies on the normative-juridical (legal-research) method (Soekanto & Mamudji, 1985, p. 15), combining several approaches – statutory, conceptual, and historical (Marzuki, 2005, pp. 93–94) – to address its research questions. The statutory approach probes the constitutional mandate and the regulations governing the MPR after the Amendment to the 1945 Constitution; the conceptual approach clarifies the MPR's position within the state system in relation to the substance of the annual session. Because the data are drawn from secondary sources and library-based legal materials – primary, secondary, and tertiary legal materials concerning the MPR's constitutional standing under the 1945 Constitution, such as Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD as amended by Law No. 13 of 2019, and MPR Regulation No. 1 of 2019 on the MPR's Rules of Procedure – the research is normative-juridical in character.

RESEARCH RESULTS AND DISCUSSION

The MPR Annual Session from a Constitutional Perspective

Viewed through a legal-political lens, the 1945 Constitution rests on several pillars that anchor the nation's life:

First, the state is founded on a constitutional and legal basis (constitutionalism and the rule of law). The Constitution's distinguishing role is to place limits on state power so that its exercise never becomes absolute, thereby safeguarding citizens' rights. This is the essence of constitutionalism, oriented around two core meanings: restraining how far the state or government may intrude into social life, and guaranteeing human rights civil and political as much as economic, social, and cultural.

This links directly to the principle of the rule of law that anchors Indonesian social and political life, as mandated by Article 1(3) of the 1945 Constitution: "Indonesia is a state based on law." Ismail Saleh captured this when he stated that the Republic of Indonesia is a *Rechtsstaat*, not a *Machtsstaat* meaning that in a law-based state, law must occupy a central position across individual, social, and national life (Marzuki, 2009, p. 36).

Unlike the Western *rule of law/rechtsstaat* tradition, which is anchored in human dignity through liberalism, freedom, and individualism, Indonesia's law-based state instead rests on the principles of divinity, deliberation, and social justice (Chandranegara, 2014, p. 65).

Second, the foundation of democracy or popular sovereignty. Article 1(2) of the 1945 Constitution states plainly that "sovereignty belongs to the people and is exercised according to the Constitution," meaning the people, acting through their representatives, hold a strategic role in shaping public policy. Henry B. Mayo, in *An Introduction to Democratic Theory*, defines a democratic political system as one where public policy is decided by a majority of representatives who remain accountable to the electorate through periodic elections conducted under conditions of political equality and freedom (Budiardjo, 1983, p. 61).

Democracy, understood this way, is not merely a form of government but also carries a moral dimension, giving the term two distinct senses. First, it denotes a spiritual disposition grounded in the belief that every person's convictions and opinions hold equal worth, so that decisions should emerge from deliberation, an exchange of views, and compromise, ultimately settled at minimum by majority vote. Second, it denotes a system of government that allows every citizen to take part directly or indirectly in governance, and that ensures government decisions always rest on at least a majority of the governed (Busroh, 1989, p. 28).

Indonesia, which embraces Pancasila democracy, saw this articulated in the Second Army Seminar: Pancasila democracy under the 1945 Constitution means restoring the principles of a law-based state in which legal certainty is felt by every citizen, human rights both collective and individual are guaranteed, and abuse of power can be institutionally prevented (Mahfud MD, 1999, p. 50).

Both the constitutional-state/rule-of-law foundation and the democratic foundation are therefore firmly rooted in Indonesia's state system, and both find expression across its various institutions the MPR, DPR, DPD, the Presidency, the Supreme Court, the Constitutional Court, the Judicial Commission, the Audit Board, and others regulated by the Constitution.

Although the Amendment to the 1945 Constitution stripped the MPR of its status as sole holder of popular sovereignty and as the Highest State Institution a status it once held under MPR Decree No. III/MPR/1978 it should still be understood as occupying a "elevated" position relative to other state institutions.

This reading follows directly from the authority the Constitution explicitly assigns to the MPR authority that is fundamental to national life — as set out in Article 3 of the 1945 Constitution:

1. The MPR may amend and enact the Constitution.
2. The MPR installs the President and/or Vice President.
3. The MPR may dismiss the President and/or Vice President during their term, subject to constitutional procedure.

Article 4 of Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD, as amended by Law No. 13 of 2019, elaborates on this authority as follows:

1. amending and enacting the 1945 Constitution;
2. installing the President and/or Vice President elected through general election;
3. deciding on the DPR's proposal to dismiss the President and/or Vice President during their term, once the Constitutional Court has ruled that the official committed treason, corruption, bribery, another serious crime, or a disgraceful act, or no longer meets the qualifications for office;
4. installing the Vice President as President should the President die, resign, be dismissed, or become unable to carry out the duties of office;
5. electing a Vice President from two candidates nominated by the President should the vice-presidential seat fall vacant during the term; and
6. electing both President and Vice President, should both simultaneously die, resign, be dismissed, or become unable to serve, from two pairs of candidates nominated by the political party or coalition whose ticket placed first and second in the preceding general election, to serve out the remaining term (People's Consultative Assembly of the Republic of Indonesia, 2019, art. 5).
7. To exercise this authority the MPR must, of course, convene various sessions to settle policy matters, as expressly required by Article 2(2) of the 1945 Constitution: "The MPR shall meet at least once every five years in the nation's capital." This demonstrates that, as the institution representing the whole Indonesian people, the MPR is bound to hold sessions as needed, grounded constitutionally in Article 1(2) and (3), Article 2, Article 3, and Article 37 of the 1945 Constitution.

The MPR session is accordingly governed by a series of legal instruments within Indonesia's state system: MPR Decree No. II/MPR/1999 on the Rules of Procedure, subsequently amended several times through MPR Decree No. II/MPR/2000 and MPR Decree No. V/MPR/2001, the latter setting out in Article 50 three categories of MPR session (a) the General Session, held at the outset of the Assembly's term; (b) the Annual Session, held every year; and (c) the Special Session, held outside the General and Annual Sessions.

In 2002 the rules governing the Annual Session were further developed, not only through MPR Decree No. V/MPR/2002 (the Fourth Amendment to MPR Decree No. II/MPR/1999 on the Rules of Procedure) but also MPR Decree No. III/MPR/2002 on convening the 2003 Annual Session, which was subsequently followed by MPR Decree No. II/MPR/2003 (the Fifth Amendment to MPR Decree No. II/MPR/1999).

MPR Regulation No. 1 of 2019 on the MPR's Rules of Procedure likewise addresses the matter in Article 152:

1. To uphold and strengthen popular sovereignty, the MPR may convene annual sessions to receive performance reports from state institutions concerning the implementation of the 1945 Constitution.
2. The state institutions covered under paragraph (1) include the MPR, DPR, DPD, the President, the Supreme Court, the Constitutional Court, the Audit Board, and the Judicial Commission.
3. The annual session referred to in paragraph (1) is held from August 14 to 16, opening with the MPR's own performance report and closing with the President's.
4. The President's address delivering the performance report on August 16, as referred to in paragraph (3), doubles as the President's state address marking the anniversary of Indonesian independence.

All of this indicates that the annual session, although not spelled out verbatim in the 1945 Constitution, is nonetheless implicit in it, flowing from Article 1(2) and (3), Article 2, Article 3, and Article 37. Equally, the MPR's unbroken yearly practice of convening this session has hardened into constitutional convention, since Indonesia's constitutional architecture holds that:

A country's constitution forms only part of its overall body of basic law. Alongside the written Constitution stands an unwritten body of basic law – foundational rules that emerge and persist through the actual practice of state administration, even without being committed to writing. (This reflects the Elucidation to the 1945 Constitution; although the Elucidation lost its formal status after the Amendment, the underlying recognition of constitutional convention remains valid today.)

This unwritten basic law is better understood as convention rather than as customary law in the sense familiar from Indonesian society or legal education. That reading follows from the phrase describing it as "foundational rules that emerge and persist through the practice of state administration even though unwritten" (Manan, 1987, p. 18).

Conventions of this kind must be honored in practice, because breaching them would erode – or even negate – the popular sovereignty they are meant to protect. Several factors compel adherence to convention:

1. Conventions are observed to sustain and realize popular sovereignty, since they represent one avenue for upholding democracy;
2. Conventions are observed out of a wish to preserve the tradition of constitutional government;
3. Conventions are observed because breaching them would itself constitute a breach of the rule of law;
4. Conventions are observed because they help keep the complex machinery of government running in an orderly fashion;
5. Conventions are observed out of concern over possible sanctions – impeachment or other political consequences such as loss of office;

6. Conventions are observed because of the weight of public opinion; breaching them typically provokes public backlash, including a loss of support (Manan, 1987, p. 54).

The constitutional convention embodied in the MPR's annual session functions effectively precisely because the forum brings together the DPR (political representation) and the DPD (regional representation). Institutionally, then, the MPR already represents both the people's and the regions' interests, allowing the President to deliver a single unified address before the MPR rather than separate ones before the DPR and DPD individually. In practical terms this makes the process more efficient, and substantively, alongside hearing the President's annual state address every August 16, the public also receives reports on how well state institutions have performed (Ramadhan, 2022, p. 118).

Reconstruction and Strengthening of the MPR Institution

Reformulating the MPR now composed of DPR and DPD members as the institution holding popular sovereignty, as established under the Fourth Amendment to the 1945 Constitution, inevitably affects the position of an institution that once held sovereignty in its own right. A comprehensive study is therefore needed at the implementation level to strengthen it. This concern is inseparable from Pancasila democracy's foundation in deliberation, a principle the MPR designed by the founders to embody the whole Indonesian people is meant to accommodate.

Accordingly, the MPR functions as the channel through which Indonesians can voice their aspirations within a system of representative and accountable government. Representation and accountability form the core principles of modern democratic governance, since no exercise of power should escape accountability (Mulyosudarmo, 1997, p. 1).

Put differently, aligning government policy with the state's ideals and objectives requires strengthening the MPR for several reasons:

First, because Indonesia's foundation of popular sovereignty rests on deliberation and consensus, the MPR now made up of the DPR and DPD embodies the representation of the Indonesian people in shaping the direction of government, prompting renewed reflection today on the significance of the State Policy Guidelines (GBHN) in national life.

Second, as a body established by the Constitution, the MPR holds authority to create new powers through attribution and delegation that are granted to other constitutionally grounded state institutions, in connection with its own authority to amend and enact the Constitution.

Third, accountability mechanisms. Many state institutions currently lack adequate accountability mechanisms, even though accountability is essential to preventing the absolute exercise of power. In this light, it becomes essential for the MPR to serve as the platform through which other state institutions present performance reports supporting good, clean governance and enabling the public, as holder of sovereignty, to stay informed.

Bagir Manan observed, philosophically, that a republic exists by and for the public interest, meaning every office within it exists to serve that interest which is why every position, appointment, and office-holder in a republic fundamentally requires public participation, oversight, and accountability (Manan, 2003, pp. 67–68).

This suggests that institutionalizing the MPR Annual Session with the submission of performance reports by state institutions, as sovereignty-holders, to the people as one of its central agenda items is one way to strengthen the MPR within the checks-and-balances system, itself an expression of the constitutional and legal foundation of the state as well as its democratic foundation. Doing so helps realize the principles of good governance transparency, accountability, responsibility, independence, and fairness which in turn build public trust in the administration of the state.

Ahmad Basarah, Chairman of the MPR's Legislative Body, has noted that these performance reports differ from the accountability reports used during the New Order era; rather, they serve simply as institutional reports for public information, offering insight into each institution's annual work. Such a forum is necessary so that state institutions can explain to the public, through a performance-reporting mechanism, what they accomplished over the preceding year (Akmal, n.d.).

Constitutional law expert Widodo Eko Cahyono, of the MPR's research institute, similarly described this new constitutional tradition inviting every state institution to report annually on its performance as an unprecedented and welcome breakthrough (Akmal, n.d.). On this understanding, the MPR's annual session can be read as an expression of constitutional values in practice, making its continuation a necessity for embedding those values as foundational state rules. The MPR's initiative in holding the annual session marks a promising first step toward cultivating a new constitutional culture and tradition one that should be sustained to deepen democratic constitutional life and improve the overall quality of democracy (Supriyadi et al., 2025, p. 37).

Even so, the practice of state institutions presenting performance reports before the MPR Annual Session still requires thorough legal study going forward, because under the current arrangement where the MPR is merely one of several equal holders of popular sovereignty its capacity as a forum for the sovereign people to evaluate accountability and take part in oversight and control of state institutions through constitutional channels remains limited.

Beyond innovating the format of the Annual Session itself, therefore, every organizer must also be made to feel genuinely committed to both its organization and its substance. This is a crucial task for the MPR, since the Annual Session in effect restores part of the nation's and the state's own identity meaning that any failure to uphold it risks eroding public trust and legitimacy. Wade identifies one of the reasons conventions are honored as the anxiety to preserve public confidence and, with it, office and power together with the wish to keep alive the tradition of constitutional government (Susanto, 2022, p. 104).

CONCLUSIONS AND RECOMMENDATIONS

Drawing on the discussion above, this article closes with the following conclusions:

1. The MPR requires reconstruction as a state institution occupying an elevated position within Indonesia's state system, reflecting the state's foundation in popular sovereignty as realized through deliberation and consensus comprising the DPR, the DPD (political and regional representation), and Group Representatives (functional representation) rooted in the nation's own cultural traditions.
2. From both a constitutional-juridical standpoint and as a matter of state convention, the MPR Annual Session already rests on solid footing, and stands as a necessary expression of the MPR's role as one of the institutions holding popular sovereignty providing a forum through which state institutions report their performance to the people, who hold ultimate sovereignty.
3. Within this framework, the legal institutions governing the existence and mechanism of the MPR Annual Session need to be strengthened, so that every state institution develops both the responsibility and the awareness to submit its performance report to the people through the MPR.

ADVANCED RESEARCH

Future research could expand the analysis by examining the practical implications of the Annual Session of the MPR on Indonesia's constitutional development and democratic governance.

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