

THE LEGISLATIVE RATIO AND EXISTENCE OF THE MPR BEFORE AND AFTER THE AMENDMENT TO THE 1945 CONSTITUTION

Hamdan Saleh Batjo

Program Magister Ilmu Hukum, Universitas Nusa Cendana Kupang, NTT, Indonesia

*Correspondence: hamdansalehs2und@gmail.com

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ABSTRACT

The People's Consultative Assembly (MPR) has historically occupied a central role within Indonesia's constitutional framework. Before the amendments to the 1945 Constitution, the MPR functioned as the highest state institution, exercising full Sovereignty of the people and holding constitutional supremacy. However, following the 1998 Reform Era and through four stages of constitutional amendments (1999–2002), the MPR's status fundamentally shifted into a high state organ equal to other constitutional bodies within the framework of checks and balances. This study analyzes the ratio legis of the MPR's establishment and its existence before and after the constitutional amendments. The research method is normative legal research, supported by historical and conceptual approaches. The findings reveal that although the MPR's Authority has been significantly reduced, it plays strategic roles, including amending and enacting the Constitution, inaugurating the President and Vice President, and serving as a forum for national representation. The post-amendment existence of the MPR reflects an adaptation to constitutional democracy while also sparking debates on its institutional repositioning. Strengthening the MPR's role remains essential to ensuring political and constitutional stability in Indonesia.

INTRODUCTION

Since independence, the People's Consultative Assembly (MPR) has played a crucial role in the Indonesian state system. The pre-amendment 1945 Constitution explicitly stated in Article 1 paragraph (2) that "sovereignty rests with the people and is fully exercised by the People's Consultative Assembly." This provision positions the MPR as the highest state institution with broad Authority, ranging from amending the Constitution, electing

and dismissing the President and Vice President, to establishing the Broad Outlines of State Policy (GBHN) as guidelines for national development (Asshiddiqie, 2006). Following the Amendment to the 1945 Constitution, the MPR's existential repositioning shifted from being the highest state institution to a state institution equal to other high institutions. Popular Sovereignty no longer rests entirely with the MPR, but rather with the people, and is exercised according to the

Constitution. Its Authority was narrowed; it no longer elects the President/Vice President, but remains a legislative body with the Authority to amend and enact the Constitution and inaugurate and dismiss the President/Vice President under certain circumstances. The following are the main changes in the MPR's existential repositioning:

1. Changed Position, the MPR is no longer the highest state institution and no longer fully holds the people's Sovereignty.
2. People's Sovereignty, popular Sovereignty is now exercised directly by the people and in accordance with the Constitution.
3. Reduced Authority, the MPR no longer elects the President and Vice President. The MPR also no longer has the Authority to establish the General Outlines of State Policy (GBHN).
4. Enduring Authority: The MPR retains the Authority to amend and enact the Constitution.
5. The MPR retains the Authority to inaugurate and dismiss the President and/or Vice President during their term of office, as stipulated in the Constitution.
6. Changed Membership: Post-amendment MPR members consist of members of the DPR and DPD elected through general elections.

The post-1998 constitutional reforms significantly altered this structure. Through four Amendment (1999–2002), Article 1, paragraph (2) was amended to read "sovereignty rests with the people and is exercised in accordance with the Constitution." This change marked a paradigm shift from institutional supremacy to constitutional supremacy. As a result, the MPR was repositioned as one of the highest state institutions, alongside the President, the House of Representatives (DPR), the Regional Representative Council (DPD), the Supreme Court (MA), the Constitutional Court (MK), and the Supreme Audit Agency (BPK), with limited authority

to inaugurate the President and Vice President, amend the Constitution, and dismiss the President under certain circumstances (Indrayana, 2005).

This transformation raises fundamental questions: what was the legislative rationale behind the formation of the MPR, and how should its existence be understood after the constitutional repositioning? Is the MPR still relevant within the framework of Indonesian statecraft, or has its role been significantly diminished, creating an existential dilemma?

METHOD

Research Type

This research uses a normative legal design to analyze constitutional texts, legal doctrine, and constitutional practices.

Approach

1. Statutory approach: analyzing the 1945 Constitution (pre- and post-amendments), the 1950 Provisional Constitution, the 1949 RIS Constitution, MPR Decrees, and related laws and regulations.
2. Historical approach: examining the minutes of the BPUPKI and PPKI sessions, the 1959 Presidential Decree, and constitutional reform documents (1999–2002).
3. Conceptual approach: applying the theories of popular Sovereignty, separation of powers, and constitutional democracy.

Legal Sources

1. Primary: constitutional texts, MPR Decrees, and Constitutional Court decisions.
2. Secondary: academic books, journal articles, and research reports.

Data Collection

Data was collected through a literature review, including official documents, constitutional treatises,

academic literature, and trusted online sources (MPR, DPR, and MK websites).

Data Processing

1. Inventory: identifying relevant legal materials.
2. Classification: grouping materials by type and theme.
3. Systematics: arranging materials chronologically and thematically.
4. Interpretation: applying grammatical, systematic, and teleological interpretations.
5. Verification: assessing the validity and relevance of the materials.

Data Analysis

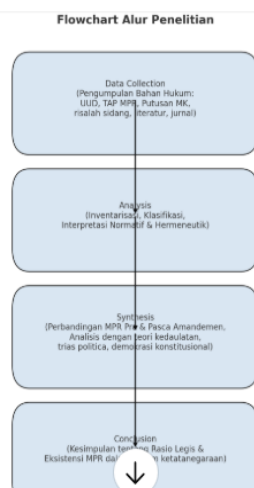
The analysis was conducted in two stages:

1. Normative analysis of constitutional provisions and legal doctrine.
2. Hermeneutic interpretation of norms is open to multiple interpretations or has undergone historical change.

A comparative method was used to assess the function of the MPR before and after the amendments, which was visualized through tables and diagrams.

Research Flow

Data Collection → Analysis → Synthesis → Conclusion



(Figure 1: Research Flowchart)

Data Collection → Analysis → Synthesis → Conclusion,

RESULT AND DISCUSSION

Comparison of the MPR's Authority Before and After the Amendment to the 1945 Constitution

Table 1. Comparison of the MPR's Authority Before and After the Amendment to the 1945 Constitution

Aspect	Before Amendment	After Amendment
Status	The institution is the highest country, holder of full Sovereignty	Institutional tall country, parallel with other constitutional institutions
Sovereignty	"Sovereignty is in the hands of the MPR" (Article 1(2) old version)	"Sovereignty in hand, people, and implemented according to the Constitution" (Article 1(2) results amendment)
Election President / Vice President	Chosen and dismissed by the MPR	Chosen directly by the people, the MPR only inaugurates or dismisses under special conditions..
GBHN	Establishing GBHN as guidelines for the country	Deleted; appears PPHN discourse (no tie)
Membership	DPR + Regional Representatives + Representatives Group	DPR + DPD (only representative people selected)
Authority Constitutional	Change the Constitution, elect/dismiss the President, and establish the GBHN.	Change and establish the Constitution, inaugurate the President / Vice President, and dismiss the President under special conditions..
Character Institutional	Supra-organ, above all institutions of the country	Institutions parallel to the institutions of the country, other

Analysis

Based on Table 1, the amendments significantly transformed the MPR from a supra-organ holding absolute sovereignty to a high state institution of equal standing.

Eliminating the Authority to elect the President and establish the State Guidelines (GBHN) indicates a shift toward constitutional supremacy and a system of checks and balances.

Membership Structure

Struktur Keanggotaan MPR: Sebelum dan Sesudah Amandemen UUD 19



(Figure 2: MPR Membership Structure Before and After the Amendment)

Before the Amendment, the MPR consisted of members of the House of Representatives (DPR), regional representatives, and group representatives, reflecting a corporatist representation model. Following the Amendment, membership consists solely of DPR and DPD members elected through general elections, marking a shift toward electoral democracy and institutional equality.

A more robust critical evaluation of the relevance and institutional dilemmas of the contemporary MPR is needed to enhance scholarly contributions. This means studies must be in-depth, analyze problems and their implications for the state, and propose concrete solutions relevant to current political dynamics.

Steps for a Stronger Critical Evaluation:

1. Analyze the Historical and Political Context, and examine how the MPR has functioned and evolved.
2. Understand the transition of Indonesia's political system and how it has affected the role and Authority of the MPR.
3. Evaluate Contemporary Relevance, examine whether the MPR's functions and authorities still align with the state's and Indonesian society's needs in the current democratic era.
4. Analyze the relationship between the MPR and other state institutions such as

the President, the House of Representatives (DPR), and the Regional Representatives Council (DPD).

5. Identify institutional dilemmas and challenges facing the MPR, such as representation, legitimacy, accountability, and effectiveness.
6. Examine in-depth issues such as overlapping Authority, the influence of partisan politics, and weak public participation.
7. Formulating Innovative Solutions. Based on the analysis, propose innovative and realistic solutions to address existing institutional dilemmas.
8. Reforms should be considered for the structure, Authority, and working mechanisms of the People's Consultative Assembly (MPR) to improve its performance and relevance.
9. International Comparisons: compare the models and functions of legislative and representative institutions in other countries with the Indonesian MPR.

Learn from relevant international best practices for implementation or adaptation in Indonesia.

Robust Research Methodology:

Use appropriate research methodologies to collect and analyze data comprehensively, such as case studies, comparative analysis, or qualitative and quantitative methods.

By implementing these steps, the critical evaluation of the MPR will be more substantial and able to make a greater scientific contribution, both to the academic world and to the development of the state institution itself.

CONCLUSION

To establish the People's Consultative Assembly (MPR) as the highest state institution with broad Authority, including the ability to amend the Constitution, elect and remove the President and Vice President, and create the Broad Outlines of State Policy (GBHN), this study shows that the legislative rationale

behind its creation was to institutionalize the concept of popular Sovereignty. The MPR underwent a paradigm shift from institutional supremacy to constitutional supremacy with the 1999–2002 Constitutional Amendments, which reduced its power and put it on the same level as other state institutions. The MPR maintains its strategic importance as the protector of the Constitution, a platform for public representation, and the body that appoints the President and Vice President, albeit with its diminished power.

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