International Journal of Scientific Research and Management (IJSRM)
||Volume||11||Issue||04||Pages||LLA-2023-398-407||2023||
Website: www.ijsrm.in ISSN (e): 2321-3418
DOI: 10.18535/ijsrm/v11i04.lla1

Relations Between State Institutions in Indonesia After the Amendment to the 1945 Constitution

Sarkawi

Faculty of Law Mataram University
St. Majapahit No. 62 Mataram, West Nusa Tenggara, 83115
https://orcid.org/0009-0002-1701-1243

Abstract
Amendments to the 1945 Constitution resulted in changes to state institutions. This is due to changes in theprovisions governing state institutions. Some fundamental principles that determine relations between stateinstitutions include the Supremacy of the Constitution, the Presidential System, and the Separation of Powersand Checks and Balances. Based on the description of the discussion in this article, it is concluded that therelationship between state institutions in Indonesia includes: (1) Relations between State Institutions in theField of Government; (2) Relations Between State Institutions in the field of Legislation; (3) RelationsBetween State Institutions in the Judicial Sector, namely; (a) Relations between the Supreme Court and theConstitutional Court; (b) Relations between the Supreme Court and the President; (c) Relations between theSupreme Court and the House of Representatives.

Keywords: Relations, Institutions, State, Indonesia, Changes, Constitution

Preliminary

Amendments to the 1945 Constitution resulted in changes to state institutions. This is due to changes in the provisions governing state institutions and the legal and constitutional paradigm. Some fundamental principles that determine the relationship between state institutions include the Supremacy of the Constitution, the Presidential System, and the Separation of Powers and Checks and Balances. One of the changes in the 1945 Constitution is the change in Article 1 paragraph (2), which reads, "Sovereignty is in the hands of the people and implemented according to the Constitution." This provision impacts people's sovereignty which has yet to be carried out entirely by the People's Consultative Assembly (MPR).

Based on the provisions of Article 1 paragraph (2) of the 1945 Constitution, it is the highest legal basis for implementing people's sovereignty. This means all constitutional organs exercise popular freedom with their respective functions and authorities based on the 1945 Constitution. If before the amendment of the 1945 Constitution, sovereignty was fully exercised by the People's Consultative Assembly (MPR) and then distributed to high state institutions, then based on the results of the amendment to Article 1 paragraph (2) of the 1945 Constitution, sovereignty remained in the hands of the people. Its implementation was directly distributed functionally to constitutional organs.

Therefore, after the amendment to the 1945 Constitution, the concept of the highest institution in the Indonesian state was no longer recognised, but a heightened state institution existed. These high state institutions are constitutional organs whose position is no longer hierarchical under the MPR but parallel and interconnected based on their respective duties and authorities based on the 1945 Constitution. Presidential. If one looks at the relationship between the House of Representatives (DPR) as a parliament and an equal president, and the existence of a fixed term of office, it does show the characteristics of a presidential system. However, when viewed from the presence of the MPR, which elects, gives the mandate, and can dismiss the President.

In implementing the changes to the 1945 Constitution, namely at the annual session of the MPR in 1999, it was agreed that: "continue to maintain the presidential system, in the sense that at the same time improving it so that it fulfils the general characteristics of a presidential system)." Refinement of the presidential system was carried out by making changes to the provisions of the 1945 Constitution regarding the institutional system. The first fundamental change is the change in the position of the MPR, which results in the part of the MPR no longer being the highest state institution, as discussed earlier. The following action is the presidential system balancing the executive and legislative bodies (the President and the DPR).

Because the people directly elect the President and Vice President, they have strong legitimacy and cannot be easily dismissed except for committing acts of violation of the law. So the process of proposing the dismissal of the President and Vice President is now entirely to the political mechanism, but the legal process is through the Constitutional Court. On the other hand, the President's power to make laws, as stipulated in Article 5 paragraph (1) of the 1945 Constitution before the Amendment, was replaced with the right to propose bills and submit them to the DPR as stipulated in Article 20 paragraph (1) of the Law 1945 Constitution. The President cannot dissolve the DPR as regulated in Article 7C of the 1945 Constitution.

Before the amendment to the 1945 Constitution, the institutional system adopted was not the separation of powers but was often referred to as the distribution of power. The president not only holds the highest government power (executive) but also holds power laws or legislative power to the DPR as its co-legislator. Meanwhile, the issue of judicial power (judiciary) in the 1945 Constitution before the amendment was made by a Supreme Court and other judicial bodies according to the law. With the change in the power to form rules that initially belonged to the President to become owned by the DPR based on the results of the Amendments to the 1945 Constitution, especially Article 5 paragraph (1) and Article 20 paragraph (1), then what is referred to as the legislative body is the DPR, while the executive branch is the President. Although the process of making law requires the President's approval, the function of the President, in this case, is as a co-legislator, not as the central legislator. Meanwhile, judicial power is exercised by the Supreme Court and judicial bodies under it and the Constitutional Court based on Article 24 paragraph (2) of the 1945 Constitution.

The relationship between the powers of the President, the powers of the DPR and the management of the Supreme Court and the Constitutional Court is a manifestation of a system of checks and balances intended to balance the distribution of power that is carried out so that there is no abuse of power by certain power-holding institutions or deadlock in relations between state institutions in Indonesia. In exercising the power of state institutions, there is always the role of other institutions, for example, in exercising power to make laws, even though it has been determined that the ability to make laws belongs to the DPR, in practice, it requires cooperation with the President,

In carrying out his governmental powers, the president gets supervision from the DPR. Leadership is carried out after activity and when development plans and budget allocations are made. The position of the DPR in this regard is quite strong because it has a particular budgetary function in addition to the legislative and supervisory roles stipulated in Article 20A of the 1945 Constitution. The DPR's powers are also limited because the DPR cannot impeach the President and Vice President except for reasons of violation of the law. The DPR's proposal must go through a legal forum at the MK before it can be submitted to the MPR. Specifically regarding the DPD, even though it is related to legislative power, especially about bills, its function is not referred to as a legislative function. The DPD only has a limited part of giving advice, considerations or opinions as wandering binding supervision. Hence, the DPD is not entirely a body but only a supporter of the DPR's functions. Based on the description in the background above, the author will discuss relations between state institutions in Indonesia in this article.

Discussion

1. Relations Between State Institutions After the Amendment to the 1945 Constitution.

The Indonesian state constitution, namely the 1945 Constitution of the Republic of Indonesia, is a document of agreement or consensus of all Indonesian people. The validity of the 1945 Constitution of the Republic of Indonesia is based on the legitimacy of people's sovereignty. Hence,o the 1945 Constitution of the Republic

of Indonesia is the highest law in the life of the nation and state[1]. Therefore, the results of amendments to the 1945 Constitution have implications for all national and state life fields. Moreover, these changes cover almost the entire material of the 1945 Constitution. If the original text of the 1945 Constitution contains 71 points of provisions, then after four times, the material changes to the contents of the 1945 Constitution include 199 points of requirements.[2]

The 1945 Constitution of the Republic of Indonesia contains both the ideals, foundations and principles of state administration. The purposes of forming a state are known to us by the term national goa, ls which is contained in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, namely (a) to protect the entire Indonesian nation and all of Indonesia's bloodshed; (b) promote the general welfare; (c) educate the life of the nation; and (d) participate in carrying out world order based on freedom, eternal peace, and social justice. The 1945 Constitution of the Republic of Indonesia has provided a framework for national and state life structures to achieve these goals. The norms in the 1945 Constitution of the Republic of Indonesia regulate political, economic, and social life. The nation's founders wanted the Indonesian people to have full sovereignty, not just political power. So the 1945 Constitution of the Republic of Indonesia is a political constitution, an economic constitution, a cultural constitution, and a social constitution which must become a reference and foundation politically, economically and socially, whether by the state, society, or market.

The general agreement that constitutes the material of the constitution concerns the principle of regulating and limiting state power to realise national goals. Therefore, according to William G. Andrews, "Under constitutionalism, two types of limitations impinge on government. Power proscribe and procedures prescribed"3. Constitutionalism regulates two relationships that are interrelated with each other, namely: First, the relationship between government and citizens, and Second, the relationship between one government institution and another government institution. Therefore, usually, the content of the constitution is intended to regulate three essential things, namely: (a) determining the limitation of the power of state organs, (b) regulating the relationship between state institutions one another, and (c) regulating power relations between state institutions and citizens.

Thus, one essential thing that always exists in the constitution is the regulation of state institutions. This is because state power lies in the duties and authorities of the state institutions themselves, so whether or not the goal of being a state is achieved depends on how these state institutions carry out their respective constitutional duties and authorities and maintain relations between other state institutions so that precision runs right, according to the axis.

2. Relations Between State Institutions in the Field of Government.

The president, as the head of the executive, has an equal position but controls each other, with the institutions holding legislative power. In a system of checks and balances, according to presidential principles, the President cannot dissolve the legislature, and conversely, the legislature also cannot overthrow the President. The legislature can only demand the dismissal of the President if the President is proven to have violated the law, but this is limited by the constitution, namely only for certain types of criminal acts. For example, in the United States Constitution, law violations related to the betrayal of the state, bribery and corruption, and other minor violations can be categorised as disgraceful acts. In a parliamentary system of government, parliament can quickly drop the cabinet only for political reasons, namely through a vote of no confidence on the performance of the cabinet and government policies. The habits in this parliamentary system of government cannot be used as a reference for the presidential system that Indonesia wants to develop.

Regarding relations between state institutions in the field of government, the legislature's right to confirm or coordinate is a co-administrative function. For example, in appointing and dismissing certain officials, the

[1]Lecture material on Leadership Education and Training (Dklatpim) Level I Batch XVII State Administration Institute. Jakarta, 30 October 2008.

[2]Jimly Asshiddiqie, Indonesian Constitutional Structure After the Fourth Amendment to the 1945 Constitution, Paper Presented at a Symposium conducted by the National Legal Development Agency, Ministry of Justice and Human Rights, 2003, p. 1.

[3]William G. Andrews, *Constitutions and Constitutionalism*, 3rd edition, (New Jersey: Van Nostrand Company, 1968), p. 13.

president and congress essentially carry out a co-administrative or joint government function. Another example is in the case of negotiating with other countries, seen as being carried out with a co-administration function, in which the government involves the participation of members of the legislature officially in the negotiation on an issue so that the negotiating process is co-administrative. Apart from some countries, this custom develops into bad habits; for example,

In a bicameral legislative system, each chamber and faction has a veto in dealing with bills discussed by different sections and factions. The veto right serves as a means of control over the implementation of legislative functions and is also given to the president so that this presidential system of government has three veto rights at once in the bicameral system, which will be introduced in Indonesia in the future, it is proposed that the veto right belongs to the President, the People's Representative Council, and the Regional Representative Council. Then through the veto mechanism, the process of checks and balances does not only occur between the parliamentary chambers themselves.

The institutional relationship between the DPR and the President is horizontal or one-level. The relationship between the two institutions is regulated in the 1945 Constitution of the Republic of Indonesia, formulated as institutional cooperation in carrying out the functional relations of each state institution. The President's power as government executor is authorised to carry out the tasks given by the provisions of the 1945 Constitution of the Republic of Indonesia. This power is the power of the President as Head of Government. In contrast, the power of the President as Head of State is granted by the 1945 Constitution of the Republic of Indonesia, namely contained in Article 11 to Article 15.

Meanwhile, the powers and authorities of the DPR are carried out in institutional relations with the President in the government sector, namely: (a) carrying out the legislative function; (b) carrying out the budget function; (c) carrying out the supervisory function (Article 20 A paragraph (1)). Specifically related to the legislative function of the DPR, namely: (a) has the authority to propose a Bill (Article 5 paragraph (1); (b) has the authority to stipulate Government Regulations to implement Laws (Article 5 paragraph (2)); and has the authority to stipulate Government Regulations instead of Laws (Perpu) in matters of compelling urgency (Article 22 paragraph (1).

Therefore, of the three types of DPR tasks mentioned above, there are two tasks that the DPR should perform on the government as its legislative partner and duties that must be used in its position as supervisor over the government. As expressed by Moh. Kusnardi and Bintan R. Saragih is a paradox that must be positioned clearly in statutory arrangements or the DPR Standing Orders in carrying out the DPR's rights in the legislative function. So that it is hoped that the DPR must always work objectively in carrying out its supervisory duties on government actions; on the other hand, the DPR can also cooperate with the President in carrying out its legislative function.

In the first amendment to the 1945 Constitution, the provisions of Article 5 paragraph (1) stated that the President has the right to submit a Draft Law (RUU) to the House of Representatives (DPR). This means that the People's Consultative Assembly (MPR) no longer gives authority to the President as the holder of the power to form laws (UU) as previously stipulated. Instead, the President is only given the right to submit Draft Laws to the House of Representatives. Therefore, the DPR has replaced the power to form the law, and the provisions of Article 20 paragraph (1) have changed to the DPR holding ability to create rules. The amendments to Article 5 paragraph (1) and Article 20 paragraph (1) of the 1945 Constitution have important implications regarding the power to form laws in Indonesia, namely the shift in the ability to create rules from the President to the DPR. The consequences of this shift should increase the role and responsibility of the DPR in legislation rather than supervision. Thus this change confirms the shift in legislative power from the President to the DPR with the consequence that the paradigm of the 1945 Constitution had changed before, which adhered to the principle of distribution of power, to become a Constitution which adhered to the principle of separation of power.

Various opinions stated that the power holders to form the law were transferred to the DPR; some argued that creating the rule was creatinine carried out jointly by the President and the DPR. This is because Article 20, paragraph (2) of the first amendment to the 1945 Constitution states that the DPR and the President discuss each bill for mutual approval. This condition is very contrary to the spirit of empowering the DPR. Because

the President is given the authority to grant approval or pass laws, the existence of *trias politica* has yet to be fully implemented. Therefore, laws are enacted by the DPR, while the power to pass laws remains in the hands of the President. This is because legislative power remains in the hands of the DPR. However, the formal ratification of the law product is carried out by the President to show a balance of power between the two, namely the President's right to veto a law that the DPR has determined.

In the system adopted by the 1945 Constitution of the Republic of Indonesia, the President of the Republic of Indonesia has the position of Head of State and, at the same time, head of government. This is a consequence of the presidential system. However, another part is also mentioned in the 1945 Constitution, namely in Article 10, which states that: The President holds supreme authority over the Army, Navy and Air Force. Then, it was also noted that the President had the highest control over the Indonesian National Police. The powers stipulated in Articles 10, 11, 12, 13, 14, and Article 15 of the 1945 Constitution of the Republic of Indonesia are usually associated with the President's position as head of state.

From these provisions, it is a matter relating to prerogative rights. Where prerogative is a legal institution originating from the British constitutional system, prerogative power is increasingly limited because it is regulated by law or restrictions on how to implement it. According to the British and Canadian constitutions, the executive still has some discretionary power, known as the King's prerogative. This last term covers a wide range of rights and privileges that belong to the King/Queen and are exercised without direct statutory power. Besides that, if the parliament so wishes, it can repeal that prerogative by law, in other words.

AV. Dicey formulated the prerogative as the residual and discretionary power of the Queen/King, which is legally allowed to be carried out by the Queen/King and the Ministers. Discretionary power is all actions of the King/Queen or other state officials which are legally permitted even though they are not determined or based on a statutory provision. It is referred to as a residue, according to Bagir Manan, because this power is nothing other than the rest of all power which belongs to the Queen/King (absolute power), which then shifts less and less to the hands of the people (legislature) or other government elements such as the Minister.

Therefore, prerogative power is limited by being transferred to law to reduce the undemocratic nature of executive power. So a prerogative regulated in law is no longer referred to as a prerogative right. But a statutory right. So, the importance contains several characteristics, namely: (a) as a residual power, (b) as a discretionary power; (c) not in written law; (d) restricted use; (e) will disappear if it has been regulated in a law or constitution. Based on the provisions regulated in the 1945 Constitution of the Republic of Indonesia, especially in Article 11, Article 12, Article 13, Article 14, and Article 15.

As for the authority of the DPR in terms of its relationship with the President as the head of state, based on the 1945 Constitution of the Republic of Indonesia, namely: (a) The President, with the approval of the DPR, communicates with each other to declare war, make peace and treaties with other countries (Article 11 paragraph (1)); (b) In terms of appointing ambassadors, the President takes into account the considerations of the DPR, (Article 13 paragraph (2)); and the President accepts the placement of ambassadors from other countries by taking into account the considerations of the DPR. (Article 13 paragraph (3)); and (c) the President grants amnesty and abolition by taking into account the considerations of the DPR (Article 14 paragraph (2)).

It is required that the implementation of the President's authority mentioned above must take into account the considerations of the DPR, the Supreme Court's concerns, the DPR's approval, and even the existence of a law that regulates this matter. Implementing the authority stipulated in Article 11 requires the support of the DPR. The implementation of the rule held in Article 12 and Article 15 requires the existence of law regarding this matter first. Implementing the authority in Article 13 requires the consideration of the DPR, which the President must consider. Meanwhile, the implementation of the power in Article 14 paragraph (1) is divided into two, namely, granting clemency and rehabilitation, which requires the consideration of the Supreme Court, while granting amnesty and abolition involves the care of the DPR. Thus it can be understood that the relationship between state institutions, namely the President as head of state.

Judicial power should be freed from the influence of other forces in the country to uphold the law to achieve justice and truth in a democratic country. Still, this authority is an exception to the definition above. The same thing was conveyed by Bagir Manan, that this power was exercised outside the judicial process. This power

is exercised after or before the judicial process, even negating the judicial process. Because according to him, clemency, amnesty, abolition and rehabilitation are not a judicial process because these actions are not based on legal considerations but on humanitarian concerns or other extrajudicial considerations such as political considerations. In addition, amnesty.

Clemency is the authority of the president to grant pardons by eliminating, changing, or reducing the sentence for a person who has been convicted and has obtained permanent legal force. Clemency does not negate guilt but forgives mistakes so that the person concerned does not need to serve the entire sentence or change the type of sentence, such as from life imprisonment to temporary punishment (according to the provisions of the Criminal Code) other than the decision above or there is no need to serve a sentence. Meanwhile, amnesty is the president's authority which eliminates the criminal nature of the actions of a person or group of people. For those who are subject to amnesty, it is seen that they have never committed a criminal act. In general, amnesty is given to people who commit criminal acts as part of political activities (which can be categorised as subversion crimes), such as rebellion or armed resistance against the legitimate government. For example, it grants amnesty to members of the Free Aceh Movement (GAM), Armed Criminal Groups (KKB) and others who have voluntarily surrendered and joined the sovereignty of the Republic of Indonesia. However, it does not presuppose the possibility that amnesty is granted to individuals. At the same time, abolition is the authority of the President to eliminate prosecution. Like clemency, abolition does not remove the criminal nature of an act, but the president, with specific considerations, determines that no trial of the said criminal act be held. The difference with clemency is: that clemency is granted after the judicial process is over and the sentence imposed has obtained permanent legal force. As for the obstruction of the judicial process, such as prosecution and examination in court, has yet to be carried out. Meanwhile, rehabilitation is the authority of the president to restore or return to its original position or condition, such as before a person was sentenced or convicted.

Thus it can be understood that the President's authority as head of state in Articles 11, 12, 13, 14 and 15 provided for by the 1945 Constitution of the Republic of Indonesia must fulfil requirements, such as approval or consideration from other state institutions. Specifically for Article 14, the President, in granting clemency, rehabilitation, amnesty and abolition, must receive the reviews of the DPR and the Supreme Court. This is based on the type of consideration the President gave in Article 14 paragraphs (1 and 2) that are definitively different. So to adjust the types of reviews from Article 14 paragraphs (1 and 2), it is necessary to distinguish between legal and humanitarian concerns.

Therefore, the President must obtain primary political or humanitarian considerations from the DPR in granting amnesty and abolition. Meanwhile, the President granting clemency and rehabilitation must get legal concerns from the Supreme Court. In addition to this functional relationship, the President also has powers related to other state institutions, such as filling in the positions of these state institutions, namely filling the roles of Constitutional Court judges, because three of the nine Constitutional Court judges are nominated by the President. Likewise, the members of the Audit Board of the Republic of Indonesia are elected by the House of Representatives by considering the considerations of the Regional Representatives Council and inaugurated by the President.

3. Relations Between State Institutions in the Field of Legislation.

In drafting constitutions in various countries, people's sovereignty is defined as the people who have the power to determine the direction and general policies of the government. The order and public policy of the country, certain must be fought for in the form of positive law, namely law. Thus the legislative power must be understood as the power that provides the foundations for administering the state through the formation of laws. Monsteque, in his teachings known as "Trias Politika", said that to prevent the concentration of power, the legislative, executive and judicial authorities must be separated. The legislative power should be separate from executive management to avoid tyranny.

Guided by the Montesquieu teachings above, this interpretation implies that state power must be permanently separated or divided and carried out by separate state institutions. This separation is essential so that in carrying out state power, it is not in one hand, so it does not result in causing abuse of power. However, in practice, the trials political concept cannot be implemented because state power can only be exercised by more than one

state organ; for example, legislative power can be exercised by the legislature and executive organs. It can be seen that the ability to form laws is not only held by the legislative power but also by the executive power.

Based on the dynamics of development mentioned above, it is reflected that to know which body is exercising legislative power, one has to look at the state constitution. Because the form will describe the power arrangements of state institutions, including the limitations of these powers. If guided by the 1945 Constitution of the Republic of Indonesia, it does not adhere to the teachings of Trias Politica, in the sense of separation of powers but in the purpose of the distribution of power between the management of the executive body and the legislature. This means that the executive and legislative state institutions can make laws. That arrangement gives rise to various perceptions and criticisms, which are stronger between the power of the government (executive) and the power of the DPR (legislative) in enacting laws. The complaint that often arises is that the President's power is more dominant than the DPR's power in making laws, depending on which side the critic sees.

The provisions in the 1945 Constitution of the Republic of Indonesia (before the amendment) emphasised that the power to form laws rests with the President. This can be seen in Article 5, paragraph (1): "The President holds power to form laws with the approval of the House of Representatives". But in Article 21 paragraph (1) of the 1945 Constitution (before the amendment), it is also explained as follows: "Members of the DPR have the right to submit draft laws". Based on the provisions of the article, it is clear that the power to form laws is apparent to the President, and the DPR is only limited to approval. However, DPR members can submit rules to the President. Unlike the amendments to the 1945 Constitution of the Republic of Indonesia, The power to form laws is in the hands of the DPR. The president is given the right to submit bills to the House of Representatives. This kind of arrangement can be seen in Article 20 paragraph (1) as it is stated as follows: "The House of Representatives holds power to form laws". While Article 5, paragraph (1) also explains, "The President has the right to submit a bill to the House of Representatives".

Based on the provisions of this Article, it is clearly illustrated that there has been a shift in power to form laws that were initially in the hands of the President, shifting to the DPR. Thus, it is true what Asshiddiqie said, the amendment to the 1945 Constitution of the Republic of Indonesia has seen a shift in power to form laws from the President to the DPR. However, Asshiddiqie said this shift brought back legislative power in the 19th century. Because in this century, legislative power (DPR) is very dominant. This prominence was a manifestation of increasing people's aspirations for the domination of tyrannical kings at that time. However, in its development, starting from the 20th century, social problems (poverty) became increasingly complex. The variety of these problems demands the responsibility of the government to overcome them.

When connected with the amendments to the 1945 Constitution of the Republic of Indonesia, what Assiddiqie said has some truth because, in the previous period, the dominance of the government in forming laws was more substantial than that of the DPR. Thus giving rise to the new order of authoritarian government. This situation gave rise to discourse in society to restore the powers of the DPR in administering the state. That's why after the amendment, the power of the DPR in forming laws underwent a significant change.

This change strengthened the domination of the DPR in the legislative process after the amendments to the 1945 Constitution of the Republic of Indonesia, as emphasised in Article 20, Paragraph (1). But on the other hand, the President's power to make laws is limited. The president can only submit bills to the DPR (Article 5 Paragraph (1)). Apart from that, the strengthening of the DPR's power in forming laws can also be seen in the existence of a separate article regarding the functions of the DPR in the 1945 Constitution of the Republic of Indonesia.

4. Relations Between State Institutions in the Judicial Sector.

Since the reformation in 1999, the paradigm of one-roof justice under the Supreme Court has strengthened. Aspirations began to emerge and develop in the community. The People's Consultative Assembly (MPR), as the highest state institution (Article 1 paragraph (2) before the amendment to the 1945 Constitution), which exercises people's sovereignty, immediately captures and follows up on these aspirations. Their actions are reflected in the stipulation of TAP MPR No. X/MPR/1998 concerning Principles of Development Reform in the Context of Saving the Normalization of National Life as the Country's Direction. In Chapter C MPR No.

X/MPR/1998 concerning Principles of Development Reform in the Context of Saving the Normalization of National Life as the Country's Direction.

To realise MPR No. X/MPR/1998 concerning the Principles of Development Reform in the Context of Saving the Normalization of National Life as the Direction of this State, the President to the Speaker of the DPR through Presidential Decree No. R. 29/PU/VI/1999 on June 9, 1999, submitted the Draft Law (RUU) concerning Amendments to Law Number 14 of 1970 concerning Basic Provisions of Judicial Power, to be discussed with the DPR and obtain approval.

The Supreme Court has four courts: general courts, religious courts, state administrative courts, and military courts. Due to its historical background, the administration of the ecclesiastical courts was under the Ministry of Religion, and the administration of military justice was under the control of the army organisation. However, in line with the spirit of reform, the promulgation of Law Number 4 of 2004 concerning Judicial powers places the existence of the four judicial spheres organizationally, administratively and financially under the Supreme Court. This is considered necessary in realising judicial power, which guarantees to uphold the rule of law supported by an independent and impartial judicial power. About its capabilities, The Supreme Court, in a broad sense, actually has the authority to examine and decide on (a) cassation requests; (b) disputes over jurisdiction to adjudicate (court competence); (c) applications for judicial review (PK) of decisions that have permanent legal force; (d) application for review of laws and regulations (judicial review).

Besides that, it can also regulate the authority of the Supreme Court to provide a legal opinion at the request of the President or other high state institutions. This is deemed necessary so that the Supreme Court can function as a house of justice for anyone and an institution that requires legal opinion regarding a problem. In the formulation of Article 24A paragraph (1) as a result of the Third Amendment to the 1945 Constitution, it is stated, "The Supreme Court has the authority to adjudicate at the cassation level, examine statutory regulations under the law against the Constitution and has other powers granted by law law".

In more detail, it can be explained that the Supreme Court, as a High State Institution that exercises judicial power and is the highest State Court has the following functions; (1) Judicial function; (2) Oversight function; (3) The function of the field of giving advice; (4) Setting field function; (5) Administrative function; (6) Other duties and authority functions.

In the field of justice, the Supreme Court, as the peak of the judiciary, handles five matters, namely:

1. Cassation (Article 24A of the 1945 Constitution of the Republic of Indonesia, Article 10 paragraph (3) of Law No. 14 of 1970, Article 29 of Law Number 14 of 1985, and Article 11 paragraph (2) letter a of the Law Number 4 of 2004, as well as Article 45A of Law No. 5 of 2004 concerning Amendments to Law No. 14 of 1985 concerning the Supreme Court)
2. Review (Article 21 of Law Number 14 of 1970, Article 66 of Law Number 14 of 1985)
3. Dispute on the authority to adjudicate (Article 33 of Law Number 14 of 1985)
4. Testing material against laws and regulations under the law (Article 24A of the 1945 Constitution of the Republic of Indonesia, Article 26 of Law Number 14 of 1970, Article 31 of Law Number 14 of 1985, and Article 11 paragraph (2) letter b Law No. 4 of 2004, and Articles 31 and 31A of Law No. 5 of 2004 concerning Amendments to Law No. 14 of 1985 concerning the Supreme Court)
5. To decide in the first and final stages of all disputes arising from the seizure of foreign ships and their cargo by Indonesian warships (Article 33 paragraph (2) of Law Number 14 of 1985)
6. Carry out the highest supervision over the actions of the court in the judiciary under it, based on the provisions of the law (Article 11 paragraph (4) of Law Number 4 of 2004)
7. Provide legal advice to the president in requests for clemency and rehabilitation (Article 14 paragraph (1) of the 1945 Constitution of the Republic of Indonesia and Article 35 of Law Number 5 of 2004 concerning amendments to Law No. 14 of 1985 concerning the Supreme Court)

a. Relations between the Supreme Court and the Constitutional Court.

Relations between the Supreme Court and the Constitutional Court are equally related institutions in the field of judicial power. Each institution has different areas of judicial power. The Supreme Court is in the general court (Justice of the Court), while the Constitutional Court is in the constitutional court (Constitutional Court). According to Jimly Assiddeqie, the Supreme Court is the culmination of the struggle for justice for every citizen. Its essence and function differ from the Constitutional Court, which is not related to demands for justice for citizens but with a legal system based on the constitution.

The Supreme Court cannot be separated from the Constitutional Court in exercising judicial power, although each has different competence and jurisdiction. Inequality is caused by one of the holders of judicial power not working well, which will indirectly affect other institutions. Therefore, as holders of judicial power in Indonesia, institutionally, the Supreme Court and the Constitutional Court have the same relationship in carrying out the constitutional mandate.

Another relationship of authority between the Supreme Court and the Constitutional Court is if there is a judicial review of laws and regulations under the rule submitted by the public and state institutions to the Supreme Court, at the same time, the law becomes the legal umbrella for statutory regulations. Suppose the invitation is still or is in the process of judicial review at the Constitutional Court. In that case, the Supreme Court must temporarily stop the judicial review process until there is a decision from the Constitutional Court itself.

b. The relationship between the Supreme Court and the President.

In terms, of the relationship between the Supreme Court and the President can be seen in the 1945 Constitution of the Republic of Indonesia Article 24 paragraph (1), which clearly states that the judicial power is independent, that is; that ants the judicial power are free from the interference of any party. However, the affirmation stated in the 1945 Constitution of the Republic of Indonesia does not mean to completely close the institutional relationship of the Supreme Court with the President and other state institutions.

The independence referred to is only in the judicial area. Still, in the framework of a state, the Supreme Court can only operate being accompanied by other powers, namely legislative and executive poauthoritiesThis is because Indonesia does not implement a rigid separation of powers as taught by Montesquieu, which requires each power (trias politica,) to operate independently and separately from one another. However, Indonesia adheres to the distribution of power played by these state institutions.

Therefore, as a state institution in the construction of the Republic of Indonesia, institutionally, the President and the Supreme Court have at least a working relationship, including:

(1) The Supreme Court can provide considerations in the field of law. Whether requested or not by other state institutions, including those requested or not by the President relating to the administration of the state.

(2) The Supreme Court provides legal advice to the President regarding granting/rejecting clemency as stipulated in Article 14 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

c. Relations between the Supreme Court and the House of Representatives, the Regional Representatives Council, and the Supreme Audit Agency.

The Supreme Court has a relationship in carrying out its authority, namely, giving considerations in the field of law. Whether requested or not to state institutions such as the People's Representative Council, the Regional Representative Council, and the Supreme Audit Agency. The considerations given by the Supreme Court are considerations in the field of law, usually known as "fatwas". Legal concerns (fatwas) issued by the Supreme Court regarding the interpretation of laws and regulations under laws that have multiple or biased meanings, commonly referred to as conflicting norms, the ambiguity of standards and the void of examples. Under these conditions, the Supreme Court will provide legal considerations on legal issues faced by these state institutions so that the government administration continues to be carried out by legal corridors or according to its axis.

Another relationship between the Supreme Court and the DPR, DPD or BPK is in the case of submitting a judicial review of a statutory regulation under a law. Judicial studies carried out by state institutions institutionally are caused by rules and regulations under statutes issued by the government that have violated

or contradicted laws. In this position, the Supreme Court must decide on judicial review. Is it true that hierarchically the statutory regulations are contrary to the law.

Conclusion

Based on the description above, it can be concluded that the relationship between state institutions in Indonesia includes: (1) Relations Between State Institutions in the Field of Government; (2) Relations Between State Institutions in the Field of Legislation; (3) Relations Between State Institutions in the Judicial Sector; (4) Relations between the Supreme Court and the Constitutional Court; (5) The relationship between the Supreme Court and the President; (6) Relations between the Supreme Court and the House of Representatives, the Regional Representatives Council, and the Supreme Audit Agency.

Bibliography

1. Lecture material on Leadership Education and Training (Dklatpim) Level I Batch XVII State Administration Institute. Jakarta, 30 October 2008.
2. Jimly Asshiddiqie, Indonesian Constitutional Structure After the Fourth Amendment to the 1945 Constitution, Paper Presented at a Symposium conducted by the National Legal Development Agency, Ministry of Justice and Human Rights, 2003.
3. William G. Andrews, Constitutions and Constitutionalism, 3rd edition, (New Jersey: Van Nostrand Company, 1968).