

The Authority and Duties of the People's Consultative Assembly (MPR) as a High State Institution of the Republic of Indonesia

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Abstract

Along with the development of reform, democracy and the Indonesian state system, the position and authority as well as the duties of the People's Consultative Assembly (MPR) have changed. The change is quite significant, previously the position of the MPR as the highest state institution of the Republic of Indonesia, which then the position of the MPR became equal to other high state institutions. This study aims to determine the Authority and Duties of the People's Consultative Assembly (MPR) as a High State Institution of the Republic of Indonesia. This study uses a Normative Juridical research approach. The results of the study regarding the Authority and Duties of the People's Consultative Assembly (MPR) as a High State Institution of the Republic of Indonesia, namely: The People's Consultative Assembly has the authority to amend and stipulate the Constitution, the People's Consultative Assembly inaugurates the President and/or Vice President and the People's Consultative Assembly can only dismiss the President and/or Vice President during their term of office in accordance with the Constitution. Furthermore, the authority and duties of the People's Consultative Assembly (MPR) as regulated in Article 8 paragraph (2) and paragraph (3) of the 1945 Constitution, are further regulated in Article 4 and Article 5 of the Republic of Indonesia Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council. Law No. 17 of 2014 specifically regulates the scope of the MPR's powers..

Keywords

Powers and Duties of the People's Consultative Assembly (MPR)



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INTRODUCTION

The People's Consultative Assembly (MPR) is one of the highest state institutions of the Republic of Indonesia. The position of the MPR as a legislative institution in the constitutional system of the Republic of Indonesia has the authority and functions as mandated in the 1945 Constitution of the Republic of Indonesia. Before the amendment to the 1945 Constitution, the sovereignty of the people was

fully implemented by the MPR. This provision makes the MPR the highest state institution. Sovereignty rests in the hands of the people and is fully implemented by the MPR, as stated in Article 1 paragraph (2) before the amendment to the 1945 Constitution, which confirms that the MPR is the highest state institution that fully implements the sovereignty of the people (1945 Constitution of the Republic of Indonesia).

However, with the development of state administration and democracy, Article 1 paragraph (2) of the 1945 Constitution was changed through the Third Amendment which was stipulated on November 9, 2001, which stated that sovereignty is in the hands of the people and is implemented according to the Constitution. Before the amendment, the MPR had a very significant position and authority, including as the implementer of people's sovereignty, establishing and amending the 1945 Constitution, establishing the General Guidelines of State Policy (GBHN), electing and appointing the President and Vice President, and dismissing the President and/or Vice President (Asshiddiqie, 2010). Historically, before the amendment to the 1945 Constitution, the MPR was referred to as the highest state institution and the embodiment of the sovereignty of the Indonesian people. This was affirmed in Article 1 paragraph (2) of the 1945 Constitution before the amendment. The MPR's duties and authorities at that time included amending and establishing the Constitution, establishing the GBHN, and electing, inaugurating, and dismissing the President and/or Vice President without the involvement of the DPR or the Constitutional Court (Huda, 2013).

The MPR underwent a transformation following the amendments to the 1945 Constitution of the Republic of Indonesia, which can be divided into two periods: before and after the amendments. Prior to the amendments, the MPR's duties were outlined in Articles 3, 6, and 37 of the 1945 Constitution, including the establishment of the Constitution and the Guidelines for State Policy (GBHN), the election of the President and Vice President, and the authority to amend the Constitution. These provisions demonstrate the MPR's dominant role in the Indonesian constitutional system during that period (Mahfud MD, 2009). After the reforms, particularly at the 2001 MPR Annual Session, changes were made to Article 1 paragraph (2) of the 1945 Constitution, which emphasized that sovereignty rests with the people and is implemented according to the Constitution. This change indicated that the MPR was no longer the highest state institution and no longer held full sovereignty over the people. The MPR then became a state institution on an equal footing with other institutions such as the President, DPR, BPK, MA, MK, and KY (Asshiddiqie, 2010).

Following the amendments, Indonesia's constitutional system was reorganized toward a more democratic direction. The People's Consultative Assembly (MPR) was no longer the highest state institution, but was instead placed on an equal footing with other state institutions such as the House of Representatives (DPR), the Regional Representative Council (DPD), the Supreme Court (MA), and others. The MPR retained significant authority, particularly over amending the Constitution, as stipulated in Article 37 of the 1945 Constitution (Huda, 2013).

The elimination of the concept of the highest state institution is a logical step in creating a better system of checks and balances. The amendment to Article 1 paragraph (2) of the 1945 Constitution is the main basis for confirming that people's sovereignty is no longer monopolized by the MPR, but is instead exercised in accordance with constitutional mechanisms (Mahfud MD, 2009). Currently, following the amendment to the 1945 Constitution, the MPR is no longer positioned as the highest state institution, but rather as a state institution on an equal footing with the DPR, DPD, President/Vice President, Constitutional Court, Supreme Court, and the Audit Board. This demonstrates that the implementation of people's sovereignty is carried out by various state institutions in accordance with their respective authorities within the constitutional framework, thus reflecting the principle of checks and balances in the Indonesian state system (Asshiddiqie, 2010).

Based on this description, it can be concluded that the position, authority, and duties of the People's Consultative Assembly (MPR) have undergone significant changes along with the development of reform and democracy in Indonesia. Although no longer the highest state institution, the MPR still plays a strategic role, particularly in establishing and amending the 1945 Constitution, inaugurating the President and Vice President, and dismissing the President and/or Vice President in accordance with constitutional provisions. This provides an important basis for further examining the authority and duties of the MPR within the Indonesian constitutional system (Huda, 2013)..

METHODS

This study uses a normative research method, an approach that focuses on legal norms or applicable laws and regulations. This approach is based on the assumption that the research objective is to discuss and examine in depth various regulations relevant to the authority and duties of the People's Consultative Assembly (MPR), as the highest state institution of the Republic of Indonesia. Normative legal research in this study focuses on the level of synchronization of laws and regulations, both vertically and horizontally (Soekanto & Mamudji, 2015).

This research identifies legal norms through a library study, with data sources including literature, documents, books, scientific works, journal articles, and laws and regulations related to the research object. This research is a library research conducted by collecting data and theoretical foundations through an in-depth review of various relevant scientific sources. The data obtained are analyzed using a normative juridical approach, namely by using library materials as the main research source, then presented descriptively to provide a comprehensive and systematic picture of the results of the study conducted (Marzuki, 2017).

FINDINGS AND DISCUSSION

The idea of eliminating the position of the MPR as the highest state institution conceptually emphasizes that the MPR is not the only institution implementing people's sovereignty. Every state institution that carries out the political function of government is an implementer of people's sovereignty that must submit to and be responsible to the people. Fundamental changes can be seen in Article 1 paragraph (2) of the 1945 Constitution which originally stated that sovereignty is carried out entirely by the MPR, then changed to sovereignty lies in the hands of the people and is implemented according to the Constitution (Asshiddiqie, 2010). The composition of the MPR membership has also undergone significant changes. Prior to the amendment, Article 2 paragraph (1) of the 1945 Constitution stated that the MPR consisted of members of the DPR plus regional and group representatives, aiming to reflect all elements of the Indonesian people. This composition demonstrates that the MPR is a broader representation of the people, not only through political representation, but also functional and regional representation (Huda, 2013). Following the Fourth Amendment to the 1945 Constitution in 2002, Article 2 paragraph (1) was amended so that the MPR consists of members of the DPR and DPD elected through general elections. This change reflects the principle of representative democracy based on direct elections (representation by election) and emphasizes that MPR members are individuals elected, not representatives of the institution (Mahfud MD, 2009).

The amendments to the 1945 Constitution also removed the MPR's authority to establish the General Guidelines of State Policy (GBHN) and elect the President and Vice President. The constitutional system then shifted to direct elections by the people, thus shifting the MPR's role to inaugurating the President and/or Vice President elected by the election (Asshiddiqie, 2010). These changes represent a shift from the MPR's supremacy to a system of popular sovereignty regulated by the constitution. The 1945 Constitution serves as the primary basis for the division of power, where the exercise of popular sovereignty is distributed to various state institutions according to their respective authorities, and some is exercised directly by the people through elections (Huda, 2013).

As a result of these changes, the MPR is no longer the highest state institution, but rather a state institution equal to the President, the House of Representatives (DPR), the Regional

Representative Council (DPD), the Constitutional Court, and the Supreme Court. This strengthens the principle of checks and balances in the Indonesian constitutional system (Mahfud MD, 2009). Prior to the amendment, the MPR had extensive authority, including exercising popular sovereignty, establishing and amending the Constitution, establishing the State Guidelines for the State, electing and appointing the President and Vice President, and dismissing the President and/or Vice President. This authority reflected the MPR's dominance in the pre-reform state system (Asshiddiqie, 2010).

Following the amendment, the MPR's authority was explicitly stipulated in Article 3 of the 1945 Constitution, namely, to amend and establish the Constitution, inaugurate the President and/or Vice President, and dismiss the President and/or Vice President in accordance with constitutional provisions. This provision affirms the MPR's constitutional function in maintaining the stability of the state system (Huda, 2013). Furthermore, Article 7A of the 1945 Constitution stipulates that the President and/or Vice President may be dismissed by the MPR upon the recommendation of the DPR if they are proven to have committed a serious legal violation or fail to meet the requirements for office. This demonstrates that the dismissal mechanism is carried out through strict constitutional procedures (Mahfud MD, 2009).

Article 7B of the 1945 Constitution regulates the MPR's decision-making procedures for dismissing the President and/or Vice President, including quorum requirements and majority approval. This provision reflects the principle of caution in making political decisions that have a significant impact on the state (Asshiddiqie, 2010). Furthermore, Article 8 of the 1945 Constitution regulates the MPR's authority in the event of a vacancy in the office of President or Vice President, including electing a Vice President or a presidential and vice presidential pair under certain circumstances. This provision emphasizes the MPR's role in maintaining continuity of government (Huda, 2013).

The MPR's powers and duties are further regulated in Law Number 17 of 2014 (MD3 Law), which details the MPR's legislative and institutional functions. This law provides a clearer operational framework for the implementation of the MPR's powers in accordance with the principles of the rule of law and democracy (Mahfud MD, 2009). Under Law No. 17 of 2014, the MPR has the authority to, among other things, amend and establish the Constitution, inaugurate the President and Vice President, dismiss the President and/or Vice President based on a Constitutional Court ruling, and elect the President or Vice President under certain circumstances. Furthermore, the MPR is also tasked with popularizing Pancasila and the 1945 Constitution, and absorbing public aspirations (Asshiddiqie, 2010).

The implementation of this authority is regulated in more detail in various articles of Law No. 17 of 2014, including the mechanism for amending the Constitution, the inauguration of the President, and the procedures for dismissing the President and/or Vice President. These provisions ensure that every action of the MPR is carried out constitutionally, transparently, and accountably (Huda, 2013). Thus, following the amendments to the 1945 Constitution, the MPR retains a strategic role in Indonesia's

constitutional system, even though it is no longer the highest state institution. The MPR functions as a constitutional institution that maintains state stability, upholds democratic principles, and ensures the implementation of popular sovereignty in accordance with the Constitution (Mahfud MD, 2009).

CONCLUSION

The conclusion should answer the objectives of the research and research discoveries. The concluding remark should not contain only the repetition of the results and discussions or abstract. You should also suggest future research and point out those that are ongoing.

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