

Beyond the *Trias Politica* Theory: Assessing the Fourth Branch of Power in Indonesian Constitutional Law

Melampaui Teori *Trias Politica*: Menakar Cabang Kekuasaan Keempat dalam Hukum Tata Negara di Indonesia

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Abstract

This paper critically analyzes the limitations of the *Trias Politica* concept in assessing the existence and function of the fourth branch of government in Indonesia, particularly in the context of independent state institutions. It aims to explore the legal and constitutional implications of placing these institutions outside the traditional *Trias Politica* scheme for the Indonesian state system. This study uses a qualitative method with a normative juridical approach, descriptively analyzing the position of independent state commissions as *checks and balances* mechanisms between state institutions. The results indicate that independent state commissions are no longer relevant to be categorized as three branches of power per se, but rather as independent organs with quasi-judicial and quasi-legislative functions. The presence of these institutions creates a fourth branch of government that carries out more than one government function and has the characteristics of combined authority and accumulation of the three existing government functions. This confirms that the modern state system has evolved beyond the pure *Trias Politica* framework, requiring a review of the classification of state institutions to optimize their functions and independence. This study concludes that strengthening the legal and functional position of independent institutions is crucial to maintaining the stability and effectiveness of the government system, as well as ensuring the achievement of the goals of a democratic rule of law. Therefore, a comprehensive reformulation of the *Trias Politica* architecture in Indonesia is needed, accommodating the dynamics of the roles and functions of independent institutions as important pillars in maintaining government accountability and transparency.

Keywords:

Fourth Branch of Government;
Checks and Balances;
Constitutional Law;
Independent Institutions;
Reformulation;
Constitutional System;
Trias Politica;

Abstrak

Tulisan ini menganalisis secara kritis keterbatasan konsep *Trias Politica* dalam menakar keberadaan dan fungsi cabang kekuasaan keempat di

Kata Kunci

Cabang Kekuasaan Keempat;

Indonesia, terutama dalam konteks lembaga negara independen bertujuan untuk mengeksplorasi implikasi hukum dan konstitusional dari penempatan lembaga-lembaga ini di luar skema Trias Politica tradisional terhadap sistem ketatanegaraan Indonesia. Penelitian ini menggunakan metode kualitatif dengan pendekatan yuridis normatif, menganalisis secara deskriptif mengenai kedudukan komisi negara independen sebagai mekanisme checks and balances antar lembaga negara. Hasil penelitian mengindikasikan bahwa komisi negara independen tidak lagi relevan dikategorikan dalam tiga cabang kekuasaan an sich, melainkan sebagai organ independen dengan fungsi kuasi-yudikatif dan kuasi-legislatif. Kehadiran lembaga-lembaga ini menciptakan cabang pemerintahan keempat yang menjalankan lebih dari satu fungsi pemerintahan dan memiliki karakteristik kewenangan yang bersifat gabungan serta akumulasi dari ketiga fungsi pemerintahan yang ada. Hal ini menegaskan bahwa sistem ketatanegaraan modern berkembang melampaui kerangka Trias Politica murni, mengharuskan peninjauan kembali klasifikasi lembaga negara untuk mengoptimalkan fungsi dan independensinya. Studi ini menyimpulkan bahwa penguatan kedudukan hukum dan fungsional lembaga independen menjadi krusial untuk menjaga stabilitas dan efektivitas sistem pemerintahan, serta memastikan tercapainya tujuan negara hukum yang demokratis. Oleh karena itu, diperlukan reformulasi komprehensif terhadap arsitektur Trias Politica di Indonesia, mengakomodasi dinamika peran dan fungsi lembaga independen sebagai pilar penting dalam menjaga akuntabilitas dan transparansi pemerintahan.

Checks and
balances;
Hukum Tata
Negara;
Lembaga
Independen;
Reformulasi;
Sistem
Ketatanegaraan;
Trias Politica;

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INTRODUCTION

Research Background

Within the framework of modern constitutional governance, the classical doctrine of *Trias Politica*, which traditionally divides state power into the legislative, executive, and judicial branches, has undergone significant conceptual development and institutional transformation (Soni Irawan, 2025; Suparman, 2023, p. 60). This evolution has been characterized by the emergence of independent state institutions that exercise hybrid constitutional functions, combining elements of the three traditional branches of government while operating outside the conventional framework of the separation of powers (Arbani, 2016, p. 3).

In Indonesia, this paradigm shift is reflected in the establishment of numerous independent auxiliary state institutions, including the Corruption Eradication Commission (Komisi Pemberantasan Korupsi—KPK), the General Elections Commission (Komisi Pemilihan Umum—KPU), the National Human Rights Commission (Komisi

Nasional Hak Asasi Manusia—Komnas HAM), and the Judicial Commission (Komisi Yudisial—KY). Although these institutions perform significant constitutional functions, they cannot be explicitly classified within the conventional framework of the *Trias Politica* doctrine ([Zamroni et al., 2025](#)). Their existence therefore raises fundamental questions regarding the continuing relevance of a rigid interpretation of the classical separation of powers within Indonesia's constitutional system, as these independent institutions cannot be rationally assigned to any one of the traditional branches of government ([Aris, 2018, p. 110](#)). Consequently, a comprehensive analysis is required to examine how these institutions have reconfigured Indonesia's constitutional architecture and to evaluate both the theoretical and practical implications of their existence for the doctrine of separation of powers ([Asrizal & Malian, 2021, p. 133](#); [Sadono et al., 2020, p. 262](#)).

Although the constitutional amendments to the 1945 Constitution of the Republic of Indonesia (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945) sought to reinforce the independence of the legislative, executive, and judicial branches, their implementation continues to encounter substantial challenges, particularly regarding overlapping institutional authority and the continuing predominance of executive power ([Kurdi & Mazjah, 2025](#)). The establishment of independent auxiliary institutions, particularly the Corruption Eradication Commission (KPK), has further complicated Indonesia's constitutional structure because its institutional status remains contested, particularly regarding whether it should be regarded as part of the executive branch or as a genuinely autonomous constitutional institution ([Intan, 2018](#)).

Several constitutional scholars have consequently argued that independent state institutions should be recognized as constituting a fourth branch of government, distinct from the legislative, executive, and judicial branches ([Sirait et al., 2020, p. 21](#)). This proposition has emerged from the growing recognition that the classical doctrine of *Trias Politica* no longer adequately explains the increasingly complex relationships among state institutions, particularly in democratic transition states that have established numerous constitutionally independent agencies ([Sapheli, 2017, p. 80](#)). Following the constitutional amendments, Indonesia also experienced a fundamental transformation from the supremacy of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat—MPR) to the supremacy of the Constitution itself, thereby placing all state institutions on an equal constitutional footing through the operation of the checks and balances principle ([Morfi, 2023](#)). These developments demonstrate that the evolution of *Trias Politica* has significantly influenced Indonesia's institutional architecture, reflecting the growing perception that the classical separation of powers is no longer sufficient to accommodate the complexities of modern governance ([Wicaksono, 2009](#)).

Indonesia's presidential system, established following the constitutional amendments, further demonstrates that the principle of checks and balances has become indispensable for preventing the concentration of governmental authority while maintaining equilibrium among constitutional institutions ([Undang, 2024, p. 123](#)). Within this constitutional framework, independent state commissions perform a particularly strategic function because of their hybrid institutional characteristics and their capacity to exercise oversight over each of the three traditional branches of government ([Subandi & Sjarif, 2023](#)). Such institutional equilibrium is intended to prevent the emergence of

political hegemony, authoritarianism, and excessive centralization of power. Nevertheless, its practical implementation continues to encounter significant obstacles, including overlapping institutional authority and political intervention ([Habibah et al., 2025](#); [Pattimahu et al., 2023](#)). Consequently, examining the constitutional status of independent state commissions has become increasingly important for understanding the operation of checks and balances within Indonesia's constitutional system, particularly because these institutions function as specialized constitutional bodies entrusted with distinct powers, duties, and responsibilities ([Sepriyono, 2014](#)).

Following the constitutional amendments, Indonesia explicitly adopted the principle of checks and balances as the constitutional foundation for strengthening democratic governance. This reform fundamentally transformed the relationship among state institutions from a hierarchical and vertically organized structure into a horizontal constitutional arrangement based on equality and mutual accountability ([Sunardi, 2018, p. 28](#)). The transformation reflects a significant departure from a centralized governmental structure dominated by executive authority toward a more democratic, transparent, and accountable constitutional order in which each branch of government possesses clearly defined constitutional functions, responsibilities, and institutional limitations ([Aziz, 2023, p. 7](#); [Daniel Reynaldi L Tobing & Wilma Silalahi, 2025](#)).

This constitutional transformation was accompanied by a shift from the supremacy of the People's Consultative Assembly (MPR) to the supremacy of the Constitution, thereby positioning all constitutional organs on an equal footing while requiring each institution to supervise and restrain the exercise of power by the others ([Defretes & Kleden, 2023, p. 50](#); [Siahaan, 2016](#)). The adoption of the checks and balances principle constituted a deliberate constitutional response aimed at preventing the excessive concentration of governmental authority while strengthening Indonesia's presidential system through reciprocal mechanisms of institutional oversight ([Ibrahim, 2022](#); [Sulardi & Sastra, 2017, p. 189](#)). Despite these constitutional reforms, however, the practical operation of checks and balances continues to face persistent challenges arising from the imbalance of political power between the President and the House of Representatives (Dewan Perwakilan Rakyat—DPR), particularly as a consequence of political dominance and the weakening of constitutional ethics.

These developments indicate that although Indonesia has substantially strengthened its constitutional framework to establish a more balanced governmental structure, the practical effectiveness of that framework remains vulnerable to political dynamics and competing constitutional interpretations ([Herlinanur et al., 2024](#); [William & Silalahi, 2025](#)). This situation underscores the necessity of further institutional strengthening and more comprehensive regulatory reforms to ensure the effective functioning of constitutional oversight and the equilibrium of state power. Moreover, the existence of independent state institutions operating beyond the traditional framework of *Trias Politica* introduces additional constitutional complexity, particularly regarding the appropriate mechanisms for preserving both their independence and democratic accountability ([Hasan et al., 2026](#)). Accordingly, a reconceptualization of the *Trias Politica* doctrine has become essential to accommodate these non-traditional constitutional

institutions within a more comprehensive and inclusive constitutional framework capable of addressing the realities of contemporary democratic governance.

Problem Identification

The foregoing discussion reveals several constitutional and institutional issues that warrant further scholarly examination.

1. Although the classical doctrine of *Trias Politica* was originally developed to distinguish legislative, executive, and judicial powers, its explanatory capacity has become increasingly limited in accommodating the emergence of independent state institutions established during Indonesia's post-Reformasi constitutional transformation. Consequently, the doctrine requires conceptual adaptation to facilitate a more comprehensive classification and analysis of these constitutionally independent institutions.
2. The effectiveness of the checks and balances principle requires critical evaluation in light of the emergence of independent state institutions that potentially constitute a fourth branch of government, particularly given the existence of overlapping institutional authority and the potential misuse of legislative powers, including the authority of the House of Representatives (Dewan Perwakilan Rakyat—DPR) to dismiss public officials.
3. Parliamentary oversight of the executive branch, particularly through the exercise of the right of inquiry (*hak angket*), has not yet operated optimally in realizing an effective constitutional system of checks and balances.
4. Although independent state commissions were established to strengthen constitutional accountability and institutional equilibrium, their practical operation continues to face significant challenges arising from potential interference by traditional state institutions and the absence of clearly defined jurisdictional boundaries.
5. The constitutional status of institutions such as the National Human Rights Commission (Komisi Nasional Hak Asasi Manusia—Komnas HAM) and the Corruption Eradication Commission (Komisi Pemberantasan Korupsi—KPK) demonstrates the urgent need for greater harmonization of Indonesia's institutional regulatory framework to ensure that their constitutional functions and institutional independence can be exercised effectively within the broader system of checks and balances.
6. There remains an urgent need to develop a more coherent constitutional framework governing the functional relationships and institutional hierarchy of independent state institutions within Indonesia's constitutional system, particularly in response to political dynamics that may threaten their institutional autonomy and constitutional integrity.
7. Independent auxiliary institutions are normatively expected to operate autonomously because they exist outside the traditional constitutional branches of government. Their functions are frequently hybrid in nature, incorporating

legislative, executive, and judicial characteristics simultaneously, thereby challenging the continued adequacy of the classical separation of powers doctrine.

Research Questions

This study addresses the following research questions.

1. How can the doctrine of *Trias Politica* be conceptually adapted to effectively classify and analyze the constitutional position and institutional functions of Indonesia's independent state institutions established during the post-Reformasi era, considering the hybrid nature of their constitutional powers that transcends the traditional separation of powers?
2. How does the principle of checks and balances operate, and to what extent is it effective, in the presence of independent state institutions that potentially constitute a fourth branch of government, particularly in light of overlapping institutional authority and the potential abuse of legislative power in the dismissal of public officials?
3. To what extent does Indonesia's existing constitutional and statutory framework adequately safeguard the independence, accountability, and institutional autonomy of independent state institutions, particularly the Corruption Eradication Commission (KPK) and the National Human Rights Commission (Komnas HAM), against political pressure and structural intervention that may undermine their constitutional mandate?

Research Objectives and Significance

Research Objectives

1. This study aims to:
2. Examine how the classical doctrine of *Trias Politica* may be conceptually adapted to classify and explain the constitutional position of Indonesia's post-Reformasi independent state institutions, taking into account their hybrid institutional functions that transcend the traditional separation of legislative, executive, and judicial powers.
3. Evaluate the effectiveness of the checks and balances principle in the context of independent state institutions functioning as a potential fourth branch of government, with particular emphasis on overlapping institutional authority and the potential misuse of legislative power.
4. Analyze the constitutional and statutory framework governing the independence, accountability, and institutional autonomy of independent state institutions, particularly the Corruption Eradication Commission (Komisi Pemberantasan Korupsi—KPK) and the National Human Rights Commission (Komisi Nasional Hak Asasi Manusia—Komnas HAM), in responding to political pressure and structural intervention that may undermine their constitutional mandate.

5. Assess the constitutional feasibility and institutional implications of recognizing a fourth branch of government within Indonesia's constitutional system as a means of strengthening the checks and balances mechanism and enhancing the effectiveness of independent state institutions in contemporary democratic governance.

Research Significance

This study is expected to make several theoretical and practical contributions.

1. It provides a theoretical and practical reference for policymakers, constitutional scholars, and legal practitioners in understanding the constitutional position, institutional functions, and governance of independent state institutions within Indonesia's constitutional system.
2. It contributes to the advancement of constitutional theory by enriching scholarly discourse on the evolution of the checks and balances doctrine and the potential recognition of a fourth branch of government as an institutional response to the increasing complexity of contemporary constitutional governance in Indonesia.
3. It offers policy-oriented recommendations for regulatory reform and institutional strengthening aimed at enhancing the independence, accountability, constitutional legitimacy, and institutional effectiveness of independent state institutions, thereby reinforcing democratic governance and constitutional oversight within Indonesia's constitutional framework.

Literature Review

A comprehensive review of the existing literature is essential for identifying and critically examining the evolving theoretical perspectives on the *Trias Politica* doctrine and the emergence of independent state institutions as indispensable components of contemporary constitutional governance. This review seeks to evaluate the extent to which the classical doctrine of *Trias Politica*, traditionally confined to the legislative, executive, and judicial branches, requires conceptual expansion to accommodate the increasingly prominent role of constitutionally independent institutions within modern democratic states ([Rasji et al., 2024](#)). Particular attention is devoted to the constitutional position and institutional functions of bodies such as the Judicial Commission (Komisi Yudisial—KY), the General Elections Commission (Komisi Pemilihan Umum—KPU), and the Corruption Eradication Commission (Komisi Pemberantasan Korupsi—KPK), whose hybrid institutional characteristics enable them to perform strategic functions in maintaining constitutional equilibrium and democratic accountability ([Zamroni et al., 2025](#)).

The emergence of these institutions is commonly associated with the concept of State Auxiliary Agencies, namely constitutional bodies that do not formally belong to any of the three traditional branches of government yet perform essential public functions within the constitutional system ([Makkarateng & Hidayatullah, 2024](#)). Despite their increasing constitutional significance, the legal status of these state auxiliary organs

frequently lacks an explicit constitutional foundation, resulting in considerable institutional diversity and persistent uncertainty regarding their constitutional position, jurisdiction, and operational authority ([Iswandi & Prasetyoningsih, 2020](#)). These institutions are generally established to support the implementation of specialized governmental functions while remaining institutionally distinct from the legislative, executive, and judicial branches ([Salakay, 2015](#)).

Within the Indonesian constitutional context, the establishment of state auxiliary agencies reflects the practical reality that the doctrine of *Trias Politica* has never been implemented in a purely classical form. Instead, Indonesia has developed numerous constitutionally independent institutions that were previously unknown within its constitutional framework ([Makkarateng & Hidayatullah, 2024](#)). Their creation represents an important component of Indonesia's constitutional reform and governmental restructuring following the amendments to the 1945 Constitution, embodying the aspiration to strengthen institutional independence, enhance public accountability, and improve democratic governance. Nevertheless, these institutions continue to encounter significant challenges concerning institutional performance, constitutional legitimacy, and public accountability ([Fahrozi, 2024](#)).

Since the late New Order period and throughout the post-Reformasi era, Indonesia has witnessed the proliferation of numerous constitutional institutions established to perform diverse governmental functions. Many of these institutions exercise hybrid constitutional powers, combining legislative, executive, and quasi-judicial functions while exhibiting varying degrees of institutional independence ([Retno Mawarini Sukmariningsih et al., 2026](#)). Consequently, several constitutional scholars have characterized these bodies as quasi-independent state institutions, emphasizing that although they are normatively expected to operate independently and remain outside the traditional constitutional branches of government, their institutional nomenclature and constitutional status remain inconsistent and conceptually unsettled ([Matheus & Gunadi, 2023, p. 30](#)).

These developments demonstrate that, although independent state institutions were established to enhance governmental effectiveness and perform specialized functions requiring independence, expertise, and professional competence, the constitutional foundations and theoretical framework governing their existence remain insufficiently developed ([Alamsyah & Huda, 2013, p. 93](#); [Gaol, 2021, p. 4](#)). As a result, persistent constitutional uncertainty continues to surround their institutional status, authority, and relationship with the traditional branches of government.

This institutional complexity has generated renewed scholarly debate regarding the continuing adequacy of the classical *Trias Politica* doctrine, which confines constitutional authority to the legislative, executive, and judicial branches, particularly in light of the substantial growth of independent constitutional commissions following Indonesia's democratic reforms ([Antari, 2021, p. 260](#)). Accordingly, contemporary constitutional scholarship increasingly advocates a paradigmatic shift from the orthodox model of *Trias Politica* toward a more inclusive constitutional framework that recognizes the constitutional significance of state auxiliary agencies as institutions exercising public authority beyond the traditional categories of state power. Such a reconceptualization

provides a more appropriate theoretical foundation for understanding the evolving architecture of constitutional governance in Indonesia while reinforcing the principles of checks and balances, institutional independence, and constitutional accountability within a modern democratic state.

THEORETICAL AND CONCEPTUAL FRAMEWORK

Theoretical Framework

This study is grounded in several complementary constitutional and institutional theories that provide the analytical basis for examining the evolving position of independent state institutions within Indonesia's constitutional system.

1. Separation of Powers Theory

This study critically examines the evolution of the Separation of Powers Theory, tracing its development from Montesquieu's classical doctrine of *Trias Politica* to its contemporary constitutional formulations. Particular attention is devoted to assessing the extent to which the traditional doctrine is capable of accommodating—or fails to accommodate—the emergence of independent state institutions as autonomous constitutional pillars within modern democratic governance ([Asshiddiqie, 2015](#); [Brueckner, 1986, p. 80](#); [Soni Irawan, 2025](#); [Suparman, 2023](#); [Syafudin et al., 2024](#); [Syakur et al., 2022, p. 71](#)).

2. New Separation of Powers Theory

The New Separation of Powers Theory is employed to explain how contemporary constitutional systems have responded to the limitations of the classical *Trias Politica* doctrine in addressing the institutional complexity of the modern administrative state. The theory provides an analytical framework for understanding the constitutional emergence and functional significance of independent institutions that operate beyond the traditional executive, legislative, and judicial branches ([Annisa, 2021](#); [Antari, 2021](#); [Jazuly, 2015](#)).

3. Modern Constitutionalism Theory

This study further employs the Theory of Modern Constitutionalism to examine how contemporary constitutions have evolved to incorporate independent constitutional institutions while simultaneously maintaining democratic accountability, constitutional oversight, and effective mechanisms of institutional control. The theory emphasizes that constitutional adaptation is essential for preserving the principles of the rule of law, constitutional democracy, and good governance within increasingly complex governmental systems ([Daniel Reynaldi L Tobing & Wilma Silalahi, 2025](#); [Soni Irawan, 2025](#)).

4. Theory of Independent State Institutions

The Theory of Independent State Institutions provides the principal analytical framework for examining the constitutional rationale underlying the establishment, institutional characteristics, functional authority, and constitutional significance of

independent state institutions. Particular emphasis is placed on their institutional autonomy and independence from the traditional branches of government, as well as their contribution to contemporary constitutional governance ([Gaol, 2021, p. 7](#); [Iswandi & Prasetyoningsih, 2020, p. 434](#); [Perkinson, 2011](#); [Ramadani & Arifin, 2023](#)).

5. Institutional Theory

Institutional Theory is utilized to analyze the influence of both formal and informal institutions in shaping the behavior, performance, and legitimacy of independent state institutions. The theory also facilitates examination of how constitutional norms, political values, organizational culture, and institutional practices influence the interaction between these institutions and the broader political environment ([Annisa, 2021, p. 233](#); [Bemby Navita et al., 2025](#); [Ginanjjar, 2022, p. 296](#)).

6. Comparative Constitutional Law Theory

Finally, this study adopts the perspective of Comparative Constitutional Law to evaluate the constitutional design, institutional effectiveness, and governance models of independent state institutions across comparable jurisdictions. Comparative analysis enables the identification of best practices and institutional lessons that may contribute to strengthening Indonesia's constitutional framework and enhancing the effectiveness of its independent constitutional institutions ([Fahrozi, 2024](#); [Fauzi, 2023, p. 13](#); [Gaol, 2021, p. 7](#)).

Conceptual Framework

The conceptual framework of this study consists of the following key constitutional concepts.

1. The Concept of *Trias Politica*

This study conceptualizes *Trias Politica* as the historical foundation of the constitutional separation of powers among the legislative, executive, and judicial branches, while critically examining its contemporary adaptation within Indonesia's constitutional system ([Roidatus Shofiyah, 2024](#)).

2. The Concept of Separation and Distribution of Powers

This study distinguishes between Montesquieu's strict doctrine of separation of powers, which advocates institutional independence among the three branches of government, and the concept of distribution of powers, which is more appropriately reflected in Indonesia's constitutional system through the operation of checks and balances and institutional cooperation among constitutional organs ([Ruhenda et al., 2020](#)).

3. The Concept of the Fourth Branch of Government

The concept of the Fourth Branch of Government is examined as a constitutional construct referring to institutions that operate independently from the traditional legislative, executive, and judicial branches while exercising specialized constitutional powers and responsibilities. This concept provides an analytical basis

for understanding the constitutional status of independent state institutions within contemporary democratic governance ([Iswandi, 2023, p. 138](#); [Wahyuningrum et al., 2020, p. 246](#)).

4. The Concept of State Auxiliary Organs

This study adopts the concept of State Auxiliary Organs to explain the constitutional role of institutions established to support governmental functions without formally constituting one of the principal branches of state power. Although institutionally separate from the traditional constitutional structure, these bodies perform essential constitutional functions and have become indispensable components of modern governance ([Iswandi, 2023, p. 138](#)).

5. The Concept of Institutional Independence

The concept of institutional independence is examined from both institutional and functional perspectives. Particular attention is devoted to the constitutional autonomy required by institutions such as the Corruption Eradication Commission (Komisi Pemberantasan Korupsi—KPK) and the Supreme Court (Mahkamah Agung) in performing their constitutional duties free from political interference or external influence ([Bima & Ramadani, 2020, p. 181](#); [Permadi & Wisnaeni, 2020, p. 401](#)).

6. The Concepts of Accountability and Transparency

This study further examines the constitutional principles of accountability and transparency as essential elements of democratic governance. These principles ensure that independent state institutions remain accountable for their decisions and exercise of authority while promoting institutional openness, strengthening public confidence, and minimizing opportunities for the abuse of governmental power ([Hamdi. R et al., 2025](#)).

7. The Rule of Law as the Grand Theory

Finally, this study positions the Rule of Law as its grand theory, providing the overarching constitutional framework governing the exercise of public power. Under this perspective, every exercise of governmental authority must remain subject to constitutional limitations designed to prevent arbitrary action and abuse of power. Within this theoretical hierarchy, the principle of judicial independence functions as the middle-range theory, emphasizing the necessity of an impartial and autonomous judiciary in safeguarding constitutional supremacy, protecting fundamental rights, and ensuring the effective operation of the constitutional system ([Suhariyanto, 2012, p. 252](#)).

METHODOLOGY

This study employs a qualitative research design ([Sugiyono, 2023](#)) using a normative juridical approach to examine the constitutional position and legal status of independent state institutions within Indonesia's constitutional system ([Mulyasandi & Jaman, 2024](#)). The research relies on the analysis of primary, secondary, and tertiary legal materials to provide a comprehensive understanding of the constitutional framework governing

these institutions and the legal implications arising from their establishment and operation ([Ramadani & Arifin, 2023](#)). This approach emphasizes the interpretation of constitutional doctrines, statutory regulations, and relevant judicial decisions to evaluate the normative foundations and constitutional significance of independent state institutions in Indonesia ([Isnaeni, 2021, p. 78](#)).

More specifically, the study examines the constitutional and statutory provisions establishing independent state institutions, constitutional law doctrines concerning institutional independence and accountability, as well as Constitutional Court decisions that interpret the constitutional authority, institutional status, and constitutional functions of these bodies ([Langingi & Bakar, 2025](#)). A descriptive qualitative analysis is employed to interpret the collected legal materials, identify recurring normative patterns, and develop a comprehensive understanding of both the institutional challenges and constitutional opportunities associated with the governance of independent state institutions ([Iswandi & Prasetyoningsih, 2020, p. 436](#)).

In addition, this research incorporates a comparative constitutional approach by examining the institutional design and governance of independent constitutional bodies in selected foreign jurisdictions. This comparative analysis is intended to identify international best practices and derive policy lessons that may contribute to the further development of Indonesian constitutional law. Through this approach, the study seeks to identify existing normative gaps and formulate policy recommendations capable of strengthening the regulatory framework governing independent state institutions, particularly in light of the constitutional transformation that followed the amendments to the 1945 Constitution of the Republic of Indonesia ([Rifandanu, 2024](#)). Nevertheless, the constitutional implications of these amendments for the restructuring and institutional strengthening of independent state institutions continue to require more comprehensive scholarly examination, particularly regarding the consistency of their constitutional foundations and the effectiveness of their practical implementation ([Yulistyowati et al., 2017](#)).

The normative juridical method adopted in this study focuses primarily on the examination of library-based legal materials, particularly secondary legal sources, including constitutional provisions, statutes, governmental regulations, judicial decisions, and relevant legal scholarship, to analyze the constitutional issues arising from the institutional arrangement of independent state institutions ([Enggarani, 2019, p. 82](#)). This methodological approach is particularly appropriate for evaluating the legal problems, constitutional principles, and normative framework governing the existence, institutional autonomy, and operational effectiveness of independent state institutions within Indonesia's evolving constitutional order.

RESULTS AND DISCUSSION

Research Findings

The constitutional reform of the 1945 Constitution of the Republic of Indonesia fundamentally transformed Indonesia's constitutional architecture by redefining the

constitutional functions and institutional relationships of the principal state organs, including the President, the House of Representatives (Dewan Perwakilan Rakyat—DPR), the People's Consultative Assembly (Majelis Permusyawaratan Rakyat—MPR), the Regional Representative Council (Dewan Perwakilan Daerah—DPD), the Supreme Court (Mahkamah Agung—MA), and the Constitutional Court (Mahkamah Konstitusi—MK). These constitutional reforms were primarily intended to strengthen Indonesia's presidential system through the institutionalization of a more balanced system of checks and balances among the branches of government ([Ibrahim, 2022](#)).

The post-amendment constitutional framework also introduced several new constitutional institutions that substantially altered the distribution of governmental authority and redefined inter-institutional relationships. Among the most significant developments was the strengthening of the Supreme Audit Board (Badan Pemeriksa Keuangan—BPK), whose constitutional authority was expanded to encompass broader operational, quasi-judicial, and advisory functions ([Basuki, 2017, p. 110](#)). These institutional reforms constitute an integral component of Indonesia's constitutional transformation aimed at establishing a more transparent, accountable, and democratic system of governance ([Werdiningsih, 2021, p. 3](#)).

These constitutional changes repositioned the principal state institutions established by the Constitution as co-equal constitutional organs, none of which is constitutionally subordinate to another. This institutional arrangement reflects the constitutional interpretation advanced by Sri Soemantri, who identified eight principal constitutional institutions under the 1945 Constitution of the Republic of Indonesia ([Antari, 2020, p. 223](#)). Furthermore, the constitutional amendments expressly reinforced the independence of the judiciary while introducing additional judicial institutions, thereby creating a dual judicial structure in which the judiciary performs not only adjudicative functions but also serves as the guardian of the Constitution ([Mugeni, 2015, p. 149](#)).

Despite these institutional reforms designed to limit governmental authority and strengthen constitutional checks and balances, the establishment of numerous independent institutions—including specialized courts and autonomous constitutional bodies—demonstrates Indonesia's adaptation to the increasing complexity of contemporary governance. These institutional developments reflect a constitutional evolution that no longer adheres rigidly to the classical doctrine of *Trias Politica*, but instead embraces a more flexible constitutional structure capable of accommodating specialized institutions exercising hybrid constitutional functions ([Mawarini Sukmariningsih, 2013, p. 2](#)).

Following the constitutional amendments, Indonesia has established a considerable number of independent state institutions. Nevertheless, the need to reorganize and rationalize these institutions has become increasingly urgent due to the absence of uniform standards governing their institutional independence, constitutional status, and organizational design ([Danu, 2023](#); [Ramadani, 2020](#)). Although these institutions are not expressly recognized by the Constitution as constituting a fourth branch of government, they nevertheless possess constitutional legitimacy, either because they are constitutionally significant institutions or because they derive their authority from

statutory mandates enacted to reinforce Indonesia's democratic presidential system (Bahari et al., 2021, p. 205; Sihombing, 2024, p. 7; Yanuar, 2020, p. 41).

Figure 1 illustrates the constitutional position of independent state institutions that operate outside the traditional constitutional framework of the legislative, executive, and judicial branches. The figure demonstrates that these institutions exercise specialized constitutional functions which cannot be adequately classified within the classical doctrine of *Trias Politica*, thereby supporting the argument that Indonesia's constitutional architecture has evolved toward a more pluralistic and functionally differentiated model of constitutional governance. This institutional development reinforces the necessity of reconceptualizing the separation of powers doctrine to accommodate the constitutional reality of hybrid institutions while preserving the principles of checks and balances, institutional independence, and democratic accountability.

Figure 1. Constitutional Position of Independent State Institutions Outside the Traditional Framework of the Legislative, Executive, and Judicial Branches.



The above diagram illustrates the proliferation of independent auxiliary state institutions established to complement and balance the traditional branches of government following Indonesia's constitutional reform (Rahimallah & Ricky, 2023, p. 63). Visually, the figure demonstrates the expansion of Indonesia's constitutional architecture beyond the classical framework of *Trias Politica*, highlighting the emergence of constitutionally significant institutions such as the Judicial Commission (Komisi Yudisial—KY), which performs a complementary role within the judicial system despite not occupying an equivalent constitutional position to the Supreme Court (Mahkamah Agung—MA) and the Constitutional Court (Mahkamah Konstitusi—MK) (Mulyani, 2016, p. 83). This

institutional configuration illustrates that although the Supreme Court and the Constitutional Court remain the principal organs of judicial power, auxiliary institutions such as the Judicial Commission perform an equally indispensable function in safeguarding judicial integrity, accountability, and ethical standards ([Anna Triningsih, 2018](#)). Accordingly, the constitutional amendments to the 1945 Constitution further reinforced the independence of the judiciary in accordance with the principles of popular sovereignty and Indonesia's presidential system, whereby the Supreme Court, Constitutional Court, and Judicial Commission function as complementary constitutional institutions committed to preserving an impartial and accountable system of judicial administration ([Darusman et al., 2024, p. 84](#); [Malik, 2010, p. 363](#)).

The establishment of independent oversight institutions, including the Corruption Eradication Commission (Komisi Pemberantasan Korupsi—KPK), the Supreme Audit Board (Badan Pemeriksa Keuangan—BPK), the Ombudsman of the Republic of Indonesia, and the National Human Rights Commission (Komisi Nasional Hak Asasi Manusia—Komnas HAM), represents an integral component of Indonesia's constitutional effort to construct a comprehensive system of checks and balances ([Sibuea & Putri, 2020, p. 134](#)). In parallel, the creation of independent regulatory institutions, such as the General Elections Commission (Komisi Pemilihan Umum—KPU), the Election Supervisory Agency (Badan Pengawas Pemilihan Umum—Bawaslu), the Financial Services Authority (Otoritas Jasa Keuangan—OJK), and Bank Indonesia (BI), reflects the emergence of specialized constitutional bodies entrusted with regulating strategic sectors and protecting the public interest while operating outside the traditional framework of *Trias Politica* ([Bolo, 2019, p. 160](#); [Kristian Siburian, 2023](#)). This institutional evolution is consistent with broader constitutional scholarship proposing an expansion of the traditional separation of powers into a more differentiated constitutional structure comprising multiple functional branches. Within this perspective, institutions such as the Indonesian Financial Transaction Reports and Analysis Center (Pusat Pelaporan dan Analisis Transaksi Keuangan—PPATK), the Witness and Victim Protection Agency (Lembaga Perlindungan Saksi dan Korban—LPSK), and the National Institute of Public Administration (Lembaga Administrasi Negara—LAN) are regarded as part of a broader system of independent agencies that perform specialized constitutional functions essential to contemporary democratic governance (Aris et al., 2019a, p. 146). Likewise, institutions such as the Constitutional Court and the Judicial Commission have emerged as constitutional guardians responsible for preserving constitutional supremacy, judicial integrity, and institutional accountability following Indonesia's democratic transition ([Siregar, 2014, p. 14](#)). These developments demonstrate Indonesia's constitutional adaptation to the increasing complexity of modern governance, which requires specialized institutions capable of complementing the traditional branches of government without diminishing the constitutional independence of the judiciary ([Saragih, 2025](#); [Sihaloho, 2016, p. 210](#)).

Nevertheless, the rapid proliferation of independent state institutions following the Reformasi era also reflects the dynamic interaction between political authority and the legal foundations governing institutional formation, particularly for institutions established through ordinary legislation rather than direct constitutional mandate ([Karyono & Retno Mawarini S, 2025](#)). For example, the Third and Fourth Amendments to the 1945 Constitution explicitly established several constitutionally independent

institutions, including the Judicial Commission and the General Elections Commission, whose constitutional status derives directly from constitutional authorization rather than ordinary legislation ([Asmarani, 2019](#)).

These institutions represent a significant transformation in Indonesia's constitutional structure, shifting from a governance model historically characterized by executive dominance toward a more fragmented, accountable, and democratically balanced institutional arrangement consistent with the principles of modern constitutional democracy ([Badaruddin et al., 2022](#); [Hippy et al., 2024](#)). At the same time, they illustrate the expansion of the model of independent commissions established jointly by the House of Representatives (DPR) and the President through legislation, reflecting Indonesia's legal policy of creating specialized constitutional institutions to complement and strengthen the capacity of government in addressing increasingly complex public functions ([Arliman S., 2017](#)).

The constitutional amendments substantially restructured Indonesia's judicial system through the establishment of the Constitutional Court and the Judicial Commission alongside the Supreme Court, thereby advancing the objectives of constitutional reform through the institutionalization of checks and balances within the judicial branch itself ([Ulya, 2021, p. 338](#); [Zulfan, 2019, p. 14](#)). These reforms were intended to reinforce judicial independence while preventing undue interference from the other branches of government, consistent with the objectives of Indonesia's constitutional transformation ([Kariadi, 2020, p. 101](#)). In particular, the Judicial Commission—created through the constitutional amendments—was vested with autonomous constitutional authority to nominate candidates for appointment as Supreme Court justices and to safeguard the dignity, integrity, and ethical conduct of members of the judiciary ([Bhakti, 2014, p. 138](#); [Sartono, 2018, p. 15](#)). Despite its constitutional status, however, the Judicial Commission has continued to encounter institutional challenges, particularly regarding the delineation of its constitutional relationship with the Supreme Court ([Saputra, 2013](#)). These tensions became especially evident in debates concerning the Commission's authority to conduct surveillance and investigative activities following the amendment of Law No. 22 of 2004 by Law No. 18 of 2011, illustrating the continuing constitutional uncertainty surrounding the scope of its institutional powers.

More broadly, the establishment of these independent constitutional institutions represents Indonesia's response to the Reformasi agenda aimed at promoting good governance, strengthening institutional oversight, and enhancing public accountability in the exercise of governmental authority, thereby fostering greater public confidence in state institutions ([Sabrina, 2016](#)). The creation of institutions such as the Corruption Eradication Commission (KPK) and the Financial Transaction Reports and Analysis Center (PPATK) reflects a systematic constitutional strategy to combat corruption and money laundering—long recognized as major obstacles to effective and accountable governance. Similarly, the establishment of the National Human Rights Commission (Komnas HAM), the Witness and Victim Protection Agency (LPSK), and the Ombudsman of the Republic of Indonesia demonstrates the State's constitutional commitment to protecting human rights while ensuring transparent, accountable, and citizen-oriented public administration. These institutional developments collectively reinforce the

argument that Indonesia's constitutional system has evolved beyond the classical doctrine of *Trias Politica* toward a more functionally differentiated constitutional order in which independent state institutions constitute indispensable pillars of democratic governance, constitutional accountability, and the modern system of checks and balances.

Discussion

The concept of the Fourth Branch of Government has long been recognized in the constitutional literature of the United States as referring to a broad range of independent administrative agencies that perform essential regulatory, supervisory, and adjudicatory functions within the constitutional system despite not being expressly established by the U.S. Constitution ([Liesbet & Gary, 2003](#); [Ortner, 1995](#); [Siallagan, 2015, p. 3](#); [Siburian, 2022, p. 55](#)). These institutions—including independent regulatory commissions and administrative agencies exercising quasi-legislative and quasi-judicial powers—constitute an important institutional mechanism for maintaining checks and balances, preventing excessive concentration of governmental authority, and enhancing democratic accountability ([Antari, 2021, p. 266](#); [Arbani, 2016, p. 8](#); [Nurhadi, 2019, p. 240](#)). Their existence illustrates that modern constitutional governance frequently requires institutional arrangements extending beyond the classical doctrine of *Trias Politica*.

Comparable constitutional developments can also be observed in Russia, where institutions functioning outside the conventional framework of the separation of powers have emerged to address the increasingly complex demands of contemporary governance ([Dirkareshza et al., 2025](#); [Gutwirth & De Hert, 2022](#)). Although operating within a different constitutional tradition, these quasi-state institutions likewise perform specialized governmental functions that resemble the institutional characteristics commonly associated with a fourth branch of government. Similarly, China's distinctive constitutional and political system has generated institutions that functionally resemble an autonomous constitutional branch, albeit within a governance model fundamentally different from liberal constitutional democracies ([Anwar et al., 2023, p. 426](#); [Soni Irawan, 2025](#); [Vai lo Lo, 2020, p. 177](#); [Wang & Liu, 2019, p. 1](#)). These comparative experiences demonstrate that the evolution of independent constitutional institutions represents a broader global trend in constitutional development rather than an exclusively Indonesian phenomenon.

A comparable institutional evolution can be identified in Indonesia through the establishment of numerous independent state institutions entrusted with safeguarding accountability, transparency, and constitutional oversight, including the Corruption Eradication Commission (Komisi Pemberantasan Korupsi—KPK) and the National Human Rights Commission (Komisi Nasional Hak Asasi Manusia—Komnas HAM). Functionally, these institutions complement the traditional *Trias Politica* framework by performing constitutional responsibilities that cannot be adequately accommodated within the legislative, executive, or judicial branches. Nevertheless, the post-amendment development of independent state institutions in Indonesia exhibits a distinctive constitutional characteristic: while some institutions derive their authority directly from

the Constitution, others are established solely through legislation. This dual institutional foundation has generated continuing debate regarding their constitutional status, institutional legitimacy, and degree of independence ([Kristian Siburian, 2023](#)).

The constitutional amendments to the 1945 Constitution of the Republic of Indonesia provided a significant constitutional foundation for strengthening the independence of several state institutions established after the Reformasi era, reflecting a fundamental transformation of Indonesia's constitutional order ([Ernawati & Nugraheni, 2020, p. 48](#)). Among the most notable reforms were the enhancement of the Constitutional Court's role as the guardian of the Constitution and the restructuring of the Supreme Court to reinforce judicial independence ([Maulana & Kristanto, 2025](#)). At the same time, the establishment of the Judicial Commission was intended to strengthen judicial accountability by exercising oversight over judicial ethics and professional conduct, thereby reinforcing institutional integrity within the judiciary ([Sibuea & Putri, 2020, p. 134](#)). In contrast, institutions such as the Corruption Eradication Commission (KPK), although established by statute rather than directly by the Constitution, continue to generate constitutional debate regarding their institutional independence, particularly concerning whether they should be regarded as autonomous constitutional bodies or as part of the executive branch ([Wahyuningrum et al., 2020, p. 245](#)). Consequently, Indonesia's post-Reformasi constitutional system demonstrates a clear departure from the orthodox doctrine of *Trias Politica*, evolving instead toward a constitutional model enriched by the existence of state auxiliary institutions exercising specialized constitutional functions ([Achmad et al., 2017](#)).

Scholarly debate concerning the constitutional status of these institutions has, in some instances, evolved into broader theoretical discussions proposing constitutional models comprising up to six branches of government, including the House of Representatives, the Senate, the President as Head of State, the Prime Minister as Head of Government, the Judiciary, and various independent agencies ([Aris et al., 2019b, p. 146](#)). Regardless of these differing theoretical formulations, the constitutional system established after the amendments to the 1945 Constitution is fundamentally characterized by the principle of separation of powers implemented through reciprocal mechanisms of checks and balances among state institutions ([Putra, 2016, p. 30](#)). Within this constitutional framework, the proliferation of independent commissions—including the Corruption Eradication Commission—has generated substantial academic discourse concerning their constitutional legitimacy and institutional position, particularly because their broad autonomy and independence have frequently become the subject of constitutional and political controversy ([Ramadani & Arifin, 2023](#)).

These developments also reflect the proliferation of specialized law enforcement institutions established during the Reformasi period to complement the functions traditionally performed by the judiciary while simultaneously creating new challenges concerning institutional coordination, jurisdictional overlap, and constitutional coherence ([Anna Triningsih, 2018](#)). The constitutional position of the Corruption Eradication Commission (KPK) remains particularly contentious, as illustrated by the evolving jurisprudence of the Constitutional Court, which has produced differing constitutional interpretations regarding whether the KPK should be regarded as an

independent constitutional institution operating outside the legislative, executive, and judicial branches or as an institution constitutionally situated within the executive branch ([Mahesa Rannie, 2021](#)).

The institutional repositioning of the KPK following the enactment of Law No. 19 of 2019, which redefined the Commission as part of the executive branch, has produced significant constitutional consequences for its institutional autonomy, operational effectiveness, and capacity to combat corruption independently of political influence ([Makkarateng, 2022](#)). From a constitutional perspective, this transformation has substantially diminished the institutional independence previously associated with the KPK as a potential fourth branch of government, thereby increasing the risk of political intervention and potentially weakening its capacity to perform its oversight, investigative, and prosecutorial functions effectively and impartially ([M. Habibi, 2020](#); [M. R. Habibi, 2021](#); [Putri & Nurwijayanti, 2020](#)).

A similar constitutional debate surrounds the National Human Rights Commission (Komnas HAM), whose institutional position outside the traditional framework of *Trias Politica* further enriches scholarly discussions concerning the possible emergence of a fourth branch of government in Indonesia. Although Komnas HAM was established to operate independently in protecting and promoting human rights, questions concerning its institutional autonomy and practical independence continue to arise in constitutional practice. The constitutional evolution of these independent institutions demonstrates the inherent complexity of contemporary constitutional governance, in which the traditional boundaries of *Trias Politica* have progressively expanded to accommodate specialized institutions required to address the increasingly diverse demands of modern democratic government. Accordingly, Indonesia's constitutional experience supports the proposition that independent state institutions should not merely be regarded as supplementary governmental bodies but rather as integral components of an evolving constitutional architecture designed to strengthen constitutional accountability, institutional independence, and the effectiveness of the checks and balances system in a modern constitutional democracy.

Study Limitations

This study is primarily confined to a constitutional law analysis of the institutional position of the Corruption Eradication Commission (Komisi Pemberantasan Korupsi—KPK) within Indonesia's constitutional framework of *Trias Politica*, with particular emphasis on the constitutional implications of Constitutional Court decisions that have influenced the Commission's institutional independence. Accordingly, the analysis focuses predominantly on the normative juridical dimension of the issue and does not comprehensively examine the broader political, sociological, or administrative consequences arising from the institutional repositioning of the KPK.

Furthermore, although this study draws upon selected comparative constitutional experiences to provide contextual understanding, it does not undertake an extensive comparative analysis of jurisdictions that have adopted or developed the concept of the Fourth Branch of Government. Instead, the discussion remains centered on the evolution

of Indonesia's constitutional architecture and the internal constitutional dynamics surrounding the establishment, legitimacy, and institutional independence of independent state institutions following the amendments to the 1945 Constitution of the Republic of Indonesia.

Novelty and Contribution of the Study

This study contributes to the constitutional law literature by providing a comprehensive analysis of the constitutional implications of the Constitutional Court's jurisprudence concerning the institutional status and independence of the Corruption Eradication Commission (KPK), and by evaluating its broader impact on Indonesia's doctrine of separation of powers. In particular, the study demonstrates that the institutional repositioning of the KPK from an autonomous independent institution to a body incorporated within the executive branch has the potential to weaken the constitutional system of checks and balances, which constitutes a fundamental pillar of Indonesia's presidential system of government.

More importantly, this study advances the argument that compelling independent constitutional institutions—such as the Indonesian Broadcasting Commission (Komisi Penyiaran Indonesia—KPI), the Judicial Commission (Komisi Yudisial—KY), and the General Elections Commission (Komisi Pemilihan Umum—KPU)—to fit rigidly within one of the three traditional branches of government is constitutionally problematic and may generate future institutional conflicts. Such an approach overlooks the distinctive constitutional functions and institutional characteristics of these bodies, which were established to operate with a significant degree of autonomy in order to perform specialized regulatory, supervisory, and constitutional oversight functions.

Accordingly, this study offers a broader theoretical contribution by proposing that Indonesia's post-Reformasi constitutional order should be understood as an evolving constitutional system that extends beyond the classical doctrine of *Trias Politica*. Rather than being regarded merely as auxiliary governmental bodies, independent state institutions should be conceptualized as constitutionally significant institutions performing hybrid constitutional functions, including quasi-legislative, quasi-judicial, and independent regulatory responsibilities. This reconceptualization provides a more coherent analytical framework for understanding Indonesia's contemporary constitutional architecture and contributes to ongoing scholarly debates concerning the emergence of a Fourth Branch of Government within modern constitutional democracies.

CONCLUSION AND RECOMMENDATIONS

Conclusion

This study arrives at the following conclusions. *First*, the classical doctrine of *Trias Politica* should be reconceptualized to more effectively classify and explain the constitutional position of independent state institutions within Indonesia's post-Reformasi constitutional order. The findings demonstrate that the hybrid institutional characteristics of these bodies, many of which exercise quasi-legislative, quasi-judicial, and supervisory

functions, cannot be adequately accommodated within the traditional tripartite division of governmental powers. The study further argues that incorporating independent institutions into the executive branch risks undermining their institutional autonomy and constitutional independence. Such institutional repositioning has the potential to weaken the constitutional system of checks and balances, particularly where an institution is entrusted with investigating, supervising, or prosecuting corruption involving executive officials. This conclusion is particularly evident in the constitutional debate surrounding the Corruption Eradication Commission (Komisi Pemberantasan Korupsi—KPK), whose institutional functions extend beyond those traditionally associated with the executive branch and more closely resemble those of an independent constitutional body exercising hybrid constitutional authority.

Second, the principle of checks and balances must be understood within the broader constitutional context created by the emergence of independent state institutions, which may appropriately be conceptualized as components of a Fourth Branch of Government. The proliferation of these institutions has introduced new constitutional dynamics, including overlapping institutional competencies and the potential misuse of authority, particularly in relation to legislative oversight and the dismissal of public officials. Consequently, reciprocal mechanisms of constitutional control among state institutions remain indispensable for preventing the concentration and abuse of governmental power while ensuring that every constitutional organ operates within the limits of its constitutionally assigned authority. The findings indicate that independent commissions, as state auxiliary institutions exercising functions that transcend the classical doctrine of *Trias Politica*, require a more coherent constitutional framework governing their institutional status, authority, and accountability in order to maintain a balanced, transparent, and accountable constitutional system.

Third, Indonesia's existing constitutional and statutory framework generally supports the principles of institutional independence and accountability governing independent state institutions, including the Corruption Eradication Commission (KPK) and the National Human Rights Commission (Komisi Nasional Hak Asasi Manusia—Komnas HAM). Nevertheless, these institutions continue to face political pressure and structural interventions that may compromise their constitutional autonomy. Although established outside the classical framework of *Trias Politica*, their existence has significantly enriched Indonesia's constitutional system by introducing additional mechanisms of constitutional oversight and accountability. Accordingly, recognizing these institutions as constitutionally significant entities operating beyond the traditional tripartite separation of powers is essential for preserving the stability, integrity, and democratic legitimacy of Indonesia's contemporary constitutional order.

Recommendations

Based on the findings of this study, the following recommendations are proposed. *First*, Indonesia's constitutional understanding of *Trias Politica* should be reformulated to accommodate the increasingly significant constitutional position and functions of independent state institutions. The classical doctrine of separation of powers is no longer

sufficient to explain institutions possessing hybrid constitutional characteristics and exercising quasi-legislative, quasi-judicial, and specialized regulatory powers. A more adaptive constitutional framework is therefore required to accurately reflect the realities of contemporary constitutional governance.

Second, greater harmonization of constitutional and statutory regulations is necessary to strengthen the institutional status of independent state institutions within Indonesia's constitutional system. A coherent and consistent regulatory framework would enhance legal certainty while ensuring that the constitutional mechanisms of checks and balances among state institutions operate effectively and without institutional ambiguity.

Third, Indonesia should establish a more comprehensive regulatory framework that explicitly defines the constitutional relationship, institutional coordination, and accountability mechanisms between independent state institutions and the traditional branches of government. Such regulatory clarification would minimize jurisdictional uncertainty, reduce the potential for institutional conflicts, and reinforce constitutional governance while preserving the autonomy and constitutional legitimacy of independent institutions within Indonesia's evolving constitutional architecture.

AUTHOR CONTRIBUTIONS

Salman Maggalatung; Pilini Wong Laras; Ni'mah Fathin conceived the research idea, developed the research background and research questions, constructed the theoretical and conceptual framework, conducted the legal research, and led the drafting, revision, development of the research methodology, including the design of the research instruments, sampling strategy, and data collection procedures, and participated in the processing and qualitative analysis of the research data, and final refinement of the manuscript and contributed to the interpretation and discussion of the research findings, strengthened the analytical framework, and ensured the consistency and coherence of the study's arguments and conclusions.

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