

Modelling executive powers in the Indonesian constitution

Citation for published version (APA):

Ristawati, R. (2017). *Modelling executive powers in the Indonesian constitution: a comparative study of constitutions*. [Doctoral Thesis, Maastricht University]. Maastricht University. <https://doi.org/10.26481/dis.20171208rr>

Document status and date:

Published: 01/01/2017

DOI:

[10.26481/dis.20171208rr](https://doi.org/10.26481/dis.20171208rr)

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

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Propositions

1. Perfect constitutional systems do not exist; yet, without being a guarantee for success, constitutional systems can and should learn from each other and be inspired by good practices.
2. Executive power has expanded and has grown to the expense of democratic control and the parliamentary legislature.
3. The expanding of executive power is the more relevant in presidential systems and that therefore strict check and balances are relevant.
4. Constitutional provisions may be strictly formulated but still have to be applied in political practice and are therefore also open to interpretative changes and adaption to changing circumstances.
5. A Constitution in regulating the executive has to sail between two conflicting interests: an all too powerful and a too weak executive. Either one must be prevented. The precise balance to be struck may differ according too relevant circumstances.
6. Constitutional provisions should not be too detailed but must set a clear framework of powers and checks and balances.
7. ForIndonesia itis necessary to develop a system with less dominance for parliament since it sits in the way of an efficient and incorruptible executive.
8. The current Constitution in Indonesia reduces portions of the executive power of the President, and therefore, makes the Indonesia presidency into a weak presidency.
9. In order to remedy the flaws of the Indonesian presidency it is best to opt for a presiedntial system.
10. Veto power should not be seen as an indication that the President has strong power in the legislative process. It should be seen as a democratic process that the President and the Legislative works together in making Law.
11. A presidential system has at least its benefit in reducing the complexity by providing a simple institution with its feature of a single executive. A presidential system may help to minimize conflicts of power between complexity of branches.
12. In a global development of international law, the executive power should include the power to take any action to ensure the state compliance with the state's intrrnational obligations and the power to ensure the implementation of international law.