



Comparison of the Authority to Temporarily Suspend the President and Vice President in Impeachment: Indonesia Vs South Korea

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Abstract

The temporary suspension of the President in an impeachment process is a crucial constitutional issue in maintaining the integrity of the legal process and the stability of the government. Indonesia and South Korea, although both adhere to the presidential system, have fundamental differences in the regulation and implementation of this mechanism. This study aims to analyze and compare the mechanisms and authorities of state institutions in the temporary suspension of the President during the impeachment process in both countries. The formulation of the problem in this study is how the mechanism of the temporary suspension of the President and how the distribution of the authority of state institutions in the process in Indonesia and South Korea. This research uses normative juridical method with statutory and conceptual approaches. The results of the discussion show that South Korea explicitly regulates the temporary suspension of the President since the impeachment motion is passed by the National Assembly. In contrast, Indonesia does not have an explicit provision in the 1945 Constitution of the Republic of Indonesia regarding this matter, thus potentially creating a norm vacuum and legal uncertainty. Therefore, the Constitutional Court is proposed as the ideal institution to determine the temporary suspension of the President in Indonesia through an interlocutory decision in order to maintain the principle of checks and balances in the constitutional system.

Keywords: Authority; temporary suspension; president; Indonesia; South Korea.

INTRODUCTION

The president plays an important role in the constitutional structure, especially in countries with presidential governments. This system gives the president a broad role as the leader of the state and government, making him the main pillar in running the wheels of government.¹ One of the characteristics of the presidential system is the fixed term of office of the president, or fixed term, and cannot be terminated arbitrarily during his term of office.² Indonesia and South Korea both adhere to a presidential system of government, although there are differences in characteristics; Indonesia applies a pure presidential system, while South Korea tends to adopt a semi-presidential system. Indonesia's presidential system is explicitly mentioned in Article 4 paragraph (1) and Article 17 paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI). However, Article 86 of the South Korean Constitution regulates it. The similarity of the systems means that the President of Indonesia and South Korea cannot be dismissed arbitrarily by Parliament.³

The presidential system causes the mechanism of dismissal of the president between Indonesia and South Korea to be carried out by involving the participation of the courts, the Constitutional Court, the DPR, and the People's Consultative Assembly of Indonesia in this case cannot directly declare its dismissal to the President without the role of the Constitutional Court as was the case with the dismissal of Presidents Soekarno and Abdurrahman Wahid. In Indonesia, the DPR only submits findings on violations committed by the president and proposals for dismissal to the Constitutional Court based on a vote of 2/3 of its members, so that the Constitutional Court will examine and hear the request and if proven then the final decision for dismissal is stated in the MPR session.⁴ This also applies in South Korea that the president cannot be directly dismissed by the National Assembly without the involvement of the Constitutional Court. The South Korean National Assembly proposes dismissal to the Constitutional Court on the findings of violations committed by the President based on a vote of 2/3 of its members and the Constitutional Court decides on his dismissal based on the evidence that has been obtained.⁵

¹ Muhammad Ibrahim Rantau, "Strengthening the Presidential System in Indonesia: An Analysis of Law No. 7/2017 on General Elections," *Journal of Research and Scientific Work* 19, no. 2 (2019): 181–93, <https://doi.org/10.33592/pelita.vol19.iss2.120>.

² Sultoni Fikri and Anang Fajrul Ukhwaluddin, "A Comparison of the Presidential System of Government in Indonesia and Iran," *YUSTISIA MERDEKA : Scientific Journal of Law* 8, no. 1 (2022): 56–65, <https://doi.org/10.33319/yume.v8i1.139>.

³ Ryan Muthiara Wastia, "Impeachment Mechanisms in Countries with a Presidential System: A Comparative Study of Impeachment Mechanisms in Indonesia and South Korea," *Mimbar Hukum - Faculty of Law, Universitas Gadjah Mada* 31, no. 2 (2019): 237, <https://doi.org/10.22146/jmh.39068>.

⁴ Elva Imeldatur Rohmah and Dewi Kartika Sari, "Presidential Impeachment Mechanisms Before and After the Establishment of the Constitutional Court in Indonesia," *As-Shahifah : Journal of Constitutional Law and Governance* 2, no. 2 (2022): 164–201, <https://doi.org/10.19105/asshahifah.v2i2.6955>.

⁵ Wahyu Bingar Surahman, "Comparative Study of the Authority Between the Indonesian Constitutional Court and the South Korean Constitutional Court Regarding the Impeachment of the President of PERFECTO : PERFECTO Journal of Legal Science: Journal of Legal Science," *Perfecto: Journal of Legal Science* 01, no. 4 (2023): 349–51, <https://doi.org/10.32884/jih.v1i4.1636>.

During the examination process for dismissal, the president is temporarily disabled from office in order not to intervene in the process. In practice, the South Korean National Assembly deactivated President Yoon Suk Yeol before the Constitutional Court on Friday, April 4, 2025, so that the President could not interfere with the ongoing legal process.⁶ Whereas in Indonesia, in the dismissal of the president that has occurred in both President Soekarno and President Abdurrahman Wahid, there has never been a temporary deactivation mechanism.⁷ The difference in the mechanism for temporarily deactivating the President during the impeachment process between Indonesia and South Korea shows an imbalance in ensuring legal independence and government stability. In Indonesia, the absence of a deactivation mechanism opens up opportunities for conflicts of interest as the President continues to exercise executive power while under investigation. This risks compromising objectivity and weakening public trust in the impeachment process. In contrast, South Korea has implemented temporary suspension of the President during impeachment proceedings, to prevent interference and maintain the neutrality of the legal process. This practice reflects the importance of regulating the transition of power in the midst of a constitutional crisis.

Research on the comparison of presidential dismissal mechanisms has been conducted several times. The author tries to explain two previous studies to show the differences with their current research. First, the study of Evi Fadillah and Tri Sulistyowati "Comparison of Presidential Dismissal in the Presidential Government System in Indonesia, South Korea and the United States".⁸ This study examines the mechanism of presidential dismissal in three countries that have the same system of government, namely, Indonesia, South Korea and the United States. *The second* research by Ryan Muthiara Wastia entitled "Impeachment Mechanisms in Countries with a Presidential System: Comparative Study of Impeachment Mechanisms in Indonesia and South Korea".⁹ This research uses normative or doctrinal research with a regulatory and contextual approach. It uses data from books, articles, journals, and other sources related to the process of deactivation of the president and vice president. This research is almost the same as the previous research, except that it focuses more on two countries. While the study conducted by the author, which discusses how the dismissal mechanism as a whole, but on the mechanism of temporary suspension of the president during the examination process for dismissal. This research has never been done before and the presence of the two previous studies as evidence.

⁶ Kompas, "South Korean President Officially Impeached, How Did the Trouble Start?" 2025.

⁷ Miracle Soplanit Muhammad Irham, "The Political Law of Presidential Impeachment in Indonesia," *Saniri* 3, no. 1 (2022): 4.

⁸ Cole Durham, "Amicus Curiae," *Comparison Of The Removal Of Presidents In Presidential Systems In Indonesia, South Korea, And The United States* 1, no. 4 (2022): 1436-50, <https://doi.org/10.7764/rldr.ne01.009>.

⁹ Wastia, "Impeachment Mechanisms in Countries with a Presidential System: A Comparative Study of Impeachment Mechanisms in Indonesia and South Korea."

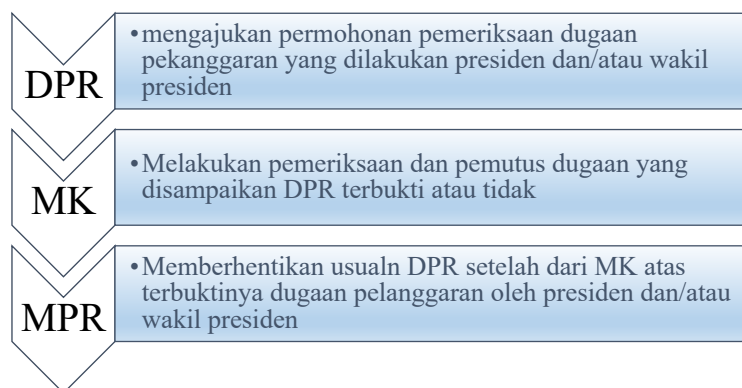
On that basis, a comparative study of the authority to temporarily disable the president and vice president in impeachment: Indonesia vs South Korea, is very important to do to find out how the mechanism for disabling the president in Indonesia and South Korea, and to analyze what institutions are authorized to temporarily disable the president during the examination process for dismissal.

RESULTS AND DISCUSSION

1. Temporary Decommissioning Mechanism in conferences conducted in Indonesia and South Korea

One part of the impeachment process is the temporary suspension of the President and Vice President. This is done so that they do not interfere with the impeachment process. With this temporary suspension, authorized constitutional institutions, such as the DPR and the Constitutional Court, can carry out their supervisory and examination duties without political pressure or potential conflicts of interest. This deactivation also emphasizes that the impeachment process is not a political effort, but rather part of the process of control and balance in the constitutional structure. This can be seen from the process of temporarily suspending the President¹⁰

According to the 1945 Constitution of the Republic of Indonesia, specifically Articles 7A and 7B, the President can terminate the proposal of the DPR if proven to have committed serious violations of the law, such as corruption, bribery, spreading the state, or other serious offenses. This process begins with an investigation by the DPR, then a request for consideration by the Constitutional Court, and finally a decision by the MPR to dismiss the president.¹¹



Although this legal framework almost completely regulates the impeachment process, there are many legal lacunae relating to the status of the president during the process. The president is not required to be

¹⁰ Mutiara Nefa Andini et al., "The Effect of Immunity of Executive Institutions and Legislative Oversight Functions on the Effectiveness of the Impeachment Mechanism of the Indonesian Constitutional System in the Perspective of the Rule of Law" 12, no. 8 (2025).

¹¹ Zainal Arifin, "Juridical Analysis of the Impeachment Mechanism of the President and Vice President According to the 1945 Constitution of the Republic of Indonesia (After Amendment)," *Unissula Law Journal* 36, no. 1 (2020): 46-58, <https://doi.org/10.26532/jh.v36i1.11201>.

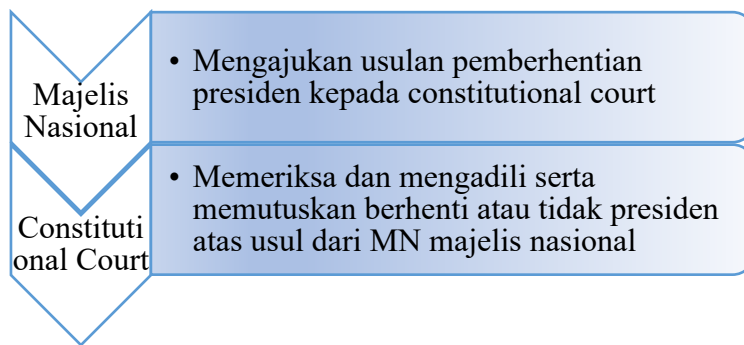
temporarily disabled during the vetting process at the Constitutional Court and pending the decision of the MPR. As a result, while under impeachment proceedings, the president can still fully exercise his functions and powers. Undoubtedly, this raises many questions.

First and foremost, the absence of a temporary removal mechanism can compromise the neutrality of the legal and political process. During impeachment proceedings, a president still has access to and control over many state institutions, including the institution handling the impeachment. This can lead to conflicts of interest and put those institutions under direct or indirect political pressure. Second, from the point of view of public order and government stability, uncertainty about the status of a president under impeachment can cause political tension and unrest in society. Without decommissioning, the public may lose faith in a fair and objective legal process.

Moreover, from a good governance perspective, temporary suspension should be an integral component of the impeachment process. This is in accordance with the precautionary principle and the principle of accountability in exercising state authority. The absence of a clear provision on this point shows how insecure the constitutional safeguards are against the possibility of power interference during the impeachment process. Therefore, the law must be updated, either by amending the 1945 Constitution or by creating a more comprehensive implementing law that includes a clause on the temporary suspension of the president.

In contrast, South Korea offers a very advanced example in this regard. Article 65 of the Constitution of the Republic of Korea governs the impeachment process in the South Korean constitution. It starts with a vote in the National Assembly also known as the National Assembly if a majority of members approve it. The Constitutional Court is automatically disabled from office once the motion is passed. The court must make a decision within 180 days at most, according to the South Korean Constitution.¹² During this period, the president cannot perform executive functions. In addition to providing procedural certainty and legal clarity, this mechanism protects the integrity of state institutions during the impeachment process. For example, the impeachment of President Yoon Suk Yeol in 2025 shows that the provision has proven effective in practice. After the National Assembly approved the impeachment motion, President Park was automatically deactivated, and the Prime Minister acted as interim president. The Constitutional Court later ruled that President Park lawfully violated the constitution, making her impeachment legal and permanent. During the period of inactivity, South Korea remained politically and constitutionally stable, despite intense public debate.

¹² Mulatua Pohan et al., "Dismissal of the President through the Impeachment Mechanism Based on the 1945 Constitution of the Republic of Indonesia," *Locus Journal of Academic Literature Review* 3, no. 1 (2024): 141-57, <https://doi.org/10.56128/ljoalr.v3i1.282>.



The success of this procedure demonstrates that temporary suspension is not only a technical alternative, but also an important constitutional tool to guarantee a fair and effective impeachment process. In addition, temporary deactivation serves as a symbolic affirmation that the law is not owned by anyone, including the president. By deactivating the president during impeachment proceedings, the state demonstrates its commitment to the rule of law, checks and balances, and the protection of constitutional integrity.

A comparison between Indonesia and South Korea shows major differences in the way they handle constitutional crises with the head of state. On the one hand, Indonesia sticks to a formalistic approach and may not intervene legally regarding the president's status during the impeachment process. On the other hand, South Korea uses preventive and procedural methods to ensure that the entire impeachment process takes place without executive interference. South Korea's approach also demonstrates how public confidence in the constitutional process can be enhanced through clear and effective rules.

As such, Indonesia can take important lessons from South Korea's experience in handling leadership crises using a structured and open mechanism. One way is to propose a special impeachment law that regulates all aspects, including a clause that allows for the temporary suspension of the president and vice president. This provision should apply automatically after the DPR submits the impeachment to the Constitutional Court. This is done to keep the process independent and prevent potential conflicts of interest and abuse of power. In addition to regulations, political agreement and constitutional awareness among stakeholders that temporary suspension is part of a sound legal mechanism and is not punitive is needed. Therefore, academic debates, constitutional law studies and public policy advocacy should continue this discussion. This is the only way Indonesia can build a stronger, more democratic and resilient constitutional system.

The temporary suspension is therefore direct evidence of the principle of constitutional democracy, not just a technical or administrative matter. It shows that the president is the people's choice that must be exercised in a lawful and ethical manner, not an unlimited power. Under these circumstances, Indonesia has the right opportunity to make institutional and legal changes that are more appropriate and in line with the needs of contemporary democracy. Temporary deactivation also helps keep the government running smoothly and is not hampered by the legal issues surrounding the head of state. Strategic decision-making, international diplomacy and managing the country's budget are all

important parts of government operations. It becomes more likely for a president to abuse authority if he or she is implicated in allegations of serious offenses that trigger impeachment. As a result, disabling the president is an anticipatory measure to prevent actions that harm the country as a whole.

Temporary suspension also allows the legal process to proceed objectively and unaffected. When the party under investigation has significant power in the judiciary, the independence and neutrality of judges is vulnerable to compromise. To avoid conflicts of power in a political trias presidential system, it is crucial to ensure the boundaries of separate powers. With decommissioning mechanisms, the principle of separation of powers can be better applied. In addition, it is important to remember that deactivation does not mean withholding the president's right to self-defense. By being temporarily disabled from the executive office of the president, the person concerned can concentrate on the legal process and defend himself or herself before the relevant institutions without being burdened with state responsibility. This is in line with the contemporary legal principle of a fair trial, where the accused has the right to defend themselves reasonably without pressure or role conflict.

While respecting the principle of popular sovereignty and the president's mandate to elect, a temporary decommissioning mechanism can be planned in the Indonesian context. Decommissioning does not necessarily cancel the people's mandate before the final decision; it is only temporary and conditional. This mechanism can be created by making an organic law or by making a minor amendment to the 1945 Constitution that regulates the procedures, conditions, and legal consequences of such decommissioning. This arrangement should not be abused for momentary political gain. To adopt this system, the government and DPR should establish a constitutional law research team, hold public consultations involving academics, civil society organizations, and law enforcement agencies, and produce a complete academic paper as the basis for the new regulation. Before the temporary deactivation mechanism is widely implemented, it is necessary to conduct a policy simulation, also known as a policy simulation.

Sociologically, this mechanism will give a strong message to the public that the law applies to all citizens, including the president. Building a culture of law, or legal culture, is important to uphold the morale of the government and increase public trust in state institutions. Indonesia can also show itself as a mature democracy that properly implements a system of checks and balances. Indonesia's ambiguous and abuse-prone constitutional mechanisms can no longer be relied upon in an era of globalization that demands clean and accountable governance. Other countries such as South Korea should be studied to improve the weaknesses of the national constitutional system. Therefore, the suspension of the president during the impeachment process has become an urgent need to build a clean, strong and democratic government.

2. The Authority of State Institutions in the Proccess of Temporary

Suspension of the President in The Impeachment Process in Indonesia and South Korea

Authority is fundamental to the institutionalization of the State. Authority is a conceptual basis covering the limits and forms of exercise of power by state institutions derived from laws and regulations. According to Black's Law Dictionary, authority is a legal power that includes the right or power to command or act, as well as the right or power of public officials to obey the law in order to carry out their obligations as citizens. Although legality is the main principle used to run the government system, especially in countries with the rule of law system, the concept of authority that exists in State administrative law does not reduce the quality of adhering to the European continental system which simply demands the existence of written law.¹³ Institutional authority is important to discuss in the deactivation of the President and Vice President.

Articles 7A and 7B of the 1945 Constitution of the Republic of Indonesia expressly regulate the presidential impeachment process in the Indonesian constitution.¹⁴ However, these provisions do not contain a normative clause that explicitly regulates how the President can be disabled during the impeachment process. The absence of this norm poses a major problem in constitutional practice because, during the process of examining alleged violations of the law directed at the President, the leadership of the country will remain in the hands of a head of state who is being examined for integrity and legality. This raises concerns about the neutrality, effectiveness and legitimacy of the legal process. This arrangement directly indicates a legal vacuum, meaning that no state institution has the constitutional authority to disable the President. In practice, the only action that can be taken is for the DPR to submit a proposal for dismissal to the Constitutional Court (MK), and the Constitutional Court is only permitted to examine the veracity of the alleged violation of the law in question.¹⁵ However, neither the DPR nor the MK are given clear authority to decide or determine the status of the President's temporary deactivation. This is a major problem that could lead to constitutional dysfunction during the impeachment process if it is not legally regulated for the temporary transition of power.

It is possible that the Constitutional Court could gradually increase its capacity to examine allegations of Presidential misconduct by issuing interim rulings. Constitutional Judge of the Republic of Indonesia Saldi Isra argues that the Constitutional Court, as the guardian of the constitution, should be involved

¹³ Yoga Partamayasa, "The Authority of Impeachment by DPRD against Regional Heads," *Yustika Journal: Media of Law and Justice* 23, no. 01 (2020): 49–66, <https://doi.org/10.24123/yustika.v23i01.2297>.

¹⁴ I Gede Ngurah Bayu Krisna, Gusti Bagus Suryawan, and Wayan Arthanaya, "Presidential Impeachment Mechanism in the Indonesian Constitutional System," *Journal of Legal Construction* 1, no. 2 (2020): 296–99, <https://doi.org/10.22225/jkh.2.1.2567.296-299>

¹⁵ dyah silvana amalia winasis yulianto, "THE AUTHORITY OF THE CONSTITUTIONAL COURT TO IMPEACH THE PRESIDENT AND/OR THE VICE PRESIDENT ACCORDING TO" 3, no. 1 (2024): 143-59.

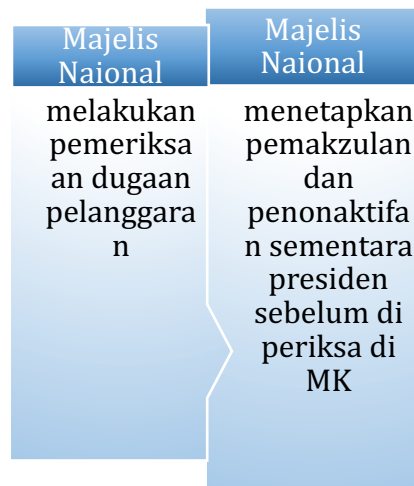
in the process of dismissing the President. Saldi Isra states that the court is not only present at the endpoint of the removal process, but they can also play an important role in guaranteeing the neutrality and fairness of the process through the mechanism of interlocutory rulings. An incomplete Constitutional Court ruling can be used as a legal basis to temporarily disable the President, at least until the process of testing the constitutionality of alleged violations is complete.

In fact, interlocutory decisions as a legal tool have long existed in Indonesian judicial practice, especially in general and state administrative courts. Therefore, to maintain balance and avoid conflicts of interest, the Constitutional Court may use interim relief to make its own decision. The DPR may apply for this interlocutory ruling in conjunction with a petition to review the President's alleged violations. In urgent situations that threaten the stability of the government, the Constitutional Court may consider granting the request by considering proportionality and constitutionality. However, it should be recognized that the Constitutional Court's interlocutory decision in this case is not based on the text of the constitution or organic law. This means that the concept is only in the realm of theoretical discussion and has not yet reached implementation in the Indonesian constitution. As a result, it is imperative to conduct a limited amendment to the 1945 Constitution or revise the Constitutional Court Law to provide a clear legal basis for the Constitutional Court's authority to make interlocutory decisions regarding the temporary suspension of the President.



In contrast, the South Korean constitutional system has a much stronger legal structure to regulate the process of temporarily disabling the president. In the South Korean system of government, when the parliament files an impeachment and it is allowed to be examined by the Constitutional Court, the president is automatically disabled from office until the Constitutional Court makes a final decision. Article 65 Paragraph (3) of the South Korean Constitution expressly states this requirement, and the Constitutional Court Act of the Republic of Korea provides an additional statement. Therefore, the President no longer performs his state duties, and the executive role is handed over to the Prime Minister as an interim official since the impeachment proceedings began.¹⁶

¹⁶ Surahman, "Comparative Study of the Authority Between the Indonesian Constitutional Court and the South Korean Constitutional Court Regarding the Impeachment of the President



The impeachment of President Park Geun-hye in 2016 is a clear example of this practice. After the Constitutional Court accepted the impeachment petition, President Park was immediately deactivated, and until the Constitutional Court determined that Park Geun-hye had been lawfully removed, Prime Minister Hwang Kyo-ahn served as acting president. A more organized system helps maintain government stability and avoid conflicts of interest during legal proceedings. This temporary automatic suspension also shows that South Korea's constitution prioritizes the precautionary principle and preserves the honor of the office of the president through a fair system.

On the other hand, Indonesia lacks an institutional structure that allows for an orderly transition of power during impeachment. This leads to a mismatch between the need to maintain the integrity of the government system and the absence of a legal mechanism to guarantee that the executive power remains neutral during legal proceedings. South Korea provides an example of a better constitution to deal with this issue as it has a clear constitution and organic laws and measures. Therefore, in terms of impeachment, Indonesia should reconsider its constitutional legal structure. This is especially true for the temporary suspension of the President. The authority of state institutions in this case shows structural weaknesses that need to be corrected. These weaknesses can be corrected through constitutional interpretation by the Constitutional Court and stronger normative affirmation through amendments or the establishment of new laws. Indonesia can learn from South Korea's experience to create a flexible and constitutional mechanism to ensure that the impeachment process does not undermine democracy, justice and government stability.

In presidential systems such as Indonesia and South Korea, an institution that can disable the president during impeachment proceedings is essential to maintain government stability, the rule of law, and the principle of accountability. To date, Indonesia still lacks standards in this regard. In contrast, South Korea has a strong and constitutional legal system. The political and legal dynamics surrounding South Korean President Yoon Suk Yeol is a recent and highly relevant example. As Yoon Suk Yeol has not been formally deactivated through an impeachment process like Park Geun-

hye, political controversy and attempts to file an impeachment motion against him have arisen due to disagreements in the legislative and executive branches.¹⁷ This situation shows that the South Korean constitution has prepared itself for the possibility of impeachment of the head of state. After the impeachment motion is approved by a majority of the members of parliament (National Assembly), in accordance with Article 65 of the Constitution of the Republic of Korea, the substance of the offense will be examined by the Constitutional Court. During the examination, the President will be automatically disabled from office, and the Prime Minister will take over all government responsibilities.

This mechanism is both principled and practical. Temporary suspension allows for a neutral space in state decision-making without being influenced by the party under investigation. This is crucial for maintaining public trust in state institutions and avoiding conflicts of interest during legal proceedings. In the South Korean legal system, the provision is not only written in the constitution but also technically explained in the procedural law of the Constitutional Court. This ensures that the application of such provisions can be done properly and consistently. This is in stark contrast to the situation in Indonesia, where the constitution regulates the means of presidential removal, but there is no law that explicitly allows any institution to temporarily disable the President. As a result, during the impeachment process, the President retains full executive authority. This increases the possibility of conflicts of interest and even the possibility of abuse of power to influence political or legal processes. Such conditions can undermine the principle of due process of law and render the entire impeachment process no longer legitimate.

As mentioned earlier, expanding the interpretation of the Constitutional Court's authority to issue interim decisions is one way to fill this legal gap. As long as the Constitutional Court examines the matter, the interim decision in question can be used as a temporary legal basis for disabling the President. In order not to be abused for political purposes, this must be accompanied by strict conditions and strong juridical arguments. Theoretically, there are interlocutory injunctions in the legal system to preserve the current state of affairs and prevent further harm during the pendency of the proceedings. Interlocutory rulings can be used in the context of presidential impeachment to ensure that the course of government remains stable, objective, and free from the influence of the powers of the parties in dispute. Although the Constitutional Court has never issued an interlocutory ruling in this regard, that does not mean it is impossible. As the guardian of the constitution, the court has powers of interpretation, which allows them to create new rules through the constitutional judicial process.

¹⁷ Aldi Adi Pratama, Agung Dharma, and Yuda Adi, "Communication Strategy of Mass Action in Encouraging Demands for the Impeachment of South Korean President Yoon Suk Yeol: Analysis of Socio-Political Dynamics and Public Rhetoric," 2024.

According to Saldi Isra,¹⁸ the judiciary must be actively involved in the process of dismissing the president. According to him, the duty of the judiciary is to ensure that both the substance and the process of dismissal are in accordance with constitutionality and justice. In the Indonesian context, this role can be extended to include the final removal process and important stages such as temporary deactivation. This is in line with the concept of separation of powers. The separation of powers in the institutional order of the State is the most crucial aspect in the concept of the rule of law. The separation of powers of State institutions will create checks and balances that can avoid the absolutism of the power of State institutions (abuse of power). Therefore, a basic framework of legality is needed so that in its implementation the power can be carried out accountably and ensure the sovereignty of the people in the administration of the State.¹⁹

The existence of a system of separation of powers is regulated in the State constitution both vertically (capital division of power) and horizontally (areal devision of power). This idea requires sufficient legal support. The Government and Parliament should consider the Constitutional Court Act and the MPR, DPR, DPD and DPRD Act (MD3 Act) amended to clarify the procedures, time limits, requirements and institutions authorized to propose the temporary suspension of the President. This practice will not be used for practical political interests or violate the principle of non-discrimination with clear arrangements.

On the other hand, the South Korean model has proven successful in balancing constitutional protection of the president with the principle of accountability. This system not only avoids conflicts among state institutions, but also provides a legal guarantee that any process relating to the president is conducted in an organized, transparent manner, and is not affected by politicization. If a similar system is implemented in Indonesia, public confidence in the impeachment process will increase. It would also affirm the Constitutional Court's primary function as the guardian of the constitution. Ultimately, disabling Indonesia's interim president is not just a procedural issue; it is a serious matter of popular sovereignty, the integrity of government, and the protection of the constitution. The impeachment process risks becoming ineffective or even losing legitimacy if there is no clear way to disable him. Therefore, all stakeholders of the country must come together to build a system of constitutional law that is proactive in maintaining the viability of democracy and responsive to crises.

CONCLUSIONS

Indonesia and South Korea both adhere to a presidential system, but have significant differences in the mechanism for temporarily disabling the president in the impeachment process. In Indonesia, the 1945 Constitution of

¹⁸ Naufal Rizqiyanto, Sugiyanto, and Robiatul Adawiyah, "DISMISSAL OF REGIONAL HEADS IN THE CONTEXT OF NATIONAL STRATEGIC PROGRAMS: A PERSPECTIVE ON UNITARY STATE AND" 14, no. 2 (2024): 210, <https://doi.org/10.15642/ad.2024.14.2.195-223>.

¹⁹ Susandi Decapriu et al., "The Application of the Principle of Division of Powers in the Principle of Checks and Balances Based on the Indonesian and United States Constitutional Systems," *Wijaya Putra Law* 2, no. 2 (2023): 139-58.

the Republic of Indonesia does not clearly regulate temporary deactivation, although the impeachment process is regulated in Articles 7A and 7B. In contrast, the South Korean Constitution expressly states that the president is automatically temporarily disabled by the National Assembly during the impeachment process until a decision is made by the Constitutional Court. Consequently, in Indonesia, the Constitutional Court should be authorized to temporarily disable the president to ensure constitutional principles during the impeachment process.

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