

# Upholding Democracy Between Indonesia and South Korea In The Presidential Impeachment Mechanism From The Perspective Siyasah Dusturiyah

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**Abstract:** *Marriage This study aims to analyze and compare the mechanisms of presidential impeachment in Indonesia and South Korea in the perspective of democratic theory and siyasah dusturiyah. Although both countries embrace democracy and presidentialism, there are significant differences in the legal procedures and institutional configurations involved in impeaching the head of state. A juridical-normative approach is used with descriptive-analytical and comparative methods, accompanied by theoretical reviews from Robert A. Dahl, Larry Diamond, and Fareed Zakaria, as well as a review of political Islamic values from figures such as al-Mawardi, Ibn Taymiyyah, and al-Ghazali. The findings show that the impeachment mechanism in South Korea is more juridical and final, while Indonesia is more political and layered. From the perspective of siyasah dusturiyah, this mechanism can be seen as a modern manifestation of the principles of al-'azl, maslahah, and sadd al-dzari'ah. This study concludes that the effectiveness of impeachment in upholding democracy and justice is strongly influenced by institutional integrity and orientation towards public good, not merely formal procedures.*

**Keywords:** *Impeachment, Democracy, Indonesia, South Korea, Siyasah Dusturiyah, Presidential Impeachment*

**Abstract :** Penelitian ini bertujuan untuk menganalisis dan membandingkan mekanisme impeachment presiden di Indonesia dan Korea Selatan dalam perspektif teori demokrasi dan siyasah dusturiyah. Meskipun kedua negara menganut sistem demokrasi dan presidensialisme, terdapat perbedaan signifikan dalam prosedur hukum dan konfigurasi institusional yang terlibat dalam pemakzulan kepala negara. Pendekatan yuridis-normatif digunakan dengan metode deskriptif-analitis dan komparatif, disertai telaah teoritik dari Robert A. Dahl, Larry Diamond, dan Fareed Zakaria, serta tinjauan nilai-nilai Islam politik dari tokoh seperti al-Mawardi, Ibn Taymiyyah, dan al-Ghazali. Temuan menunjukkan bahwa mekanisme impeachment di Korea Selatan lebih yuridis dan final, sedangkan Indonesia lebih politis dan berlapis. Dari perspektif siyasah dusturiyah, mekanisme ini dapat dipandang sebagai manifestasi modern dari prinsip al-'azl, maslahah, dan sadd al-dzari'ah. Kajian ini menyimpulkan bahwa efektivitas impeachment dalam menegakkan demokrasi dan keadilan sangat dipengaruhi oleh integritas institusional dan orientasi terhadap maslahat publik, bukan semata prosedur formal.

**Keywords:** Impeachment, Demokrasi, Indonesia, Korea Selatan, Siyasah Dusturiyah, Pemakzulan Presiden



## I. INTRODUCTION

The fundamental credo of a democratic system is popular sovereignty, and popular sovereignty has preconditions under it, such as equality, human rights, and especially the rule of law.<sup>1</sup> Democracy without law will tend to be anarchic, or what Polybus calls *ochlocratie/mobocratie* as a degenerative form of democracy, where the government is led by a disorganized, emotional, and irrational mob.<sup>2</sup> Therefore, democracy and law are difficult to separate, because both are symbiotic mutualism, democracy provides legitimacy to the law, and the law keeps democracy orderly and just.<sup>3</sup>

Indonesia itself is a state of law in the form of a republic<sup>4</sup> with a presidential system of government<sup>5</sup>, which means that the President is both the Head of State and the Chief Executive. The President is not elected by Parliament, but the President and Parliament are directly elected by the people in a general election. Therefore, the President is not accountable to parliament, so the President and his cabinet cannot be overthrown by parliament.<sup>6</sup> However, there is an impeachment mechanism that can stop the President and or Vice President, as stated in the 1945 Constitution Articles 7A and 7B.<sup>7</sup>

It is not correct to interpret that impeachment is the same as impeachment, because impeachment is a kind of decline, dismissal, or removal of public officials from their positions. Meanwhile, impeachment is more accurately defined as an accusation or indictment, in this case to a public official to account for an act. Thus, the practical difference lies in what consequences result. Impeachment results in the end of the high-ranking official's term of office, while impeachment does not always result in the end of the high-ranking official's term of office.<sup>8</sup>

Historically, it is stated that in the 14th century, precisely in 1330 in England, there was an impeachment mechanism by the *House of Commons* as a *grand jury*, which acted to decide whether to *impeach* an official, and *the House of Lords* which would try if an official was impeached. This impeachment mechanism became a kind of democratic gesture in the British royal monarchy system at that time, becoming a kind of

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<sup>1</sup> Rahmad Hidayat, "Definition of Democracy: Theory, Characteristics and Objectives," Wawasan Kebangsaan, 2023, <https://wawasankebangsaan.id/demokrasi/>.

<sup>2</sup> Cholin et al., *State Science*, ed. Nining S., 1st ed. (South Tangerang: Open University, 2016). p.3.18

<sup>3</sup> Ias Muhlashin, "The Rule of Law, Democracy and Law Enforcement in Indonesia," *Al-Qadān Justice and Islamic Family Law* 8 (2021): p.88.

<sup>4</sup> Constitution, "Constitution of the Republic of Indonesia 1945 (Article 1)" (1945).

<sup>5</sup> Ibid. Article 4 Paragraph 1

<sup>6</sup> M Alfin Ardian and Ridham Priskap, "Juridical Analysis of the Presidential Government System Based on the 1945 Constitution of the Republic of Indonesia," *Limbago: Journal of Constitutional Law* 1, no. 1 (2021): pp.77-95.

<sup>7</sup> Constitution of the Republic of Indonesia 1945 (Articles 7A, 7B).

<sup>8</sup> Adam Ilyas, "Impeachment: Mechanisms, Reasons, and Differences with Impeachment" Indonesian Legal Literacy, 2023, <https://literasihukum.com/impeachment-mekanisme-alasan-dan-perbedaannya/>.

democratic seed that set out to deconstruct the concept of "divine right of the king". That, the king's power can be limited by laws and institutions.<sup>9</sup>

In its development, departing from the trauma of the absolute power of the British king, the founding fathers of the United States adopted impeachment in its constitution since 1787. Thus, it is not an exaggeration to say that the United States, which is a country with a presidential system, is a country that has a design reference for impeachment mechanisms for other modern countries.<sup>10</sup> One of them is Indonesia and South Korea, which both have impeachment mechanism regulations in their constitutions.

The impeachment mechanism in the Indonesian constitution is stated in Articles 7A and 7B of the 1945 Constitution of the Republic of Indonesia, that the President and or Vice President can be *impeached* by the DPR if the President and or Vice President are suspected of committing treason against the state, corruption, bribery, other serious crimes, or committing a despicable act, or because they no longer meet the requirements to be able to become President and or Vice President, by going through the Constitutional Court first, and then proceeding to the MPR as the final decision maker of the entire series of impeachment mechanisms of the President and or Vice President in Indonesia.<sup>11</sup>

The mechanism of impeachment of the President and or Vice President is regulated directly in the Indonesian Constitution, in detail and strictly, so that the DPR political forum does not immediately and without accountability impeach the President and or Vice President.<sup>12</sup> For example, the President cannot dissolve the House of Representatives, as stated in Article 7C of the 1945 Constitution that "The President cannot suspend and/or dissolve the House of Representatives." Likewise, the DPR cannot overthrow the President and or Vice President during their term of office, unless they are proven to have violated the law, committed a disgraceful act or no longer meet the requirements to be President and or Vice President.<sup>13</sup>

This opinion departs from one of the reactive considerations, during the third amendment of the 1945 Constitution of the Republic of Indonesia in 2001,<sup>14</sup> which was related to the 4th President of Indonesia, Abdurrahman Wahid, who had issued a

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<sup>9</sup> Research Report, "Impeachment Mechanism and Procedural Law of the Constitutional Court," *Cooperation between the Constitutional Court and Konrad Adenauer Stiftung* 5, no. 3 (2005): 8, file:///C:/Users/HP/Downloads/HA Impeachment.pdf.

<sup>10</sup> 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>.

<sup>11</sup> Hamdan Zoelva, *Presidential Impeachment in Indonesia* (Jakarta: Sinar Grafika, 2011). p.51

<sup>12</sup> Risman Setiawan, "Terms and Mechanisms of Impeachment of the President and / or Vice President: Perspective of Indonesian Constitutional Law," *Journal of Multidisciplinary Inquiry in Science Technology and Educational Research* 2, no. 3 (2025): 3771, <https://doi.org/10.32672/mister.v2i3.3262>.

<sup>13</sup> 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>.

<sup>14</sup> Iswara N. Raditya, "How Many Amendments to the 1945 Constitution and What Are the Contents of the Changes?" *tirto.id*, 2023, <https://shorturl.at/DMLxT>.

Presidential Decree on July 23, 2001.<sup>15</sup> The decree contained three important points, one of which was about freezing the DPR-MPR, which was immediately opposed by the DPR-MPR, as well as a number of other parties, including Vice President Megawati Soekarnoputri.<sup>16</sup> However, in an earlier phase, President Soekarno had done the same thing, namely dissolving the DPR. The House of Representatives, the result of the 1955 elections, was dissolved by President Soekarno with the Presidential Decree of July 5, 1959,<sup>17</sup> because the DPR did not accept or reject the 1960 Draft State Budget submitted by the government. After the dissolution, President Soekarno replaced it with the House of Representatives Gotong-Royong (DPR-GR), whose members were all appointed directly by the President.<sup>18</sup> Therefore, Article 7C was then born, but it was not free from notes.

Nevertheless, the background of the birth of Article 7A and Article 7B of the 1945 Constitution of the Republic of Indonesia after the amendment, is the historical fact that President Soekarno and President Abdurrahman Wahid were impeached politically, because in addition to the political nuances of the allegations, the judicial institution was not involved in the decision. This, in addition to causing political instability, also makes the president's position vulnerable to his political opponents.<sup>19</sup>

Meanwhile, the South Korean impeachment mechanism, as stated in article 65 paragraphs 1 and 2 of the South Korean constitution, only involves two institutions, namely the National Assembly and the Constitutional Court. The president and or other officials can be *impeached* by the National Assembly if they violate the constitution or other laws in carrying out their official duties. In the event that the president or other officials are subject to a motion from the National Assembly, they will be dismissed first until the Constitutional Court decides. One of the aims is to prevent abuse of power.<sup>20</sup>

Then, the author includes how Islam, or more precisely the perspective of siyasah dusturiyah, sees the relevance of the impeachment mechanism of the two countries, Indonesia and South Korea. Siyasah dusturiyah is a sub-discipline in the science of fiqh that discusses government politics and legislation.<sup>21</sup> In other words, siyasah dusturiyah has a scientific locus in the realm of community relations and

<sup>15</sup> Yefia Christopherus Asia Sanjaya, "2 Indonesian Presidents Have Almost Dissolved the House of Representatives, What Was the Cause?" Kompas.com, 2024, <https://shorturl.at/MnJKO>.

<sup>16</sup> Muhammad Almaliki, "This is why Gus Dur and Soekarno wanted to dissolve the DPR," era.id, 2020, <https://shorturl.at/npofJ>.

<sup>17</sup> Myesha Fatina Rachman, "Presidential Decree of July 5, 1959 Dissolving the Constituent Assembly and Establishing the MPRS and DPAS, Here's How It Reads," Tempo, 2024, <https://shorturl.at/hmQDm>.

<sup>18</sup> Chanifia Izza Millata and Neneng Sobibatu Rohmah, "Deviations in the Guided Democracy Period (1959-1965): President Soekarno's Unlimited Power," *MIDA: Scientific Magazine of Administrative Dynamics* 20, no. 2 (2023): p.274.

<sup>19</sup> Winasis Yulianto and Dyah Silvana Amalia, "The Authority of the Constitutional Court in Impeaching the President and / or Vice President According to the 1945 Constitution of the Republic of Indonesia," *Cermin: Journal of Research* 7, no. 2 (2023): 558, [https://doi.org/https://doi.org/10.36841/cermin\\_unars.v7i2.4015](https://doi.org/https://doi.org/10.36841/cermin_unars.v7i2.4015).

<sup>20</sup> Jongcheol Kim, "The Structure and Basic Principles of Constitutional Adjudication in the Republic of Korea," in *Litigation in Korea*, ed. Kuk Cho (Northampton: Edward Elgar Publishing, 2010), p.115.

<sup>21</sup> Ahmad Djazuli, *Fiqh Siyasah: Implementing the Welfare of the People within the Boundaries of Sharia*, 7th ed. (Jakarta: Kencana Prenada Media Group, 2009).

government in a particular region, as well as institutions in the community. This is important, to provide a view that is based on normative Islamic values, and will enrich the analysis with the framework of Islamic ethics and morality regarding leadership, justice, and accountability.<sup>22</sup>

If the history of the impeachment mechanism departs from the people's ignorance of the concept of the 'divine right of kings' whose policies contain theological tendencies, so that they should not be accused, let alone prosecuted, then long before that, in Islam a leader (Imamah / Caliph) is not immune from mistakes, and must be responsible for his actions, especially if it violates the Sharia or deviates from the public good.<sup>23</sup> Likewise, the initial process of impeachment does not suddenly *impeach* public officials, but first holds a plenary session to find out whether the impeachment process can be continued to the next stage or not.<sup>24</sup> In Islam there is the term *Shura*,<sup>25</sup> which in terms, means, the process of presenting various diverse views accompanied by arguments related to a problem, then reviewed by competent and wise experts, to find the most appropriate and effective solution so that the desired goal can be achieved.<sup>26</sup>

After the House of Representatives or the National Assembly agrees and has met the requirements to be able to continue impeachment to the next stage, then in Indonesia and South Korea use the judicial body, namely the Constitutional Court to examine, hear and decide on the article of accusation from the House of Representatives or the National Assembly.<sup>27</sup> Likewise in Islam, the requirement to be a leader is to have a just character, as well as fair behavior. Whoever commits an injustice, in any fragment, then he is forced to be released from his right of Imamate.<sup>28</sup> The position of the Constitutional Court in Indonesia and South Korea in terms of impeachment, has a similar function, namely, to provide a legitimate basis of legality, in the process of *impeaching*

the president.<sup>29</sup> This is to maintain the rule of law in a state of law, that the rule of law can only exist when the law is just, or in other words not based on mere *like and dislike*, and political nuances.<sup>30</sup>

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<sup>22</sup> Carlton Clymer Rodee et al., *Introduction to Political Science Original Title Introduction to Political Science* (Jakarta: Rajawali Pers, 2009). p.45

<sup>23</sup> M. Quraish Shihab, *Tafsir Al-Mishbab: Message, Impression, and Concordance of the Qur'an* (Jakarta: Lentera Hati, 2012). p. 169-173

<sup>24</sup> Adella Anindia, Rosmini, and Poppilea Erwinta, "A Constitutional Comparison of Presidential Impeachment Arrangements Between Indonesia and Germany," *Legal Treatise* 17 (2021): 65–84, <https://doi.org/10.30872/risalah.v18i2.600>.

<sup>25</sup> Sayyid Quthb, *Tafsir Fi Zbilalil Qur'an: Under the Shade of the Qur'an (Volume 2)*, 3rd ed. (Jakarta: Gema Insani Press, 2004). p.193

<sup>26</sup> Muhammad Nur Ichwan Muslim, "*Shura in the View of Islam and Democracy*," Muslim.or.id, 2011, <https://muslim.or.id/6055-syura-dalam-pandangan-islam-dan-demokrasi.html>.

<sup>27</sup> Wahyu Bingar Surahman, "Comparative Study of the Authority Between the Indonesian Constitutional Court and the South Korean Constitutional Court Regarding Presidential Impeachment," *Perfetto: Journal of Legal Science* 01, no. 4 (2023): 345–54, <https://doi.org/10.32884/jih.v1i4.1636>.

<sup>28</sup> Sayyid Quthb, *Tafsir Fi Zbilalil Qur'an Volume 1* (Jakarta: Gema Insani Press, 2000).

<sup>29</sup> Enggar Rizki Andika, "Juridical Review of the Authority of the Constitutional Court in Dismissing the President and Vice President in Indonesia and South Korea," *Journal of Legal Facts* 3, no. 2 (2025): 74–83, <https://ojsstihpertiba.ac.id/index.php/jfh/article/view/155/122>.

<sup>30</sup> Suteki Suteki, "Oligarchic Hegemony and the Collapse of the Supremacy of Law," *Crepido* 4, no. 2 (2022): 161–70, <https://doi.org/10.14710/crepido.4.2.161-170>.

This study aims to comparatively analyze the mechanism of presidential impeachment in Indonesia and South Korea using the lens of democracy and the perspective of *siyasah dusturiyah*. Although both countries adhere to democratic and presidential systems, there are significant differences in the procedures and institutions involved in the impeachment process. Therefore, this study is intended to explore how the impeachment mechanisms in each country reflect democratic principles, as well as how the differences in procedures can be reviewed and understood through the perspective of *Siyasah Dusturiyah*, which offers a normative-religious framework on leader accountability, deliberation, justice, and public good.

## II. RESEARCH METHODS

This research is a juridical-normative research using a qualitative approach. This approach was chosen to analyze the applicable legal norms and relevant theoretical concepts.<sup>31</sup> Primary data sources in this research are laws and regulations that regulate the mechanism of presidential impeachment in Indonesia and South Korea. Meanwhile, secondary data is obtained from literature review in the form of books, scientific journals, articles, and research results related to democracy, impeachment mechanisms, and *Siyasah Dusturiyah*. Tertiary data will be used as support, such as dictionaries and translations to enrich the understanding of terms.<sup>32</sup> This study will be conducted using the comparative method, which compares in depth the differences and similarities of impeachment mechanisms in the two countries and reviews their implications from the perspectives of democracy and *Siyasah Dusturiyah*.<sup>33</sup> In addition, the descriptive-analytical method<sup>34</sup> will also be applied to describe in detail the data found and analyze it based on the theoretical framework used.

## III. DISCUSSION

### Process of Impeachment Mechanism of the President and/or Vice President in Indonesia

In general, the process of impeachment of the President and or Vice President in Indonesia involves three state institutions, namely, the DPR, the Constitutional Court, and the MPR.<sup>35</sup> The impeachment process stems from the opinion of the DPR that the President and/or Vice President has been indicated to have violated three types of reasons, namely, four legal reasons, one ethical reason, and one administrative reason.<sup>36</sup> The four legal grounds are treason against the state, corruption, bribery, and

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<sup>31</sup> Depri Liber Sonata, "Normative and Empirical Legal Research Methods: Distinctive Characteristics of Legal Research Methods," *Fiat Justisia Journal of Legal Science* 8, no. 1 (2014): p.25.

<sup>32</sup> Muhammad Siddiq Armia, "Considering Normative Legal Research," in *Determining Legal Research Methods & Approaches*, ed. Iur Chairul Fahmi (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022), p.12.

<sup>33</sup> Muhammad Siddiq Armia, "Comparative Law as an Approach," in *Determining Legal Research Methods & Approaches*, ed. Iur Chairul Fahmi (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022), p.31.

<sup>34</sup> Salmaa, "Descriptive Research: Definition, Criteria, Methods, and Examples," deep publish, 2023, <https://penerbitdeepublish.com/penelitian-deskriptif/>.

<sup>35</sup> "The 1945 Constitution and Amendments," Pub. L. No. Article 7B Paragraph 1 (1945), <https://shorturl.at/zr7Y6>.

<sup>36</sup> Cokro Tv, "Jimly Asshiddiqie: Want to Impeach Gibran? Try it if you can" (Indonesia, 2024), <https://youtu.be/NrxFSXI0Hxs?si=2HA7CGZN6mNaygni>.

other serious criminal offenses. Meanwhile, one ethical reason is committing a disgraceful act, and one administrative reason is no longer eligible as President and/or Vice President.<sup>37</sup> This opinion of the DPR can be referred to as part of the right to express an opinion<sup>38</sup> which is included in the supervisory function by the DPR.<sup>39</sup> As stipulated in Article 79 paragraph (4) letter c of Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the MPR, DPR, DPD and DPRD, that the DPR can exercise the right to express an opinion in the impeachment process against the President and / or Vice President.<sup>40</sup>

This right to express an opinion can be proposed by a minimum of 25 (twenty-five) members of the DPR.<sup>41</sup> Then, the proposal is discussed in a plenary meeting with at least 2/3 of DPR members present, and approved by 2/3 of DPR members present to proceed to the next stage.<sup>42</sup> In the event that the proposed opinion is approved, the DPR then forms a special committee<sup>43</sup> to search for data and facts to gather supporting evidence for the opinion, within a period of no more than 60 days from the time it is formed.<sup>44</sup> After the special committee has conducted a search and collected relevant evidence, the special committee then reports it in a plenary meeting, attended by at least 2/3 of DPR members, to make a decision on the special committee's report.<sup>45</sup> At the meeting, the DPR can approve or reject the committee's report. If the report is approved by 2/3 of the members present, then the report can be forwarded to the Constitutional Court for further examination.<sup>46</sup> Conversely, if the report is not approved, the process of exercising the right to express an opinion is declared void and cannot be resubmitted for the same case.<sup>47</sup>

This provision illustrates how the DPR has a very significant role in the impeachment of the President and or Vice President, because of the right granted by the Constitution to the DPR to initiate the impeachment process through the right to express an opinion, while at the same time carrying out the function of supervision of the government. Under these circumstances, it is undeniable that the power and political relations of the President and or Vice President determine whether or not an impeachment of the President and or Vice President occurs.<sup>48</sup>

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<sup>37</sup> "1945 Constitution and Amendments" (1945), Pub. L. No. Article 7A <https://shorturl.at/zr7Y6>.

<sup>38</sup> Article 20A Paragraph 2

<sup>39</sup> Article 20A Paragraph 1

<sup>40</sup> "Law Number 13 of 2019 Concerning the Third Amendment to Law Number 17 of 2014 Concerning the People's Consultative Assembly, the House of Representatives, the House of Regional Representatives, and the Regional House of Representatives," Pub. L. No. Article 79 Paragraph 4 (2019), <https://peraturan.go.id/id/uu-no-13-tahun-2019>.

<sup>41</sup> Article 210 Paragraph 1

<sup>42</sup> Article 210 Paragraph 3

<sup>43</sup> Article 212 Paragraph 2

<sup>44</sup> Article 213 Paragraph 1

<sup>45</sup> Article 213 Paragraph 2

<sup>46</sup> Article 214 Paragraph 4

<sup>47</sup> Article 214 Paragraph 3

<sup>48</sup> Muhammad Yoppy Adhihernawan and Annisa Nur Fadhila, "An Examination of the Effectiveness of the Indonesian Presidential Dismissal Mechanism: A Comparison of US and South Korean Practices," *Journal of Legal Reform Studies* 1, no. 2 (2021): p.211, <https://doi.org/10.19184/jkph.v1i2.24453>.

After the plenary session of the House of Representatives, by a majority, approves and agrees on the report given by the special committee, then the House of Representatives continues the impeachment procession by submitting it to the Constitutional Court as a forum privilegium to obtain a legal decision.<sup>49</sup> Hamdan Zoelva wrote in this regard:<sup>50</sup>

"The impeachment forum at the Constitutional Court is intended to protect the principles of the rule of law that respect the principles of the rule of law, including the principle of due process of law, the principle of equality before the law and the principle of impartial justice in impeaching the President. This process also ensures the upholding of the principles of a modern constitutional democracy that respects the principle of rule by the majority but protects the rights of the minority. The President does not always have to be defeated by the majority forces that support impeachment, because the President has a constitutional right guaranteed by the constitution to defend himself based on the principles of fair law and impartial justice."

Based on the provisions of Article 24C paragraph (2) of the 1945 Constitution of the Republic of Indonesia, the Constitutional Court is given the constitutional authority to be obliged to examine and decide on the opinion of the House of Representatives regarding allegations that the President and / or Vice President has committed a violation of the law, as stipulated in Article 7A of the 1945 Constitution of the Republic of Indonesia, namely treason against the state, corruption, bribery, other serious criminal acts, or disgraceful acts, and if it is proven that they no longer qualify as President and / or Vice President. The examination of the opinion must be completed within a maximum period of 90 (ninety) days from the receipt of the application by the Constitutional Court.<sup>51</sup> In this process, the President and/or Vice President is given the right to submit a defense or rebuttal to the opinion of the DPR,<sup>52</sup> as part of the principle of *due process of law* and the guarantee of a *fair trial* in the constitutional legal system.<sup>53</sup>

The Constitutional Court's decision on the DPR's opinion is final in a juridical sense, with two possibilities: proven or not proven. If the Constitutional Court declares that the DPR's opinion is not legally proven, then the impeachment process must be definitively stopped.<sup>54</sup> Conversely, if proven, the DPR must follow up through a plenary meeting<sup>55</sup> attended by at least 2/3 of the total number of DPR members and approved

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<sup>49</sup> Bambang Sutyoso, "The Authority of the Constitutional Court in Impeaching the President and/or Vice President in Indonesia," *Constitutional Journal* 7, no. 1 (2010): p.96, <https://shorturl.at/UO4fR>.

<sup>50</sup> Hamdan Zoelva, *Presidential Impeachment in Indonesia*, ed. Tarmizi, 1st ed. (Jakarta: Sinar Grafika, 2011). p.9.

<sup>51</sup> 1945 Constitution and Amendments, Article 7B Paragraph 4

<sup>52</sup> "Law Number 24 of 2003 Concerning the Constitutional Court," Pub. L. No. Article 8 Paragraph 3 (2003), <https://peraturan.go.id/eng/uu-no-24-tahun-2003>.

<sup>53</sup> Zoelva, *Presidential Impeachment in Indonesia*, 2011. P.168

<sup>54</sup> Law Number 13 of 2019 Concerning the Third Amendment to Law Number 17 of 2014 Concerning the People's Consultative Assembly, the House of Representatives, the House of Regional Representatives, and the Regional House of Representatives.

<sup>55</sup> Article 215 Paragraph 1



by at least 2/3 of the members present<sup>56</sup>. This approval is the basis for the DPR to refer the proposal for dismissal to the People's Consultative Assembly (MPR).

After receiving a proposal from the DPR, the MPR is obliged to hold a session to decide on the proposed dismissal of the President and/or Vice President within a maximum of 30 (thirty) days.<sup>57</sup> It should be understood that the MPR session is political in nature, which means that considerations in its decision-making are not solely based on legal aspects, but also pay attention to political dimensions and public legitimacy.<sup>58</sup> To make such decisions, the MPR must hold a plenary meeting attended by at least 3/4 of all members, and decisions can only be made if approved by 2/3 of the members present.<sup>59</sup> Before a decision is made, the President and/or Vice President have the right to submit a clarification or defense directly in the plenary forum as a form of respect for the right to reply of the executive office holder.<sup>60</sup>

Decisions made by the MPR are final and constitutionally binding and cannot be further appealed through the courts.<sup>61</sup> Thus, in the institutional structure of the impeachment mechanism in Indonesia, there is a clear and balanced division of functions: The DPR as the proposing or prosecuting body, the Constitutional Court as the examining and deciding body in the juridical aspect, and the MPR as the final decision holder in the political realm. This configuration reflects the principle of *checks and balances* between state institutions, which is essential in maintaining the stability of a democratic presidential system of government based on the constitution.<sup>62</sup>

### The Impeachment Mechanism Process in South Korea

South Korean history shows that there have been three presidents against whom impeachment efforts have been made, namely, Roh Moo-hyun (2004),<sup>63</sup> Park Geun-hye (2016),<sup>64</sup> and Yoon Suk-yeol (2025).<sup>65</sup> President Roh Moo-hyun was impeached in 2004, although he was eventually restored to office. The impeachment of Roh was triggered by allegations that he had violated the principle of political neutrality by publicly

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<sup>56</sup> Article 210 Paragraph 3

<sup>57</sup> "The 1945 Constitution and Amendments," Pub. L. No. Article 7B Paragraph 6 (1945), <https://shorturl.at/zr7Y6>.

<sup>58</sup> Bagir Manan, *DPR, President, and Impeachment: The Relationship Between the Legislature and the Executive Under the 1945 Constitution* (Yogyakarta: Center for Legal Studies, Faculty of Law, Islamic University of Indonesia, 2003). p.72-73

<sup>59</sup> "The 1945 Constitution and Amendments," Pub. L. No. Article 7B Paragraph 7 (1945), <https://shorturl.at/zr7Y6>.

<sup>60</sup> Simon Butt and Tim Lindsey, *The Constitution of Indonesia: A Contextual Analysis*, Pe mold (Oxford: Hart Publishing, 2012). P.96.

<sup>61</sup> Jimly Asshiddiqie, "Impeachment and Presidential Accountability," in *Principles of Indonesian Constitutional Law*, 1st ed. (Jakarta: PT Bhuna Ilmu Popular, 2007), p.57.

<sup>62</sup> Jimly Asshiddiqie, *Constitutional Law and the Pillars of Democracy: Thoughts on Law, Media, and Human Rights*, ed. Zainal A. M. Hussein, 2nd ed. (Jakarta: Sinar Grafika, 2012). p.255.

<sup>63</sup> "Cases on Presidential Impeachment," Constitutional Court of Korea, 2004, <https://english.court.go.kr/site/eng/ex/bbs/View.do?cbIdx=1142&bcIdx=984856>.

<sup>64</sup> Andre Munro, "Park Geun-Hye President of South Korea," Britannica, 2025, <https://www.britannica.com/biography/Park-Geun-Hye>.

<sup>65</sup> Michelle Gabriella, Ida Rosdalina, and Sita Planasari, "Flashback of South Korean President Yoon Suk Yeol's Case to Impeachment," Tempo, 2025, <https://www.tempo.co/internasional/kilas-balik-kasus-presiden-korea-selatan-yoon-suk-yeol-hingga-dimakzulkan-1227576>.

expressing support for a particular party in the run-up to the legislative elections, an act deemed incompatible with the position of a head of state.<sup>66</sup> Responding to the allegations, South Korea's National Assembly approved the impeachment motion and temporarily removed him from office. However, after a judicial review, the Constitutional Court of Korea in May 2004 overturned the impeachment decision, arguing that the offenses committed were not severe enough to constitutionally remove the president from office. As a result, Roh Moo-hyun was restored to his position as President and continued his term of office until its normal end.<sup>67</sup>

President Park Geun-hye was permanently impeached in 2017 for her involvement in a corruption scandal with her close friend Choi Soon-sil, who illegally used influence over the president to interfere in state affairs and extort large companies such as Samsung.<sup>68</sup> As a result of this scandal, the National Assembly impeached him in December 2016, and the Constitutional Court ratified the impeachment on March 10, 2017, making him the first South Korean president to be formally removed. He was then sentenced to 25 years in prison, before finally receiving partial clemency in 2021.<sup>69</sup>

Meanwhile, President Yoon Suk-yeol was permanently impeached in 2025 after allegedly committing serious violations of the Constitution, including unilaterally declaring *martial law* without legal basis in December 2024 and abusing power to silence the opposition and independent media.<sup>70</sup> These actions triggered a political crisis that prompted the National Assembly to pass an impeachment resolution in December 2024, which was later upheld by the Constitutional Court on April 4, 2025 through a unanimous decision of nine judges. Yoon was officially removed from office and is now facing criminal proceedings for alleged human rights violations and abuse of power.<sup>71</sup>

The Korean government is structured around the principle of separation of powers, as is the case with other modern governments. One of the key mechanisms in this system is the presidential impeachment arrangement, which has been stipulated in the Korean Constitution since the country's inception. The Constitution establishes the National Assembly as the body authorized to initiate impeachment proceedings, reflecting the principle of *checks and balances* between branches of power.<sup>72</sup> It should be underlined that South Korea does not implement a full presidential system of

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<sup>66</sup> Kim Seung-hyun, "Political Neutrality and Presidential Impeachment in South Korea," *Journal of East Asian Studies* 24, no. 1 (2024): p.45-67.

<sup>67</sup> Youngjae Lee, "Law, Politics, and Impeachment: The Impeachment of Roh Moo-Hyun from a Comparative Constitutional Perspective," *The American Journal of Comparative Law* 53, no. 2 (2005): 415, <https://doi.org/https://doi.org/10.1093/ajcl/53.2.p.403>.

<sup>68</sup> "South Korea's President Park Geun-Hye Denies Corruption Allegations," BBC News, 2016, <https://www.bbc.com/news/world-asia-37971085>.

<sup>69</sup> Yoonjung Seo and Gawon Bae, "Disgraced Former South Korean President Park Geun-Hye Pardoned after Serving Nearly 5 Years in Jail," *BBC News*, 2021, <https://edition.cnn.com/2021/12/23/asia/park-geun-hye-south-korea-pardon-intl/index.html>.

<sup>70</sup> Reuters Staff, "What You Need to Know about Investigations Faced by South Korea's Former President Yoon," *Reuters*, 2025, <https://www.reuters.com/world/asia-pacific/what-you-need-know-about-investigations-faced-by-south-korean-president-yoon-2024-12-31/>.

<sup>71</sup> The Guardian Staff, "Yoon Suk-Yeol Impeachment Verdict: South Korea's Constitutional Court to Decide President's Fate - Live Updates," *The Guardian*, April 4, 2025.

<sup>72</sup> Jin Wook Kim, "Korean Constitutional Court and Constitutionalism in Political Dynamics: Focusing on Presidential Impeachment," *Constitutional Review* 4, no. 2 (2018): 222-48, <https://doi.org/10.31078/consrev423>. p.226.

government, but rather uses a semi-presidential model, which combines the leadership of a directly elected president and a cabinet accountable to parliament.<sup>73</sup>

South Korea's Presidential impeachment mechanism is an integral part of the constitutional oversight system designed to maintain the integrity of the executive within the rule of law. The process begins with the filing of an impeachment motion by members of the National Assembly when the President, Prime Minister or other high-ranking officials are suspected of violating legal provisions or constitutional norms.<sup>74</sup> For the motion to be valid, it requires the support of at least 1/3 of the members of the National Assembly. After meeting the initial support requirement, the motion must receive the approval of 2/3 of all members of parliament to proceed to the next stage.<sup>75</sup>

With the approval of the impeachment motion by parliament, the President in question is automatically suspended from office temporarily while the vetting process takes place at the Constitutional Court.<sup>76</sup> The Constitutional Court is then obliged to examine the impeachment case and issue a decision within the prescribed time limit, which is no later than 180 days after the case is received.<sup>77</sup> The decision to permanently remove the President can only be made if approved by at least six of the nine constitutional judges.<sup>78</sup> If the Court decides to authorize impeachment, the President is formally removed from office. As a consequence, a general election to elect a new President must be held within a maximum period of 60 days from the date of the decision.<sup>79</sup> This mechanism emphasizes the importance of the principles of constitutional accountability and the rule of law in South Korean governance.

### Examining the Impeachment Mechanism in the Framework of Democratic Theory

As a conceptual basis for understanding the mechanism of presidential impeachment in the context of democracy, conceptual approaches from major democratic thinkers can provide a basis for a deeper understanding. Robert A. Dahl, in his theory of ideal democracy, emphasizes five important criteria: effective participation, enlightened understanding, control over the agenda, equality in voting, and inclusiveness of citizens. In practice, the form of democracy that can be realized is *polyarchy*, a system characterized by free and fair elections, freedom of expression, and access to alternative information.<sup>80</sup> Based on this framework, the impeachment mechanism is ideally not just

<sup>73</sup> J. D'Arcangelis, "Time for South Korea to Beef up the Role of the Prime Minister," *USC Dornsife College of Letters, Arts and Sciences*, November 30, 2023, <https://dornsife.usc.edu/news/stories/time-for-south-korea-to-beef-up-the-role-of-the-prime-minister/>.

<sup>74</sup> Comparative Constitutions Project, "Republic of Korea's Constitution of 1948 with Amendments through 1987," Pub. L. No. Article 65 Section 1 (2013).

<sup>75</sup> Article 65 Paragraph 2

<sup>76</sup> Article 65 Section 3

<sup>77</sup> Constitutional Court Act, "Section 2 Adjudication on Impeachment," Pub. L. No. Article 48 Prosecution for Impeachment (2011).

<sup>78</sup> Constitutional Court Act. Article 23 Quorum for Adjudication

<sup>79</sup> Project, Republic of Korea's Constitution of 1948 with Amendments through 1987. Article 68 Section 2

<sup>80</sup> Robert A. Dahl, *On Democracy*, ed. Nurul Hasfi (Jakarta: Yayasan Obor Indonesia, 2003). p.37-45

a political procedure, but also a tool to realize public involvement and oversight of power as a tangible manifestation of substantive democracy.

Meanwhile, Larry Diamond expands the understanding of democracy by emphasizing that regular elections are not enough to guarantee a healthy democracy. Democracy, according to him, must also be upheld through the principles of the *rule of law*, *horizontal accountability*, and the existence of state institutions that supervise and limit each other.<sup>81</sup> In the context of presidential impeachment, this view becomes important to assess whether the legislature and judiciary carry out their oversight roles impartially and responsibly, or are instead subject to the pressure of power. Impeachment, in this theory, should be part of an institutional control system that strengthens democracy, not undermines it.

Furthermore, Fareed Zakaria offers a critical view of the phenomenon he calls *illiberal democracy*, which is a situation where the state holds regular elections but does not guarantee the protection of civil rights, the rule of law or constitutionalism. According to Zakaria, without these liberal principles, democracy can slide into majoritarian populism or even covert authoritarianism.<sup>82</sup> Therefore, when reviewing the impeachment process, it is important to question whether the action is truly rooted in the spirit of the constitution and the protection of citizens' rights, or is instead a political instrument that runs counter to deeper democratic values. This framework allows us to assess whether the impeachment processes in Indonesia and South Korea are merely procedural or substantively rooted in a healthy democracy.

Within the framework of the above theories of democracy, presidential impeachment mechanisms in Indonesia and South Korea show quite different patterns and dynamics, although both formally recognize the principle of separation of powers and the supremacy of the constitution. In Indonesia, impeachment procedures are regulated through strict and layered legal mechanisms, starting from the House of Representatives (DPR), the Constitutional Court (MK), to the People's Consultative Assembly (MPR). Normatively, this reflects the spirit of *checks and balances* in procedural democracy. However, when examined through Dahl's *polyarchy* parameters, this mechanism appears less inclusive of direct citizen participation. The people do not have a significant role in determining the direction of impeachment, even when there is a crisis of public confidence in the president.<sup>83</sup> The complex and closed procedure also makes transparency and accountability difficult, which Diamond calls the essence of *horizontal accountability*.<sup>84</sup> In practice, impeachment in Indonesia resembles a model of

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<sup>81</sup> Larry Diamond, *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World* (New York: Times Books (Henry Holt and Company), 2008). p.10-25

<sup>82</sup> Fareed Zakaria, *The Future of Freedom: Unfree Democracy*, ed. Hermawan Aksan (Bandung: Mizan, 2004). p.21-23

<sup>83</sup> Amir Faisol, "Gibran's Impeachment Ignored, TNI Retired Forum Threatens MPR," *IDN Times*, 2025, <https://www.idntimes.com/news/indonesia/pemakzulan-gibran-tak-digubris-forum-purnawirawan-tni-ancam-mpr-00-xvwcc-njq5dp>.

<sup>84</sup> Diamond, *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World*. p.18

delegative democracy<sup>85</sup> rather than representative democracy, as popular power is fully delegated to political elites who are not always substantially accountable to constituents.

In contrast, the South Korean experience shows a more open process that reflects substantive democracy. In the case of Park Geun-hye's impeachment in 2016-2017, the intense public pressure through peaceful demonstrations known as the *Candlelight Revolution*, not only shaped political opinion, but also encouraged the National Assembly to exercise its authority decisively.<sup>86</sup> The Constitutional Court of South Korea, in its decision delivered publicly and broadcast live to the public, authorized the impeachment with measured legal considerations, thus reflecting the *rule of law* and institutional independence argued by Zakaria.<sup>87</sup> This process not only affirms the supremacy of the constitution, but also demonstrates that presidential power is not an entity above the law, but is subject to corrective mechanisms born of public will. South Korea thus demonstrates success in balancing procedural and substantive democracy, with strong popular participation and responsive countervailing institutions.

However, both are not free from challenges. In Indonesia, the impeachment mechanism may risk being manipulated for pragmatic political interests if legal controls are not strengthened. On the other hand, South Korea faces the challenge of maintaining the neutrality of the judiciary under political pressure stemming from mass mobilization. Therefore, as Dahl and Diamond emphasize, the key to democracy is not only the existence of formal procedures, but also the empowerment of institutions and the involvement of law-aware and responsible citizens. This study shows that the effectiveness of the presidential impeachment mechanism must be seen not only from its legal structure, but also from how the process carries out substantive democratic values: openness, accountability, and public involvement.

### **Examining the Impeachment Mechanism in the Perspective of Siyasah Dusturiyah**

In the perspective of siyasah dusturiyah, state power is seen as a mandate (*al-amanah*) that must be carried out fairly, *maslahat*, and in accordance with sharia values.<sup>88</sup> The main principle in the Islamic system of power is not absolutism, but rather power that is subject to Allah's law and can be monitored and dismissed if there is a deviation from the shari'i objectives.<sup>89</sup> In this case, the mechanism of presidential impeachment, both in Indonesia and South Korea, can be analyzed as a modern form of the concept of *al-'aql* (dismissal of the ruler) as explained by al-Mawardi, namely the right of the

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<sup>85</sup> Guillermo O'Donnell, *Counterpoints: Selected Essays on Authoritarianism and Democratization* (Notre Dame, Indiana: University of Notre Dame Press, 1999). p.160-179

<sup>86</sup> Sun-Chul Kim, "South Korea's Candlelight Protests," *EASTASIAFORUM*, February 7, 2017, <https://doi.org/https://doi.org/10.59425/eabc.1486461633>.

<sup>87</sup> Zakaria, *The Future of Freedom: An Unfree Democracy*. p.23

<sup>88</sup> Muhammad Fadly Yahwala Harahap and Rahmad Efendi Rangkuti, "Empty Box as the Winner: Perspective of Siyasah Dusturiyah in Regional Head Elections in Indonesia," *Malikussaleh Journal of Social and Political Sciences (JSPM)* 6, no. 1 (2025): 206-19, <https://doi.org/10.29103/jspm.v6i1.19945>. p.217

<sup>89</sup> Anne N. Kubai, "The Muslim View of Secularism," *WAJIBU* 14, no. 3 (1999): p.11, [https://journals.co.za/doi/pdf/10.10520/AJA10169717\\_539](https://journals.co.za/doi/pdf/10.10520/AJA10169717_539).

people or *ahlul balli wal 'aqdi* to revoke power if the imam deviates from justice or causes *mafsadah*.<sup>90</sup>

In terms of substance, the practice of impeachment can be justified in shar'i as long as it is based on the intention of maintaining public *maslahat* and preventing damage. This is in accordance with the *ushul fiqh* rule, *دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ* (*dar'ul mafasid muqaddamun 'ala jalb al-mashalih*) "rejecting damage takes precedence over attracting benefits", as well as the principle of *mashlahat mursalah*, which is a benefit that is not explicitly mentioned in the *nash*, but does not conflict with *maqashid sharia*.<sup>91</sup> In the context of constitutional democracy, impeachment is a form of effort to prevent institutional damage and maintain government stability in line with the principle of *sadd al-dzari'ah* (closing the door to damage) in Islamic law.<sup>92</sup> The Qur'anic verse that emphasizes the importance of justice and trustworthiness in government is the word of Allah:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

58. Verily, Allah enjoins you to deliver the trust to its owner. When you set a law among men, set it justly. Verily, Allah gives you the best teaching. Verily, Allah is All-Hearing, All-Seeing.

The Prophet's hadith also states: *"كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ" Each of you is a leader, and each leader will be held accountable for those he leads*" (HR. al-Bukhari no. 893; Muslim no. 1829). Thus, when a president deviates from the mandate, violates the law, or ignores the people's interests, impeachment becomes a justified step to uphold the principle of accountability of power within the framework of *sharia*.

In practice, South Korea features a more juridical impeachment mechanism, with the Constitutional Court as the final and independent authority. This approach shows a form of *taqyid al-sulthan bil-qanun* (limitation of power by law), which is the foundation of Islamic political thought as proposed by Ibn Taymiyyah.<sup>93</sup> Indonesia, while involving the Constitutional Court, gives the final deciding role to the People's Consultative Assembly (MPR), which is political in nature. Moreover, in a multiparty presidential system such as Indonesia's, impeachment mechanisms are difficult to implement effectively because presidential power tends to have entered the body of the DPR through a large coalition that obscures the oversight function and weakens the legislative corrective power against the executive.<sup>94</sup> In the perspective of *siyasah dusturiyah*, this system does emphasize aspects of *shura* and representation, but at the

<sup>90</sup> Imam Al-Mawardi, *Al-Ahkam As-Sulthaniyyah: Principles of Islamic State Administration*, ed. Fadli Bahri (Jakarta: Darul Falah, 2006). p.21-22

<sup>91</sup> Ibn Qayyim al-Jawziyyah, *I'lam Al-Muwaqqi'in 'an Rabb Al-'Alamin* (Beirut, Lebanon: Dar al-Jil, 1973). p.199-201

<sup>92</sup> Imam Al-Ghazali, *Al-Mustashfa Volume 1: The Ultimate Reference to Ushul Jurisprudence*, ed. Masturi Irham and Malik Supar (Jakarta: Pustaka Al-Kautsar, 2022). p.115

<sup>93</sup> Ibn Taymiyyah, *Al-Siyasah Al-Syar'iyyah Fi Islah Al-Ra'i Wa Al-Ra'iyyah* (Riyadh, Saudi Arabia: Dar al-Watan, 1993). p.139

<sup>94</sup> Yosafat Diva Bayu Wisesa, "As an Expert at the Constitutional Court Hearing, Bivitri Reveals the Broken Legislation of the TNI Law," *IDN Times*, 2025, <https://www.idntimes.com/news/indonesia/jadi-ahli-di-sidang-mk-bivitri-ungkap-bobroknya-legislasi-uu-tni-00-jkxzp-79rkwc>.

same time is more vulnerable to the pressure of short-term political interests that can interfere with the objectivity of justice.

Thus, the mechanism of impeaching the president in both countries, when viewed through the lens of *siyasah dusturiyah*, shows a concrete effort to maintain the interests of the people and prevent damage to power. However, the South Korean system can be considered closer to the principles of *sadd al-dzari'ah* and *taqyid al-sulthan bil-qanun*, while the Indonesian system emphasizes aspects of *shura* and popular participation. Both are not contradictory to Islamic values, but their effectiveness in realizing justice and *maslahat* is highly dependent on institutional integrity and political will in favor of the interests of the people, not the elite alone.

#### IV. CONCLUSIONS

This study found that the presidential impeachment mechanisms in Indonesia and South Korea both aim to uphold the principle of accountability of power in a democratic system. However, there are fundamental differences in the approaches and institutional forces involved. South Korea features a more juridical and finalistic mechanism through the Constitutional Court, which is close to the principle of *taqyid al-sulthan bil-qanun* in *siyasah dusturiyah*. In contrast, Indonesia's system tends to be more political as the final decision rests with the MPR, and its practices are often influenced by coalition forces in the DPR that can obscure the legislative oversight function.

In terms of democratic theory, Indonesia reflects delegative democracy with limited popular participation in the impeachment process, while South Korea demonstrates substantive democratic practices that are more responsive to public will. In terms of political Islam, the presidential impeachment mechanism can be analogized to the concept of *al-'azl* against unjust or unfit leaders. This practice is also in line with the principle of *dar' al-mafasid muqaddamun 'ala jalb al-mashalih* and *mashlahat mursalah*, as long as it is based on the intention of maintaining justice and public benefit.

Thus, the impeachment mechanism is not just a matter of procedural legality, but must be directed at upholding the values of justice, responsibility and public protection. An analysis from the perspective of *siyasah dusturiyah* reminds us that power is a mandate that can be revoked if misused, and that political legitimacy must not be separated from the ethics of *sharia* and the principles of universal justice.

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