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## The Inauguration of the President and Vice President by the MPR Does Not Have Constitutional Legitimacy from a State Administration Perspective

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**Abstract:** The inauguration of the President and Vice President is a crucial moment in the Indonesian state system that must be carried out in accordance with constitutional legitimacy. Legality and legal certainty are the foundation for inaugurated officials to have legitimate authority and be widely accepted. This study analyzes inaugurations conducted by the People's Consultative Assembly (MPR) without constitutional legitimacy, focusing on procedures, formal requirements, and the MPR's compliance with the 1945 Constitution, the Election Law, and related MPR regulations. The method used is a normative juridical and conceptual approach, through a review of legislation, constitutional law literature, and analysis of hypothetical cases. The results show that inaugurations without constitutional legitimacy do not meet the formal or substantive requirements stipulated in the law. It creates legal uncertainty and can weaken the principle of checks and balances, the stability of government institutions, and political legitimacy. Officials inaugurated under these conditions face legal and political challenges that can affect government effectiveness. This research emphasizes the importance of strengthening procedural mechanisms, the role of oversight bodies such as the Constitutional Court and the House of Representatives (DPR), and public legal education to ensure that the inauguration of state officials consistently complies with constitutional provisions. Recommendations include reforming inauguration regulations to clarify the authority of the People's Consultative Assembly (MPR), increasing the transparency of the process, and strengthening public understanding of constitutional principles. Implementing these measures will strengthen the legitimacy of state officials, maintain legal certainty, and support democratic stability in Indonesia.

**Keyword:** Presidential and Vice-Presidential Inauguration, Constitutional Legitimacy, Constitutional Affairs.

### INTRODUCTION

The inauguration of the President and Vice President is one of the most important moments in national life (Idris & Wardana, 2023). Constitutional legitimacy is the primary foundation that ensures every inauguration is valid and legally accepted (Bahri, 2025).

Without such legitimacy, the inauguration process can raise doubts about the legitimacy of the inaugurated officials. Legal certainty and democratic principles require that all procedures be carried out in accordance with the provisions of the 1945 Constitution and supporting regulations (Budhiati, 2020). The public, as holders of sovereignty, requires assurance that the highest state officials are elected legitimately and in accordance with the rule of law (Anggreni et al., 2024).

Legitimacy in a presidential system serves a dual role, serving both as a legal basis and as a mechanism of political control (Basri et al., 2024). The President and Vice President are elected through established mechanisms to ensure public representation (Harianja et al., 2024). Constitutional provisions limit the scope of action of state institutions, ensuring that no single party can exceed its authority. High state institutions, such as the People's Consultative Assembly (MPR), the House of Representatives (DPR), and the Constitutional Court, each have their own functions to maintain a balance of power (Pangaribuan et al., 2023). This balance is at the heart of the principle of checks and balances in the Indonesian system of government.

The MPR has specific powers under the 1945 Constitution, but these powers are conditional and limited. The MPR's function as the highest legislative body and the determinant of state policy does not grant it the absolute right to inaugurate the President without a constitutional basis. The MPR's powers must always be bound by procedures and provisions established by law (Silitonga & Wijayati, 2024). The lack of legitimacy can create legal uncertainty and spark political controversy. Any MPR action that exceeds constitutional limits will impact public perception of the institution's integrity.

Constitutional theory emphasizes the importance of legitimacy as a key factor in government stability (Ramadhani et al., 2025). Legitimacy ensures that exercised power is legitimately accepted by the public and other state institutions (Seputra & Suyatno, 2024). The function of high state institutions is not only administrative but also symbolic, representing democratic principles (Kansil & Tobing, 2024). The President and Vice President must hold legitimate power so that their policies receive widespread support. Legitimacy also serves as a mechanism to prevent abuse of power and violations of the law (Hasanuddin et al., 2025).

The concept of constitutional legitimacy encompasses not only formal procedures but also public recognition and compliance with fundamental legal principles (Sari & Wiraguna, 2025). Every inauguration of state officials must comply with the principles of legality and legal certainty. Legality limits the actions of state institutions so that they do not exceed the rights and authorities granted by the constitution (Indratanto et al., 2020). Legal certainty ensures that the public is aware of legitimate procedures and can challenge violations if they occur (Ismail et al., 2025). The absence of formal and substantive legitimacy can weaken the position of inaugurated officials and undermine public trust.

The principle of legality requires that the inauguration of the President and Vice President can only take place if all constitutional requirements are met. This procedure includes fulfilling formal requirements, such as age, citizenship, and valid political status (Sukimin, 2020). Legal certainty plays a role in preventing inaugurations that create uncertainty or disputes (Alfarizi & Zwiki, 2024). Formal and substantive legitimacy must be aligned to ensure the legitimacy of government actions. Failure to comply with the principle of legality will raise serious legal questions regarding the officials concerned.

The 1945 Constitution provides a clear legal framework for the inauguration of the President and Vice President (Putri & Harvelian, 2025). Article 7 stipulates that the President and Vice President are elected through general elections. Article 8 regulates the term of office and the replacement mechanism in the event of a vacancy. Article 10 outlines the obligation to take an oath or pledge of office before the MPR (Sumodiningrat, 2021). All of these

articles provide a binding legal basis and serve as a benchmark for the validity of an inauguration.

In addition to the 1945 Constitution, Law No. 7 of 2017 concerning Elections, in conjunction with Law No. 7 of 2023, details the mechanisms for the election and inauguration of the President/Vice President. This law outlines administrative procedures, candidate requirements, and voting stages. These regulations serve as a monitoring tool and guideline for the inauguration process (Pratyahara et al., 2024). Compliance with these laws ensures that the inauguration does not create legal uncertainty. Violations of election laws can have legal and political consequences.

People's Consultative Assembly Regulation No. 1 of 2024 also serves as a formal reference for the procedure. This regulation emphasizes the MPR's role in ratifying election results and administering the oath of office, as outlined in articles 120-124. These regulations must align with the 1945 Constitution to ensure the MPR's actions remain valid. The alignment maintains legitimacy and prevents legal criticism. Any action that deviates from the provisions of MPR regulations has the potential to generate controversy. Legal literature and constitutional studies emphasize the importance of the integrity of inauguration procedures as part of constitutional legitimacy. Experts emphasize that formal legitimacy and public recognition must go hand in hand. Interpretation of the Constitution and inauguration regulations is crucial to prevent abuse of authority. A careful legal analysis of all constitutional provisions helps understand the limits of the MPR's authority. This understanding provides an important foundation for discussing the practicalities of inauguration and its implications, which will be analyzed in the next chapter.

## **METHOD**

The research method used is normative, juridical, and conceptual, with a primary focus on the analysis of laws and regulations and theoretical studies of state administration. The statutory regulatory approach is conducted by examining all relevant legal provisions, including the 1945 Constitution, the Election Law, and MPR regulations regarding the inauguration of the President and Vice President. This analysis aims to assess the conformity of each procedure and action of state institutions to the provisions of the constitution and applicable laws. In addition, the study uses a conceptual approach to understand the principles of constitutional legitimacy, the principle of legality, and legal certainty from a state administration perspective. The conceptual approach allows researchers to compare actual practices with existing state administration theories, as well as assess the implications of actions taken without formal legitimacy. Data are obtained from literature studies, official documents, legal journals, and expert opinions, which are then critically analyzed to identify gaps between formal procedures and hypothetical practices. The research emphasizes a combination of normative and conceptual reviews to produce a comprehensive understanding of the legality of the inauguration of the President and Vice President by the MPR without constitutional legitimacy, as well as its implications for legal and political stability in Indonesia. This systematic analysis provides a strong basis for concluding the need to strengthen inauguration procedures and enforce constitutional principles.

## **RESULTS AND DISCUSSION**

### **Inauguration of the President and Vice President Without Constitutional Legitimacy**

The inauguration procedure for the President and Vice President is expressly regulated in the 1945 Constitution. Article 7 stipulates that the President and Vice President are elected through a legitimate and democratic general election. The inauguration must take place after the election results are confirmed and the elected officials fulfill all constitutional requirements. The oath of office must be taken before the People's Consultative Assembly

(MPR) under Article 10. This procedure ensures that each President and Vice President has formal legitimacy and is accepted as a legitimate leader by all state institutions.

Procedural requirements also include meeting formal candidate criteria, including citizenship, minimum age, and not currently holding a position that conflicts with the office of President or Vice President. Procedural legality ensures there is no overlapping authority or violation of the principle of legality. The determination of candidates is carried out through an official mechanism involving supervisory and election bodies. This oversight aims to maintain transparency and accountability in the inauguration process. The entire procedure ensures legal certainty for the officials to be inaugurated.

Hypothetically, an inauguration by the MPR without constitutional legitimacy could occur if the institution takes steps outside the procedures outlined in the Constitution and the Election Law. For example, if the People's Consultative Assembly (MPR) inaugurates the President before the election or without an official decision from the election management body, the inauguration lacks legal basis. This situation creates legal uncertainty and can spark political controversy. The public's legitimacy of the inaugurated official will also be questioned. The public may view such actions as a deviation from democratic principles.

Inaugurations conducted without formal procedures can also involve candidates who do not meet formal requirements, such as age or citizenship. This raises serious legal issues because it violates constitutional provisions. The MPR's authority has clear limits, so any inauguration outside these limits is considered invalid. Compliance with formal procedures maintains the integrity of state institutions. Failure to comply with formal requirements can undermine public trust in the government.

MPR actions exceeding its authority pose a complex constitutional law issue. The 1945 Constitution provides strict guidelines regarding when and how the MPR can inaugurate the President and Vice President. If an inauguration is conducted without a clear legal basis, it will raise questions about the validity of the officials in question. The Constitutional Court has a role in assessing the compliance of such actions with the Constitution. A critical analysis of inauguration procedures is essential to understanding the limits of the institution's authority.

The inauguration's compliance with the principle of checks and balances is an indicator of the legitimacy of the MPR's actions. Each state institution has a supervisory function over other institutions to prevent abuse of power. Inaugurations outside of procedure can weaken this mechanism and upset the balance of power. The principle of checks and balances ensures that no institution operates without accountability. Failure to comply with this principle has the potential to create conflict between high state institutions.

Inaugurations without formal legitimacy also pose significant political risks. Legal uncertainty will raise questions about the decisions made by the inaugurated officials. Political parties, legislative bodies, and civil society may challenge the legitimacy of the officials. This situation can fuel political tension and undermine government stability. Constitutional legitimacy serves as a key pillar of political stability.

Legal analysis of the MPR's actions requires a review of all relevant laws and regulations. The 1945 Constitution, the Election Law, and MPR regulations must be used as references. Any action that deviates from these provisions can be considered a violation of the principle of legality. Legal certainty is the primary indicator for assessing the legitimacy of an inauguration. A legitimate inauguration must comply with all applicable formal and procedural provisions.

Literature studies and constitutional studies emphasize that procedural legitimacy has long-term implications for the system of government. An illegitimate inauguration process can set a negative precedent for subsequent generations of officials. A critical analysis of hypothetical practices helps understand the legal consequences before the inauguration takes

place. Legality and legal certainty are the primary foundations for the legitimate acceptance of state officials. Violations of procedures can undermine the principles of democracy and accountability.

Evaluation of the MPR's actions must consider the limits of its authority stipulated in the constitution. Any violation of procedural provisions must be systematically analyzed. The interpretation of the 1945 Constitution is key to assessing the legitimacy of these actions. Adherence to legal procedures ensures that appointed officials have legitimate authority. This study emphasizes the importance of understanding legal procedures and limitations before discussing the implications and recommendations, which will be analyzed in the next chapter.

### **Legal, Political, and Constitutional Implications and Recommendations for Strengthening the Legitimacy of the Inauguration of the President and Vice President**

The legal status of a President and Vice President inaugurated without constitutional legitimacy is a crucial issue. Officials who are inaugurated illegitimately face uncertainty regarding their official authority. Actions taken during their term of office may be questioned under the law. Legal certainty is threatened because the public and state institutions lack clear guidelines regarding the official's legitimacy. This situation creates the potential for legal conflicts that could undermine the stability of government institutions.

The overall legitimacy of the government will be affected if the inauguration is carried out without proper procedures. Public trust in the President and Vice President is diminished when the legal basis for the inauguration is questioned. Government officials and other state institutions will also face difficulties in cooperating with or implementing policies made by officials whose legitimacy is questionable. The principle of legal certainty must be maintained so that every government action has a strong basis. Without legitimacy, the government loses the legal foundation that underpins its authority.

The legal implications extend to the oversight of judicial institutions, including the Constitutional Court. The Court has a role in assessing the compliance of inauguration actions with the 1945 Constitution and related laws. The Court's decisions or assessments can serve as a reference for other institutions in enforcing the law. Uncertainty regarding the legal status of officials can trigger disputes in the courts or through legislation. The legal oversight process emphasizes the significance of formal procedures and compliance with regulations.

The political impact of inaugurations without legitimacy can be both short-term and long-term. Legal uncertainty will create tensions between the executive and legislative branches. Political parties and civil society may reject decisions made by illegitimately appointed officials. Public perception of government integrity will decline. Political stability becomes fragile when inaugurations raise doubts about the authority of the President and Vice President.

Inaugurations without legitimacy also impact the democratic system as a whole. Democracy requires legitimate election and inauguration mechanisms for officials to be accepted by the public. When procedures are violated, the principles of public participation and popular representation are undermined. The system of checks and balances is weakened because one of the pillars of constitutional legitimacy is not met. Democracy loses a key pillar that guarantees legal certainty and accountability.

The role of oversight institutions is crucial to maintaining national stability. The Constitutional Court, the House of Representatives (DPR), and independent oversight institutions must actively assess and oversee each inauguration. Oversight institutions act as guardians of compliance with the Constitution and laws. Civil society also plays a role in providing social control and public oversight. Synergy between oversight institutions and public participation strengthens government legitimacy.

Mechanisms to prevent illegitimate inaugurations must be strengthened through clear regulations. Official procedures and legal confirmation mechanisms need to be established to prevent irregularities. Every inauguration must be verifiable and accountable. Oversight and transparency are key to preventing arbitrary actions. The public must have access to assess compliance with legitimate procedures.

Legal reform or additional regulations could be a solution to clarify the limits of the MPR's authority. Additional laws or regulations that detail inauguration procedures can reduce room for ambiguous interpretation. New regulations should emphasize the importance of compliance with the 1945 Constitution and the Election Law. The goal of reform is to ensure that every inauguration has formal and substantive legitimacy. Legal certainty is the primary foundation for protecting government integrity.

Strengthening constitutional principles is a strategic step to maintain legitimacy. Public legal education and outreach regarding inauguration procedures can raise public awareness. A good understanding of the roles of the MPR, the President, and the Vice President helps reduce the risk of procedural violations. Constitutional principles must be understood not only by state officials but also by the wider public. This awareness will create a more stable and accountable legal environment.

The final recommendation emphasizes the need for synergy between law, politics, and society. Strict implementation of regulations must be supported by effective oversight. Public awareness is a crucial element in preventing inauguration practices that exceed constitutional limits. All these steps aim to maintain legitimacy, legal certainty, and state stability. Ensuring legitimate inaugurations is a form of respect for constitutional and democratic principles.

## CONCLUSION

The inauguration of the President and Vice President by the People's Consultative Assembly (MPR) without constitutional legitimacy creates significant legal uncertainty and has the potential to undermine constitutional principles. An analysis of the procedures, requirements, and legal basis shows that every inauguration must comply with the 1945 Constitution, the Election Law, and relevant MPR regulations. Inaugurations conducted outside of these mechanisms fail to meet formal or substantive requirements, thereby questioning the legitimacy of the inaugurated officials. Failure to adhere to official procedures also impacts the stability of government institutions and the principle of checks and balances, as officials whose legitimacy is questioned can face legal and political challenges that undermine government effectiveness. Legality and legal certainty are the primary foundations for every government action to be accepted as legitimate, and violations of these principles can have long-term repercussions for the democratic system and the legitimacy of state institutions.

Policymakers and the MPR need to ensure that every inauguration is based on formal procedures and clear constitutional rules. Strengthening oversight mechanisms, legal reforms to clarify authority, and public legal education can help prevent inaugurations that exceed constitutional limits. Public participation and the role of oversight institutions such as the Constitutional Court and the House of Representatives (DPR) are also crucial for maintaining transparency and accountability. Further research could explore various legal and practical mechanisms to strengthen the legitimacy of state officials, including comparative analysis with constitutional practices in other countries. These steps would strengthen legal certainty and political stability, while ensuring that constitutional principles remain the guiding principle in every inauguration process.

## REFERENCE

- Alfarizi, A., & Zwiki, F. (2024). Keadilan dan Kepastian Hukum dalam Pemilu Serentak di Indonesia. *Advances In Social Humanities Research*, 2(1), 83-91.
- Anggreni, D., Fuadi, A., Fitriyani, F., & Al-Kautsar, M. I. (2024). Peran Mahkamah Konstitusi dalam Menjamin Kedaulatan Hukum di Indonesia. *Hutanasyah: Jurnal Hukum Tata Negara*, 3(1), 11-26.
- Bahri, R. A. (2025). Pelantikan Kepala Daerah oleh Presiden: Telaah Kritis Kewenangan dalam Kerangka Otonomi Daerah. *Journal of Interdisciplinary Legal Perspectives*, 1(2), 73-84.
- Basri, A. R., Sawir, M., Kamaluddin, S., & Pongtuluran, R. (2024). Lanskap Pemerintahan: Memahami Perbedaan dan Implikasi Sistem Presidensial, Parlemerter, dan Semi Presidensial. *Journal of Governance and Local Politics (JGLP)*, 6(1), 63-73.
- Budhiati, I. (2020). *Mahkamah Konstitusi dan kepastian hukum pemilu: Tafsir Mahkamah Konstitusi terhadap UUD NRI Tahun 1945 untuk kepastian hukum pemilu*. Jakarta: Sinar Grafika.
- Harianja, F. M., Pinasang, D. R., & Lumintang, D. S. (2024). Implementasi Pemilihan Umum Presiden dalam Kajian Konstitusionalitas Sistem Presidensial di Indonesia. *Lex Administratum*, 12(4).
- Hasanuddin, A., Rahman, A., & Aswari, A. (2025). Integritas Hakim Terhadap Penegakan Supremasi Hukum Di Indonesia Perspektif Hukum Tata Negara. *Journal of Lex Theory (JLT)*, 6(1), 244-255.
- Idris, F., & Wardana, D. J. (2023). Aspek Hukum Presidensial Threshold dalam Pemilihan Presiden dan Wakil Presiden di Indonesia. *UNES Law Review*, 5(4), 2507-2516.
- Indratanto, S. P., Nurainun, K. L., & Kleden, K. L. (2020). Asas Kepastian Hukum Dalam Implementasi Putusan Mahkamah Konstitusi Berbentuk Peraturan Lembaga Negara Dan Peraturan Pemerintah Pengganti Undang-Undang. *Jurnal Ilmu Hukum*, 16(1).
- Ismail, N. V., Wantu, F. M., & Tome, A. H. (2025). Ambivalensi Putusan Hakim: Tantangan dalam Upaya Hukum dan Penegakan Hukum Pilkada di Indonesia. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(3), 2920-2933.
- Kansil, C. S., & Tobing, S. A. (2024). Arti Dan Makna Memahami Konsep Konstitusionalisme & Demokrasi Dalam Konteks Implementasi Sistem Tata Negara. *Jurnal Pendidikan Sejarah dan Riset Sosial Humaniora*, 4(2), 192-203.
- Pangaribuan, R. R., Palilingan, T. N., & Mewengkang, F. S. (2023). Pembagian Kekuasaan dalam Sistem Pemerintahan di Indonesia. *Lex Administratum*, 11(5).
- Pratyahara, K. N., Suryana, K. D., & Herawati, K. M. (2024). PENGUSULAN PASANGAN CALON PRESIDEN DAN WAKIL PRESIDEN SEBAGAI PESERTA PEMILU MENURUT UNDANG-UNDANG PEMILIHAN PRESIDEN. *Nusantara Hasana Journal*, 4(4), 97-108.
- Putri, S. C., & Harvelian, A. (2025). Tinjauan Yuridis Ketetapan MPR Tentang Pelantikan Presiden Wakil Presiden. *HUMANIORUM*, 3(1), 51-57.
- Ramadhani, M., Rahayu, S., Irawan, A. D., Babussalam, A., Sirait, R. M., Kusumoningtyas, A. A., . . . Hariri, A. (2025). *Hukum Tata Negara: Teori, Prinsip, dan Praktik Ketatanegaraan Indonesia*. Agam: Yayasan Tri Edukasi Ilmiah.
- Sari, K. Y., & Wiraguna, S. A. (2025). DINAMIKA YURIDIS PROSES PERKARA PENGUJIAN FORMIL UNDANG-UNDANG DI MAHKAMAH KONSTITUSI INDONESIA. *Jurnal Kontekstualisasi Hukum dan Masyarakat*, 6(2).
- Seputra, H. R., & Suyatno, S. (2024). Kekuasaan sebagai Dasar Legitimasi Hukum dalam Pemikiran Filsafat Hukum. *AL-MIKRAJ Jurnal Studi Islam dan Humaniora*, 5(01), 1206-1217.

- Silitonga, M. P., & Wijayati, A. (2024). Kewenangan MPR Sebagai Lembaga Tinggi Negara. *Honeste Vivere*, 34(1), 92-99.
- Sukimin, S. (2020). Pemilihan Presiden Dan Wakil Presiden Berdasarkan Undang-Undang Republik Indonesia Nomor 7 Tahun 2017 Tentang Pemilihan Umum. *Jurnal Usm Law Review*, 3(1), 112-134.
- Sumodiningrat, A. (2021). Meninjau Ulang Ketentuan Presidential Threshold Dalam Pemilihan Presiden Dan Wakil Presiden Di Indonesia. *Jurnal Kajian Pembaruan Hukum*, 1(1), 49-74.