

TRIAS POLITICA: CONSIDERING THE IMPACT OF THE ABSENCE OF THE TRIAS POLITICA IN A COUNTRY

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ABSTRACT

The *Trias Politica*, a concept first introduced by Montesquieu in *The Spirit of Laws* (1748), is an important foundation for modern democratic systems of government. The separation of powers into three main branches-legislative, executive, and judicial-aims to prevent the concentration of power that could lead to abuse of authority. However, the absence of an effective *Trias Politica* can have a significant impact on political stability, public trust, and government accountability. This research uses a descriptive qualitative approach to analyze the phenomenon of the absence of the *Trias Politica* in the global and national contexts. The results show that the non-optimal implementation of the *Trias Politica*, such as in Indonesia, creates major challenges, including weak legislative oversight, compromised judicial independence, and executive policies that are not in favor of the people. Reforms to the system of government are needed to ensure an effective balance of power and guarantee justice and political stability.

Keywords: *Trias Politica, separation of powers, checks and balances, democracy, political stability*

A. INTRODUCTION

As a modern democracy, Indonesia adheres to the trias political system, which was first introduced by Montesquieu in his book *The Spirit of Laws* (Montesquieu, 1748). This concept considers the three main branches of Indonesian government, namely, the legislature, the executive, and the judiciary. Indonesia uses this principle with the aim of ensuring balance and power. This system aims to prevent the use of authority that can harm the general public by reducing the level of power in the hands of one person (Asshiddiqie, Jimly, 2010).

In practice, Indonesia adopted this concept and aligned it with the presidential system and the values of Pancasila (Mahmodin, Mohammad, 2012). However, the application of the principle of trias politica in Indonesia has not been fully present and running well. For example, at the legislative level, the House of Representatives (DPR) is often criticized for not fully representing the aspirations of the people, but rather serving the interests of certain political parties or elites (Mahmodin, Mohammad, 2012).

On the other hand, the executive power held by the president often comes under scrutiny, especially regarding strategic policies that are considered less favorable to the small community (Asshiddiqie, Jimly, 2010). Judicial power, which is expected to be the pillar of justice, also faces serious challenges such as corrupt practices and political pressures that threaten the independence of the judiciary (Mahmodin, Mohammad, 2012). This shows that the principle of trias politica has not been fully realized in the Indonesian government system.

In addition, the absence of an effective trias politica in a country can have a significant impact on the stability of government and the welfare of the people. When there is no balance of power, the executive branch can easily dominate, resulting in an authoritarian government that has the potential to harm the wider community (Schapiro, 1972). In the application of trias politica, the relationship between the three principles often creates conflict and disharmony. For example, the formation of laws, there is often a tug of interest between the legislature and the executive that ignores the needs of the wider community (Asshiddiqie, Jimly, 2010).

In fact, the judiciary is sometimes considered not firm enough in overseeing violations of the constitution committed by the legislature or the executive (Schapiro, 1972). This condition shows that the principle of trias politica in Indonesia has not been fully present as a system capable of overcoming imbalances in the Indonesian government. Therefore, based on this background, we are interested in examining the impact of the absence of trias politica in a country.

B. METHOD

The study as main data, approach is descriptive and includes the process of work steps, recipe formulations, various notions of concepts, characteristics of goods or services, visual illustrations, styles, cultural practices, to In this study using qualitative descriptive methods that aim to explore various phenomena through articles or readings that cannot be quantified and do not use numbers of physical models of artifacts (Satori, 2011).

C. DISCUSSION

The Trias Politica, introduced by Montesquieu in *The Spirit of Laws* (1748), emphasizes the importance of the division of power into three main branches: legislative, executive, and judicial. The main purpose of this theory is to ensure that there is a mechanism of checks and balances so that there is no concentration of power in one party that can lead to abuse of authority (Mahmodin, Mohammad, 2012). However, the absence or non-optimal application of Trias Politica can have a serious impact on political stability and public trust in the government,

especially the Indonesian government.

According to an article written by Pradana Putra (2023), if there is no grouping of powers in a country, it can create an authoritarian government. In such a government system, power is centralized in one group, both individuals and groups, so that control between the branches of power becomes paralyzed. For example, the absolute monarchy in Saudi Arabia demonstrates how the absence of power-sharing inhibits public participation in decision-making and limits the government's accountability to its people. This condition reflects the risk of not applying the Trias Politica effectively (Putra, Pradana, 2023). The government works alone by centralizing government in one individual or group.

In Indonesia, the implementation of Trias Politica faces various challenges, such as the misalignment between the legislature and the executive, as well as the independence of the judiciary which is often disrupted by political pressure (Asshiddiqie, Jimly, 2010). This non-ideal implementation of the Trias Politca can lead to abuse of power by the executive branch, such as policy-making that is not in favor of the people's interests. In addition, the weak oversight functions of the legislature and judiciary also increase the risk of corruption and human rights violations.

Thus, it is important for Indonesia and other countries to continuously evaluate the implementation of the Trias Politica system to strengthen democratic and accountable governance. Reforms to the functioning of state institutions and increased transparency in decision-making should be prioritized to ensure that the principle of checks and balances can work effectively. Only in this way, justice, public trust and political stability can be realized sustainably.

D. CONCLUSION

Trias Politica is an important concept in modern governance that prevents the concentration of power. However, in Indonesia, its implementation still faces obstacles such as weak legislative oversight, disruption of judicial independence, and executive policies that are not in favor of the people. The absence of an effective Trias Politica can lead to abuse of power, corruption, and diminished public trust.

The unclear separation of powers can lead to authoritarianism, as in the absolute monarchy system in Saudi Arabia. In Indonesia, inter-institutional conflicts and the inability of the judiciary to oversee constitutional violations undermine democracy and justice. Therefore, reform of the Trias Politica system that includes strengthening the legislature, judicial independence and executive accountability is essential to create a transparent, democratic and accountable government.

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