

**POLITICAL TRIAD DOGMATISM CASE STUDY OF  
INDONESIAN STATE INSTITUTIONS IN THE  
IMPLEMENTATION OF PHILOSOPHISCHE GRONDSLAG**

***DOGMATISME TRIAS POLITIKA STUDI KASUS KELEMBAGAAN  
NEGARA INDONESIA DALAM PENERAPAN PHILOSOPHISCHE  
GRONDSLAG***

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**ABSTRACT**

As a result of changes in a system, the transformation of division of power into separation of power, created a strong dogmatic influence in the structure of the institutional system of the Republic of Indonesia. This led researchers to explore dogmatic understanding in the direction of the state in a Philosophische Grondslag manner. Using dogmatic, philosophical and historical learning study models in its preparation and paying attention to the concepts of critical thinking, which leads to a view of absolute dogmatism. In the history of science or intellectual conception, the foundation or view of complete confidence in the support of truth is something that must be sought and proven to be true, so that it can be used as a preview in formulating a more perfect conception in the future both individually and socially, as a human being whose orientation is brcountry, researchers seek answers to these contemplations to become useful research progress. There are many speculations on the hypotheses underlying this research, so that the direction is not legal positivism, the researcher discusses the philosophical dogmatic framework related to the direction of construction of the study of the division of power in state institutions with the final result whether it is still on the path of philosophical grondslag and in line with the aims, vision and mission of the Republic of Indonesia. as stated in the fourth paragraph of the preamble to the 1945 Constitution. In preparing this research, the focus is on a

dogmatic understanding of Pancasila as Philosophische Grondslag and an understanding of the dogmatic concept of the Trias Politika from John Locke to the refinement of the concept of the dogmatic idea of the Trias Politika of Montesquieu on its implications for the division of the State's institutional system. Republic of Indonesia.

**Keywords : Dogmatism, Trias Politika, State, Institutions, Philosophia, Philosophische Grondslag.**

### **ABSTRAK**

*Akibat perubahan suatu sistem diubahnya division of power menjadi separation of power, membuat pengaruh dogmatis yang kuat didalam susunan sistem kelembagaan negara Republik Indonesia, hal ini mengarahkan peneliti untuk menelusuri paham dogmatis dalam arah bernegara secara Philosophische Grondslag. Menggunakan model studi pembelajaran dogmatis, filosofis, dan historis dalam penyusunannya dan memerhatikan konsep konsep pemikiran kritis, yang mengarahkan pada sebuah arah pandangan dogmatisme mutlak. Didalam sejarah ilmu atau konsepsi intelektual, pondasi atau pandangan keyakinan penuh terhadap sandaran kebenaran ialah sesuatu yang wajib untuk dicari dan dibuktikan kebenarannya, sehingga dapat dijadikan pratinjau dalam menyusun konsepsi yang lebih sempurna dimasa yang akan datang baik secara individu maupun sosial, sebagai manusia yang orientasinya adalah bernegara, peneliti mengupayakan jawaban atas perenungan ini untuk menjadi progres penelitian yang bermanfaat. Banyak spekulasi hipotesa-hipotesa yang mendasari penelitian ini, agar arahnya tidak legal positivism, peneliti membahas kerangka dogmatis filosofis terkait arah kontruksi terhadap studi pembagian kekuasaan lembaga negara dengan hasil akhir apakah masih dalam jalur philosophische grondslag dan sejalan dengan Tujuan, visi, misi negara Republik Indonesia sebagaimana tertuang didalam alinea keempat pembukaan Undang-Undang Dasar 1945. Didalam penyusunan penelitian ini menitik beratkan pada sebuah paham dogmatis Pancasila sebagai Philosophische Grondslag dan pemahaman pemahaman konsep dogmatis Trias Politika dari John Locke sampai penyempura konsep gagasan dogmatis Trias Politika Montesquieu terhadap implikasinya pembagian sistem kelembagaan Negara Republik Indonesia.*

**Kata Kunci : Dogmatisme, Trias Politika, Negara, Lembaga, Philosophia, Philosophische Grondslag.**

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## **I. INTRODUCTION**

In the dogmatic methodological approach, it is a view that follows or explains a teaching without any criticism at all, understanding or forms of

belief. The Trias Politics concept is a conception resulting from reflection by philosophers who reflect on the concept of division of state institutions. This understanding of the division of power was put forward by the English philosopher John Locke "Traties of Civil Governmant (1690)", then refined by Baron de Montesquieu "L' eprit de Lois (1748) a French philosopher.<sup>1</sup> Even though both of them were pioneers of the Trias Politika concept, there are differences in the concept of division of institutions between the two.

John Locke argued that there are three institutional anatomies within the British state, including legislative, executive and federative powers. In the tradition of western philosophers, John Locke influenced Montesquieu's views regarding the division of state institutions, including legislative, executive and judicial powers in his book "The Spirit of Laws 1794" in describing British government.

Trias Politika has dogmatically been born and inspired the separation of the state institutional system in Indonesia, state institutions which are seen as no longer subordinate after the amendments to the 1945 Constitution, previously distribution of power became separation of power, the check and balances mechanism is said to be an early milestone in the new democracy in Indonesia in the demands reform.

Even though the Indonesian state does not follow the Trias Politika dogma absolutely, efforts to share the power of state institutions with a system of checks and balances gave rise to efforts to reform the state institutions of the Republic of Indonesia, including the formation of the Regional Representative Council, the Constitutional Court and the Judicial Commission.<sup>2</sup> From this, the political form of Indonesian government continues to experience evolution, starting from a parliamentary, presidential system of government, in the reform era until now remaining with democracy with a power sharing system.

It is not impossible for the government system to change, because the function of amendments is to unify state order in the casuality of the applicable rules so that they are in line with national goals and perfect guarantees for the implementation of state power to the people, and the community is involved in participating in the state.

The guidelines for the Republic of Indonesia are UDD, in Article 1 paragraph (1) of the 1945 Constitution which states that the State of Indonesia is a Unitary State in the form of a Republic. Philologically, "Republic: 360 BC" Plato distributes knowledge about the conception of the form of state and justice, in dialogue, Socrates develops a position about

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<sup>1</sup> Odang Suparman, "Konsep Lembaga Negara Indonesia Dalam Perspektif Teori Trias Politica Berdasarkan Prinsip Checks and Balances System", Jurnal Hukum Islam dan Humaniora, Vol. 2 No. 1, (Maret : 2023), 67.

<sup>2</sup> MPR RI, "Checks And Balances Dalam Sistem Ketatanegaraan Indonesia", (Badan Pengkajian MPRRI : 2017) iv

justice and its implications with eudaimonia or happiness, that paradigmly the form of the state will be directly proportional to the distribution of justice.<sup>3</sup> Therefore, Indonesia is a rule of law state as stated in Article 1 paragraph (3) of the 1945 Constitution. In principle, justice must be upheld in practice for the sake of the continuity of life in society, nation and state.

Historically, the reform mandate in the year (1997-1998) included changes to the 1945 Constitution. In a very short period of time, from 1999-2002, four amendments were made, fundamentally bringing fundamental changes to the constitutional system of the Republic of Indonesia, which is referred to as reform. constitution, this has implications for a sense of enthusiasm in strengthening and affirming it as a legal state after undergoing changes.<sup>4</sup>

In this case, Pancasila has legitimacy as the basis of the state, in the preamble to the 1945 Constitution. In its validity, Pancasila's legitimacy cannot be separated from its role as the source of all sources of law, it is implied that the national legal system must be based on Pancasila.

The researcher's question is, in such a way, the dynamics of the changes that occur even though it is considered that the power distribution system in Indonesia is not dogmatically absolute and relies on the Trias Politika and is comprehensive, whether the direction of the distribution of state power institutions is in accordance with the philosophical grondslag.

## **II. METHOD**

In this research, the approach used by the researcher is a qualitative approach, with descriptive library and library methods, the researcher uses content analysis to analyze the data in the research.<sup>5</sup> Content analysis can be applied to all types of communication, from newspapers, radio news, television advertisements, to documentary material from previous research which refers to the theories of Trias Politika and Phylosophisce Grondslag.

## **III. ANALYSIS AND DISCUSSION**

### **a. Trias Politics Dogmatism in a Case Study of State Institutions in Indonesia**

Methodologically, the concept of Trias Politika can be seen from its historical journey where Trias Politika influences the political system of Indonesia's journey which determines the direction of the state, meaning that

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<sup>3</sup> Encyclopedia of Philosophy <https://iep-utm-edu/republic/> (diakses 2 April 2024)

<sup>4</sup> Janpatar Simamora, "Tafsir Makna Negara Hukum Dalam Perspektif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945", Jurnal Dinamika Hukum, Vol. 14 No. 3, (September : 2014 ), 547.

<sup>5</sup> Lexy J. Moeloeng, "Metodologi Penelitian Kualitatif : Edisi Revisi", (Bandung : Remaja Rosdakarya Offset, 2014), 248.

dogmatically Trias Politika influences decision making regarding the state's institutional division system both before and after the amendment.

1) Pre Amendment

Based on the 1945 Constitution, pre-amendment of the government institutions of the Republic of Indonesia, there were 6 institutions including:

- a) People's Consultative Assembly.
- b) House of Representatives.
- c) President.
- d) Supreme Advisory Council.
- e) Audit Board of the Republic of Indonesia.
- f) Supreme Court.

In the Implementation of Trias Politics:

Legislative Power is a law-making institution containing the institutions of the People's Consultative Assembly and the People's Representative Council. Article 3 of the 1945 Constitution has the obligation to establish a Constitution, namely the MPR, while the People's Representative Council has the obligation to approve and advance draft laws. and Government Regulations in Lieu of Law.

Executive Power is the President, in Article 6 paragraph 2 it is explained that the President and Vice President are elected by the People's Consultative Assembly with the majority of votes. Judicial Power is in Article 24 of the 1945 Law, namely the Supreme Court by implementing judicial principles.

Consultative in the 1945 Constitution provides consideration and advice to the Executive as Implementer of the Law, namely the Supreme Advisory Council.

The examinative in Article 23 of the 1945 Constitution is that the Financial Audit Agency has the obligation to examine state finances. It is not absolute that the Indonesian state adheres to the Trias Politics ideology, but in the Pre-Amendment there is a functionally dogmatic style.<sup>6</sup>

2) Post Amendment

Based on the 1945 Constitution after the amendment to the government institutions of the Republic of Indonesia, there are 8 institutions including:

- a) People's Consultative Assembly.
- b) House of Representatives.
- c) Regional Representative Council.

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<sup>6</sup> Undang-Undang Dasar 1945 sesudah amandemen

- d) President.
- e) Audit Board of the Republic of Indonesia.
- f) Supreme Court.
- g) Constitutional Court.
- h) Judicial Commission.

In the Implementation of Trias Politics:

Legislative Power is an institution with law-making power, including the People's Consultative Assembly, the People's Representative Council and the Regional Representative Council based on the 1945 Law.

Executive Power is an institution of power held by the President assisted by ministers or cabinet.

Judicial Power is an institution of judicial power which includes the Supreme Court, Constitutional Court and Judicial Commission.

Examinative is the implementation of the responsibility for auditing state finances by the Financial Audit Agency.<sup>7</sup> In this case, the identification based on the 1945 Constitution after the amendment is the one that is almost close to Montesquieu's Trias Politika philosophy even though it does not adhere to an identical understanding.

### 3) John Locke (New Age)

John Locke and Jean-Jacques Rousseau have failed to sublimate the rights of the majority community into human rights. In the legal development of countries adhering to Anglo Saxon law, judges have a jurisprudential function supported by personal rights which are very prone to conflict with the will of the majority which is reflected in the legislative function, although In the end, John Locke's Trias Politika was continuously refined by Montesquieu.<sup>8</sup>

### 4) Montesquieu's teachings (L'esprit des Lois: 1748)

- a) Formal legal regulations fundamentally have the function of gaining inspiration relating to government and the dynamic social substructure of the underlying political groups.
- b) The necessary relation deriving from the nature of things.
- c) Study of legal and state problems by law implementers.

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<sup>7</sup> Undang-Undang Dasar 1945 sebelum amandemen

<sup>8</sup> Otje Salman, "*Filsafat Hukum (Perkembangan & Dinamika Masalah)*", Refika Aditama, Bandung, (Desember : 2008), 21.

- d) The dependence of law on morphology is oriented towards the physical environment of society, so that in studying it it is necessary to use social physics methods.
- e) Liberating the sociology of law from dogmatic metaphysics and moving closer to comparative law.
- f) Laws are implemented by legislators in a casual manner that is different from the customs they inspire.
- g) Law is an integral result of societal culture.
- h) Understanding law through elements is inherent so that the legal locus develops.
- i) Law has a relative nature.<sup>9</sup>

### **1) Anatomy of the Division of Power Trias Politics According to Montesquieu's Dogma**

For Montesquieu, this was a guarantee to avoid chaos within the state, so he formulated his opinions autodidactically and succeeded in becoming a jurist and statesman. The inspiration for the trias politica emerged when France was led by absolute monarchical power by King Lois XIV as an extension of the hand of God and acts arbitrarily, this is what makes Montesquieu contemplate continuously about the philosophy of freedom.

Many things influenced Montesquieu in his opinion when he lived in England for a certain period of time, he anatomized the state system into an empirical classification that all knowledge had the roots and foundation of human sensory experience, although in the end he argued that the rationalist school of thought was something abstract and not bound by culmination. specific place and time.<sup>10</sup>

### **2) Montesquieu's Triassic Political Model of Philosophy**

#### a) Executive Board

A concrete structural leadership structure led by a king/president with diplomatic authority and administrative responsibility and not just enforcement.

#### b) Legislature

In terms of the executive body, so that it is not totalitarianism carried out by the government, the legislative body takes the initiative during the law-making process and must act on behalf of citizens correct executive policies in strategy design.

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<sup>9</sup> Muhammad Syukri Albani Nasution, Zul Pahmi Lubis, Iwan, Ahmad Faury, "*Hukum Dalam Pendekatan Filsafat*", Kencana, Cetakan 1 (Januari : 2016), 93.

<sup>10</sup> Surajiyo, "*Prinsip-Prinsip Kenegaraan Menurut Pandangan Montesquieu, I Kant, dan Hegel*", Jurnal Filsafat, Staf Pengajar FISIP Jakarta, (Jakarta : 1994), 25.



c) Judicial Body

In other institutions, the judicial body has a relatively vital influence in the administration of the state, including ensuring balance within the regional legislative framework in an effort to implement the principles of justice for legislators. state principles, then the judicial body has full rights in the adjudication process.

Philosophically, the Trias Politika dogma originates from empirically sourced reflection that the source is nature, state of nature theory, the idea of separation of powers or institutions indirectly providing legitimate political freedom where the potential for arbitrariness will occur if only one institution has dominant power.<sup>11</sup>

From the period (1728-1731) Montesquieu undertook a journey that inspired him towards law and nature, his interest in Natural Law required Montesquieu to visit Germany, Austria, Italy, the Netherlands and England. The enthusiasm in establishing Political Science was monumental in its unification of historical knowledge, anthropology and political theory. For Montesquieu, if nature has universal laws, then humans as part of nature must have universal morals as humans whose entities are part of cosmology.

1748 (The Spirit of Laws) empirically, Montesquieu's experience with the five senses saw many attempts at the absolute arbitrariness of King Louis This is what makes Trias Politics dogmatically very famous and has become an idea in the conception of forms in state institutions that are considered proportional for adherents of absolute democracy.<sup>12</sup>

### 3) **Philosophische Grondslag**

Philosophische Grondslag is a fundamental view of life of the Indonesian nation in the form of a philosophy of the soul as deeply as possible to live as an Indonesian human being towards the application of Pancasila values, this term was promulgated by President Soekarno at the BPUPKI Session on June 1 1945, there are two interests that will bring the Indonesian nation into existence. eternal and eternal based on Pancasila:

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<sup>11</sup> Annisa Zahra Adrian ... Siti Nurul Fadilah, "Teori Pemisahan Kekuasaan Trias Politika Dalam Pemikiran Filsafat Hukum Montesquieu" Jurnal Filsafat Terapan, Vol.1 No. 2, (Januari : 2024), 7.

<sup>12</sup> Al Farizi Ahmad Naufal Nabawi, "Konsep Trias Politika Dan Penerapannya di Sistem Pemerintahan Indonesia", Jurnal Pendidikan Seni Sains dan Humaniora, Vol. 1 No. 2, (Januari : 2024), 9.



- a) It is hoped that Pancasila will become a guide and guidance for Indonesian people to always apply the principles of Pancasila in their daily lives, both in their families, in society and as a state.
- b) Pancasila becomes a basic obligation so that in the structure of state governance, both legally, politically, socially and culturally, it is guided by Pancasila as a whole without abandoning the goals of Pancasila.<sup>13</sup>

The actualization of Pancasila as a unified whole of the Indonesian nation or Indonesian people, among other things, is reflecting in everyday life as an identity that this is the typical image of Indonesian people philosophically in aiming for nationhood and statehood.

- a) First Precept Value Points
 

“Belief in the Almighty God”, an example of its application is worshipping according to one's religion and beliefs with a sense of tolerance as Article 28 E Paragraph (1) states. Every person is free to embrace religion and worship according to his religion, choose education and teaching, choose work, choose citizenship, choose residence in the territory of the country and leaving it, and the right to return.
- b) Second Precept Value Points
 

"Just and Civilized Humanity", an example of its application is the practice of helping fellow Indonesians.<sup>14</sup>
- c) Third Precept Value Points
 

"Indonesian Unity", an example of its application is loving Indonesia's homeland and always prioritizing the nature of nationalism in the 1945 Constitution, the motto *Bhinneka Tunggal Ika*, emphasizes the principles of unity and nationalism.
- d) Fourth Precept Value Points
 

"The people are led by the wisdom of wisdom in representative deliberations", an example of its application is avoiding the nature of imposing one's will, whatever is done in reaching consensus must be based on wise deliberation.
- e) Points of Value of the Fifth Precept

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<sup>13</sup> Restu Gusti Monitasari, Enis Khaerunnisa, “*Demokrasi dalam dimensi nilai-nilai Pancasila Berdasarkan Paradigma Philosophische Grondslag*”, *Jurnal Res Justitia*, Vol. 1 No. 2, (Juni : 2021), 240.

<sup>14</sup> Desi Rahmayani, Gunawan Santoso, “*Prinsip-Prinsip Filsafati Pancasila Sebagai Dasar Negara (Philosophische Grondslog, Weltanschauung) Republik Indonesia*”, *Jurnal Pendidikan Transformatif*, Vol. 01 No. 02, (November : 2022), 66.

"Social Justice for All Indonesia", an example of its application is prioritizing the principle of justice regardless of class, meaning always acting fairly and responsibly in every blessing bestowed upon the people of the Indonesian nation.

With the quality of Indonesian people who adhere to Pancasila and adhere to the principles of Philosophische Grondslag, the goals of the Indonesian nation will be realized absolutely. The goals, vision and mission of the nation and state are stated in the fourth paragraph of the preamble to the 1945 Constitution, the contents of which are "Furthermore, to form an Indonesian state government that protects the entire Indonesian nation and all of Indonesia's blood and to promote general welfare. , to educate the life of the nation, and participate in implementing world order based on independence, eternal peace and social justice..." this is a form of construction of the goals, vision and mission of the Indonesian nation which should always be vibrant in proclaiming the spirit of nationalism.

Indonesia is a country of law, the law should not only revolve around legal-positivism which often forgets social values in society, so that justice is difficult to achieve. Through Holistic and non-Secondary law, with efforts to consolidate the law in a larger natural dimension or order of life and not in pieces, it will bring closer to the goal of justice in the state.<sup>15</sup>

#### **b. The Dogmatic Theorem of Trias Politics in Indonesian State Institutions in Accordance with Philosophische Grondslag**

Trias politica is a dogmatic understanding in the system of political power in offering the concept of simplicity of function in the role of institutions in state construction, then its implications with Philosophische Grondslag are proven from a historical perspective. Pancasila once flew high philosophically and became the Memory of the World at the UN by President Soekarno, intellectual, political and ideological manifesto where President Soekarno's teachings are to rebuild the world based on Pancasila, "To Build the World A New", President Soekarno implicitly contributed his thoughts in the form of the concept of the Pancasila dogma where the substance reads, God is a universal value, Humanity is a value universal, nationalism universal values, democracy universal values, and justice universal values to the world.

He proposed that Pancasila be included in the UN charter with quite a rousing welcome from state leaders who were pro President Soekarno in

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<sup>15</sup> M. Zulfa Aulia, "Hukum Progresif dari Satjipto Rahardjo : Riwayat, Urgensi, dan Relevansi", JurnalHukum, Vol. 1 No. 1, (2018), 170.

eradicating Imprealism and Colonialism in the revival of independence for Asian-African countries.

Integrally, even though the institutional concept of the Indonesian state is dogmatically Montesquieu's Trias Politika, it is not an absolute and centric dogma as a state institutional arrangement, this dogma will never displace Pancasila as an absolute dogmatic concept because the nature of Pancasila is universal and accommodates dogmatism or other ideologies. in the process of forming state institutions and legal sources from all legal sources, both legal, social, ideological and political. This further emphasizes the sacredness of Pancasila, namely its absolute understanding as Philosophische Grondslag.

#### **IV. CONCLUSION**

The researcher's conclusion regarding the dogmatism of the Trias Politika case study of Indonesian state institutions in the application of Philosophische Grondslag is that it gives rise to the dominant premise of Pancasila as a dogmatic school of understanding, if Pancasila is the Philosophische Grondslag of the Indonesian state in President Soekarno's speech at the BPUPKI session, it is a view of life reinforced in the UN in 1960 that Pancasila has Universal values and application, then the universality of Pancasila will never be paradoxical, at odds with, or in conflict with other concepts of understanding, because Pancasila accommodates all kinds of understandings with the end of Pancasila's casualness as a guideline and outlook on state life.

Even though Trias Politika is not a pure teaching belonging to the Indonesian people, the contribution of the work of wise people who occupy certain wisdom positions in the order of scientific or philosophical values will never be able to collide with the universality of Pancasila values.

Everything that is sourced and guided by philosophy will return to wisdom, wise dogmatism will accommodate other dogmatism in terms of the validity of a dogma in influencing the view of absolute dogma in the casuality of truth. Therefore, Pancasila is absolutely dogmatically dominant in its influence on the Republic of Indonesia in accommodating the dogmatism of Montesquieu's Trias Politika even though it does not adhere to it absolutely.

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