

THREE MODELS OF IMPEACHMENT IN A PRESIDENTIAL SYSTEM (COMPARATIVE STUDY OF INDONESIA, THE PHILIPPINES, AND AMERICA)

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ABSTRACT

In the constitutional system of Indonesia, the Philippines, and America there is a system of limitation and control of power called Impeachment. Impeachment institutions are institutions that are commonly known in the constitution of the Presidential system and the Parliamentary system. The focus of the research is directed at the Impeachment research in the presidential government system. Under the Impeachment system, a public official of the President/Vice President can be dismissed during his term of office. The authority to carry out impeachment rests with the House of Representatives of Indonesia, the Philippines, and America. However, the reasons for carrying out Impeachment are limited by the constitution to prevent possible abuse of power and Impeachment actions for political reasons with consideration of party interests and others. Each country builds Impeachment systems and methods according to its historical background and needs. These differences in background result in differences and similarities between the elements of Impeachment in each country. The differences and similarities between the elements of the Impeachment of Indonesia, the Philippines, and America will be investigated as a focus of attention. The research method used is a normative juridical research method with a constitutional comparison method as an approach method. The results showed the similarities and differences between the elements of the Indonesian, Filipino and American Impeachment. The differences and similarities in the elements of Impeachment can be used as comparison material to improve or amend the Impeachment model in the respective countries of Indonesia, the Philippines, and America.

Keywords: Impeachment and Presidential Government System.

INTRODUCTION

The discourse on the system of limiting power is one of the topics of discussion in the study of political philosophy and constitutional law. Prevention and limitation of power have always been a topic of discussion by scientists from the past until now when the authoritarian regime ruled in an era. The discourse on preventing and limiting power becomes relevant when the phenomenon of the arbitrariness of authoritarian regimes appears, such as in Greece during the time of Aristotle and Plato or the era of Louis XIV in France, Hitler in Europe, and others. Discussions about efforts to prevent and limit power are always related to efforts to describe the characteristics and characteristics of the ideal type of state as the antithesis of the type of state that gave birth to an authoritarian government regime. The ideal state type as the antithesis of the current condition is considered the best choice for the future to improve the conditions that occur in reality. Attempts to describe the ideal type of state that is coveted as done by Aristotle, John Locke, Montesquieu, and others. Every idea of the ideal type of state put forward by the thinkers is in accordance with the development of each era. The same phenomenon also occurred in Europe which later gave birth to the idea of a liberal rule of

law, a formal rule of law, and a democratic rule of law initiated by Immanuel Kant, Fichte, and others.

In modern times, the ideal type of state is called a democratic rule of law. The idea of a democratic rule of law was born from efforts to limit power (Nurtjahyo, 2006). Limitation of power is carried out based on the constitution or the basic law (Miriam Budiardjo, 2006). The constitution regulates various matters regarding the composition of state organs, authorities, and functions, power relations, procedures for filling positions, and procedures for dismissing state officials during their term of office and others (Barendt, 1998). The limitation of power based on the constitution results in a constitutional government with a meaning similar to a limited government or restrained government (Borchert, 1996). Limitation of Power based on the constitution aims to prevent abuse of power and arbitrary actions to provide protection for human rights and the rights of citizens. Efforts to limit and control power so that it is not abused by the authorities that will give birth to arbitrary actions and authoritarian government regimes are like a "disease" that always arises and occurs in the history of state administration practices throughout the ages and has been a continuous struggle of mankind from various ages.

Various kinds of systems and methods of monitoring and limiting power have been developed by mankind to prevent the abuse of power and arbitrariness of the rulers from time immemorial. The idea of a system and method of limiting power has been developed by mankind since the time of Ancient Greece (Hamdan Zoelva, 2011). The method of limiting power in the Greek era known in the literature was Politeia (Schmandt, 1960). Politeia is Aristotle's ideal type of state, namely a state based on a constitution. However, as an ideal type of state, Politeia is a mere idea not the type of state that was practiced in reality in Greece in the past. In modern times, the idea of a system and method of limiting the power that became the main topic of discussion was John Locke's separation of powers. The idea of John Locke was later refined by Montesquieu under the name Trias Politica (Alder, 2002). The modification and development of the system and method of limiting power are carried out by mankind continuously according to the needs of each nation. The Americans succeeded in giving birth to a method of limiting power with the Checks and Balance System method as a modification and refinement of Montesquieu's Trias Politica. Another method is the cancellation of power in terms of the scope and domain of power (Asshiddiqie, 1994). Limitation of power can also be done in terms of time, such as limiting the term of office of the President of the United States to 4 (four) years or the term of office of the President of Indonesia 5 (five) years or the term of office of the President of the Philippines 6 (six) years. The various systems and methods of limiting power discussed in political philosophy and constitutional law aim to prevent (1) abuse of power and arbitrary actions (2) violations of citizens' constitutional rights and human rights.

In reality, the various systems and methods of limiting power mentioned above have not succeeded in effectively preventing the abuse of authority and arbitrary actions of the rulers. The phenomenon of abuse of power and arbitrary actions still occurs in almost all countries on the surface of the earth on a universal scale. Abuse of power and arbitrary actions of rulers have occurred since the time of Plato and Aristotle (J.H. Rapar, 2010). Some phenomena of abuse of power and arbitrary actions that occur in modern times can be stated as follows: the phenomenon of abuse of power and arbitrary actions of rulers occurred in Yugoslavia and the African continent (Arinanto, 2005). The Asian continent, especially the Philippines, during the era of President Ferdinand Marcos experienced the same event (Bresnan, 1988). This phenomenon has resulted in violations of the rights of citizens and human rights in the Philippines (Johnson & Fernquest, 2018). Indonesia also experienced the same "disease" like the Philippines and other countries during the New Order era under Suharto's authoritative regime for 32 (thirty-two) years (Subekti, 2008).

One of the methods of controlling and limiting power in the discourse of constitutional law and political science is the Impeachment method (Henry Campbell Black, 1991). The Impeachment method is a method of limiting the power that is commonly regulated in various constitutions of democratic law countries. The Impeachment method is well known in both parliamentary and presidential systems. The Impeachment method is a system and method of monitoring and limiting power within the framework of checks and balances (Hufron, 2018). Impeachment system and method is a form of supervision and limitation of power in the context of checks and balances among the branches of state power. The impeachment method is a method of limiting power concerning the term of office of public officials. Public officials can be dismissed during their term of office on the grounds of committing acts prohibited by the constitution or not meeting the criteria stipulated in the constitution.

The Impeachment method which is the topic of discussion in this paper is the Impeachment method of countries with presidential government systems. Impeachment systems and methods of the three countries discussed are Indonesia, the Philippines, and America. All three countries adopt a presidential system. Indonesia and the Philippines developed the Impeachment system and method by amending the constitution. Indonesia made amendments to the constitution in 1999-2002 and the Philippines in 1987 after the two countries passed arbitrary authoritarian regimes. In the past, both countries have experienced authoritarian regimes. Indonesia experienced an authoritarian regime under Suharto and the Philippines under Ferdinand Marcos. From a historical perspective, Indonesia and the Philippines have responded to incidents of abuse and arbitrary action that occurred in the past by developing an Impeachment system and model to prevent past incidents from happening in the future. America has never experienced an era of authoritarian regimes like Indonesia and the Philippines. However, America's Founding Fathers are descended from a generation that has experienced arbitrariness and oppression by rulers and was forced to flee from the European continent (Hamidi & Malik, 2008). America's Founding Fathers, who came from the European continent, went to a new world, namely America, which was expected to be a "dream" country, a country full of freedom and independence.

From a historical perspective, there are similarities in the historical experiences of the Indonesians, Filipinos, and Americans. The three nations or national figures are descendants of generations who have experienced bitter experiences and felt the consequences of abuse and arbitrary actions of the authorities. Based on this experience, the three countries gave the same response to the past by building systems and methods of Impeachment to prevent the tendency to abuse power and arbitrary actions of the rulers in the future. With the Impeachment system, public officials can be dismissed during their term of office for various reasons and conditions in accordance with the mechanism regulated by the respective country's constitution. However, starting from a similar historical background, the system models and impeachment methods of the three countries have differences and similarities. The differences and similarities in these characteristics reflect the similarities and differences in the perception of the three countries (nations) regarding efforts to prevent the tendency to abuse power and arbitrary actions of the authorities using the Impeachment method as a system and method of limiting power.

Research Problem

The research problem to be answered in this research is as follows. What are the similarities and differences between the impeachment systems and methods of Indonesia, the Philippines, and America as countries that jointly use a presidential system of government?

Research Methods

The research method used in this research is juridical-normative, namely a research method that examines materials that have been documented in the form of laws or books, scientific journals in the field of constitutional law. The approach method used in this research is comparative, namely the constitutional comparison method.

Impeachment Model Indonesia

The Indonesian government system is presidential. The president is the head of state and head of government. The term of office of the President is permanent for 5 (five) years. The President is assisted by a Vice President with a term of office of 5 (Years). The system for the term of office of the President/Vice President of Indonesia is called the Fixed Executive System. The President/Vice President may be re-elected for 1 (one) term of office. The position of the President/Vice President is strong based on the Fixed Executive System principle. The definite position of the President has the potential to give birth to abuse of power and arbitrary actions. To prevent this possibility, the Impeachment system was developed in the post-amendment Indonesian constitution. Impeachment in the Indonesian model can be addressed to the President/Vice President only for juridical reasons and not political reasons. Indonesia's Impeachment Model after the constitutional amendment aims to reduce political reasons to overthrow the President/Vice President through Impeachment as happened to Soekarno and Gus Dur (Abdurrahman Wahid). Both Presidents stepped down from office for political reasons as a consequence of the dynamics of power in the MPR (Soimin, 2018)

In the post-amendment constitutional provisions, the President/Vice President may be subject to impeachment on the grounds regulated in Article 7A of the 1945 Constitution, namely: (1) treason against the state, (2) corruption, (3) bribery, (4) serious crimes. others, (5) a disgraceful act, and (6) it is proven that he no longer fulfills the requirements as President. In the post-constitutional Impeachment system and method, the charges must be decided in the plenary session of the House of Representatives provided the quorum is attended by 2/3 members of the House of Representatives. If the trial quorum is met, the charges must then be approved by 2/3 of the members of the House of Representatives present at the plenary session. Indictments that have been approved by 2/3 of the 2/3 members of the House of Representatives can be sent to the Constitutional Court to be examined, tried, and decided. Within a maximum period of 90 (ninety) days from receipt, the indictment must be examined, tried, and decided by the Constitutional Court. Possible decisions that will be taken by the Constitutional Court are as follows: (1) The Court declares that the application is not accepted because it does not meet the requirements, (2) accepts the application of the House of Representatives because the Court is of the opinion that the President/Vice President is proven to have violated the law or a disgraceful act or does not meet the requirements as The President/Vice President and (3) the Court rejects the application of the House of Representatives because the President/Vice President is not proven to have violated the law or disgraceful acts or does not meet the requirements as President/Vice President as stated in the constitution (Marzuki, 2010).

If the second possibility occurs, the House of Representatives must immediately hold a plenary session to forward the decision of the Constitutional Court to the People's Consultative Assembly. Within 30 (thirty) days after receiving the decision of the Constitutional Court, the People's Consultative Assembly must conduct a trial. As a requirement for a quorum, the session of the People's Consultative Assembly must be attended by 3/4 (three-fourths) of the members of the People's Consultative Assembly. If the

quorum is met, a decision is taken with the approval of 2/3 of the 3/4 members of the People's Consultative Assembly present at the trial. The possible decisions that will be taken by the People's Consultative Assembly are as follows: (1) The People's Consultative Assembly dismisses the President/Vice President in accordance with the allegations of the People's Representative Council which were proven in the trial of the Constitutional Court or (2) The People's Consultative Assembly refuses to dismiss the President/Vice President even though according to the Court Constitutionally, the accusations raised by the House of Representatives to the President/Vice President are proven. If the second alternative is chosen by the People's Consultative Assembly, the choice of the People's Consultative Assembly is a decision based on purely political considerations. If the People's Consultative Assembly does not dismiss the President/Vice President who has been proven to have committed the acts as charged by the House of Representatives, such action shows that the People's Consultative Assembly is not bound by the decision of the Constitutional Court. On the other hand, the People's Consultative Assembly's decision not to dismiss the President/Vice President who has been ruled by the Constitutional Court to act as charged by the House of Representatives proves a more dominant political dimension in the context of the Indonesian model of Impeachment.

Philippine Model Impeachment Method

The Philippines uses a presidential system of government like Indonesia and America. According to the 1987 Philippine Constitution, the President is the head of government and the head of state who is assisted by a Vice President with the same term of office. The term of office of the President is 6 (six) years (fixed executive system) the same as the President of Indonesia. However, according to the constitution, the term of office of the President of the Philippines is 6 (six) years only for one term. Based on the principle of a fixed executive system, the position of the President/Vice President is so strong that there are fears that an authoritarian regime will reoccur as in the era of President Marcos (Purnomowati, 2005). These concerns prompted the Impeachment system to be established in the 1987 constitution. The Impeachment system aims to build a democratic government regime by monitoring and limiting the powers of public officials, including the President/Vice President. The main subject of controlling and limiting the power of public officials in the context of Impeachment is left to the House of Representatives and the Senate. The Filipino people do not want to repeat the dark story like in the era of the authoritarian regime of Ferdinand Marcos. To achieve this purpose, the constitution regulates that the powers of public officials need to be monitored and limited to a scope that includes the President, Vice President but also Supreme Court Justices, Constitutional Court Justices, and the Ombudsman. According to Article 11 paragraph (2) of the 1987 Constitution, the scope of Impeachment includes public officials (a) the President/Vice President, members of the Supreme Court, (b) members of the Constitutional Commission, and (c) Ombudsman.

According to the constitution, the President/Vice President and other public officials can be dismissed during their term of office based on certain reasons. Several reasons to file for impeachment against the President/Vice President and other public officials according to Article 11 paragraph (2) of the 1987 Constitution are (a) culpable of the constitution, (b) treason, (c) bribery, (d) graft, (e) corruption, (f) other high crimes and (g) betrayal of public trust. The state organ authorized to apply for Impeachment is the House of Representatives (Article 12 paragraph 3 Paragraph 1 of the 1987 Constitution). Articles of impeachment must be approved by 1/3 (one-third) of the members of the House of Representatives (Article 12 paragraph 3 of the 1987 Constitution). The indictment is submitted by the House of Representatives to the Senate as a state institution authorized to hear and decide on charges

against the President/Vice President or public officials. The Senate is chaired by the Chief Justice of the Supreme Court. The Chief Justice of the Supreme Court has no voting rights in making decisions in the Senate trial. The decision to accept or reject the indictment of the House of Representatives must be approved by 2/3 (two-thirds) of the members of the senate. If the charges are supported by less than 2/3 (two-thirds) members of the Senate, Impeachment is declared inadmissible. If the indictment of the House of Representatives is not accepted (rejected), the impeachment case is closed and the President can serve until the end of his term of office. However, if the charges are supported by 2/3 (two-thirds) or more of the members of the senate, the impeachment is accepted and the President/Vice President or a public official who is indicted is dismissed from office. The decision of the Senate relates only to dismissals during the term of office. Parties who are dismissed from office due to impeachment can be held accountable and prosecuted according to law.

Impeachment Model America

The United States of America is a federal republic consisting of 50 (fifty) states and a federal district (Saebani, 2016). The American nation proclaimed independence on July 4, 1776, and the constitution was enacted in 1787 eleven years after the proclamation of independence (Zulkarnaen, 2019). The American system of government is the Presidential system. The American Presidential System is the prototype of the Presidential system of government. The presidential system was created by the Americans as an alternative government system that has different characteristics and characteristics from the British parliamentary government system and European countries which the American Founding Fathers did not like because of the influence of historical backgrounds (Hamidi & Malik, 2008). The Presidential system of government was formed in America and then slowly spread to various parts of the world. The presidential system originally spread to South American countries. After spreading in South American countries, the Presidential system spread to Asia such as Indonesia and the Philippines, then to the African continent, and finally to the European continent such as France.

The presidential system of government known in various countries refers to or is guided by the Presidential system as regulated in the United States constitution in 1787. In the United States presidential system, state power is distributed to the three state-organs of congress, the President, and the Supreme Court. The functional distribution of power resulted in the congress, the President, and the Supreme Court having different and separate scopes of power with equal positions. Functional distribution of power to the three organs of the state tends to be considered as the implementation of Montesquieu's Trias Politica doctrine. However, the Americans have succeeded in creating a mechanism, a control system that can maintain and maintain the balance of each power to prevent the sectoral arrogance of each branch of power. The mechanism system created by the Americans is known as the Checks and Balances System. The check and balance mechanism is applied in various aspects and aspects of the American state administration. In the American constitutional system, the mechanism of checks and balances is applied in the context of judicial review, within the representative system, namely in the relationship between the Senate and the House of Representatives and others.

One of the aspects of the American constitution that implements a checks and balances mechanism in addition to the aspects mentioned above relates to the dismissal of public officials during their term of office, which is called Impeachment. In essence, the Impeachment system and method are a political instrument for the House of Representatives to supervise and limit the power of public officials in the context of the checks and balances mechanism to prevent abuse of power and arbitrariness (Soimin, 2018). Impeachment is a

political instrument of law that works to dismiss public officials during their term of office for certain reasons stated in the constitution. According to the United States Constitution, the power to file for impeachment rests with the House of Representatives. Impeachment can be carried out by the House of Representatives against the President/Vice President and other public officials with a wide scope. The House of Representatives may impeach the President/Vice President and other public officials in the context of monitoring and limiting the powers of public officials to prevent abuse of power. Article 2 paragraph (4) of the American Constitution provides "The President, Vice President and all civil Officers of the United State shall be removed from the office on Impeachment for, and conviction of treason, bribery, or high crime and misdemeanor".

The provisions of Article 2 paragraph (4) of the American Constitution regulate very important matters relating to Impeachment. First, it regulates public officials who can be impeached by the House of Representatives. Public officials who can be impeached by the House of Representatives in accordance with the provisions of the constitution cover a wide area of the office. The constitutional provisions describe the American way of thinking about the urgency and relevance of monitoring and limiting the power of public officials in the practice of administering the state. The founding fathers of America wanted to supervise and limit the power of public officials from the President, Vice President, and others to prevent potential abuse of power and arbitrary actions. Second, it regulates the reasons that can be used as reasons for carrying out Impeachment. The reasons that the House of Representatives can use to impeach public officials are limited and stipulated in a limitative manner in the constitution. Limitations and determination of reasons for Impeachment cannot be carried out on political grounds. However, it must be based on juridical reasons that have been stipulated in the constitution. In a presidential system, the reasons for impeachment tend to be juridical reasons that are different from the reasons for impeachment in a parliamentary system which tend to be based on political reasons (Soimin, 2018). On the other hand, limiting and determining the reasons for carrying out impeachment also implies limiting the powers of the House of Representatives to prevent the possibility of the House of Representatives' arbitrariness against public officials.

The American Impeachment process is simple, namely with a 2 (two) level system like the Philippines. The US Impeachment 2 (two) tier system involves only the House of Representatives and the Senate. This model was adopted by America from the British Impeachment model (Hufon, 2018). The American model of impeachment process begins with the House of Representatives. According to the American Constitution, the House of Representatives has the sole authority to carry out Impeachment or the sole authority to impeach the President/Vice President and public officials as stipulated in Article 2 paragraph (4) of the American Constitution. In general, the beginning of the Impeachment process begins with the Legal Commission of the House of Representatives, which works to investigate and make reports on allegations of Impeachment to the President/Vice President or other public officials. The American Constitution does not require the House of Representatives to assign a Law Commission to investigate allegations of impeachment. However, in the historical record of the American constitution, every case of impeachment of the President/Vice President is generally decided by the House of Representatives based on the recommendation of the Law Commission of the House of Representatives. Based on the recommendations and considerations of the Law Commission, the House of Representatives decides on the recommendations of the Law Commission. The possible decisions made by the House of Representatives are (1) deciding not to forward the indictment to the Senate or (2) deciding to forward the indictment to the Senate. The decisions of the House of Representatives are based on a simple majority quorum of the members of the House of Representatives present. If an indictment is decided to be forwarded to the Senate, the House

of Representatives must appoint a "Prosecutor". The prosecutor who functions as a public prosecutor is tasked with preparing and compiling demands for the dismissal of the President/Vice President or other public officials during their term of office. In general, public prosecutors who are prepared and appointed by the House of Representatives are drawn from the environment of the House of Representatives, namely the Law Commission. In the American presidential system, the Senate serves as a court forum in relation to Impeachment. The Chairperson of the Supreme Court becomes the Chair of the Senate Assembly if the House of Representatives impeaches the President/Vice President. In the trial forum, the Senate examines the evidence that forms the basis of any impeachment against the President/Vice President or other public officials. After the examination and question and answer program is completed, the Senate then votes to make a decision. Voting for decision-making for each article of the Impeachment claim is carried out separately. If no article of Impeachment qualifies for a quorum of 2/3 (two-thirds) of the Senate, the decision must be recorded and announced. If there is an article of impeachment that fulfills the quorum requirement of 2/3 (two-thirds) of the members of the Senate and is deemed to be proven, the President/Vice President is found guilty. The decision that declares the President/Vice President guilty is read by the Chief Justice of the Supreme Court as the chair of the Senate trial. Senate decisions are limited to the articles the House of Representatives indicts. The Senate may not declare the President/Vice President guilty based on articles not indicted by the House of Representatives (Hufron, 2018). Such a limitation can also be seen as a limitation on the powers of the Senate in the case of the Impeachment of the President/Vice President.

Analysis

Impeachment institutions formed and built in the presidential government systems of Indonesia, the Philippines, and America are part of the mechanism for monitoring and limiting the powers of public officials. Limitation of power and supervision of public officials such as the President/Vice President and others need to be done to prevent abuse of power and arbitrary actions as happened in various countries in the past. The three countries regulate the process, requirements, and procedures for Impeachment in their respective constitutions with different characteristics and characteristics according to historical backgrounds. However, apart from the differences, the Impeachment models of Indonesia, the Philippines, and America have similar characteristics and characteristics in several aspects. The differences and similarities in the aspects of Impeachment reflect the differences and similarities in the ways that Indonesia, the Philippines, and America take to prevent abuse of power and arbitrary actions that may occur in the administration of the state. Some aspects of the Impeachment model of Indonesia, the Philippines, and America which are compared are (1) the object of the impeachment, (2) the reasons for impeachment, and (3) the mechanism of impeachment (Winarno Yudho, 2005). The three aspects referred to are the most important aspects of Impeachment as a way of limiting and supervising the power of public officials.

In the Indonesian Impeachment model, public officials who are the object of impeachment are very limited, namely the President and Vice President. Public officials such as Supreme Court Justices, Constitutional Court Justices, Attorney General, National Police Chief, House of Representatives Members, the Corruption Eradication Commissioners, Judicial Commission Commissioners, and others are not objects of impeachment. Limiting the scope of the object of the Indonesian model of Impeachment implies limiting the authority of the House of Representatives to supervise and limit the power of public officials. The House of Representatives supervises only the President and Vice President. Other public officials are exempt from the possibility of impeachment. In fact, these public officials have

the potential to abuse power and act arbitrarily or in other despicable actions. However, the Indonesian constitution considers these public officials to be not objects of impeachment. As a result, opportunities are open for public officials who are not the object of impeachment to commit acts of abuse of power, arbitrary actions, or disgraceful acts such as corruption and others. An example of a case that can be put forward is the case of the Chief Justice of the Constitutional Court, Akil Mochtar, who was involved in a corruption and bribery case (Asshiddiqie, 2015). Hypothetically, one of the factors causing corruption in the Indonesian legal system may be the very limited scope of the object of the Indonesian model of impeachment. From the aspect of public officials as objects of impeachment, the Indonesian impeachment model covers a very limited scope when compared to the impeachment models of the Philippines and the United States. The scope of the object of the Indonesian model of impeachment can be said to be the most limited object of impeachment among countries with a presidential system.

The object of the Philippine and American model of impeachment is wider than that of Indonesia because it includes other public officials other than the President/Vice President. However, it is narrower than the American model. The position of the scope of the Philippine Impeachment model can be said to be a moderate model between the limited scope of the Indonesian model of impeachment and the very broad American model. According to Article 11 paragraph (2) of the 1987 Philippine Constitution, public officials subject to impeachment are the President and Vice President, Supreme Court Justices, Constitutional Court Justices, Ombudsman Officers. The scope of the object of the American model of Impeachment is wider than that of the Indonesian and Philippine models.

In the Philippine Impeachment model, the Philippine House of Representatives' authority to supervise public officials has a wider area than the Indonesian model. However, it is more limited when compared to the United States. In the Philippine constitution, public officials such as the President, Vice President, Supreme Court Justices, Constitutional Commission Judges, and members of the Ombudsman can be supervised by the people's representative institutions through Impeachment. The wider scope of the object of Impeachment in the Philippine model has a greater potential to prevent possible acts of abuse of power, arbitrary actions, corruption, violations of the law, disgraceful acts, and others. The scope of public officials who can be subject to Impeachment in the Philippine model provides a greater possibility to prevent public officials from violating the law, abuse of power, arbitrary actions, disgraceful acts, and others. As a consequence, the greater the potential for abuse of power, arbitrary actions, violations of the law, or disgraceful acts that can be prevented. The Philippine model can be seen as a moderate model that is positioned between the very limited Indonesian model and the very broad American model. In the context of the scope of the object of Impeachment, the differences between the Indonesian and Philippine models are visible as described above.

According to Article 2 paragraph (4) of the United States Constitution, the object of the United States model of impeachment is broader, covering the President, Vice President, Supreme Court Justices, and all public officials. In the American Impeachment model, the authority of the House of Representatives to supervise public officials has a much wider area when compared to the Indonesian and Philippine Impeachment models. The wider object of Impeachment opens up greater opportunities to prevent possible acts of abuse of power, arbitrary actions, corruption, violations of the law, or other disgraceful acts committed by public officials. If the scope of the object of Impeachment gets wider, the prevention of abuse of power, arbitrary actions, violations of the law, or other disgraceful acts will also expand. The object of the American model of Impeachment can be seen as the model of Impeachment with the area of office as the object of the most extensive Impeachment compared to the Indonesian and Philippine models. The scope of the object of the American model of

Impeachment means that the American House of Representatives has great authority to supervise and limit the power of public officials. The constitutional provisions that regulate all public offices can be the object of Impeachment reflect the American perspective on the urgency of supervision and limitations on power that needs to be carried out. In the view of the American nation, the power that is in the hands of public officials can be abused at any time so that all powers in the hands of public officials need to be monitored and limited. At all times, power must be "suspected" of being abused so power needs to be monitored and limited. The method that is considered appropriate to monitor and limit the powers of public officials is the Impeachment method. The differences in the scope of the objects of impeachment in Indonesia, the Philippines, and the United States reflect the different perspectives of each nation's way of thinking regarding efforts to prevent potential abuse of power and arbitrary actions that may occur in the practice of state administration.

In the Indonesian, Philippine and American models of impeachment, the reasons for the impeachment of the President and Vice President or other public officials are limited in the constitution. The reasons for impeachment as regulated in the constitutions of Indonesia, the Philippines, and America strongly support and strengthen the meaning of a fixed executive system. Political factors as the reason for the House of Representatives to carry out Impeachment can be minimized to a minimum. In the impeachment model of the three countries, the legal reason for the crime of bribery is a common reason for impeachment by representative institutions against the President/Vice President or other public officials. Other reasons according to the Indonesian, Filipino and American models differ. In the Indonesian model, another non-legal reason for impeachment is that the President/Vice President does not meet the requirements as President/Vice President. In the Philippine Impeachment model, another non-legal reason for impeachment is the betrayal of public trust. The non-legal reason for impeachment in the American model is a misdemeanor. Similarities and differences in the Impeachment mechanism according to the Indonesian, Filipino and American models regarding the reasons for Impeachment are visible from the explanation above. In general, the categories of reasons for impeachment can be divided into (1) reasons for violating the law (against law and constitution) and (2) non-judicial reasons such as the President no longer meeting the requirements as President (incapacity), misdemeanor, or betrayal of public trust. . The Indonesian Impeachment Model recognizes 2 (two) reasons for impeachment, namely (1) legal reasons and (2) non-legal reasons (Zoelva, 2005). In the Philippine and American Impeachment models, the reasons for Impeachment also consist of (a) legal reasons and (b) non-legal reasons. The non-legal reasoning in the Philippine Impeachment model is to betray the public's trust. The non-legal reasoning in the American Impeachment model is a misdemeanor.

Limiting the reasons for carrying out Impeachment can also be seen as limiting the power (authority) of the House of Representatives to carry out Impeachment actions against public officials, especially the President/Vice President. The House of Representatives cannot act arbitrarily to dismiss the President/Vice President at will, at any time arbitrarily. The reasons for impeachment are mentioned in a limitative manner in the constitution limit and at the same time prevent the House of Representatives from carrying out arbitrary actions. With the limitations on the reasons for Impeachment, the House of Representatives cannot "find reasons" to "overthrow" the President/Vice President during his term of office for reasons of a political nature. Limiting the reasons for impeaching the President/Vice President and public officials provides a great opportunity for these public officials to carry out their duties and authorities calmly without getting "interference" from the House of Representatives. From the point of view of limiting and controlling power, limiting the reasons for carrying out Impeachment can be seen (considered) a method of checks and balances system in the Presidential system.

The Indonesian model of impeachment applies the Three-Step Impeachment. The state institution that plays an important role in Impeachment is the House of Representatives. The House of Representatives has sole authority to impeach the President/Vice President. The Constitution gives full authority to the House of Representatives to carry out Impeachment. However, such "full" authority can be "barren" for political reasons. Imperative constitutional provisions are barren because of dominant political factors in the House of Representatives (Marzuki, 2010). The domination of the political power of the parties supporting the President/Vice President affects the Impeachment mechanism. The requirement for a quorum of 2/3 (two-thirds) of the members of the House of Representatives will likely not be achieved if the coalition of political parties supporting the President/Vice President controls the quorum of 2/3 (two-thirds) of the members of the House of Representatives. A coalition of political parties supporting the President/Vice President may make efforts to hinder the quorum of 2/3 (two-thirds) of the members of the House of Representatives. Impeachment legal reasons according to the constitution may not be enforceable due to political factors. It is undeniable that the political power in the House of Representatives determines whether a President and/or Vice President can be subject to impeachment or not. The role of the majority of political forces in the House of Representatives determines the decision-making of the House of Representatives (Hadi, 2016).

The Philippine Impeachment model is different from the Indonesian model. However, it has similarities with the American model. Impeachment model the Philippines implements Two-Step Impeachment like America. The state organs that play a role in the Philippine Impeachment are the House of Representatives and the Senate. According to Article 11 paragraph (3) of the 1987 Philippine Constitution, the authority to carry out impeachment rests with the House of Representatives and can be exercised after obtaining the approval of 1/3 (one-third) of the House of Representatives. The quorum of 1/3 (one third) of the members of the House of Representatives is not easy to achieve if the political parties supporting the President-Vice President control the House of Representatives, as is the case in Indonesia. The Philippines' multi-party system makes it difficult to reach agreement among political parties. If a coalition of political parties supporting the President/Vice President controls the House of Representatives, an agreement to impeach the President/Vice President is difficult to achieve. As an effort to limit and supervise the power of public officials, Impeachment can be carried out against the President/Vice President only if there is a coalition of political parties different from the President/Vice President controlling the House of Representatives. As a result, political trials for reasons set out in the constitution cannot run easily due to the influence of the political configuration. The same conditions as in Indonesia are very likely to occur in the trial of the Philippine House of Representatives. Political parties supporting the President/Vice President will try to prevent the achievement of a quorum of 1/3 (one-third) of the members of the House of Representatives so that the Impeachment of the President/Vice President is canceled. The political configuration which is dominated by the power of political parties that support the President/Vice President is one of the factors that makes the President/Vice President of the Philippines can be dismissed during their term of office through the Impeachment mechanism. President Joseph Estrada was the first President of the Philippines to be impeached under the provisions of the 1987 Constitution (Hufon, 2018). The Constitutional Court plays an important role in the impeachment process of the President/Vice President, especially in the political configuration that results in the dominance of political power in the DPR. The role of the Constitutional Court in the Impeachment process is very important if the configuration of political power in the DPR is diverse. If the political parties supporting the President/Vice President do not dominate the House of Representatives, a quorum of 2/3 (two thirds) to impeach the

President/Vice President can be easily achieved when compared to the condition of the House of Representatives which is dominated by political parties supporting the President/Vice President. If the obstacle to the dominance of the political parties supporting the President/Vice President in the House of Representatives can be overcome, the impeachment process of the President/Vice President can be continued up to the Constitutional Court.

Similar conditions occur in the American Impeachment model when compared to the Indonesian and Philippine models of Impeachment. Theoretically, the American two-party system model will facilitate the quorum process in the American House of Representatives. If the majority party that controls the People's Representative Council has a different political direction from the party supporting the President/Vice President, the quorum process in the People's Representative Council will be easily and smoothly achieved. However, if the majority party controlling the People's Representative Council is the same as the party supporting the President/Vice President, the quorum process in the DPR will be difficult to achieve so that the potential for failure to impeach the President/Vice President will be wide open. The conditions in the American model of impeachment are similar to the conditions in the Indonesian and Philippine models of impeachment. In the context of the explanation above, the factor of political power that controls the House of Representatives has an effect on the Impeachment process in the Presidential system. The political reasons for impeaching the President/Vice President and public officials have been reduced to a minimum.

CONCLUSION

The various aspects of the impeachment of Indonesia, the Philippines, and the United States compared above are mainly aimed at the impeachment process of the President/Vice President. In connection with this comparison, some conclusions that can be put forward are as follows. First, the impeachment process of the Indonesian model with the Three Step Impeachment Process is more complicated than the impeachment model of the Philippines and America with the Two-Step Impeachment Process. Second, Impeachment is a state administrative judicial process that is political both in the Indonesian, Philippine and American models of impeachment. The reason is that the supervision and limitation of the power of public officials are carried out by the people's representative institution as a political institution. However, in the Indonesian model, Impeachment contains elements of juridical justice in the Constitutional Court so that the Indonesian model is a combination of political and juridical justice. Third, to avoid the possibility of abuse of power and arbitrary actions of representative institutions in the impeachment process, the constitutions of Indonesia, the Philippines, and America limit the grounds for impeachment. Fourth, as a political judiciary supporting the President/Vice President in representative institutions, they have a decisive role in the Indonesian, Philippine and American systems. The domination factor of the political power supporting the President/Vice President in the House of Representatives is the determinant of the beginning and end of the Impeachment process in the Indonesian, Philippine and American models.

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