

The Dynamics of Relationship Between Legislative and Executive in Post Reformation Era: A Critical Thinking for Amendment of the 1945 Constitution

Sunarto Universitas Negeri Semarang, Indonesia

Abstract

Amendment of The 1945 Constitution brought significant shifting on the Indonesian government. Before amendment, the government was dominated by the enormous power of President (executive heavy). The amendment brought strengthening of the DPR's power realizing checks and balances between DPR and President. The amendment of The 1945 Constitution also brought the purification of presidential system. These two things make the dynamics of relationship between the DPR and the President. Post amendments, the government is characterized by an increasing the controlling function of DPR. But the combination of presidential system and the multi-party still brings problem related to government instability. Relationship between the DPR and the President was strongly influenced by the presence of opposition parties, which in the previous was regarded as "a taboo" in Indonesian democracy. On the other hand, the elected president also to be a strong magnet to get the support of political parties in DPR, so that certain parties that were previously to be the opposition, crossed and supported government. So the estimate that the elected President would difficult in implementing his policies because of the lack of support in the DPR was not proven.

Keywords:

The 1945 Constitution; DPR; President; Presidential System

INTRODUCTION

One of the important issue which accompanies the Indonesia reform is the amendment to The 1945 Constitution. Previously, at the New Order era, The 1945 Constitution was said as the short,

Sunarto is a lecturer at Department of Politics and Citizenship, Faculty of Social Science, Universitas Negeri Semarang, Indonesia. His research focus on Law and Politics in Indonesia. E-mail: sunarto@mail.unnes.ac.id.

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flexible, and the most suitable constitution for Indonesia. Because of the nature it is considered suitable implemented in Indonesia and The New Order government want to maintain, do not amend, even want to implement it consequently. The effort of the New Order government to defend The 1945 Constitution was not apated from the interest to maintain power. This is easy understood, because of the constitution amandment will lead to a shift of the existing power over it, and in turn will influence the government position.

Therefore during the New Order Era, The 1945 Constitution seemed to be a "sacred", and any ideas of amend were regarded as potential disruptions to national stability, even threats to the state and national integration.

Since the reform era of 1998, the demands to amend The 1945 Constitution to be unavoidable issue. Therefore, The 1999 MPR amended The 1945 Constitution through the general session of 1999, 2000, 2001, and 2002. If the shift from the New Order Era to the Reform Era is considered a democratic transition, experts have regard for the urgency of constitutional reform as an integral part of the transition to democracy. (Haris, 2014: 95). Therefore, when Indonesia want to selftransforms into the democratic country, the first step is through the amendment of the constitution.

With regard to this issue, Larry Diamond states that the agenda of political institutionalization is one of the key factors for a consolidated democracy. (Haris, 2014: 95). Institutionalization in this case is not just the presence of institutions with their respective functions/authorities, but related to certain values that need to be realized. As the general characteristic of institutions

according to Peter Bogasas is the existence of a structure based on the interaction of actors; a shared understanding of certain values; and the demand to behave in accordance with the agreed values (Admojo, 2016: 290).

The dynamics of the relationship between the DPR and the President in Indonesia is related to the government system, namely the presidential system. According to Arend Lijphart this system has three essential features, namely the president or head of government elected to a fixed term term (fixed term); the president is elected directly by the people or through the electoral college as in the United States; and the president is a single chief executive (Andriana, 2014; Asrinaldi, 2013).

The amendment of The 1945 Constitution brought a new pattern in relations between state institutions. The amandment also brought the dynamics in such relation, including the relations between the DPR and the President. How the amendment of The 1945 Constitution has implications for the relation, is the matter will be discussed in this paper. The discussion will be focussed to strengthening the role of the DPR, purification of the presidential system post-amendment, and the implications of

both to the dynamics of relations between the DPR and the President (Sulardi, 2012).

RESULTS AND DISCUSSION

Amendment of 1945 Constitution and Strengthen the Role of DPR

The study of The 1945 Constitution shows that it's encouraging the authoritarianism because The 1945 Constitution contains provisions that focus the power on the executive (*executive heavy*) led by the president. (Mahfud MD, 2011: 378). Its executive heavy makes the DPR "subordinated" by the President. It is often said that in the New Order Era the DPR only became "a rubber stamp" giving legitimacy to the policies of government, without performing the control function. Similarly, in the legislation function, the DPR has not significant role both in initiating and discussion of the bill.

Membership of the DPR is dominated by Golkar as a government party that always targets to win the election through various means, including that are actually contrary to democratic values. By this way Golkar always to be a winner in the elections during the New Order Era and get the majority of votes in the DPR. (Firmanzah, 2008: xxviii). With the

majority of votes Golkar can dominate the decision-making in the DPR, and it's decisions are always conform with the government interest.

According to the MPR, the rationale behind the amendment is that The 1945 Constitution established a constitutional structure based on the highest authority of the MPR which fully exercised the people's sovereignty. This has resulted the absence of mutual control and checks and balances of constitutional institutions. Supreme authority of MPR is the key to the state power having no relationship with the people. (Setjen MPR RI, 2005: 6). Especially when most MPR members are appointed by the government.

When entering the Reform Era with a strong demand for amendment to The 1945 Constitution, one of the proposed changes offered was the system and mechanism of *checks and balances*. (Mahfud MD, 2011a: 67). In accordance with that, one aspect of amendment is the strengthening of the role of the DPR, so that between the DPR and the President there is a control mechanism and balance of power. In the legislation, before amendment the President holds the power to form a law with the approval of the DPR. It is further provisioned that each law requires the approval of the

DPR. According to the provision, the institution having the power to form a law is the President, while the DPR is in a position only to give approval.

By amendment to 1945 Constitution, it is determined that the DPR has the power to enact laws (Article 20 paragraph 1). The other article provides that the President is entitled to submit bills to the DPR. (Article 5, paragraph 1). From the provisions of the article, the forming a law is the power of the DPR, while the President have the right proposes a bill. In addition, the bill should be discussed and approved jointly by the DPR and the President before the bill become the law.

The amendment of article 20 paragraph 1 is a constitutional step to place the state institutions in accordance with their respective duties, i.e. the DPR as the maker of law and the President as the implementer of law. (Fatwa, 2009: 112). The later stipulated in the amendment is, when the bill that has already reached a joint agreement is not endorsed by the President within thirty days after, the bill shall legally become a law and must be promulgated (Article 20 paragraf 5).

The authority of the DPR in Indonesia is not the same as the parliamentary sovereignty in Britain, for example, in

which the parliament has the right to make or cancel any law, and no other institution has the right to cancel or overrule parliamentary legislation. (Dicey, 2014: 131). While in Indonesia there is the mechanism of judicial review giving authority to the judge to assess and determine the validity of a legal norm because it is considered contrary to higher principles (Asshiddiqie, 2010: 13).

Particularly in the making of laws on local government and the relationship between the central and regional governments, amendment presents a new institution namely the DPD which is entitled to engage in the making of laws, as well as shifting the unicameral system into a bicameral system. Generally there are 2 (two) reasons for choosing a bicameral system. The first is to establish a checks and balances mechanism and to discuss it again in the legislature. The second is to accommodate certain interests, which not adequately represented by the first assembly (Purnomowati, 2005: 16).

With regard to the control function of the DPR in the New Order Era, the strength of government party's hegemony namely Golkar, made the control of DPR against the government almost not happen (Winarno, 2008: 94). There are

at least two matters related to the lack of using DPR control rights. First, a control activity of DPR usually carries a huge risk to the member. Experience shows that harsh, confrontational, and antagonistic attitudes toward government are at risk of being reconvened by their party. Secondly, for getting support from other parties needed a coalition, and the coalition forming must to be an ideological closeness (Gaffar, 2006: 293-394).

The strengthening of DPR's role by amendment was reflected in the controlling function of the DPR. The 1945 Constitutional amendment explicitly stated that the DPR has the right of interpellation, inquiry, and opinion. Even DPR's control against the government is in some case seem excessive and disproportionate, as it enters the domain of executive authority. (Sunarto, 2016: 53). In addition, the proposals of interpellation, inquiry, and also the recall of such proposals, shows the existence of short-term political negotiations that ultimately result a tendency of parliamentary behavior among the member of DPR and ineffectiveness of the presidential system (Amalia, 2013: 146)

The strengthening of the role of Parliament since the Reform Era can not

be separated from the rise of the opposition. That opposition is seen in the role of political parties incorporated in the "poros tengah" and continued by the PDIP after failing to win the 2004 elections. As an opposition party PDIP exercises its role actively by criticizing and control over various policies that are considered contradictory with the political vision and populist ideology that became the political justification of PDIP (Admojo, 2016: 287).

The strengthening of the other roles of the DPR after the amendment of The 1945 Constitution is embodied in the DPR's involvement in various actions of the President, including the appointment of certain state officials. As happened in the New Order Era, many important actions can be carried out by the President without the involvement of the DPR. Politically it has a significant effect on supporting for greater presidential power. Although not shown clearly, such political recruitment is the most effective way of providing broad rewards to a person or group, which ultimately determine the mobilization of support to the President (Gaffar, 2006: 72).

Post amendments to the Constitution, the DPR approval is required by the President in declaring war, making peace

and agreements with other countries. The same is also required if the President makes an international treaty which has a broad and fundamental effect on people's lives related to the financial burden of the state and/ or requires changes or the making of a law is required the approval of the DPR (Article 11, paragraphs 1 and 2). Parliamentary considerations are required in the case of the President appointing ambassadors, and accepting the placement of ambassadors of other countries. (Article 13, paragraphs 2 and 3). Parliamentary considerations are also required when the President grants amnesty and abolition (Article 14, paragraph 2).

Purification of the Presidential System through the Amendment of The 1945 Constitution

Government systems are usually discussed in relation to the form and structure of the state organization with emphasis on the functions of the executive body in relation to the legislature. In this sense, there is a parliamentary system, presidential system and mixed system (Asshiddiqie, 1996: 13).

The presidential system is a governmental system characterized by the

position of the executive institution independent of the legislative one and the executive institution having a specified term of office. Thus the executive institution has a strong position in the face of the legislature (Budiardjo, 2010: 303). In the presidential system, president does not responsible to the DPR, so the DPR can not be dissolved by the President. In the presidential system there are 2 (two) main features, namely the president directly elected by the people and the term of office of the president has a fixed time (Arsil, 2017: 69). Looking from the perspective of executive power, CF Strong uses classification as a parliamentary executive, a non-parliamentary executive, and a typical executive by taking the example of systems implemented in Switzerland and in Turkey (Strong, 2008: 329-330).

The amendment of The 1945 Constitution in addition to bring the reinforcement of the DPR role, also brings the purification of the presidential system. Before amandment, The 1945 Constitution adopted the presidential system, but it actually also carries a parliamentary system element. The President is not responsible to the DPR but the mandate of the MPR and must be

held accountable to the MPR. While a half of the member of MPR is also the member of DPR. Thus indirectly the President as the executive institution is responsible to the DPR. The accountability of executive to the legislature is one indicator of the parliamentary system. Therefore the government system before the amendment can be named a quasi presidential.

Although in the discussion of amendments to The 1945 Constitution there was no explicit opinion to purify presidential systems, the MPR agreed to maintain the presidential system. The agreement can be read as an attempt to reinforce or purify presidential systems (Isra, 2010: 62).

Purification of presidential system after the amendment is characterized by the direct presidential elections. With the direct presidential election, the president is no longer the MPR's mandate and is not accountable to the MPR. The absence of a presidential accountability to the MPR, it means there is no longer an element of the parliamentary system. Thus the amendment to The 1945 Constitution is said to be the purification of presidential system. Purification of the presidential system in this way means

breaking the President's reliance on the DPR so that the President becomes more independent in dealing with the legislature in carrying out the executive authority (Firdaus, 2015: 377).

There is an opinion that presidential democracy formed in Indonesia is not effective because of the design of the constitution itself which is still ambiguity. On the one hand, constitutional amendments undertake a purification of presidential democracy, but on the other hand, the constructed governmental design still has a parliamentary flavor (Yanuarti & Nurhasim, 2013: 102).

The practice of such a government is certainly by the reason. The political constellation in the Reformation Era was very different from the New Order Era. Reform era with the strengthening of democracy and transparency, the interaction of power between the President and the DPR is very intens. The DPR is no longer as an institution being "rubber stamp" for government policy. In addition, with the enactment of the principle of checks and balances, the support of DPR is indispensable for the success of government programs. Therefore, although the formal cabinet formation becomes the authority of the president, in attempt to the government

programs receives the support of the DPR, the appointment of ministers needs to pay attention to the power composition of the political parties in the DPR.

An opinion states that in order to the government system can be implemented effectively, it must synergize with party system and general election system. In this regard the presidential system will run effectively if it is supported by a simple party system in terms of both the number of parties and their ideological variants. The effectiveness of the presidential system requires a party system with a relatively small number of parties (Subekti, 2015: 164).

Implication of Amendment to The 1945 Constitution on the Relationship between DPR and President

It is different from the New Order Era, since the Reform Era the relationship between the DPR and the President is very dynamic. The dynamics can not be separated from the amendment to The 1945 Constitution which has strengthened the role of the DPR and provided a new constitutional framework in the relationship between DPR and President. Although the provisions of the constitution are not the one only factor. The other factor is the political

constellation in the Reform Era that is more democratic, free, and transparant.

Things that affect the relationship between the DPR and the President after the amendment in addition to strengthening the role of the DPR and purifying the presidential system, also the meeting of the presidential system with a multi-party system. The combination of two system often rises problems when the party supporting the President does not to be the a majority in the DPR. This is still added to “not good institutionalization” of political parties which can be seen from the instability of party competition patterns, weakness of party relations with the community, and the very personal nature of the party (Budiarti, 2015).

Under such conditions, the President often difficulty implements its programs because lack of majority support in the DPR. Even according to Jose Antonio Cheibub (2007), “if coalitions were to form under presidentialism, they would be fragile and composed of undisciplined parties incapable of offering reliable legislative support to the government”. Such a thing influences the dynamics of the relationship between the DPR and the President.

The Transitional Period of Reformation

The transition from the New Order Era to the Reform Era was marked by the leadership of President BJ. Habibie. As it is known that BJ. Habibie became president after President Soeharto's resignation from the presidency on 21 May 1998. It was a response to the demonstration of students and reformers demanding that President Soeharto resign from the presidency and eradicate corruption, collusion and nepotism. As regulated in Article 8 of The 1945 Constitution, if the President dies, stops, or can not perform his duties in his term of office, he shall be replaced by the Vice President until the end term of office. Based on that provision, before resign President Soeharto gave up the position to Vice President BJ. Habibie. In the beginning of BJ. Habibie becoming the president arise pro and contra surrounding his legitimacy replacing President Soeharto. This is because of the handover of the presidential office was held directly by President Soeharto, without first returning the mandate to the MPR.

The main task carried by BJ. Habibie is holding elections of the DPR and MPR. In his relatively short term there are many of the resulting laws (66 of the

Laws), among others are Law No. 2 of 1999 on Political Parties and Law No. 3 of 1999 on General Elections. The Law on Political Parties may be said to be the opener of the liberty to establish the political party, because with the law the people have the freedom to establish political parties without any provision limiting the number of parties. Therefore the first elections in the Reform Era in 1999 were followed by 48 political parties. Similarly, the resulting election laws have led Indonesia to a more democratic election, in contrast to the elections held in the New Order Era.

The 1999 election on June 7 1999 was won by the PDI Perjuangan led by Megawati Soekarnoputri with a vote of 35,689,073 (33.74%). Although the PDI-P was the winner of the election, there was a rejection from several parties against Megawati to become President. The coalition of the Islamic-based parties called "Poros Tengah" succeeded in "blocking" Megawati and support the election of PKB declarator Abdurrahman Wahid as president (Haris, 2014: 69). In the presidential election, Abdurrahman Wahid obtained 373 votes among the 700 member of MPR, Megawati Soekarnoputri 313 votes, and several MPR members abstained. The failure of

the PDIP to win the presidency because the party failed to build a coalition, while the number of membership in the MPR is not strong enough without the support of other parties (Marijan, 2010: 69).

After Abdurrahman Wahid won the presidential election, he supported the PDIP to nominate Megawati Soekarnoputri as vice president. This support was then followed by PKB, even PKB Fraction being the only faction nominating Megawati Soekarnoputri as vice president. Megawati was later elected as the vice-president after winning 396 votes in the MPR, defeating Hamzah Haz who get 284 votes. The couple Abdurrahman Wahid and Megawati Soekarnoputri as presidents and vice presidents are welcomed by people since they are seen as a couple representing Islamic and nationalist groups. (Budiarti in: Ichwanuddin & Haris, 2014: 68). However, the good relationship between the DPR and the President did not so long, and before the hundredth day of President Abdurrahman Wahid, the DPR proposed the interpellation and relations between the DPR and the President did not go well (Budiarti in: Ichwanuddin & Haris, 2014: 75).

The relationship between the DPR and the President in the era of President

Abdurrahman Wahid showed the presidential acts are often considered controversial. There are several cases that trigger the interpellation and inquiry from the DPR. Cases that triggered the interpellation of the DPR related to the dissolution of the Ministry of Social Affairs, dissolution of the Ministry of Information, and the removal of Jusuf Kalla and Laksamana Sukardi from the National Unity Cabinet formed by President Abdurrahman Wahid. Jusuf Kalla was dismissed from the post of Minister of Trade and Industry, while Laksamana Sukardi was dismissed from the position of the Minister of State for Capital Investment and the Development of State-Owned Enterprises. Meanwhile, the DPR inquiry related to the issue of Bulog's Yanatera Fund and the donation of the Sultan of Brunei, known as the Buloggate and Bruneigate cases. Almost all the factions in the DPR supported the submission of interpellation and the inquiry, therefore a Special Committee (Pansus) was formed to handle the case.

The results of the Pansus investigation then continued with the submission of First Memorandum against President Abdurrahman Wahid. Although the President has responded to the First Memorandum on Wednesday (28/03),

the DPR/MPR still can not accept it. For President Abdurrahman Wahid and his supporters, since the answer has been given there is no chance for the DPR to deliver the Second Memorandum. According to the DPR, President did not answer the substance of the Memorandum of the DPR (Liputan 6, 2001). Unsatisfactory response of President encourages the Second Memorandum on May 21 2001. In this Second Memorandum, President Abdurrahman Wahid did not respond favorably the question of the DPR because he felt that he had replied to the First Memorandum (Budiarti in: Ichwanuddin & Haris, 2014: 89).

Along with the Special Session of the MPR on July 23, 2001 as a follow-up to the Second Memorandum was not answered by President Abdurrahman Wahid, the President issued a Presidential Decree on July 23, 2001 containing deactivation of the MPR and the DPR, immediate election within a year, and deactivation Party Golkar. The MPR Special Session rejected the Decree and decided to dismiss President Abdurrahman Wahid and replace him by appointing Megawati Soekarnoputri as president.

Overall the reasons for the impeachment of President Abdurrahman Wahid was the violation of the state policy, both violations of MPR decrees and violations of The 1945 Constitution, especially regarding the oath of presidential office; although the specific reason between the first memorandum and the second memorandum differ from each other (Zoelva, 2011: 149). The first reason for the memorandum was related to the Yanatera Bulog Fund and the Sultan Bruei Darussalam donation case, while the second reason for the memorandum was related to the attitude and leadership of the president in the form of policies, behavior, and presidential statements.

The trust and legitimacy of the democratic government of 1999 election is declining because of the emergence of various controversial discourses and policies of the president, as well as the emergence of cases of misuse of funds of Bulog and the donation of the Sultan of Brunei. (Haris, 2014: 70). Although the relationship between the DPR and the President era of President Megawati Soekarnoputri can not be separated from the conflict and tension, it can be said that the relationship is relatively conducive.

In an effort to gain DPR's support, President Megawati formed a Gotong Royong Cabinet with ministers from PDIP, Golkar, PKB and PAN. Since the PDIP only has 153 of the 500 members of the DPR, then President Megawati must seek to get support from other parties so that the policies get support from DPR. Nevertheless, there are several policies of President Megawati that have been responded by the DPR through the interpellation related to the separation of Sipadan and Ligitan Islands, Megawati's visit to Timor Leste, and Rp. 30 billion for TNI/Polri dormitories.

The Period of President Soesilo Bambang Yudhoyono

The relationship between the DPR and the President during the term of President Soesilo Bambang Yudhoyono has been framed by a new format of The 1945 Constitution amendment. The DPR and President are both directly elected by the people, the strengthening of the legislative authority of the DPR, and there were many actions that previously has been the authority of the President, the later must get approval or consideration from the DPR. The President who before the amendment can be imposed by the MPR for political reasons, post

amendment can only be imposed on juridical reason for violating the law, as evidenced by the decision of the Constitutional Court. Within the framework of constitutional provisions, the DPR and the President establish relationships to carry out their function in accordance with the provisions of the constitution.

At the beginning of the first period of President Susilo Bambang Yudhoyono (2004-2009), the DPR is divided into two factions, namely the National Coalition consisting of FPG, FPDIP, FKB, FPDS, FPBR; and the People's Coalition consisting of FPD, FPPP, FPAN, FPKS. The coalition was originally formed to win the 2004 Presidential Election, which was won by Susilo Bambang Yudhoyono and Jusuf Kalla. Coalition changed after the election of Yusuf Kalla as Chairman of the Golkar Party defeated Akbar Tanjung. Because of the election of Jusuf Kalla as Chairman of the Golkar Party, he withdrew the Golkar Party from the National Coalition to the People's Coalition supporting the government. Thus the strength of the People's Coalition as a supporter of the government becomes greater than the National Coalition as an opposition.

During this period the relationship between the DPR and the President was marked by the proposed of interpellation amount 14 times and the proposed of the inquiry amount 10 times. Of the 14 proposals of interpellation, four interpellation were received by the DPR, while other proposals were rejected and some did not continue. Of the 10 proposed of inquiry, 4 proposals were received by the DPR, and other proposals were rejected by the DPR and there were proposal did not continue.

Susilo Bambang Yudhoyono won again the 2009 presidential election faced two other candidate namely Megawati Soekarnoputri and Yusuf Kalla. The winning of the Democratic Party in the legislative elections with the 20.81% vote outperformed two other major parties namely Golkar Party (14.45%) and PDIP (14.01%); and the winning of Susilo Bambang Yudhoyono in the presidential election with 60.8% of the vote, is actually a big capital for President Susilo Bambang Yudhoyono to build a strong government. Moreover when Democratic Party built coalition with the Golkar, PKS, PKB, PPP, and PAN.

However, the great support built by President Susilo Bambang Yudhoyono has not succeeded in ensuring the

establishment of a government which free from "political disturbances" in the DPR (Ichwanuddin & Haris, 2014: 197). Although the president with its majority mandate is a powerful position, but it is often challenged by politicians in the DPR who seek to make the executive accountable to him (Harowitz, 2014: 258). It was proven by the emergence of inquiry concerning Century Bank proposed by the DPR in December 2009, and it appears that coalition government support parties are not compact in dealing with the issue. Likewise, towards the end of the second period of President Susilo Bambang Yudhoyono, there were interpellation proposal regarding the loss of people of 1997-1998 and the interpellation of fuel price increases, but the proposal did not continue. Although many of the proposed interpellations and inquiry are without a clear continuation.

In this regard, there is the argument that behind the accommodative leadership of President Susilo Bambang Yudhoyono to safeguard the democratic spirit, there is a weakness that invites political fragmentation among parties that have decided to become the government supporters. Consequently, when faced certain issues there are often differences

in political stance among the government supporting parties.

The different analysis reveals that behind the prominent personal aspect of President Susilo Bambang Yudhoyono, as his moderate nature, emphasizes intellectual, open-mindedness, systematic reasoning and so on; there are also weaknesses such as less persistent in fighting for ideas, too many considerations so slow in decision making, often hesitate in making decisions, less assertive, appearance sometimes leads to the impression of pretense and does not show the real thing. The weaknesses are exploited by politicians in the DPR to attack the policies of President.

The other analysis departs from the theoretical perspective of Edward III and Wayne. By looking from this perspective, the leadership of Susilo Bambang Yudhoyono can be analyzed from three aspects: public image formation, management of power relations between President and DPR, and management of presidential, cabinet and government bureaucracy.

Judging from the public image aspect, the image formation effort of President Susilo Bambang Yudhoyono often just forming the image without any positive impact for the effectiveness of the

government. Judging from the aspect of managing power relations between the President and the DPR, President Susilo Bambang Yudhoyono often neglects to care for the support of the DPR as part of the strategy of managing constructive relations with the DPR. President Susilo Bambang Yudhoyono is less communicating the policy plan to support parties and lack of political lobbying of parties to gain support for the policies adopted. In terms of management of the presidential, cabinet and government bureaucracy, President Susilo Bambang Yudhoyono lacks coordination and direction to mobilize his cabinet to bring about the promised changes, so often the impression that ministers in his cabinets run independently without coordination .

The argument can also be raised that the coalition of political parties formed by President Susilo Bambang Yudhoyono is a coalition that is not based on a shared ideology or political view but on short-term even temporary political interests. So that the coalition formed is far from the solid coalition or "permanent coalition". Consequently, when the coalition faces certain political issues and between them has different interests, each party in the coalition take a different political stance from the government.

Although the first and second period of President Susilo Bambang Yudhoyono was marked by frequent using of interpellation and inquiry by the DPR, but President Susilo Bambang Yudhoyono was able to manage relations with the DPR as well as to maintain his position as a president and free from impeachment of DPR/MPR.

The Period of President Joko Widodo

The position of Joko Widodo and Jusuf Kalla as a President and Vice President was gained through presidential election on July 9, 2014; was supported by the PDIP, Nasdem, Hanura, and PKB, namely the Great Coalition of Indonesia (KIH). That candidate competes against to candidates Prabowo Subiyanto and Hatta Rajasa supported by the Gerindra Party, Golkar Party, PAN, PPP, and PKS who call themselves as the Red and White Coalition (KMP). While the Democratic Party in the 2014 presidential election selfpositioned as a neutral party. In the presidential election Joko Widodo-Jusuf Kalla was supported by 53.15% votes, defeating the Prabowo Subiyanto-Hatta Rajasa supported 46.85% votes.

After the 2014 presidential election, the DPR was polarized by two political forces, the KIH led by the PDIP and KMP

led by Gerindra Party. The problem faced by President Joko Widodo at the beginning of his term of office is when faced the DPR dominated by the KMP as a coalition of opposition parties. As the analysis of political observers, when the President haven't enough support in the DPR, the President have difficulty in implementing its programs because of obstacle from the DPR. The analysis proved, when the President implemented policies to raise fuel prices and the appointment of Chief of Indonesian Police.

However, the polarization of the DPR did not so long because of parties that previously joined the KMP then crossed over to KIH. It was began by PPP crossing over in October 2014, PAN in September 2015, followed by Golkar in January 2016. (Wikipedia.com). Among the crossing over of the parties, mainly effects polarization of power in the DPR was the joining of the Golkar in the KIH, because of Golkar has quite large members of DPR, i.e. 91 members. Because of the crossing over of parties from the KMP to the KIH, the term of "KIH and KMP" became unpopular, although there were still parties that positioned themselves as party supporting government and there were opposition parties.

The shift of power in the DPR has implications, on the one hand the President need to "reshuffle" the cabinet by granting ministerial positions to newly-joined parties supporting government i.e. PAN and Golkar Party. On the other hand, the DPR's support for the President to be stronger, so that the programs implemented by the government does not get much obstacle from the DPR.

The crucial moment in the relationship between the DPR and the President in the era of Joko Widodo-Jusuf Kalla is related to the legislation regulating the election 2018. There is a very strong interest between the DPR and the President related to the five crucial issues of the holding of election, i.e. the system election, presidential threshold, parliamentary threshold, vote conversion method, and member allocation per electoral area. Among these crucial issues, the most importance is the presidential threshold.

Since the agreement was not reached on the discussion at the DPR Special Committee, the crucial issues were brought to the plenary session. Through the voting in a plenary session marked by walkout of the faction of Gerindra, PKS, Democratic Party and PAN; The DPR passed the Election Law which

determined the use of an open nomination system, presidential threshold of 20-25 percent, parliamentary threshold of 4 percent, a pure *sainte lague* conversion method, and member allocation of 2-10 per electoral area. (Nabilla, 2017) After the general election law is enacted by the DPR and approved by the President, there was lawsuit filed to the Constitutional Court. Finally the lawsuit was rejected by the Constitutional Court, so the 20-25 percent presidential threshold is remain valid.

Finally it can be stated that the new thing in the dynamics of the relationship between the DPR and the President after the comstitution amendment is that the DPR through opposition parties was so strongly criticizing almost every government policies.

Closely related to this, in government practice there seems to be a paradoxical thing. When in the New Order Era the system of government according to the 1945 Constitution contained parliamentary indicators, but the practice of government actually revealed a "more presidential" system of government. During the New Order the formation of a cabinet (read: appointment of ministers) was truly the prerogative of the president without having to pay attention to the

composition of the party's strength in the DPR. On the other hand, in the Reformation Era when purification of the presidential system was carried out, the president in forming the cabinet was very necessary to pay attention to the composition of party power in the DPR, as if the cabinet would have to be accountable to the DPR.

On the other hand, the elected president with his power also appears to be a strong magnet to get the support of political parties in the DPR, so that certain parties that were previously to be the opposition, then crossed and supported government. So with the magnitude of the president's power, the estimate that the elected President would difficult in implementing his policies because of the lack of support in the DPR, was not proven. Such a thing is very likely to occur also in the future, because the tendency of coalition is based solely on the immediate interests of political parties.

CONCLUSION

The amendment of The 1945 Constitution has brought strengthening the role of the DPR and purification of presidential system in Indonesia. With the strengthening of the role of the DPR has shifted the system of government from the

enormous power of President towards the checks balances between DPR and President. Whereas with the purification of presidential system has positioned the President as a head of state and government who received direct mandate from the people through general election, so that the position of President no longer depend on MPR. Strengthening the role of the DPR and the purification of the presidential system brings the dynamics in the relationship between the DPR and the President. In the case of legislation function, DPR shows a larger role than the previous period, especially in terms of discussion of bill into the law. While in the control function, DPR often uses their rights especially the right of interpellation and inquiry, to criticize the President's policy. However, the estimate that the elected President would difficult in implementing his policies because of the lack of support in DPR, was not proven by the existence of opposition parties who then crossed and supported the government.

REFERENCES

- Admojo, T. (2016). Peran Oposisi di Parlemen Pasca Pemilu Presiden 2014. *Jurnal Politik*, 1(2).

- Amalia, L. S. (2013). Evaluasi Sistem Kepartaian di Era Reformasi. *Jurnal Penelitian Politik*, 10(2).
- Andriana, N. (2014). Pemilu dan Relasi Eksekutif dan Legislatif. *Jurnal Penelitian Politik*, 11(2).
- Arsil, F. (2017). *Teori Sistem Pemerintahan: Pergeseran Konsep dan Saling Kontribusi antar Sistem Pemerintahan di Berbagai Negara*. Jakarta: Rajawali Pers.
- Asrinaldi, A. (2013). Koalisi Model Parlementer dan Dampaknya pada Penguatan Kelembagaan Sistem Presidensial di Indonesia. *Jurnal Penelitian Politik*, 10(2).
- Asshiddiqie, J. (1996). *Pergumulan Peran Pemerintah dan Parlemen dalam Sejarah: Telaah Perbandingan Konstitusi Berbagai Negara*. Jakarta: UI Press.
- Asshiddiqie, J. (2010). *Model-model Pengujian Konstitusional di Berbagai Negara*. Jakarta: Sinar Grafika.
- Budiardjo, M. (2010). *Dasar-dasar Ilmu Politik*. Jakarta: PT Gramedia Pustaka Utama.
- Budiarti, A. P. (2015). Pelembagaan Sistem Kepartaian di Bawah Sistem Demokrasi Indonesia (1998-sekarang). *Jurnal Penelitian Politik*, 12(1).
- Cheibub, J. A. (2007). *Presidentialism, Parliamentarism, and Democracy*. New York: Cambridge University Press.
- Dicey, A. V. (2014). *Pengantar Studi Hukum Konstitusi*. Bandung: Nusa Media.
- Fatwa, A. M. (2009). *Potret Konstitusi Pasca Amandemen UUD 1945*. Jakarta: Penerbit Buku Kompas.
- Firdaus. (2015). *Constitutional Engineering: Desain Stabilitas Pemerintahan Demokrasi dan Sistem Kepartaian*. Bandung: Penerbit Yrama Widya.
- Firmanzah. (2008). *Marketing Politik*. Jakarta: Yayasan Obor Indonesia.
- Gaffar, A. (2006). *Politik Indonesia: Transisi Menuju Demokrasi*. Yogyakarta: Pustaka Pelajar.
- Haris, S. (2014). *Praktik Parlementer Demokrasi Presidensial Indonesia*. Yogyakarta: CV. Andi Offset.
- Harowitz, D. L. (2014). *Perubahan Konstitusi dan Demokrasi di Indonesia*. Yogyakarta: Pustaka Pelajar.
- Ichwanuddin, Wawan & Haris, S. (Ed.). (2014). *Pengawasan DPR Era Reformasi: Realitas Penggunaan Hak Interpelasi, Angket, dan Menyatakan Pendapat*. Jakarta: LIPI Press.

- Isra, S. (2010). *Pergeseran Fungsi Legislasi: Menguatnya Model Legislasi Parlementer dalam Sistem Presidensial Indonesia*. Jakarta: Raja Grafindo Persada.
- Liputan 6. (2001). Jawaban Gus Dur Atas Memorandum Mengundang Polemik. Retrieved from <http://news.liputan6.com/read/10309/jawaban-gus-dur-atas-memorandum-mengundang-polemik>
- Mahfud MD, M. (2011a). *Perdebatan Hukum Tata Negara Pascaamandemen Konstitusi*. Jakarta: Rajawali Pers.
- Mahfud MD, M. (2011b). *Politik Hukum di Indonesia*. Jakarta: Rajawali Pers.
- Marijan, K. (2010). *Sistem Politik Indonesia: Konsolidasi Demokrasi Pasca Orde Baru*. Jakarta: Kencana Prenada Media Group.
- Nabilla, T. (2017). Ini Penjelasan soal 5 Isu Krusial RUU Pemilu yang Akhirnya "Diketok Palu." Retrieved from <https://nasional.kompas.com/read/2017/07/21/08204641/ini-penjelasan-soal-5-isu-krusial-ruu-pemilu-yang-akhirnya-diketok-palu->
- Purnomowati, R. D. (2005). *Implementasi Sistem Bikameral dalam Parlemen Indonesia*. Jakarta: Raja Grafindo Persada.
- Setjen MPR RI. (2005). *Panduan Pemasyarakatan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. Jakarta.
- Strong, C. F. (2008). *Konstitusi-konstitusi Politik Modern*. Jakarta: Nusa Media.
- Subekti, V. S. (2015). *Dinamika Konsolidasi Demokrasi: Dari Ide Pembaruan Sistem Politik Hingga ke Praktek Pemerintahan yang Demokratis*. Jakarta: Yayasan Pustaka Obor Indonesia.
- Sulardi. (2012). *Menuju Sistem Pemerintahan Presidensiil Murni*. Malang: Setara Press.
- Sunarto. (2016). *Sistem Politik Indonesia*. Yogyakarta: Magnum Pustaka Utama.
- Wikipedia.com. (n.d.). Koalisi Merah Putih. Retrieved from https://id.wikipedia.org/wiki/Koalisi_Merah_Putih
- Winarno, B. (2008). *Sistem Politik Indonesia Era Reformasi*. Yogyakarta: MedPress.
- Yanuarti, Sri & Nurhasim, M. (2013). Mencari Sistem Pemilu dan Kepartaian yang Memperkuat Sistem Presidensial. *Jurnal Penelitian Politik*, 10(2).

Zoelva, H. (2011). *Pemakzulan Presiden di Indonesia*. Jakarta: Sinar Grafika.