

## REVIEW ARTICLE

# MULTI-PARTY IN PRESIDENTIAL SYSTEM IN INDONESIA: WHAT DOES DEMOCRACY MEAN?

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*Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia has explained the form of the Indonesian state. The concept of trias politica assumes that state power consists of three kinds of power, namely legislative power/making laws or usually referred to as parliament (rule making of function), executive power/power to implement laws (rule application function), and power judiciary / power to adjudicate for violations of the law (rule adjudication function). The three powers in these state institutions are closely tied to each other and cannot be separated or there are checks and balances, which means that each branch of government divides its power distribution to other branches in order to limit its actions. This paper aims to analyze the Presidential system with the Multi-Party System in Indonesia in the context of democracy and the administration of state power.*

**Keywords:** *Multi-Party System; Presidential System; Democracy; Tria Politica*

## I. INTRODUCTION

Indonesia is a unitary state, where the power of the Indonesian government is in the hands of the central government. In Article 1

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paragraph (1) of the 1945 Constitution of the Republic of Indonesia it has been explained that "*the State of Indonesia is a Unitary State in the form of a Republic*". From the article, we can conclude that the State of Indonesia is in the form of a unitary state with a republican form of government.<sup>1</sup> In this case, the trias politica assumes that state power consists of three kinds of power, namely legislative power/making laws or usually referred to as parliament (rule making of function), executive power/power to implement laws (rule application function), and judicial power / power to adjudicate for violations of the law (rule adjudication function).<sup>2</sup> The executive institutions in Indonesia are the President, the legislative institutions in Indonesia are the MPR, DPR, DPD, and the judicial institutions in Indonesia are the Supreme Court, the Constitutional Court, and the Judicial Commission.<sup>3</sup> The three powers in these state institutions are closely tied to each other and cannot be separated or there are checks and balances, which means that each branch of government divides its power distribution to other branches in order to limit its actions.<sup>4</sup>

In the world's constitutional system, there are generally two forms of government systems, namely the presidential system and the parliamentary system. The main difference in the two systems is the "*subject of government*" in which the presidential system emphasizes the president (executive) as the subject of government, while in the parliamentary system places parliament in the subject of government.<sup>5</sup>

The state of Indonesia, adheres to a presidential system of government. In a presidential system of government, a president has a dual role, namely as head of state as well as head of government, and the position of ministers serving as assistant to the president. Therefore, ministers in Indonesia are appointed and responsible to the president. And in a presidential system of government, the position between the government and the DPR is balanced, where the DPR cannot overthrow the president and dissolve the cabinet, and the position of the president based on the Indonesian constitution cannot overthrow the parliament. However, if a president is proven to have violated the law, committed a disgraceful act (immoral), and no longer meets the requirements in the Indonesian constitution, the Court (Constitutional Court) can decide if the president is guilty, then an impeachment process can be carried out.

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<sup>1</sup> Suwanto and Ferry T. Indratno, *Ayo Belajar Pendidikan Kewarganegaraan*, Kansius, Yogyakarta, 2009, p. 3.

<sup>2</sup> Muhammad Hoiru Nail and Jayus, *Pergeseran Fungsi Yudikatif dalam Kekuasaan Kehakiman di Indonesia*, CV. Jakad Publishing, Surabaya, 2019, p. 17.

<sup>3</sup> Rendy Adiwilaga, et.al., *Sistem Pemerintahan Indonesia*, CV. Budi Utama, Yogyakarta, 2018, p. 11.

<sup>4</sup> Muhammad Hoiru Nail and Jayus, *op.cit.*, p. 18.

<sup>5</sup> Hendarmin Ranadireksa, *Arsitektur Konstitusi Demokratik*, Fokus Media, Bandung, 2007, p.100.

However, we also need to remember that the court process carried out by the Constitutional Court requires stages that are not easy.<sup>6</sup>

As a country that uses a presidential system, the executive power or the power to implement the law is in the hands of the president, where in this system a president acts as head of state as well as head of government. The main characteristics in a presidential system of government are that the head of government is directly elected by the people or an institution formed specifically to elect the head of government (there are elections that are overflowing with justice), the executive is separate from the legislature, the head of government is not responsible to the legislature, and the executive cannot dissolve the legislature. and the legislature cannot fire the executive.<sup>7</sup> The advantages of a presidential government system include that the executive and legislative powers have an equal position, the check and balance process is more likely to be created, and the government is relatively more stable. Meanwhile, the shortcomings of the presidential system include deadlocks in the wheels of government, and if the performance of the head of government is poor, the people can wait a long time to replace them.<sup>8</sup>

## II. MULTI-PARTY IN PRESIDENTIAL SYSTEM IN INDONESIA: PROBLEMS AND CHALLENGES FOR DEMOCRACY

The party system in Indonesia uses a multi-party system, that is, there are many parties in Indonesia. In this system, there are more than two political parties that have equal power so that no one is the most dominant among them.<sup>9</sup> The amendments to the 1945 Constitution that occurred in the reform era were based on a commitment to strengthen the presidential system in Indonesia. However, the multi-party system combined with the current presidential system of government encourages parties to form coalitions which weakens the presidential system itself. The practice of coalitions in Indonesia formed in the presidential and vice presidential elections is dominated by political transactions regarding the division of government positions without the formulation of a common platform. In fact, the coalition formed does not guarantee that the parties that are

<sup>6</sup> Laga Sugiarto and Arif Hidayat, *Bahan Ajar/Diktat Hukum Tata Negara (HTN)*, Fakultas Hukum UNNES, Semarang, 2017, p. 42.

<sup>7</sup> Dani Muhtada, *Bahan Ajar Ilmu Negara*, Fakultas Hukum UNNES, Semarang, 2017, p. 78.

<sup>8</sup> *Ibid.*

<sup>9</sup> Haryanto, *Sistem Politik: Suatu Pengantar*, Liberty, Yogyakarta, 1982, p. 100.

members of the coalition that have representatives on the legislative chart will always support government programs in Indonesia.<sup>10</sup> The combination of a presidential and multi-party government system in Indonesia results in problems or problems in the running of the government.<sup>11</sup>

Article 6A (2) of the 1945 Constitution states that the pair of president and vice president is proposed by a political party or a combination of political parties. From this article, it can be concluded that the State of Indonesia adheres to a multi-party system, because those who have the right to nominate pairs of candidates for president and vice president are political parties or a combination of political parties. The application of a multi-party system to the role of executive and legislative institutions in the presidential system in Indonesia in this reform era has caused many political party interests to conflict with government policies, the absence of a permanent coalition arrangement, and the weak position of the president in the government system.<sup>12</sup> General elections in Indonesia are used as a means of implementing the principle of popular sovereignty which is carried out to elect representatives of the people who sit in representative institutions. In Article 1 Number 1 of Law no. 12 of 2003 has explained that the general election, hereinafter referred to as the General Election, is a means of implementing the sovereignty of the people in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution.<sup>13</sup>

The position of the president as a state institution can be seen in terms of hierarchy and in terms of function. In terms of hierarchy, the president and vice president are in the first tier organ or as the highest state institution. The first-tier organs in state institutions in Indonesia include the president and vice president, DPR, DPD, MPR, BPK, MA and MK. An example of a state institution that is classified as a primary or primary organ is the DPR. In Article 20 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (II amendment) it is stated that the DPR has three functions, namely the legislative function, the budget function and the supervisory function. And the president's state institutions and the DPD have the authority to make laws only as auxiliary state organs in the field of legislation.<sup>14</sup>

The presidential election held in 2004 was the first direct election by the people. The main reason for changing the parliamentary system to

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<sup>10</sup> Zuhdi Arman, 2018. *Tinjauan Terhadap Sistem Multi Partai dalam Sistem Pemerintahan Presidensial di Indonesia pada Era Reformasi*, Jurnal Cahaya Keadilan. Vo.1. 6 No. 1 ISSN: 2339-1693. ISSN (online). 2580-2461, p. 22.

<sup>11</sup> Dody Nur Andriyan, *Hukum Tata Negara dan Sistem Politik*, CV Budi Utama. Yogyakarta, 2012, pm. 19.

<sup>12</sup> Zubid Arman, *op.cit.*, pp. 33-35.

<sup>13</sup> Arif Hidayat and Laga Sugiarto, *op.cit.*, p. 54

<sup>14</sup> *Ibid.*, pp. 84-85.

a presidential system is because in the presidential election or the 1999 election, the PDIP as the winning party in fact failed to gain the presidency through voting in the MPR. The indirect presidential election also resulted in many community groups expressing their disappointment by seeing the presidential election process in the MPR reflecting the interests of the political elite rather than the interests of the voters.<sup>15</sup>

In Indonesia's current political system, it is political parties that color policy through their representatives who sit in the legislative and executive institutions. Although there are still non-party representatives, such as the Regional Representative Council (DPD), it is still party representatives who will largely play a role in drafting laws in Indonesia. In the recent incident, the Prosperous Justice Party (PKS) and the Indonesian Democratic Party of Struggle (PDIP) once opposed the policy of President Susilo Bambang Yudhoyono's government in increasing fuel prices. And in the administration of President Joko Widodo and his deputy Jusuf Kalla, PKS is ready to build a coalition together with PDIP to reject the government's policy of increasing fuel prices. The political party rejects the increase in fuel prices on the grounds that it will make the economy of the Indonesian people miserable, especially for the lower classes. From this case, it can be concluded that the implementation of the multi-party system in the presidential government system in Indonesia still has many political party interests that are contrary to government policies. However, sometimes the refusal of the political party is carried out by considering the conditions that exist in Indonesian society as in the example case.<sup>16</sup>

In Indonesia's multi-party combination presidential system of government, the existing coalition is not binding and permanent. Political parties that are members of a coalition that provide support to the government may withdraw their support. Or it can be said that in the current government, there is no guarantee that the coalition is bound to support the government until the end of the president's tenure as head of state and head of government in a presidential system. And if there is treason against the governing coalition, it is quite difficult for the government to sue, because by remembering that in this case there is no legal basis to say that they have betrayed and must return to government policies built in the coalition of Political Parties.<sup>17</sup>

The existence of a multi-party system in the Indonesian presidential system allows for a deadlock in the relationship between the president and the DPR. If this happens, it can cause a political crisis in the Indonesian government system. The completion of the political

<sup>15</sup> Inu Kencana Syafie, *Sistem Permasalahan Indonesia*, Rineka Cipta, Jakarta, 2002, p. 53.

<sup>16</sup> Zubid Arman, *loc.cit.*

<sup>17</sup> *Ibid.*

system in a country that uses a presidential system is very complicated, because the position of a president cannot be overthrown if he can be appointed, it also takes a long time) but a president as head of state as well as head of government really needs the DPR to carry out his program. And the formation of laws in a multi-party system will also be based on the many and varied interests of political parties. Therefore. The position of the president will find it difficult to accommodate all these interests. So that in reality the law cannot meet the constitutional requirements, so many laws are then submitted for judicial review to the Constitutional Court.<sup>18</sup>

### III. SOME CRITICISM ON MULTY-PARTY SYSTEM AND LAW ENFORCEMENT

The combination of a presidential and multi-party government system makes the president's position weak as head of state as well as head of government. The coalition formed does not mean that the parties that are members of the coalition that have representatives in the legislative and executive bodies will always support the programs that will be implemented by the Indonesian government. In fact, the purpose of forming a coalition in the Indonesian government system is so that the position of a president will receive majority support from the legislative body in order to avoid a deadlock between the legislative and executive institutions and to avoid immobilization in the administration of the government. In the case of Century Bank, which happened in Indonesia, it can show the weak commitment of the parties that are coalition partners. The existence of immobility and deadlock in the government system in Indonesia occurs due to the lack of a strong position of the head of government in the political system in a country.<sup>19</sup>

This presidential system based on a multi-party system makes it difficult for the president to make decisions related to the problems of the life of the nation and state, which include political, economic, diplomatic, and military aspects. In relation to the legislative and executive institutions, the president experiences resistance because the role of the legislature in the Indonesian government is more dominant in a multi-party system. Basically, the position of the President of the Republic of Indonesia in the Indonesian government system is very strong, because by remembering that the position of the president is directly elected by the people. However, when it comes to issuing and ratifying legislation, the president needs the support of the DPR. In relation to the presidential

<sup>18</sup> Jawahir Thontowi, *Islam, Politik, dan Hukum, Esai-esai Ilmiah untuk Pembaharuan*, Madyan Press, Yogyakarta, 2002, p. 180.

<sup>19</sup> Zubid Arman, *loc.cit.*

system that exists in Indonesia, the role of the DPR is nothing more than an opposition that always opposes the government, for example in Indonesia's foreign policy issues against Iran's nuclear program. And in the matter of drafting the Komnas Law, the role of the DPR is more apathetic.<sup>20</sup>

The presidential system that uses a multi-party system like the one in the Indonesian government system causes the government system to run less stable.<sup>21</sup> The ideal application of the multi-party system in the presidential government system in Indonesia in the current reform era can be done by simplifying political parties, setting up permanent coalitions and strengthening presidential institutions. With the simplification of political parties, the political processes in parliament will be simpler and more efficient, so that later there will be a system of proportional checks and balances. And if the number of parties in the parliamentary institutions is less, it also means that the configuration of the coalition of parties supporting the government is decreasing, but in the future it will be stronger and stronger. Simplification of the number of parties in Indonesia can be done by implementing a mixed system between the district system and the proportional system in the electoral system.<sup>22</sup>

If there is a fixed coalition arrangement in the Indonesian presidential government system, it is hoped that later it will achieve stability and effectiveness in the government, as well as to strengthen the government system or avoid the coalition from the many political interest groups that play a role in the government system. And with the strengthening of the president's position as head of state and head of government in a presidential system, it is hoped to strengthen the president's political position before parliament with the aim that parliamentary power is not above the president, but also to avoid the president's position being too strong.<sup>23</sup>

#### IV. CONCLUSION

Thus, it can be concluded that the presidential system in Indonesia has not been able to run perfectly as it should or has not been in accordance with what was previously expected. The existence of a multi-party system in the presidential system in Indonesia has indirectly caused

<sup>20</sup> Meima, *Penerapan Sistem Presidensial dalam Demikrasi Modern*, Jurnal Ilmu Hukum Volume XVIII Nomor 2 Tahun 2019, Fakultas Hukum Universitas Langlangbuana, Bandung, 2019.

<sup>21</sup> Kacung Marjan, *Sistem Politik Indonesia: Konsolidasi Demokrasi Pasca-Orde Baru*, Kencana, Jakarta, 2010, p. 86.

<sup>22</sup> Zubddi Arman, *op.cit.*, p.37.

<sup>23</sup> *Ibid.*, p. 38.

various kinds of problems, including the many interests of political parties that conflict with government policies, the absence of permanent coalition arrangements in government, and the weak position of the president as head of state and head of government. in a presidential system. If we look again, it turns out that in the presidential system used in Indonesia, the policies taken by a president as head of state as well as head of government often get opposition from coalitions of political parties in Indonesia, resulting in disharmony in the Indonesian government system. Sometimes there are also many policies that are taken by a president but in practice they are even met with opposition from other institutions such as the DPR.

There are several solutions that the government can take to achieve an ideal presidential system for a multi-party system in Indonesia, including by simplifying politics in the presidential system in Indonesia, by setting up permanent coalitions in government, and by strengthening the presidential institution. If these three things are implemented in Indonesia, the presidential system in Indonesia can be even better than before. The multi-party party system is a must for a pluralist country like Indonesia. However, the tens of political parties participating in the election without us realizing it will make it difficult to form a strong, effective and efficient government. It would be better if the existence of these political parties was limited through the regulation of legislation by tightening the selection of political parties participating in the general election or by making the formation of political parties more difficult.

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