



THE EFFECTIVENESS OF PRESIDENTIAL CABINET IN A MULTI-PARTY SYSTEM IN INDONESIA

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Abstract:

The presidential cabinet system adopted by the Indonesia people has its own characteristics, namely the presidential cabinet system that is paired with a free multi-party system. The impact of the choice of system turned out to hamper the performance of the presidential cabinet, because of the many interventions of the coalition party members to the ministers who were in the cabinet. Not to mention that many laws and regulations have narrowed the President's space in carrying out his authority that originated in the 1945 Constitution of the Republic of Indonesia. Of course, the state and conditions of the constitution like this, severely hampered the cabinet in realizing its vision and missions. This paper will examine how to make the Indonesian presidential cabinet system work effectively.

Keywords: effectiveness, presidential, cabinet, multi-party system

1. Introduction

According to the 1945 Constitution of the Republic of Indonesia, Indonesia does not adhere to any system of any country but to a distinct system grounded in the character of the Indonesian people.ⁱⁱ This, except in the contents of the Preamble, articles, and the

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ⁱⁱJoeniarto (2001). Sejarah Ketatanegaraan Republik Indonesia (Constitutional History of the Republic of Indonesia), fifth ed. Jakarta: PT Bumi Aksara. p. 41.

transitional and additional regulations, can be found in the discussions during the planning, stipulation and ratification of the Constitution. According to the 1945 Constitution, the President, besides having the position of “Head of State”, also has the position of “Head of Government”.

The President as the Head of Government, in carrying out daily tasks, is assisted by Ministers. As the President’s assistants, Ministers are responsible to them. Ministers are appointed and dismissed by the President. In addition, the President as the Head of Government, in exercising the power of the Government, must comply with the provisions of the 1945 Constitution. This constitutional system, wherein the headship of the government is in the hands of the President, may be called the “presidential system”.

In the course of the history of governance in Indonesia, government systems and party systems frequently combine or merge in a variety of patterns. Indonesia once used a parliamentary system with a multi-party system from 14 November 1945 to 5 July 1959, but it was not effective enough to run the government. During this Parliamentary era, the cabinet was never stable due to the lack of a dominant political party that forced political parties to form coalitions with each other. The instability of the parliamentary government was due to the pragmatist tendency of political parties which resulted in frequent motions of no confidence from the legislature.

In the period of 1960 to 1965, the implemented presidential government system was combined with a limited multi-party system with only 10 political parties. In the next period of 1966 to 1998, the simplification of political parties was carried out via fusing the parties so that there were only three parties competing in every election. In this era, the implementation of a presidential government system was combined or paired with a very limited multi-party system. During the eras of Old Order and New Order, the implementation of presidential government was effective and stable due to the simplification of political parties, the strong character of the national leadership, and the presence of centralized power in the hands of one president which tended to be executive-heavy.

In the reformation era, following the 1999 Election, the implementation of the presidential government system was fully combined with a multi-party system. Through the Amendments of the 1945 Constitution from 1999 to 2002, the presidential system was strengthened. Since the amendments, Indonesia’s presidential system had become purer, signified by the direct president and vice president election system in 2004. Thus, the presidential government system in Indonesia had been constitutionally purified. The administration of Susilo Bambang Yudoyono and Jusuf Kalla (2004-2009) was the first government produced by a presidential election generated by the amendment of the 1945 Constitution.

In a presidential system, the people of the country are the ones who directly elect and determine their president thus ensuring that the legitimacy of the elected president will be very strong. This is in accordance with the nature of democracy as adhered to by Indonesia, namely the power from the people, by the people, and for the people.ⁱⁱⁱ This

ⁱⁱⁱI Dewa Gede Atmadja, (2013). *Demokrasi, HAM, & Konstitusi* (Democracy, Human Rights & Constitution), tenth ed. Malang: Intrans. p. 17.

people's power is then exercised through an institutional mechanism called a political party. Political parties then compete with each other in a healthy manner for the power of state government through the mechanism of legislative election and presidential or vice-presidential election. Indonesia has practiced a party system based on the multi-party system, albeit in varying degrees and qualities.

In a democracy, parties exist and operate in a particular party system. Each party is a part of a certain system; a party interacts with at least one or more parties in accordance with the construction of the applicable regulatory relations. The party system provides an overview of the structure of competition among political parties in an effort to gain power in government. The institutionalized party system tends to increase political stability and government effectiveness.

In reformation era, political parties flourished as a form of freedom of organization, so the party system returned to a multi-party system. The presidential government system could not run as it should have due to the power of the parliament which was supported by political parties. The political parties in the House of Representatives (DPR) played the roles, functions and rights of DPR to the greatest extent. The reform-era issue of implementing a presidential government system combined with a multi-party system had been felt and experienced by the administrations of President Abdurahman Wahid (1999-2001), President Megawati Soekarno Putri (2001-2004), President Susilo Bambang Yudhoyono, to the government of President Joko Widodo (2014-present).

From the description above, two main problems emerge: (1) How does the multi-party system affect the formation of the cabinet? (2) How effective is the presidential cabinet system in Indonesia?

2. Presidential System in Indonesia

According to the Great Indonesian Dictionary, 'system' is a set of elements that interrelate in a regular manner to form a totality.^{iv} 'System' comes from a Greek word which consists of the words *Syn* and *Histani* which means 'to place together'. System in general is a structure consisting of parts or components that are interconnected, and if one of the components fails to function it will affect the others.

A government system is said to be presidential if: (a) the position of the head of the state cannot be separated from the government position; (b) the head of the state is not accountable to the parliament but is directly responsible to the people who elected them; (c) the president, on the other hand, does not possess the authority to dissolve the parliament; (d) the cabinet is fully accountable to the President as the holder of state government power or as the highest administrator.^v The presidential system does not differentiate whether the President is the head of state or the head of government. There are only the President and Vice President with all their rights and obligations, or their

^{iv}KBBI, <https://kbbi.web.id/sistem/>, accessed on July 17, 2019.

^vJimly, Asshiddiqie. (2013). *Pengantar Ilmu Hukum Tata Negara (Introduction to Constitutional Law)*, fifth ed. Jakarta: PT Raja Grafindo Persada. p. 323.

respective duties and authorities. The application of the presidential government system in Indonesia only took place after the fourth amendment of the 1945 Constitution. There are 5 (five) main characteristics of the purification of the presidential system.

Firstly, the strengthening of the checks and balances function between the legislative and the executive bodies. The function and position of the parliament are stronger than in the New Order era. There is even a tendency for the legislative to be stronger than the executive. The strengthening of the checks and balances function between the executive and the legislative bodies is one of the demands made in the reformation era, as well as an effort to purify the presidential system. The separation of power and the institutionalization of checks and balances mechanism in the administration of state power was an important change during the reformation era, and a development of Indonesia's democracy. The purification of presidential system through the institutionalization of checks and balances mechanism has a political consequence in which the President and DPR become equals. The President cannot dissolve DPR, and DPR cannot depose the President.^{vi}

Secondly, the term of office of the president is limited. Article 7 of the 1945 Constitution states that^{vii}, "*The president and vice president hold office for five years, after which they can be re-elected to the same post but only for one term of office*". The institutionalization of the limiting of the term of office of the president and vice president automatically makes the terms more permanent. Thus, presidents in power during the reformation era had had their tenures limited by the constitution. The absence of a term limit had caused the president's power to accumulate and increase. Therefore, the term of office of the president must conceptually be limited in three ways: no second term of office, no continued term of office, and a maximum of two terms of office.

Thirdly, the institutionalization of a direct presidential election system. The institutionalization of this system had been democratically implemented in the 2004 and 2009 Presidential elections. The third and fourth amendments of the 1945 Constitution, carried out by the People's Consultative Assembly (MPR), had succeeded in changing the presidential and vice-presidential election system and mechanism into a direct election by the people. Before the amendment of the 1945 Constitution, the president and vice president were elected by MPR. This system of direct election of the president and vice president by the people is a main feature of the purification of the presidential system in Indonesia. The direct presidential election has a positive impact in which it encourages changes in the political format and the return of sovereignty to the people. The changes are: first, the president has a strong legitimacy due to being directly elected by the people; second, the position of the president becomes stronger because they will not be easily deposed by DPR for political reasons, such as the case of the deposition of President Abdurrahman Wahid.

^{vi}Yusuf Wibisono. Anomali Praktik Sistem Pemerintahan Presidensial Dan Multi Partai Di Awal Pemerintahan Jokowi Tahun 2014 (The Anomaly of the Practices of Presidential Government System and Multi-party in the Start of Jokowi's Administration in 2014), *Jurnal Ilmu dan Budaya (Journal of Science and Culture)*, Volume 40 No. 55 March 2017, p. 6368.

^{vii}The 1945 Constitution of the Republic of Indonesia.

Fourth, the process of nominating the president and vice president in one package. The system of one nomination package of president and vice president has political consequences on the structure of presidential institution, in that the president and vice president are now a single political institution. The structure of the presidential body will be different if the president and vice president are nominated and elected separately. Therefore, the system of nominating the president and vice president in one package is an important element in the purification of the presidential system in Indonesia. The nomination of the president and vice president in one package is expected to reduce the risk of leadership frictions or split leadership between the president and the vice president in running the government. In addition, it will make the relationship between the president and vice president more harmonious and cooperative.

Fifth, the President and Vice President cannot be deposed politically. The impeachment of the President can only be carried out through a judicial process. In the constitutional practices in Indonesia, there have been two impeachments of Presidents, namely the impeachment against President Soekarno in 1967 and against President Abdurrahman Wahid in 2001. Both men had been dismissed by MPR without clear legal reasons and were solely based on political decisions, meaning that the investigations and deposition decisions made in the MPR plenary session against the President and/or Vice President were not a judicial hearing, but a political constitutional forum. However, after the amendment of the 1945 Constitution, the mechanism for the deposition (impeachment) of the President and/or the Vice President in office had been regulated. At the very least, the regulation of impeachment is an agenda to improve the pre-amendment 1945 Constitution ruling on the politically-laden presidential deposition. The 1945 Constitution stipulates that before a President and/or Vice President is dismissed, their cases should be brought to the Constitutional Court in an effort to enforce the law and to purify the political decisions made in DPR. Afterwards, MPR can dismiss the President and/or the Vice President.

According to the post-amendment 1945 Constitution, the President and/or the Vice President can be deposed during their tenures if they have been proven to have violated the law in the form of treason against the state, corruption, bribery, other serious crimes or despicable acts, or have been proven to no longer meet the requirements as President and/or Vice President. The regulation of this article on impeachment is to ensure the legal certainty of the presidential and/or vice-presidential positions, and as a constitutional basis for impeachment.

3. Political Parties and Elections

In every democratic system, political parties have very important status and roles. Political parties play a very strategic role as liaison between government processes and the citizens. In fact, many argue that it is the political parties that actually determine democracy. Therefore, political parties a very important pillar whose degree of institutionalization should be reinforced in every democratic political system. It is the political parties that act as intermediaries in the state's decision-making processes, which

connect the citizens with the state institutions. Because of that in a democratic country political parties have the following functions:^{viii} (a) as a means of political communication; (b) as a means of political dissemination; (c) as a means of political recruitment; and (d) as a means of conflict management.

To guarantee democracy, to ensure that a government that truly serves the interests of all its people can work effectively and efficiently, and to ensure an orderly cycle of power, it is important to have a regularly-held general election mechanism. Because essentially the objectives of having elections are: (a) to enable an orderly and peaceful transfer of government leadership; (b) to allow a change of officials who will represent the interests of the people in representative institutions; (c) to implement the principle of sovereignty of the people; and (d) to implement the human rights principles of the citizens.^{ix}

With the guarantee of such a democratic system, welfare and justice can be realized as well as possible. Besides, elections that are held regularly will also provide opportunities for the people, both those who have already voted and those who are new voters, to participate in the determination of state and government policies.

In a modern democratic system, the legality and legitimacy of a government are very important factors. On the one hand, a government must be formed based on legal and constitutional provisions so that it can claim legality. On the other hand, the government must also be legitimate, in the sense that besides being legal, it must also be trusted. Thus, every democratic government that claims to be from the people is indeed required to comply with the results of general election as an important feature or a main pillar in a modern democratic system. That is why general elections are an absolute prerequisite for a democratic country to exercise people's sovereignty.

The objectives of general elections^x :

1. Allows for a transfer of government in a safe and orderly manner;
2. To exercise people's sovereignty; and
3. To implement the basic rights of the citizens.

From the above objectives, if it is accepted that a person's ability has limits then it will be a very natural thing to always have a change of government. Changes of government in totalitarian countries are different from what has happened in democracies. In totalitarian countries the change of government is determined by a group. This is not the case in a democratic country. In Indonesia, the change of government is determined by the people through general elections. Therefore, the general election is said to have the purpose of allowing a change of government. The word "allow" here does not mean that every time an election is held there must be a

^{viii}Suko Wiyono. *Pemilu Multi Partai Dan Stabilitas Pemerintahan Presidensial Di Indonesia (Multi-party Elections and Presidential Government Stability in Indonesia)*. Jurnal Konstitusi (Journal of Constitution), Volume 01 No 1 June 2009. p. 8.

^{ix}Suko Wiyono. (2018). *Reaktualisasi Pancasila dalam Kehidupan Berbangsa dan Bernegara (Re-actualization of Pancasila in the Life of the Nation and the State)*, tenth ed. Malang: Wisnuwardhana University of Malang Press. p.41.

^xMoh, Kusnardi. (1988). *Hukum Tata Negara Indonesia (Indonesian Constitutional Law)*, seventh ed. South Jakarta: PD Budi Chaniago. p. 330.

change of government, because there may be one political party in power in the parliamentary government system for two, three or four times, or like the President of the United States that stays in office for two terms. The word "allow" here means that the general election must provide equal opportunities for every participant to win. Such general elections are only possible if they are conducted honestly.

Seen from the point of view of the group of citizens that are members of a political party, the general election means a lot of them because through it they can find out how serious their supporters are. If they perceive an opportunity to win, the general election will become a medium through which they can carry out their programs. Therefore, it is not an exaggeration to say that when a government decides not to hold a general election then democracy in that country will vanish.

From this it can be concluded that general elections are not only important for citizens and political parties, but also for the governments themselves. For a government produced by an honest general election it will seem that they truly have the support from their people. On the other hand, a government created by a dishonest or less honest election will only have artificial support from their people.

In addition, the presidential system also needs to be strengthened, among others, through the parliamentary threshold. Provisions regarding the parliamentary threshold are regulated in Article 414 of the Election Law. "*Political parties participating in the election must meet the vote acquisition threshold of at least 4% (four percent) of the number of nationally valid votes to be included in the determination of the seat acquisition for DPR members*". The parliamentary threshold provision in Indonesia were initiated in the 2019 election through Article 202 of Law Number 10 of 2008, with the percentage of 2.5%. In the 2014 election, through Article 208 of Law No. 8 of 2012, the percentage of the parliamentary threshold was raised to 3.5%. In the 2019 election it was raised to 4%, 5% more than the previous threshold.

The main objective of a parliamentary threshold is to filter out parties that fail to get voter support, because: on the one hand, the large number of political parties participating in the election will not only confuse voters in casting their votes, but will also cost a lot of money; on the other, reducing the number of political parties in parliament is expected to reduce political fragmentation and create a positive impact on decision making. In other words, the aim of implementing the parliamentary threshold is to cut the number of political parties. Why do political parties need to be simplified?

In this regard, Jayadi Hanan, quoting the theory by Mainwaring & Shugart, states that the level of fragmentation of the party system refers to the effective number of political parties in the legislature. The more parties there are, the less likely it is that one party will hold majority control. Discipline among political parties is also important because it determines the president's strategic relationship with the legislature. The more disciplined a political party is, the more likely it is that its members will have a united position or one voice.

Furthermore, in another opinion, Jayadi Hanan also says that the strengthening of the presidential system is closely related to the availability of adequate political support in the legislature for the president. Adequate support is interpreted operationally as

majority support (more than 50 percent) or near majority (close to 50 percent). If a president's support is less than this threshold, it will be difficult for them to carry out their administration's agendas. The next consequence is that the presidential system will not function properly or, even worse, will lead to the failure of the government. Thus a presidential system implemented in a country will require simplification of political parties because the presidential system is not compatible with a multi-party system and the parliamentary threshold system may be a solution to this problem.

4. The Impact of Multi-Party System on Cabinet Formation

In a two-major-party system such as in the United States, it is unlikely that there will be a large number of presidential candidates, because naturally there will be only two candidate packages submitted. However, in a multi-party system the possibilities for presidential candidate packages are just as large and allow for elections that will not produce a victor supported by more than 50 percent of the vote. Therefore, in the context of direct presidential election, in the French constitution for example, a second round election mechanism is regulated. If in the first round there is no more than 50 percent support obtained, then a second round election will be held by including only the two candidate packages that obtained the highest votes in the first round. Both in the first and second rounds, the presidential candidates are elected directly by the people. However, such a mechanism may be very costly. Especially for poor countries like Indonesia this may seem impractical and inefficient.

Therefore, in Indonesia the presidential system may seem unfit to be applied in a multi-party system.^{xi} However, since Indonesia has entered an era of democracy that guarantees freedom of association and which can no longer be stopped, the number of parties is no longer limited as it was in the New Order era. It is therefore necessary to have a regulatory mechanism that will cause the number of political parties to naturally shrink by itself without any prohibitions or imperative restrictions. Thus, in the long run, a situation like in the United States may happen, namely the emergence of only two major parties, so that in the end the practiced party system may become a two-party one. However, this is of course only a hypothesis. In reality, the two-party system may not necessarily be realized, given the very complex reality of the plurality of Indonesian society and nation.

It is likely that it will be unrealistic to imagine that one day there will only be two major parties in Indonesia. However, despite the possibilities, efforts to simplify the number of political parties are necessary if Indonesia intends to implement a purely presidential system by having the people to directly elect the president and vice president. Reducing the number of political parties can be done as long as it is engineered to occur naturally, and is not enforced in undemocratic ways.

^{xi}Jimly, Asshiddiqie. (2015) *Hukum Tata Negara dan Pilar-Pilar Demokrasi (Constitutional Law and the Pillars of Democracy)*, third ed. East Jakarta Timur: Sinar Grafika, p. 102.

5. The Effectiveness of Presidential Cabinet in Indonesia

Given the reality of presidentialism applied in Indonesia as mentioned beforehand, the extreme multi-party (where the number of parties is very large) should be encouraged to become a simple multi-party, especially regarding the number of parties in the parliament. This simple multi-party then needs to be institutionally engineered into a simple multi-party system. There are three designs of political institutions that need to be redesigned and reorganized. First, the design of elections. Elections need to be redesigned to encourage the simplification of the number of political parties in the parliament, keeping up the strengthening of the presidential government system at the same time. By reforming the electoral system, the simplification of the number of political parties can be pursued through several institutional engineering agendas, including: implementing a district electoral system or a mixed system, reducing the size of electoral districts, consistently implementing seat thresholds in parliament, and combining the legislative and presidential elections.

Second, the design of the parliamentary institution. The design of the parliamentary institution is directed towards simplifying the polarization of the political powers in the parliament, such as reducing the number of factions and coalition effectiveness so that the political processes in the parliament will become simpler and more efficient within the framework of proportional checks and balances, to avoid an overly powerful legislative body. In this regard, the institutional engineering agenda that needs to be designed includes: simplifying the number of factions in parliament through tightening the threshold requirements for faction formation, regulating parliamentary coalitions which is directed toward two political blocks (alliance and opposition), and strengthening the institution and authority of the Regional Representatives Council (DPD) to balance the DPR so that the checks and balances function not only occurs between the president and the DPR, but also between the DPR and DPD.

Third, the design of the presidential institution. The design of the presidential institution is also directed towards strengthening the political position of the president before the parliament so that parliamentary power is not above the president, but also avoids the overpowering of the presidential position. In addition, it is also directed towards a solid cabinet so that the government can run effectively. In this regard, the President must be cautious. The president must be selective in making laws and regulations related to their authorities that have been regulated in the 1945 Constitution. They must not produce regulations that will only restrict their powers by increasing the authority of DPR to take part in the implementation of the articles of the 1945 Constitution that are related to President's authority. For example, the authority granted by Article 10 of the 1945 Constitution: as the holder of the highest power, it is not necessary for the president to ask DPR's consideration to appoint the Commander of Indonesian Military and the Chief of the Police.

Next is the issue of party simplification. Realistically, there needs to be a design to simplify the number of parties in the parliamentary institution, namely by consistently implementing a parliamentary threshold of 5%. It is expected that there will be only about

5 to 6 parties in the parliament, in other words a simple multi-party system. The reduction in the number of parties in the parliamentary institution will also mean that the number of factions in parliament will decrease. Thus the political processes in the parliament will become simpler and more efficient within the framework of proportional checks and balances. If the number of parties in the parliamentary institution is small, it will mean that the configuration of the coalition of government supporting parties will get smaller, but it will also be stronger and more enduring. In addition, simplifying the number of parties can also be done by implementing district and proportional systems in the electoral system.

The efforts will be more perfect if supported by the president's strong and firm personality and leadership quality, so that they will not be easy to interfere with when forming the cabinet. The ideal cabinet structure is 10 percent of the coalition political parties, while the rest is from purely non-political party professionals. With this 30 percent figure, it is expected that any intervention by the coalition political parties will decrease and the professionalism of the ministers will take priority. In addition, ministers who come from political parties must not hold key positions in their parties, to ensure their full loyalty to the President.

6. Conclusion

When examined, the Republic of Indonesia's constitutional system which is based on the 1945 Constitution is characteristically Indonesian. The nation does not adhere to a Continental European system or an Anglo-Saxon one. The late Prof. Dr. Padmowahyono once stated that the Indonesian People's Consultative Assembly (MPR) system as regulated in the 1945 NRI Text of the 1945 Constitution, was different from the American Congress.

Likewise, the Presidential cabinet system currently in effect in Indonesia is also different from the Presidential cabinet system in the United States. The Presidential cabinet system in the United States is paired with a Two-Party system, while in Indonesia the Presidential cabinet system is paired with a free multi-party system. The impact of the free multi-party system is that in every legislative general election no party will gain a dominant seat in the parliament. Therefore, the formation of a presidential cabinet cannot be done without forming a coalition with other parties.

The formation of a cabinet through coalition will weaken the professionalism of the ministers in the cabinet. The ministers appointed by their parties are often very unprofessional since they have no expertise in the fields related to their ministerial authority. Therefore, it is time for the elected president to act decisively when appointing ministers as their assistants. 70 percent of the ministers should be professionals and 30 percent are from representatives from the supporting parties. When this is done, the cabinet will be able to run well and there will be fewer interventions by the parties.

The President should not make laws that will constrict themselves, undermining the authority granted to them by the 1945 Constitution. For example, Article 10 of the 1945 NRI Constitution states that "*the President holds the highest power over the Army, Navy*

and Air Force". The article clearly states that the highest power over the Army, Navy and Air Force is in the hands of the President, thus in appointing the Indonesian Military Commander and the Chief of the Police Force the President does not need to ask for consideration from the House of Representatives (DPR). Ironically, at present the President must first ask the DPR's consideration when appointing Military Commander and Chief of the Police. The prevailing Laws regulating the aforesaid should be abolished, and the President should not approve any Draft Laws and Regulations that work in a similar manner. On the other hand, the future Parliamentary threshold needs to be continuously increased until the number of parties is smaller and a simple multi-party system is achieved.

Conflict of interest

The authors declare no conflicts of interest.

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