

**THE PARTY SYSTEM PRACTICES WITHIN A PRESIDENTIAL
GOVERNMENT SYSTEM BASED ON THE 1945 STATE
CONSTITUTION OF THE REPUBLIC OF INDONESIA BEFORE AND
AFTER THE AMENDMENTS**

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ABSTRACT

Political parties are considered democratic institutions expected to help build a stable and democratic government. Conversely, political parties are often considered to trigger government instability. This study aims to 1) discover the history of the party system within General Elections in Indonesia and 2) investigate the influence of the multiparty political structure implemented in the presidential system. This normative legal article uses a historical approach to describe the party system history of some presidents and the House of Representatives before and after the amendment of the 1945 Constitution. Afterward, each history will be compared to investigate the comparison of the President's power relationship with the House of Representatives before and after the amendment of the 1945 Constitution. The findings showed that 1) the party system before the amendment (hereafter, the New Order) benefited the ongoing government. The president had no problems with political support because the government party was always the party supporting the government with an absolute majority in parliament. In contrast, the party system after the amendment (hereafter, multiparty politics) is considered a solution to maintain stability and balance in the ongoing political system. The president had some difficulties getting majority support from parliament, thus coalition between the president and political parties is a form of compromise. 2) The impact of a multiparty system is that the president indirectly allows parties outside him to influence his power structure. In conclusion, the problems of the presidential and multiparty system can be resolved with an accommodative and compromise presidential style of government.

Keywords: The party system. The presidential government system. The political multiparty system

1. Introduction

This year is a political year, because Indonesia is a democratic country so it is essential for the public to understand the government structure, general divisions and parties of the Indonesian state. Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which reads, "The State of

¹ **Submission:** 10 Maret 2024 | **Review-1:** 11 Juni 2024 | **Publish :** 12 Juni 2024

Indonesia is a state of law," gives rise to the recognition of the principle of supremacy of law and the constitution.²

Based on Paragraph 4 of the Preamble to the 1945 Constitution, which states that the Indonesian Constitution will establish the Republic of Indonesia with the sovereignty of the people. Article 1 Paragraph 1 of the 1945 Constitution states that the State of Indonesia is a Unitary State with a Republican form of government, and Article 4 Paragraph 1 of the 1945 Constitution states that the President of the Republic of Indonesia holds government powers according to the Constitution. Thus, it can be concluded that Indonesia is a unitary state with a republican form of government and a presidential system of government.

The two types of government systems most widely used by countries worldwide are presidential and parliamentary. Countries around the world usually adhere to one of these two government systems. Other government systems are usually considered variations or combinations of the two systems. The relationship between legislative and executive powers determines the classification of presidential and parliamentary government systems. If the executive body exercises executive power and is under the direct supervision of the legislative body, the government system is called parliamentary. On the other hand, if the executive body is outside the direct supervision of the legislative body, the government system is called presidential.

Referring to modern democratic theory and the theory of popular sovereignty, the people determine the country's course through general elections. Therefore, the president's and vice president's election directly gives the people legitimacy to exercise their sovereignty over the state.³ Presidential elections carried out directly by the people provide the same strong legitimacy as legislative elections, whose members are also elected by the people. Hence,

² Jimly Asshidiqie, *Konstitusi dan Konstitusionalisme*, Konstitusi Press, Jakarta, 2005, page. 55.

³ Eve Warburton dan Edward Aspinall, "Explaining Indonesia's Democratic Regression," *Contemporary Southeast Asia* 41, no. 2 (2019): 19.

the relationship between the president and the legislature is balanced. Meanwhile, the parliamentary system is different from the presidential system, in this system sovereignty is entirely in the hands of the parliament. General elections are only held to elect members of parliament. In this system, the head of government and the head of state have different powers.

The journey of the government system, which started with the Old Order, New Order, and Reformation, until now, has resulted in the components of the Indonesian government system, which consist of: (a). Building a unitary state based on the principle of broad regional autonomy. The country's territory is divided into several provinces. (b). The form of government is republican, while the government system is presidential. (c). The president functions as head of state and head of government. The president and vice president are elected directly by the people in one package. (d). The president also appoints the cabinet or ministers, each of whom is responsible to the president. (e). Parliament consists of two parts (bicameral), the House of Representative Council (DPR) and the Regional Representative Council (DPD). The council members are members of the MPR. The DPR has legislative authority and oversees government performance. (f). The Supreme Court and the judiciary below it have judicial authority.

History shows that the presidential institution had a lot of power during the New Order government. According to the 1945 Constitution, before the amendments, almost all of the president's authority was exercised without the approval or consideration of the DPR as representatives of the people. In the New Order government, bureaucrats, the military, and the Golkar Party were the dominant parties. The President even appoints the DPR and MPR, so the DPR and MPR always support the government.

At that time, the President had extraordinary authority and was vulnerable to abuse of authority due to weaknesses that could even be considered without supervision and approval from the DPR. Even though there are weaknesses, with great power, it allows the president to control the

entire government and build a stable and strong government. The government system is more substantial and not easily collapsed or replaced. Conflicts and disagreements between state officials can be minimized or even avoided. However, in the Indonesian government system, presidential power turns out to be more detrimental to the state and nation than beneficial.

The constitution provides freedom of association, gathering and expressing opinions, as stated in article 28 E Paragraph (3). However, in political and constitutional practice, freedom of association and assembly, especially the freedom to establish political parties in Indonesia, experiences ups and downs in line with the dynamics of the current constitutional and political systems.⁴

In the Reformation era, Indonesia aims to build a democratic government, so it is necessary to develop a constitutional government system or a government based on the constitution. Constitutional government means the country's constitution limits government power and guarantees human rights and the rights of citizens. Therefore, in the Reform Era, changes or amendments were made to the 1945 Constitution. By amending the 1945 Constitution into a constitutional constitution, it was hoped that a better government system could be built than before. The MPR has amended the 1945 Constitution four times. Indonesia's current government system is based on the 1945 Constitution, which has been amended.

The new system guarantees freedom of association more in democratic countries. As a result, in the 1999 elections, 48 political parties participated because of reform and enthusiastic political participation among the people. In this election, voters elect members of the DPR and MPR, and MPR members elect the President and Vice President. Only in the 2004

⁴ Abdul Mukhtie Fadjar, *Partai Politik Dalam Perkembangan Ketatanegaraan di Indonesia*, Setara Press, 2012, Malang, page.2.

election, for the first time, the Indonesian people became a democratic country that elected the President and Vice President directly to the people. Therefore, the Indonesian government system is experiencing new changes. Everything is intended to improve the existing presidential system. New changes include direct elections, a bicameral system, a checks and balances mechanism, and giving parliament more authority to oversee and regulate the state budget.

Indonesia is a republic with a presidential system of government, also known as a congressional system. In this system, executive power is separated from the legislature and is elected through elections. On the other hand, the general election system in Indonesia uses an open proportional system, or a balance between the population and the number of seats in the electoral district. With this system, regions with larger populations will have more seats in representative institutions, and vice versa. This system also regulates the proportion between the number of votes received by a political party and the number of seats received by that party. The basis of proportional thinking is that the distribution of voters' votes for each party is adjusted to the proportion of seats available in the legislature.

In Indonesia, the presidential system has been integrated with implementing a multiparty system. Indonesia shows a high level of social diversity and complex social plurality, which is why Indonesia uses a multiparty system. Historical and sociocultural factors in society also support forming a multiparty system. When a proportional electoral system is implemented, the multiparty system becomes stronger. Implementing a proportional electoral system is the third factor that causes multipartyism in Indonesia to emerge. These three components are interconnected and influence each other.⁵

⁵ Retno Saraswati, *Desain Sistem Pemerintahan Presidensial yang Efektif*, Masalah-Masalah Hukum, Jilid 4, No. 1, Januari 2012, page. 140

This follows Article 6 A Paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This article states that the president and vice president are proposed by a political party or a combination of political parties, the term "political party combination" requires a minimum of two political parties to nominate candidates for president and vice president. to compete with candidates promoted by other parties or combinations of political parties.

Political parties are considered democratic institutions expected to help build a stable and democratic government, although sometimes the opposite happens. Not infrequently, political parties themselves are the trigger for government instability. A party system situation like this is no exception in Indonesia. On the other hand, political parties are a means for the people to unite and gather to participate in government guaranteed by the Constitution. However, its uncontrolled existence as access to freedom and equality in democracy can lead to polarization and conflict between political party forces, which can cause the government to become unstable.⁶

According to the author, it is interesting to conduct research based on this background. Specifically, this research aims to answer two main questions: What is the legal ratio of the multiparty system in Indonesia? What is the influence of the multiparty system implemented in the presidential government system in Indonesia? By discussing these two main issues, it is hoped that we can answer the aim of this research, namely to find out the legal ratio of the multiparty system in Indonesia so that we know the background to the birth of the multiparty political structure in the presidential government system in Indonesia, and secondly, namely to find out the influence or implications of the multiparty political structure that implemented in the presidential government system in Indonesia.

⁶ Firdaus, *Desain Stabilitas Pemerintahan Demokrasi dan Sistem Kepartaian*, Yrama Widya, Bandung, 2015, page. 1-2.

This research will analyze it using presidential system theory and the combination theory of presidential and multiparty systems. Juan Linz stated in his article entitled "The Risks of Presidentialism", that the presidential system has three main weaknesses. The first is the possibility of political paralysis or deadlock due to executive-legislative conflict. If a presidential system is combined with a multiparty system, the possibility of political deadlock will become greater. Second, because the executive term of office is fixed, there is no way to replace the president instantly if his performance does not satisfy the public. Third, the principle of "winner takes all" is inherent in the presidential system, which uses a majority system of two rounds of presidential elections. This system allows the president to claim his policies in the name of the people, not the partisan interests of political parties.⁷

In a presidential political structure, the president's party should ideally be the majority party, namely the party that gets the majority of votes in parliament, the aim is to maintain the stability of the elected president's government and make it easier to get political support from parliament to implement political policies and programs that have been made by the president. However, according to research conducted by Scott Mainwaring, a presidential system combined with multiparty means that presidents are rarely elected from the majority party. As explained by Scott Mainwaring "In Presidential systems the president (not the parties) has the responsibility of putting together a cabinet. The president may make prior deals with the parties that support him or her, but these deals are not as binding as in the parliamentary system. Second, in presidential systems, the commitment of individual legislators to support an agreement negotiated by the party leadership is often less secure. Finally, incentives for parties to break a

⁷ Efriza, Relasi Kekuasaan Presiden dan DPR dalam Sistem Presidensial, Jurnal Kajian Politik dan Masalah Pembangunan, VOL. 12 No. 02, 2016, page. 1847.

coalition are stronger in presidential systems than in many parliamentary systems.”⁸

2. Reseach Method

In this research the author used normative legal research, the technique for collecting legal materials used was literature study with the primary legal materials being the 1945 Constitution before and after the amendments, secondary legal materials in the form of books, doctrine, legal journals and internet sources. In this research, the author will also conduct an instrumental case study. The case study is the power relationship between the President and the DPR before the amendment to the 1945 Constitution and after the amendment to the 1945 Constitution. With this case study, the author will use a historical approach, namely an approach carried out by tracing and researching history related to the power relationship between the President and DPR before the amendment to the 1945 Constitution and after the amendment to the 1945 Constitution, of course from the era of the first president Soekarno to the seventh president Joko Widodo.

Finally, the study compares the power relationship between the President and the DPR before and after the amendment to the 1945 Constitution and compares the coalition management relationship between former President SBY and President Jokowi. However, this comparison may not be complete because the problems regarding the coalition were louder during the leadership of Presidents SBY and Jokowi. In this research, the author uses a deductive thinking method, namely a thinking process that starts from general matters to specific matters, to conclude the power relations between the president and the DPR, especially in a combined presidential government system with a multiparty political structure.

⁸ Scott Mainwaring, 1993, *Presidentialism, Multiparty System, and Democracy: The Difficult Combination*, *Comparative Political Studies*, Vol. 26 No. 2, page. 220-222.

3. Results and Discussion

3.1. The Legal Ratio of The Multiparty System in Indonesia

The Indonesian nation has held general elections since independence. All general elections take place in an environment that also determines the results of the general election (election). From the elections that have been held, it can also be seen that there are efforts to find a suitable party system to be implemented in Indonesia.

Parliamentary Democracy Elections (1945-1959): during this period, the Baharuddin Harahap cabinet held the elections in 1955. Based on history, in reality since independence Indonesia has implemented a multiparty system. Vice President Mohammad Hatta Decree No. X/1949 marked the implementation of a multiparty political system in Indonesia. The Vice President's decision also aims to prepare for the first elections. In this election, voting was held twice, namely, the first to elect members of the People's Representative Council on 29 September 1955 and the second to elect members of the Constituent Assembly on 15 December 1955. The system applied in this election combined the district and balanced representation systems. It is called a combination system. The combined system combines the district system and the balanced representation system. For example, the number of members of the people's Representative body is calculated based on the population, the majority of members are elected as district representatives through district elections, and a small portion are elected as representatives of the Election Contesting Organizations (OPP), the calculation of which is carried out using the OPP which does not elect representatives in district elections.⁹

The implementation of this first election took place democratically and solemnly. There were no restrictions on political parties and no attempts by the government to intervene or interfere with political parties

⁹ <https://www.kpu.go.id/page/read/8/pemilu-1955>

and the campaign ran interestingly. In this election, 29 political parties and independent participants (individuals) participated. In the first election, several political parties received significant votes, including PNI (22,32%), Masyumi (20,92%), NU (18,41%), PKI (16,36%), PSII (2,89%), Parkindo (2,66%), PSI (1,99%), Partai Katolik (2,04%), dan IPKI (1,43%).

However, the political stability hoped for from the election was not achieved, in fact the first election did not continue with the second election five years later. Furthermore, the issuance of a Presidential Decree on July 5 1959 led to changes in political form, including the presidential decision to dissolve the Konstituante and the statement of a return to the 1945 Constitution, which strengthened President Soekarno's intention to bury the parties. After that, the law ended the democratic regime and started the authoritarianism of power in Indonesia. According to Prof. Ismail Sunny, state power now refers to democracy through law rather than decree.¹⁰

Following Guided Democracy (1959-1965), on June 4 1960 President Soekarno dissolved the DPR due to the 1955 elections, showing the authoritarianism of his government. This happened after the legislative council rejected the RAPBN proposed by the government. With the Decree of July 5, 1959, President Soekarno unilaterally formed the DPR-Gotong Royong (DPR-GR) and the Provisional MPR (MPRS), each appointed by the president. Because the 1945 Constitution does not contain a clause on how to elect members of the DPR and MPR, the appointment of members of the MPR and DPR without election does not conflict with the 1945 Constitution. However, the consequence of this appointment is the co-optation of the two institutions under the president, even though according to the 1945 Constitution at that time (before the

¹⁰ Ibid.

existence of amendment), The MPR is the holder of the highest power and the position of the DPR is equal to the president.

Until President Soekarno was dismissed by the MPRS through a Special Session in March 1967 (Decree XXXIV/MPRS/1967), the political, economic, and social crisis that emerged after the failed G30 S/PKI coup was increasingly widespread. The regime, which became known as Guided Democracy, never even held elections. Apart from that, in 1963 the members of the MPRS who were appointed, then appointed Soekarno as president for life. This authoritarian type of power overrides the decisions made by voters through periodic elections.¹¹

After the decline of the semi-authoritarian Guided Democracy era, the people hoped to experience a democratic & stable political system, which in Indonesian constitutional history was called Pancasila Democracy (1965-1998). Efforts to achieve this desire include holding various discussion forums that discuss the district system, which sounds new to the ears of the Indonesian people. The opinion resulting from this discussion forum states that the district system can naturally reduce the number of political parties without coercion, aiming for minor parties to feel an interest in working together to win seats in a district. Reducing the number of political parties is hoped to create political stability, and the government will be more assertive in implementing its programs, especially in the economic sector.

President Soeharto took several actions to control party life because he failed to simplify the number of political parties through the general election system. This makes the general election system different from before and after the New Order. As is known, during the New Order period, elections were held six times, namely in 1971, 1977, 1982, 1987, 1992 and 1997. In the 1971 election, there were 10 political parties participating. The first action taken was to carry out a fusion or merger

¹¹ Ibid.

between political parties, grouping the parties into three groups, namely the Karya Group (Golkar), the National Group (PDI), and the Spiritual Group (PPP). PPP is the result of the fusion of Islamic political parties (NU, Parmusi, PSII, and Perti). At the same time, PDI is the result of the merger of nationalist and non-Islamic parties (PNI, Catholic Party, Murba Party, IPKI, and Parkindo). Golkar itself is a party politics established by the new order government. Subsequently, elections from 1977 to 1997 involving three parties were held, and the result was that Golkar always won the most votes.¹²

After the fall of the new order, the Reformation was born in 1998, there was liberation in all aspects of national and state life. Indonesian politics experienced a similar impact by providing space for people to represent their politics by having the right to establish political parties. Many political parties were founded in the early era of reform. Many political parties participating in this election are undoubtedly very different from the New Order era. The discarding of the political format of three parties participating in elections during the Soeharto government gave birth to multiparty democracy.

The first election in this reform era was held early. Initially, according to the schedule, the elections were held in 2002 but were finally moved forward to 1999. According to the Presidential Literature page, the acceleration of the elections resulted from public pressure on Habibie's government because he was deemed not to have the legitimacy to hold power. The public considers Habibie, who previously served as vice president, part of the new order, which must also be overthrown.¹³

President Habibie's reign was very different from the New Order period. Not only has the government faced harsh criticism, but there has

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<https://pusmendik.kemdikbud.go.id/asesmenpedia/public-subject/question-detail/b45165dc-5578-491d-8c96-c3e85a440aa1>

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<https://www.kompas.com/tren/read/2022/06/07/084400665/sejarah-pemilu-pertama-di-era-reformasi-bagaimana-pelaksanaannya-?page=all>

also been much ridicule and doubt about the government's ability to manage and implement the reform agenda. The MPR even rejected President Habibie's accountability report, which prevented him from running for president. Indonesia is experiencing many changes, the DPR and MPR are two state institutions that are not only actively involved, but also represent the political changes between 1998 and 2004. During the New Order era, the legislature (parliament) was called the "government seal". However, this term has changed to a solid legislative (superbody).¹⁴

The mushrooming of political parties after the New Order resulted in uncontrolled political party organizations with the emergence of new politicians in new political carriages. Leaders of political parties during the New Order emerged to establish political parties. This is influenced by the ease of obtaining legality as an election participant. So this is one of the causes of the extraordinary development of the establishment of political parties. In the 1999 election, there were 148 political parties registered with the Ministry of Law and Human Rights and 48 parties that passed verification and were entitled to take part in the election. Of the 48 parties that participated in the 1999 elections, only 19 parties succeeded in obtaining seats in Parliament or the House of Representative Council (DPR).¹⁵ The 1999 MPR General Session results confirmed Abdurrahman Wahid, also known as Gus Dur, and Megawati Soekarnoputri as elected president and vice president shortly after the election. Until the MPR Special Session on July 23 2001, the MPR made history again, namely the MPR impeached President Abdurrahman Wahid who then replaced him as president.

¹⁴ Djiwandono dalam Yuwanto, *Parlemen Dan Demokratisasi: Peran Dewan Perwakilan Rakyat Dalam Transisi Demokrasi Di Indonesia*, Jurnal Ilmiah Ilmu Pemerintahan, Vol 2, No. 2, 2016, page. 43

¹⁵ Hayat, *Korelasi Pemilu Serentak dengan Multi Partai Sederhana Sebagai Penguatan Sistem Presidensial*, Jurnal Konstitusi, Volume 11, Nomor 3, September 2014, page. 479.

Apart from being influenced by the ease of obtaining legality as an election participant, the amendments to the 1945 Constitution indicate that the Indonesian nation is implementing a multiparty system. This article is Article 6A Paragraph (2) of the 1945 Constitution, which states that a political party or a combination of political parties proposes the Presidential and Vice Presidential Pair. This article implies that Indonesia adheres to a multiparty system because those who have the right to nominate presidential and vice presidential candidates are political parties or combinations of political parties. To control the proliferation of political parties, a threshold (Electoral Threshold) was implemented following Law No. 3 of 1999 concerning Elections, which stipulates that political parties that have the right to take part in the next election are political parties that win at least 2% of the total seats in the DPR. Political parties that do not reach the threshold may participate in the next election by joining other parties and establishing a new party. For new political parties, this is indeed burdensome. The development of a system for tightening election requirements by adding several requirements in 1999 has not yet been implemented, and only began to be implemented in 2004. The threshold percentage can be increased if deemed necessary, such as the 2009 Electoral Threshold percentage being 3% after the previous election in 2004 was only 2%. In 2004, election participants were reduced from 48 to 24 political parties. The number of parties participating in the 2014 election was attended by 12 political parties, in 2019 participated by 16 political parties, and in 2024 participated by 18 political parties.

Elections are considered the most accurate form of democracy and the most concrete form of people's participation in the administration of the State. Therefore, the election system & implementation is almost always the main focus because through the arrangement, system &

quality of election implementation it is hoped that democratic government can truly be realized.

3.2. The Influence of Multiparty Political Structures in The Presidential Government System in Indonesia

Freedom to associate assemble and express opinions is guaranteed by the constitution, namely in article 28 E Paragraph (3). However, its implementation, in political and constitutional life, the principle of freedom of association and assembly, especially in establishing political parties in Indonesia, experiences ups and downs in line with the dynamics of the existing constitutional and political systems. One of the functions of political parties in developing democratic countries such as Indonesia is as a means of political communication, therefore political parties have a large place in occupying seats in government, both in the executive and legislative institutions.¹⁶

The existing political system is the result of the application of democracy, the course of democracy is influenced by the system of government run by the authorities. The more democratic the political system, the looser the establishment of political parties, and the more authoritarian the political system, the stricter the formation of political parties, which means there is a shift in the interpretation of the principles of freedom of association and assembly. On the other hand, the party system and government system will influence each other.

Our constitution, namely the 1945 NRI Constitution, does not mandate what party system must be implemented. However, the constitution indicates that the Indonesian nation implements a multiparty system. This article is Article 6A Paragraph (2) of the 1945 Constitution, which states that a political party or a combination of political parties

¹⁶ Miriam Budiardjo, *Dasar-Dasar Ilmu Politik*, Edisi Revisi, Gramedia Pustaka Utama, Jakarta, 2010, page. 405.

proposes the Presidential and Vice Presidential Pair. This article implies that Indonesia adheres to a multiparty system because those who have the right to nominate presidential and vice presidential candidates are political parties or combinations of political parties. The term "political party coalition" means at least two political parties joining together to nominate the president to compete with other candidates put forward by other political parties. Thus, from this article, in the presidential and vice presidential elections, there will be at least three political parties.

Meanwhile, the multiparty system is a political structure, while the presidential system is a constitutional structure. These two structures are at the same level and are equivalent, on the other hand in this study there is the presidential institution, personality and presidential leadership style.¹⁷ From this, it can be understood that the style and behavior of the presidential institution and the president's personality will be influenced by the political structure, namely the party system and the constitution. This will be the point of thinking logically to find the implications of implementing a presidential system in a multiparty or single-party context.

In a presidential political structure, the president's party should ideally be the majority party, namely the party that gets the majority of votes in parliament, the aim is to maintain the stability of the elected president's government and make it easier to get political support from parliament to implement political policies and programs that the president has made. The more parliamentary support given to the president, the more effectively the government carries out public policy. Conversely, the less parliamentary support, the less effective the government is in implementing the policy.

¹⁷ Syaefullah Eep Fatah, *Praktik Presidensialisme Dan Demokrasi Indonesia*, Jurnal Negarawan, No. 8, 2018, 2004.

Indonesia's presidential system can be an exciting debate because usually, only two political parties in most countries use this presidential system. In the United States, for example, this is closely related to the strength of government, because when a president is elected from the Democratic party, the Republican party will automatically become the opposition and vice versa, to maintain balance between the executive and legislative branches. This differs from Indonesia's presidential system, which involves more than two political parties. So it is very interesting to ask what if the President-elect comes from a party cumulatively a minority in parliament, even if the president's party may be significant, what if the parties combined number more than the President-elect's party, will it automatically become opposition? If this happens, it shows how weak the executive's position is in running the government.¹⁸

The government system adopted by a country should be supported by a party system that is appropriate or ideal with that system so that the government system and party system work together well because this will impact how the government system itself functions to run the country well. The presidential system and multi-party systems with too many parties can be crucial factors. Observations and studies conducted by Mainwaring show that the presidential system combined with a multi-party system implemented in several countries failed to create an ideal government. To create a strong presidential system and stable government, a change in the political system in Indonesia from Multi The party becomes a simple party.¹⁹

The author will describe the relationship between the party system and the Indonesian government system, starting from the Old Order, led by Soekarno, which lasted from 1945 to 1966 or around twenty-two

¹⁸ Zuhdi Arman, *Tinjauan Terhadap Sistem Multi Partai Dalam Sistem Pemerintahan Presidensial di Indonesia Pada Era Reformasi*, Jurnal Cahaya Keadilan, Vol 6. No. 1, 2018, Page. 25

¹⁹ Partono, *Sistem Multi Partai, Presidensial dan Persoalan Efektifitas Pemerintah*, Jurnal Legislasi Indonesia, Vol. 5, No.1, Maret 2008, page 26-27.

years. After Indonesia gained independence, the government began to change from presidential to parliamentary. In this era, even though Indonesia had gained independence, it still continued to experience conflict and war, including the war against the Dutch. So the Constitution in force has also changed several times, starting from the 1945 Constitution, the Law of the United Republic of Indonesia and the 1950 Constitution which adheres to a parliamentary system.

At that time the president's power was very strong, the president chose the prime minister and could dissolve the DPR. During this period, the prime minister changed eight times, impacting the government system. During President Soekarno's administration from 17 August 1950 to 5 July 1959, the Provisional Constitution continued to be used. Following the mandate of the 1950 UUDS, the Constituent Council was allowed to develop a new Constitution at that time. However, the Constituent Assembly failed to be completed until Soekarno issued a Presidential Decree on July 5, 1959, which declared the dissolution of the Constituent Assembly. The years 1959–1966 were known as guided democracy after the 1959 Presidential Decree, which stipulated that the president had total control over all government systems. The decree also stated that the 1945 Constitution would be re-applied and the 1950 Constitution would no longer apply.

The above proves that the influence of a president's power is very visible, even though he adheres to a parliamentary system that incidentally uses a multiparty system where the power of parliament is very strong to determine the direction of the government. Still, here, President Soekarno's very strong personality cannot influence. Even a president, whose powers are equal to those of the DPR, can dissolve it.

Then at that time army units were also involved in national politics as a functional group, along with the entry of the PKI to balance things out. Although Sukarno believed PKI intervention could bring balance,

many opposed that choice. Unfortunately, the presence of the PKI caused conflict which ended in the G30S PKI on September 30 1965. The people were unhappy with Soekarno because he was close to the PKI. This even made his reputation decline, and he was no longer trusted. The people were also worried that if the country's leaders were too close to the PKI, it would cause communism to emerge. Thus, on this basis, Sukarno officially handed over government power to General Suharto as holder of Supersemar on February 23 1967 at the State Palace. In the following month, Soekarno's resignation was confirmed by the MPRS Session, which also inaugurated Soeharto as President. As a sign of a change of government, the Old Order changed to the New Order after Suharto took over leadership.

As the author stated above, in a presidential system, the president's party should ideally be the majority party whose aim is to maintain the stability of the elected president's government and make it easier to get political support from parliament to implement the political policies and programs that the president has made. This is like in the era of President Suharto's government, where the government elected legislative members in power based on a list submitted by a "committee" appointed by the president. Because it is appointed and proposed by the president, the DPR often only becomes a "rubber stamp" for several government policies.

This happens because in the 1945 Constitution before the amendments this could happen, one of which is based on Article 5 paragraph (1) that the President has the authority to make laws, while the DPR is only limited to approving them following Article 20 of the Constitution. 1945, and can also be seen from the provisions of Article 19 paragraph (1) of the 1945 Constitution, which states, "The composition of the People's Representative Council is determined by law" so that concrete things can happen because the president has the

authority to make laws, namely the President has legislative power that bigger than the DPR.

Apart from the above, the President can stipulate Government Regulations instead of Law (Perpu) in compelling situations. Apart from that, according to Article 23 paragraph (1) of the 1945 Constitution before the amendments, determining the state budget and revenue was an area where the president had enormous authority. The income and expenditure budget is determined by law. If the House of Representatives does not approve the government's proposed budget, the government will implement last year's budget.

Inu Kencana Syafiie quoted Muhammad Ridhwan Indra's opinion, stating that the President's power in the 1945 Constitution before the amendments was very large, this can be seen because:

- 3.2.1. In addition to leading the highest executive, the President also has legislative powers;
- 3.2.2. Apart from leading the highest executive, the President also has judicial power;
- 3.2.3. The President has the power to form government regulations to implement laws (*pouvoir reglementair*);
- 3.2.4. The President can make laws regulating all other high state institutions.²⁰

Support from the majority political party in government and parliament is necessary for an effective presidential system. Because Golkar has always been a government-supporting party with an absolute majority in parliament, presidents in the New Order era had no problems with political support. So, there is no need to confuse President Suharto with the inevitability that his government does not need a coalition. The president has complete control over the government and parliament.

²⁰ Putera Medea, *Kekuasaan Presiden RI Dalam Bidang Legislatif Setelah Amandemen Uud 1945*, Lex Administratum, Vol.I, No.2, Apr-Jun 2013, Page. 149.

Until finally President Soeharto resigned and the transfer of power from President Soeharto to Vice President B.J Habibie on May 21 1998, the Indonesian political system experienced a major shift. On a larger level, this change can be seen in the Indonesian political system, which changed from an authoritarian one to a more democratic one. President Habibie's reign was very different from the New Order era, opening up democratic space, which could have been blocked for 32 years.

President B.J. Habibie has quickly maintained his contemporary perspective on democracy and applied it in every decision-making process. Both the national and international community recognize B.J.'s great role in Habibie in accelerating the democratic process in Indonesia, which made him considered the "Father of Democracy". He was truly committed to democracy. When Habibie's accountability speech was rejected by the MPR, the highest institution in Indonesia responsible for electing the President and Vice President, Habibie bravely withdrew from the election for a new president in the 1999 elections. Apart from that, he did this because he believed that the MPR's rejection of his speech does not close the opportunity and stop him from continuing to participate in the election, and the possibility that he will still be ahead of other presidential candidates. But he believed that the MPR's rejection of his speech would be unethical for him to remain in the election. This decision is also intended to provide political education about what democracy is. Some political experts say that East Timor's separation from the Republic of Indonesia due to the opinion polls was the reason for President B.J.'s accountability speech. The MPR rejected Habibie.²¹

Regarding relations with parliament, even though the government received harsh criticism and a lot of ridicule and doubts about the government's ability to manage and implement the reform agenda, even

²¹ Sugiharto dalam Ahmad Depri Kurniawan Dkk, *Pemikiran Politik Bj. Habibie Dalam Demokratisasi di Indonesia*, *Journal of Politics and Policy*, Volume 3, Number 2, Juni 2021, Page. 157.

though the MPR rejected President Habibie's accountability report, Indonesia experienced many changes as mentioned above. The DPR and MPR are two state institutions that are actively involved and represent the political changes between 1998 and 2004. During the New Order era, the legislature (parliament) was called the "government seal." However, this term has changed to a solid legislative (superbody). More clearly, what is meant by legislative heavy can be seen in several articles of the 1945 Constitution of the Republic of Indonesia, which show that the DPR has too dominant power, including Article 11 Paragraphs (1) and (2), Article 13, Article 14 Paragraph (2), and Article 20 Paragraphs (1) and (5). In addition, the right of legislative interpretation is used to criticize government policies. The DPR's right of interpellation shows that the DPR is subordinate to the President as if the DPR is above him.²²

Furthermore, the tendency for party coalitions to form a cabinet emerged during the reform period. The 1999 MPR General Session began after the election to elect the President and Vice President. Two presidential candidates are competing, namely PDIP General Chair Megawati Soekarnoputri and PKB founder KH. Abdurahman Wahid. The Central Axis Coalition was formed to nominate Abdurahman Wahid. On November 11, Abdurahman Wahid (Gus Dur) was elected President with 375 votes, defeating Megawati, who received 313 votes. The Central Axis Coalition, supported by Golkar, regional delegation, group delegation, and TNI/POLRI, won Abdurahman Wahid in the election.

The central axis coalition and its supporters tend to be pragmatic and short-term oriented. The National Unity Cabinet was formed as a result of a loose, pragmatic coalition. In the process of forming the cabinet, the leaders of the political parties who supported Abdurahman Wahid reached a political agreement which resulted in a cabinet

²² M. Yasin al-Arif, *Anomali Sistem Pemerintahan Presidensial Pasca Amandemen UUD 1945*, Jurnal Hukum Ius Quia Iustum, No. 2, Vol. 22, April 2015, Page. 245.

composition consisting mostly of representatives from political parties and the military. As it progressed, Abdurrahman Wahid and the coalition supporters began to have disagreements, this started when Abdurrahman Wahid reshuffled the cabinet. Leadership style greatly influences relationships, President Abdurrahman Wahid is said to have carried out destructive leadership. Gus Dur once said that DPR members were like kindergarten students. Therefore, Gus Dur's relationship with the DPR was not profitable. Since then, the DPR has often put pressure on Gus Dur. Through the MPR Special Session on July 23 2001, the MPR impeached President Abdurrahman Wahid who then replaced him as president.

During the Megawati administration, known as the Mutual Cooperation Cabinet, as the name suggests, the cabinet was filled with representatives from political parties, and the relationship between the President and the DPR was not problematic. This is because there is no conflict between the two institutions, there is only political tension caused by differences of opinion between the two institutions and the function of the DPR to supervise the executive.

As the author has explained above, it can be understood that in a multiparty political structure, when the presidential system as a state constitutional structure is built on the foundation of a multiparty political structure, this will affect the president's power, both institutionally and personally. This happens because when a presidential system is implemented in a pragmatic multiparty context, compromise is necessary. In this pragmatic context, A compromise presidential system is a compromise presidential system. This compromise exists because there is an awareness that getting majority support from parliament is very difficult. This compromise was made to maintain political stability in the government.

In a multiparty political situation, party coalitions are very difficult to avoid. When a coalition of political parties emerges in a multiparty situation, it is considered not to be a deviation from the presidential system, on the contrary, it is a solution to maintain stability and balance in the ongoing political system. A coalition of political parties is a logical political choice, even though it has political consequences.²³ Coalitions for forming and managing government are usually not institutionalized in a legal framework. Coalitions are considered a political process consisting of negotiations or bargaining to win general elections and to run a stable government, especially when the government is dealing with legislative institutions. However, the Indonesian constitution appears to allow for coalitions. One of the characteristics of the presidential system adopted in Indonesia is a direct presidential election, which allows a coalition of political parties to nominate the president.²⁴ Building a coalition of political parties to win elections is normal and expected.

According to the 1945 Constitution of the Republic of Indonesia, Article 6A Paragraph (2) states, "Pairs of candidates for President and Vice President are proposed by political parties or combinations of political parties participating in the general election before the general election is held." This article opens up space for a coalition of political parties participating in the general election. The coalition in question is within the framework of the general election, so the constitution only allows a coalition of political parties to nominate the President and Vice President. Political parties preparing candidates for President and Vice President must consider this from the start so that the coalition does not become an obstacle for the President in running the government. To strengthen the presidential government system in Indonesia, the basic

²³ Fazrin Basalamah, Pengaruh Partai Politik Dalam Sistem Pemerintahan (Presidensial) Menurut Pasal 6A UUD 1945, *Lex Administratum*, Vol. VI, No. 2, Apr-Jun 2018, Page 83.

²⁴ Moch. Marsa Taufiqurrohman, Koalisi Partai Politik Dan Implikasinya Terhadap Sistem Presidensial Multipartai di Indonesia, *Jurnal Kertha Semaya*, Vol. 9, No. 1, 2020, Page 142.

idea of forming a political party coalition must be within a broad framework. Political party coalitions will split from the start of government if they only focus on achieving general election goals. In coalition theory, a coalition of political parties will form a strong, independent, and stable government. A coalition is considered necessary in combining a presidential government system with a multiparty political structure. It is clear that the articles in the constitution only justify the formation of political party coalitions during the general election for President and Vice President, after the Presidential election, there are no rules governing political party coalitions.²⁵

The coalition between the president and political parties is a form of compromise caused by the fact that getting majority support from parliament is very difficult. Even coalitions in presidential systems, especially in Indonesia, can be said to be not permanent. Political parties that are members of a coalition that supports the government can withdraw their support and become opposition parties. There is no guarantee that the coalition will commit to supporting the government until the president's term of office ends, it all depends on the interests of each party. So it could be said that the coalition supporting the government has low adhesive power and is fragile. Even though the coalition of parties supporting the president in the DPR is large in quantity, the coalition built can be said to be very vulnerable and fragile, depending on the political situation. Apart from that, with the DPR's right to inquiry and the possibility of threats of withdrawing support or changing to an opposition party, or even threats of impeachment from the DPR, this could become a tool for political parties to negotiate or compromise with the president.

²⁵ Isnaini, *Koalisi Partai Politik Dalam Sistem Pemerintahan Presidensial Indonesia*, CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila dan Kewarganegaraan, Vol. 8 No. 1 Maret 2020, Page. 98.

Apart from the above, several problems can occur in the combination of presidential and multiparty systems. In this coalition situation, the consequence is that the president indirectly allows parties outside him to influence his power structure. When opening up space for coalitions in government, the president will involve the role of parties in policy-making, including interference and intervention by political parties during drafting or forming a cabinet. To gain support in parliament, the president must accommodate the interests of his political party, including in the process of preparing or reshuffling the cabinet (appointment and dismissal of ministers), which is a political compromise that is difficult to avoid.

The formation and reshuffle of the cabinet, which is the president's prerogative, can be reduced due to the intervention of solid political parties supported by the president's character and leadership style, which also tends to be accommodating and compromising. So, political factors and agreements may dominate considerations for appointing ministers rather than competency and professionalism. In a multiparty presidential system of government, when no political party can obtain a majority of votes in a general election, the participation of other political parties in a coalition must be considered when the president forms a cabinet.

The appointment of ministers in the cabinet from political parties means there is a high possibility that there will be a dualism of loyalties, ministers who come from certain political parties will be loyal to the president and their original political party. This will affect the performance of the relevant Minister. Although it could be the other way around, because ministers are directly responsible to the President, not to parliament. Because of this, political parties in parliament may not support the government, even though they have representatives in the cabinet. The author said above that this coalition is not permanent and is even vulnerable and fragile.

The above statement follows the course of power relations between the president and the MPR (DPR and DPD), which influences the multiparty system implemented in the presidential system in Indonesia. Like in the era of President Susilo Bambang Yudhoyono (SBY), this period is interesting to study in more depth because President SBY was the first president to be directly elected by the people through a general election. As the author stated above, this coalition process is a step taken to strengthen the presidential system, strengthen the government's position in carrying out its programs, and secure its position as ruler. This coalition has even been carried out during the presidential and vice presidential elections. The first problem faced by the SBY Government was Coalition Design. The coalition designed by President SBY was also caused by the construction of the legislation that regulates it, especially regarding the direct presidential election system (Pilpres) and the combination of the presidential and multiparty systems.

Due to the combination of a presidential system with moderate multipartyism without a single party having a majority vote, this has the potential to lead to the formation of a coalition created by President SBY, namely a government and a parliamentary coalition. Therefore, the president needs political support more than electoral support to run the government effectively. As a result, the president's only option is to form a coalition.

During the ten years of SBY's leadership, the management of the government showed a tendency for the government to be divided due to minorities in the DPR. This is a consequence of the multiparty system. Ironically, despite no dominant party, the multiparty system at that time was moderate. Due to differences in the power map between the DPR and the president, the problem is increasingly complex. Therefore, during President SBY's leadership period, the main problem in executive and legislative relations was the coalition of political parties.

As the author said above, elements related to presidential leadership and his style of government contribute to the continuity of the presidential system with this multiparty combination. In this case, President SBY can manage politics effectively. This is due to President SBY's tendency to be accommodative and based on the desire to build democracy. SBY's decision to form a coalition to support his government can also be seen as part of his leadership style, which tends to be accommodative.

The political party that is the government's coalition partner is the main problem in the relationship between the President and the DPR. They have positions in the cabinet in the executive sector, but in the legislative sector, their position is unclear because it depends on the interests of their respective parties. In the end, the relationship between the legislative and executive institutions became unhealthy. This condition causes conflict between the president and the coalition political parties. In the Indonesian presidential system under President Soesilo Bambang Yudhoyono, the coalition problem was the large number of competing parties and elections that produced minority presidents and minority governments, because the president's political base did not have a simple majority in the DPR. The coalition parties do not support the president's policies, between 2004 and 2009 there were 14 proposals for DPR Interpellation Rights to the government. This means that President SBY spent a lot of effort to serve the interests of the DPR, which resulted in a decrease in government productivity and an ineffective government. The president often prioritizes image politics and is too careful in making decisions. The character of coalition political parties is usually pragmatic, undisciplined, and focused on pursuing interests. President SBY's government created a coalition model that only functions as a place for

political transactions between political party politicians and government elites without being based on the same ideology or political direction.²⁶

Nevertheless, it must be acknowledged that SBY's leadership ability in his efforts to continue managing a large coalition has been successful, despite tensions within the coalition, democratization and political stability, as well as a more efficient government. It turns out that the problem of the presidential and multiparty system can be resolved with an accommodative presidential style of government. President SBY's politics of accommodation can be seen in forming a cabinet, including political party elites who are members of the coalition party supporting the president.

Next, the era of President Joko Widodo (Jokowi)'s leadership, as we know, the policy of party regulation which adheres to a multiparty system also causes the presidential system not to be very conducive, how the government takes public policy depends on the political dynamics developing in the DPR.²⁷ Political actions from coalition political parties also support the ineffective presidential system. We can see that during the ten years of SBY's leadership, he showed that as president, he was often in a difficult position in competition between political parties in parliament. However, what happened in President Jokowi's government was something even more ironic, during the ten years of his leadership, it was often heard that Jokowi was only considered a "party official" by the General Chair of the Indonesian Democratic Party of Struggle (PDI-P), which also made it difficult for him because of his lack of support. inconsistent from PDI-P. If we look at President Jokowi's government, it is not only because of low legislative support but also from internal parties and coalitions of supporting parties. The reason is apparent

²⁶ Haris dalam Asran Jalal, *Sistem Presidensial Indonesia Masa Kepemimpinan Presiden Soesilo Bambang Yudhoyono (2004-2014)*, Jurnal Sosial dan Humaniora, Vol. 6, No. 2, 2021, Page 172-173.

²⁷ Ni'matul Huda dan M. Imam Nasef, *Penataan Demokrasi dan Pemilu Di Indonesia Pasca Reformasi*, Kencana, Jakarta, 2017, page. 39

because Jokowi is only a "party official" and not a party chairman like previous presidents.

The choice of coalition can cause disputes within political parties. There will be no conflict between political parties in a coalition, an alliance between political parties to achieve specific goals. However, in the Indonesian case, the choice of coalition caused internal political party conflict. Internal conflict can occur because coalition choices are based on short-term gains rather than ideology or party platform similarities.²⁸

Under the administration of Joko Widodo (Jokowi) and Jusuf Kalla (JK) from 2014 to 2019, the President faced the problem of cabinet reshuffles. As the author stated above, the formation and reshuffle of the cabinet, which is the president's prerogative, can be reduced due to the intervention of solid political parties supported by the president's character and leadership style, which tends to be accommodating and compromising. So, political factors and agreements may dominate considerations for appointing ministers rather than competency and professionalism. For various reasons, demands for a cabinet reshuffle continue to flow from various parties, including the public, the opposition, and coalition parties. It is reported that Jokowi-JK has carried out six ministerial reshuffles in the Working Cabinet in four years, which could hurt the government's stability and effectiveness. During Jokowi's second administration (2019–2023), cabinet reshuffles remained problematic. Apart from that, many problems that emerged during the second period of Jokowi's government were the performance of cabinet ministers from political parties considered less than good.²⁹ Cabinet formation must be carried out carefully by considering various factors so

²⁸ Lili Romli, *Koalisi dan Konflik Internal Partai Politik pada Era Reformasi*, *Politica* Vol. 8 No. 2 November 2017, Page. 97-98.

²⁹ Lutfil Ansori, *Pembentukan Kabinet Koalisi dalam Sistem Presidensial Multi Partai di Indonesia*, *Al Daulah Jurnal Hukum Pidana dan Ketatanegaraan*, Vol. 12, No. 2, 2023, page 317-318.

that the government remains stable and effective in achieving national development goals.

During President Jokowi's leadership, the relationship between the President and the DPR was not problematic. This is because there is no conflict between the two institutions, there is only political tension caused by differences of opinion between the two institutions and the function of the DPR to supervise the executive. Two factors can cause this. The first is the president's governing style which tends to be pragmatic and accommodative, and the second is the weakness of the party structure which tends to be pragmatic. In addition, it can be considered that the party's institutional weakness and pragmatic behavior lead to the implementation of political strategies such as party nomadism. It is very easy for parties to change their political direction or support, they can switch from opposition to a coalition that supports the government, or from a coalition that supports the government to change to opposition.

The party's choice to join as a government supporter is also based on electoral encouragement and the party's efforts to survive. However, as part of the government's efforts to maintain the stability of state administration with the consequences of the transactional politics carried out by the Jokowi government, efforts to form an "all-party" coalition may also occur. The Jokowi government will likely expand the coalition of political parties that support it, and the impact of this coalition expansion will be smooth on the running of the Jokowi government. Coalitions built pragmatically reduce competition between political parties in parliament, so there is no visible ideological struggle between political parties in changing or forming policies and the DPR's government supervision. However, President Jokowi's choice is to get political support and not just electoral support.

A governing style that tends to be accommodative is considered very important to run a presidential system. If transactional politics were implemented, Indonesia's presidential system might function well. On the contrary, if the president's governing style tends not to be accommodative and transactional when dealing with the DPR and political parties are well institutionalized, then the possibility of political tensions that could lead to a government crisis could occur.

4. Conclusion

From the discussion expressed above, conclusions can be drawn (a). After the birth of the Reformation, there was liberation in all aspects of national and state life. Indonesian politics experienced a similar impact by providing space for people to represent their politics by having the right to establish political parties. Discarding the political format of three parties participating in elections during the New Order government gave birth to multiparty democracy, for the fundamental reason of representing plural Indonesian society. (b). The existing political system is the result of the application of democracy, the course of democracy is influenced by the system of government run by the authorities. As was the case in the three-party political situation in the New Order before the amendments to the 1945 Constitution, where the government party was always the party supporting the government with an absolute majority in parliament, the president in the New Order era had no problems with political support. So, there is no need to confuse President Suharto with the inevitability that his government does not need a coalition. The president has complete control over the government and parliament.

(c). Multiparty political structures began to appear again apart from during the old order, namely after reform and amendments to the 1945 Constitution. In a multiparty political situation, when a coalition of political parties emerged, it was considered a solution to maintain stability and balance

in the ongoing political system. The coalition between the president and political parties is a form of compromise caused by the fact that getting majority support from parliament is very difficult. In this coalition situation, the consequence is that the president indirectly allows parties outside him to influence his power structure. (d). The implications of implementing a multi-party system on executive and legislative relations in the Presidential government system in Indonesia after the amendment to the 1945 Constitution, namely the many interests of political parties that conflict with government policy. This happened because there was no permanent coalition arrangement, which resulted in a weak position of the President due to unstable support for the president. (e). Based on several presidential leadership styles, despite tensions within the coalition, democratization, and political stability, it turns out that the problem of the presidential and multiparty system can be resolved with an accommodative and compromised presidential style of government, even though many consider it dangerous for the principle of checks and balances between institutions.

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