

Political Ethics of the Presidential System in Indonesia: A Review

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Abstract- The adoption of the Presidential system in Indonesia has not been problems free. This paper aims at discussing problems associated to the Presidential system on one hand and highlighting the importance of political ethics in optimizing the Presidential system. The information and data used in this paper are heavily based on literatures review. The paper argues that political ethics should be given attention in improving the implementation of the Presidential system in Indonesia. In addition, it was also found that the adoption of the presidential system in Indonesia still needs further improvement. These improvements include the authority of the presidential to dismiss the House of Representatives. Similarly, the House of Representatives cannot impeach the president unless there are conditions prescribed by the 1945 Constitution to do so. Furthermore, in the formation of the Act that is set out in Article 20 and Article 5 of the 1945 Constitution, every bill should be discussed with the President and the Parliament. This means that if the bill has been approved by both parties, then there should not be any attempts to cancel it as it happened in the case of the regional election law in recent years. Also, there is a need to have checks and balances between the President and Parliament. Finally, further improvement of the presidential system should also be conditioned together with the regional governments. Thus, much remain to be done in optimizing the implementation of the Presidential system in Indonesia.

Index Terms— the Presidential system, the 1945 National Constitution, political ethics

I. INTRODUCTION

The 1945 Constitution of the Republic of Indonesia especially the article 1 (2) stated that sovereignty lies in the hands of the people and carried out in accordance with the Constitution. Furthermore, in Article 6A paragraph (1), it was stated that both of the President and Vice President were elected as a pair directly by the people. These articles have been the fundamental change of the state governmental system, as well as showed the state sovereignty as aspired in the 1945 Constitution. Due to these changes, the governmental system in Indonesia now becomes The Presidential system.

Apart from the change of the state governmental system into the presidential system, the reform era has also made the form of democracy changed into multiparty system. The existence of the party was considered important as this can be as a forum for citizens to get a political education, absorbent, collector and distributor of aspiration and political participation and political recruitment. However, the formation of the Presidential system together with the multi-party system does not always problems free. As stated by Scoot Mainwaring in Asshidique (2010) that the multiparty system and the presidential system will be difficult to work together in practice. This is simply because under the presidential system, there will raise conflict interest between the executive and

legislative. This conflict will further leads to a constitutional deadlock.

Looking at the current political situation, there is a question on how the presidential system of government can get out from this political gridlock. This question raise because the coalition parties that support the executive is limited in numbers, while the number of legislative members as the opposition party is large enough. To cope with this condition, at least the following three strategies have been suggested in literature. These three strategies are: (1) by managing the parties themselves so that it creates majority rule, (2) by adjusting the governmental system with the political environment, and (3) by simplifying the number political parties.

Apart from the above tree strategies, there is another way advanced in the literature that does not alter the basic structure of the state administration. This can be done by improving the political ethics of the government as well as the political parties. The importance of the political ethics is simply because it relates to the field of moral dimension. Thus, the establishment of political ethics may further improve both the government and the political parties to organize the nation, the state as well as the society. For this reason, this article aims to discuss the importance of the political ethics in optimizing the Presidential system in Indonesia. However, before this particular issue is discussed, the following section 2 will firstly deals with the definition of ethics, politics and political ethics. This is then followed by the discussion of the definition and the nature as well as the characteristics of Presidential system advanced in the literature in section 3. Section 4 further explores the scope of the governmental system in Indonesia. Finally, concluding remarks are drawn in section 5.

II. ETHICS, POLITICS AND POLITICAL ETHICS

As highlighted in the literature that the philosophical system of ethics can be grouped into four dimension. The first dimension relates to descriptive ethics. Second, it concerns with normative ethics. The third dimension deals with an applied ethics. And the fourth is a meta ethics dimension. Descriptive ethics concern with matters that relate with the right and good behavior as generally thought by the people. Thus, descriptive ethics principally relate with religion (religious ethics), values, economic ethics, political ethics, morality, visual ethics and beliefs (Asshidique, 2010).

According to Zainal Arifin Hoesein (2015), ethical life of the nation is a formulation derived from religious teachings, especially those that are universal, and the noble values of the nation's culture. In the context of Indonesia, this is reflected in the Pancasila as the basic reference in thinking, acting and way of life of the nation. Principles of ethics in the life of the nation include honesty, trust, ideals, sportsmanship, discipline, work

ethic, self-reliance, tolerance, shame, responsibility, maintain the honor and dignity as citizens. Thus, according to Zainal Arifin Hoesein (2015), ethics is a fundamental critical thinking about the teachings and moral views. Ethics is a science that deals with the questions of how and why we follow a certain moral teachings, or how we should have a responsible attitude to deal with a variety of moral teachings. Ethics includes a group of practical philosophy. However, other scholars like Kattsoff in Zainal Hoesein (2015), argued that ethics are more concerned with the basic principles of justification in relation to human behavior, and also deals with the philosophical basis in relation to human behavior.

Unlike definition of ethics, politics is derived from the Greek word that is *polis* which means city or country town (city state). This meaning further becomes expanded into the word *polites* which can be meant as citizens or *politeia* which means all that relates to the state or *Politika* which means state government or *politikos* which means citizenship. Therefore, in general it can be said that politics is an assortment of activities within a political system or state concerning the process of defining the objectives of the system and how to implement activities to achieve those goals. This suggests that any decision-making made to reach the objectives of the political system involved the selection of the alternatives and the priorities of the objectives. Whilst to carry out these objectives, it is necessary to determine general policies regarding the setting and the division or allocation of existing resources.

To be able to play active role in implementing the policies, it certainly needs to have the power and authority that will be used to foster cooperation as well as to resolve conflicts that may arise in the process. Politics is an attempt or a way to get something you want. Politics is not only about state power or actions carried out by the state authorities. In some aspects of life, humans often do political action, such as in trade, cultural, social, as well as in other aspects of life. So politics always relates with the objectives of the whole society and nothing to do with personal goals. Politics involves the activities of various groups, including political parties and personal activities.

Therefore, political ethics are closely related to moral. The meaning of moral here always refers to human as the subject of ethics. So the moral obligation needs to be distinguished to other obligations. This is simply because moral obligation in political ethics concerns with a human duty as a human being. In summing up: the actualization of political ethics should always be based on the human dignity as a human being.

III. THE MEANING AND CHARACTERISTICS OF PRESIDENTIAL SYSTEM

As mentioned above that Indonesia has changed her political governmental system into the Presidential system. However, before explaining the meaning of a presidential system of government, it is worth pointing out the meaning of the governance system as advance in literatures. In the literature, the governance system is defined as the study of the basic pattern used by the state in running the government. This governance system can be divided into two, namely, the presidential system and the parliamentary system.

However, the term Presidential needs to be distinguished with the term President. Presidential refers to the system, while the President refers to the name of the head post of state in the country which has a republican form of government. This differs with the King as head of state in the country which has a monarchy form of government / kingdom. While the Presidential system refers to a system of government in which both of the head of state and the heads of government are managed by the President. However, this does not mean that countries that in the form of the Republic automatically have Presidential system of government. In the State of Singapore, for example, this country is the State Republic and the head of state is the president. However, in running the state, this country uses a parliamentary system. Thus, the term of the President is not synonymous with a Presidential system, as well as the parliamentary system is not identical to the form of government Monarchy. Note that, in the 1945 National Constitution of Indonesia, the word "president" is used to refer both positions as the President and the Presidency. This was different with The American State Constitution where this country differs the meaning of the President and the Presidency.

According to Thomas Sargentich in Budiardjo (1996), there are differences between the presidential system of government and the parliamentary system of government. The differences lied in the methodology used by a country to choose and dismiss the head of government or executives. This has been as the result of separated election between the presidential and the parliamentary systems. In the parliamentary system, the executives accounted to the legislature, so that the legislative body has the authority to dismiss the executive body directly. While in the presidential system, there is a clear division in which the executive is not directly accountable to the legislative body, and the legislative body does not have the authority to impose and / or dismiss the executive body. Details of the differences between the presidential system and the parliamentary systems are shown at Table 1.

Table 1. Characteristics Differences of the presidential system and the Parliamentary system

| Parliamentary | Differences | Presidential |
|---|----------------------|---|
| Prime Minister as Head of Government | Leadership | President as the Head of State and Government |
| Fusion between executive and legislative branches | Separation Of Powers | Executives have different branch with legislative |
| Vote of No-Confidence or Party Vote | Removal from Office | Impeachment |

Source : Budiardjo, 1996.

From the above Table, it can be seen that the main differences between the presidential system and the parliamentary system lie in the leadership model, the pattern of

distribution of power and the imposition system of the head of government.

In terms of the pattern of leadership, for instance, the post of the head of the state and the head of government in a presidential system are in the hands of the president. This means that in a presidential system, the president is not only as the head of the state, but also as the head of the government. While in the parliamentary system, the head of state has a distinct position and was separated with the head of government.

Rod Hague in Budiardjo (1996) highlights three important elements in the Presidential System, as follows. First, the president is elected by the people and lead the government and appointed the member of government. Second, the President and the members of the House of Representatives have a fixed tenure and cannot be impeached one and another. Third, there is no overlap status between the executive body and the legislative body. This suggests that the separation of power is the main principle in the presidential system of government and this can also be said as the main difference with the Parliamentary system.

Furthermore, the position of the President in the Presidential system of government has enormous consequences as the President has many authorities on one hand, and the independency of the President to the legislative body on the other hand. The President as the head of government is also not accountable to the legislature, but the President has a more responsibility to the people. Due to this later responsibility, some countries tend to have a system combination between the presidential system and the parliamentary system. The result of the combination between these two is known as the Semi-Presidential system, as it has been in the governmental system in France.

IV. INDONESIA'S GOVERNMENTAL SYSTEM

The adoption of the Presidential system in Indonesia is not problems free. In fact, there has been arguments that claimed the governmental system in Indonesia has been in the combination of the Presidential system and the parliamentary system. This indeed was not surprising since Indonesia has experienced several changes in the governmental system. These changes of the governmental system are as follows. In the years between 1945 and 1949, for instance, Indonesia adopted the Presidential System of Government. This was then change to the *pseudo* parliamentary governmental system in the years of 1949 – 1950. Between 1950 and 1958, however, Indonesia adopted a parliamentary system of government with liberal democracy. In the years 1959 to 1966, Indonesia adopted the presidential system of government under guided democracy. Furthermore, from the year 1966 to 1998, under the new order regime Indonesia adopted a governmental presidential system.

The above changes in the governance system did not only stop there. Due to the multidimensional crisis in 1997-1998, Indonesia amended the 1945 Constitution four times that were in 1999, 2000, 2001, and 2002. The 1945 Constitution amendment becomes the guidelines of the Indonesian system today.

Of the amendment made in the constitution, there are at least six points of governmental system today as follows. First, the form of the state has changed from centralized government form into decentralized form. Second, the form of government

is a republic, while the form of the Presidency is a presidential system. Third, the President is the head of state and the head of government. President and vice president elected directly by the people in one package. Fourth, the cabinet or ministers will be appointed by the president and responsible to the president. Fifth, the parliament consists of two parts (bicameral), namely, the House of Representatives (DPR) and the Regional Representatives Council (DPD). The board members are members of the People Assembly and the parliament which have legislative power and authority to oversee government. Finally, judicial power is executed by the Supreme Court and Judicial bodies underneath and the Constitutional Court.

Moreover, this government system also takes elements of the parliamentary system of government and undertake reforms to eliminate the weaknesses that exist in the presidential system. Several variations of the presidential system of government in Indonesia are as follows. First, the President may at any time be dismissed by the People Assembly upon the recommendation of the House of Representatives. This indicates that the House still has the authority in supervising the president though indirectly. Second, the President in appointing the state officials needs to accommodate consideration or approval from the Parliament. Third, the President in issuing certain policies needs to have consideration or approval from the Parliament. Fourth, the parliament was given greater powers in terms of shaping legislation and the budget management right.

From the above reform, it can be seen that there has been many changes in the governmental system since the crisis. These changes were certainly intended to improve the presidential system. These improvements include the importance of the direct election, the bicameral system, checks and balances, and giving greater powers to the parliament to conduct surveillance and budgetary functions.

In summing up, the adoption of the presidential system in Indonesia still needs further improvement. These improvements include the authority of the presidential to dismiss the House of Representatives. Similarly, the House of Representatives cannot impeach the president unless there are conditions prescribed by the 1945 Constitution to do so. Furthermore, in the formation of the Act that are set out in Article 20 and Article 5 of the 1945 constitution, every bill should be discussed with the President and the Parliament. This means that if the bill has been approved by both parties, then there should not be any attempts to cancel it as it happened in the case of the regional election law in recent years. Also, there is a need to have checks and balances between the President and Parliament. Finally, the next adoption presidential system should also be conditioned together with the regional governments.

V. CONCLUDING NOTES

Indonesia has adopted the Presidential system of government. However, this system has not been problems free. It was argued that this system faced many difficulties as Indonesia adopted multi-party system. These problems become mounting as there are facts in that the political elites including the members of the House Representatives, the People Assembly, the regional representatives and the President have the lack of maturity. For that reasons, there is a need to establish the political ethics in accordance to Pancasila and the 1945 Constitution of the Republic Indonesia.

Further, the adoption of the presidential system in Indonesia still needs further improvement. These improvements include the authority of the presidential to dismiss the House of Representatives. Similarly, the House of Representatives cannot impeach the president unless there are conditions prescribed by the 1945 Constitution to do so. Furthermore, in the formation of the Act that are set out in Article 20 and Article 5 of the 1945 Constitution, every bill should be discussed with the President and the Parliament. This means that if the bill has been approved by both parties, then there should not be any attempts to cancel it. Also, there is a need to have checks and balances between the President and Parliament. Finally, the next adoption presidential system should also be conditioned together with the regional governments. Thus, much remain to be done in order to make the Presidential system goes as expected.

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