

THE PRESIDENT'S ANXIETY WHEN HE DOES NOT HAVE MAJORITY SUPPORT IN PARLIAMENT

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Article's Information	Abstract
<p>Keywords: President-House of Representatives power relations, Political party coalitions, The President's leadership style.</p> <p>DOI: https://doi.org/10.31599/sfhsw754</p>	<p><i>The president's decision immediately after being elected is how the state government to be run obtains the majority support in parliament (DPR RI). This confusion is natural considering that the presidential system must involve the people's representative institution as a form of democratic government and simultaneously implement the indirect democratic system. In the context of the power relationship between the president and the House of Representatives, sometimes it causes turmoil when the president/vice president is not supported by the majority of the House of Representatives, even to the point of worrying that impeachment may be carried out. The author uses a qualitative approach with a secondary database-document analysis with an instrumental case study of the 2009-2014 Presidential Administration to find out what are the reasons for the president's upset when he does not have the majority support in Parliament and what is the solution. The results of the study show that the reason for President SBY's upset is that he is worried that there will be a political impasse due to political tensions. The solution to overcome the chaos so that there is no political stalemate, with President SBY's accommodating-compromising attitude towards political parties in Parliament. This attitude is possible because of the pragmatic and transactional attitude as the ideological relationship of political parties which tend to be moderate and centripetal-to to national integration.</i></p>



I. INTRODUCTION

Indonesia's current system of government is more of a presidential system. The main characteristics of the presidential system remain more prominent. Any system of government requires the support of a majority of parliamentarians to be able to govern effectively. Indeed, not all presidential systems need a coalition. Especially if the party supporting the government has controlled the majority of seats in parliament. The existence or absence of a coalition is not actually determined by the system of government, but by the need for majority support in parliament.¹

Without adequate authority, the post-change president will be paradoxical. In terms of political, juridical and sociological legitimacy, it is stronger; However, factually it does not have sufficient authority or political support to govern. With direct presidential elections, the president-elect has stronger legitimacy. The requirements for presidential candidates are proposed by political parties or coalitions of political parties, thus presenting political legitimacy. The participation of the Constitutional Court in resolving disputes over the results of the presidential election gives birth to juridical legitimacy. Furthermore, the requirement for the majority of the people who have the right to vote gives rise to sociological legitimacy.²

Any model of government system requires political support in a majority parliament. Without the political support of the majority in parliament, any system of government tends to be ineffective. Limiting the president's authority and improving the system of mutual control-mutual balance is an important thing to keep the president from becoming a dictator. However, that does not mean that the president can be left without adequate political support. In fact, in a good check and balance mechanism, there is not only an element of control (checks), but no less important is the element of balance of support (balances). The government without the support of a majority of votes in parliament is a minority president, and what is formed is a divided government.³

Susilo Bambang Yudoyono (SBY) was the sixth President of Indonesia who was first elected through a direct democratic presidential election in 2004, paired with H. Muhammad Jusuf Kalla for the 2004-2009 term although initially only supported by political parties at that time, namely the Democratic Party, the Moon Star Party (PBB),

¹ Dinoroy Marganda Aritonang, "The Implementation of the Presidential System in Indonesia After the Amendment of the 1945 Constitution", *Law Pulpit*, Vol 22, No 2, 2010, p. 392.

² Meima, "The Application of the Presidential System in Modern Democracy", *Paramarta Discourse*, Vol 14, No 1, 2015.

³ Abdul Latif, "Presidential Election in the Perspective of a Multi-Party Coalition", *Journal of Communism*, Vol 6, No 3, 2009, p. 98

and the Indonesian Justice and Unity Party (PKPI). SBY as the incumbent president was re-elected as President in the presidential election contest for the 2009-2014 term paired with Boediono as vice president.⁴

In the second volume of government, SBY was supported by a jumbo coalition of 23 political parties. The SBY-Boediono pair is supported by the Democratic Party, PKS, PAN, PPP, PKB, PBB, PDS, Karya Peduli Bangsa Party, PBR, PPRN, PKPI, Renewal Democracy Party, Indonesian Entrepreneurs and Workers Party, Republican Party, Patriot Party, PNBK, Matahari Bangsa Party, Indonesian Youth Party, Pioneer Party, Indonesian Democracy Love Party, Prosperous Indonesia Party, New Indonesia Struggle Party, and Indonesian Enforcement Party. The SBY-Boediono pair came out as the winner in one straight round by receiving support of 60.80% of the total votes.⁵

Meanwhile, the parties supporting the government are bound through political contracts. Consisting of the Democratic Party, Golkar Party, Prosperous Justice Party (PKS), National Mandate Party (PAN), United Development Party (PPP) and National Awakening Party (PKB), as shown in table-1 below:⁶

Table 1: Political Forces Inside and Outside the SBY Government
Volume 2 2009-2014

It	Political Parties in Government (DPR)	voice	%	Chair	Political Parties Outside the Government	voice	%	Chair
1	Democratic	21.703.137	20,85%	148	PDI-P	27.503.961	19,33%	128
2	Golkar Party	15.037.757	14,45%	107	Gerindra	17.596.839	12,57%	78
3	MCC	8.206.955	7,88%	57				
4	PAN	6.254.580	6,01%	46				
5	PPP	5.533.214	5,32%	37				
6	PKB	5.146.122	4,94%	28				
	Power in the House of Representatives			423				206

Source: processed from Kacung Marijan, 2011 Accessed on May 22, 2024.

The six political parties are members of the Joint Secretariat of the SBY Government Support Coalition. By forming the coalition, it is hoped that the government can be stable and the programs that will be taken by the government can be supported in

⁴ Retrieved from <https://www.kpu.go.id/page/read/1114/pemilu-2004> on May 25, 2024 at 12.04 WIB.

⁵ Triwahyuningsih, Abdurrahman Darajat, Executive-Legislative Relations 2009-2014, Yogyakarta: Tiara Wacana, 2017

⁶ Ibid.

the House of Representatives. The eight political parties above managed to win at least 20 percent of the total seats in the House of Representatives or 25 percent of the total valid national votes. This rule is based on Law Number 42 of 2008.⁷

There is a fundamental difference between electoral support and governing support. Voter support does lead a presidential candidate to become president-elect. But voter support cannot automatically be transformed into government support. To govern, especially in a representative democracy, the president still cannot deny the need for a solid coalition of supporting parties. Without the support of a majority of votes in the House of Representatives, the government will always be hampered in the relationship related to the authority of the House of Representatives: legislation, supervision and budget.⁸

II. METHODS

This research was conducted with a qualitative approach with a secondary database document analysis with instrumental case studies.⁹ The type of data used is secondary data in the form of literature, journals and media tracking which are presented descriptively. The case studies studied include executive-legislative relations in 2009-2014 during the era of President Susilo Bambang Yudoyono's administration. Research with this theme shows the overlapping between the study of constitutional law and the study of political science. According to Bagir Manan,¹⁰ because both depart from the "state" as a source of study and the embodiment of political will.

III. DISCUSSION

Fluctuations in the President-House of Representatives Power Relations

The Trias Politica Montesquieu doctrine emphasizes the separation of power between the executive, legislative and judicial. The three power institutions are not really separate but cooperate and supervise each other (check and balance). One of them is the relationship between the executive institution and the activist institution. The relationship is part of the political system. This relationship is interesting because

⁷ Ministry of Home Affairs, "Academic Text of the Draft Law on the Implementation of General Elections", Jakarta: Ministry of Home Affairs, 2016, p. 60.

⁸ Mashudi, Basic Definition of the Legal Position of General Elections in Indonesia Metrul the 1945 Constitution, Bandung: Mandar Maju, 1993.

⁹ Norman K Denzin, Yvonna S Lincoln, Handbook of Qualitative Research, Yogyakarta: Student Library.

¹⁰ Bagir Manan, Theory and Politics of Constitution, Yogyakarta: FH UII Press, 2003.

it correlates with the process of making political decisions and also the execution of political decisions made.¹¹

The relationship between executive and legislative institutions during the SBY-Budiono administration tended to be the same as that of the administration of President Abdurrahman Wahid, Megawati Soekarnoputri and also Susilo Bambang Yudoyono in the first volume, which was colored by the existence of conflicts between executive institutions and legislative institutions. Fluctuations in the relationship between the executive and the Legislature tend to experience ups and downs, judging from the position of the House of Representatives is stronger when dealing with the President, the position of the President is stronger than that of the House of Representatives and when the relationship between the two institutions is balanced.¹²

1. The position of the House of Representatives is stronger than President SBY

After the Amendment of the 1945 Constitution, the House of Representatives has a strong political position in dealing with the President to carry out the check and balance mechanism. The House of Representatives with its legislation function, budget function and supervisory function plays a role in maintaining democratic government. This position is also used by political parties with their own interests, resulting in conflicts between the two state institutions that interfere with the government.¹³

The relationship between the Legislative and Executive Institutions during the SBY administration was generally conducive even though it was once colored by conflicts. The conflict that has caught the public's attention is the Century case and the right of inquiry over the tax mafia, known as the right of tax inquiry. Meanwhile, in carrying out the function of the right of interpellation. during SBY's reign there was no interpellation and expressed opinions rolled out by the DPR.¹⁴ The relationship between the House of Representatives and President SBY has warmed up ahead of the end of President SBY-Budiono's administration regarding the discussion of the regional head election bill and the regional government bill.¹⁵

¹¹ Indra Rahmatullah, "Rejuvenation of the Checks and Balances System in the Constitutional System in Indonesia", *Jurnal Cita Hukum*, Vol I, No 2, 2013, p. 2016.

¹² Asran Jalal, "Indonesia's Presidential System during the Leadership of President Soesilo Bambang Yudhoyono (2004-2019)", *Journal of Social and Humanities*, Vol 6, No 2, 2021.

¹³ Lili Romli, "The New Format of the House of Representatives After the Amendment of the 1945 Constitution", *Politica*, Vol 3, No 2, 2012.

¹⁴ *Ibid.*

¹⁵ Retrieved from <https://news.detik.com/berita/d-2702849/sby-uu-itu-harus-mencerminkan->

2. President SBY's position is stronger than that of the House of Representatives

One of the amendments to the 1945 Constitution is to purify the presidential system. President SBY's position has the same strong legitimacy as the House of Representatives because they are both directly elected by the people through elections. President SBY has a strong position on the House of Representatives when policies or political decisions taken by the President receive support from the people.¹⁶ During the time of President SBY, the political decision that received support from the people was the President's rejection of the plan to build a new House of Representatives Building in 2011 and also the issuance of a Government Regulation in Lieu of Law (Perppu) on Regional Election and Regional Government which was approved by the House of Representatives because it received widespread rejection from the public because regional heads were elected by the DPRD.

3. President SBY's position is balanced with the House of Representatives

After the amendment of the 1945 Constitution, the position of the president was very strong, but in the Indonesian constitution, strategic decisions must still be approved by the House of Representatives. Therefore, solid cooperation that must be built by the president to get support from parliament is very much needed. Every elected president requires building a coalition with political parties in parliament. This is because the construction of the Indonesian party system adheres to a multi party system, where there is no major party in Parliament, thus giving rise to compromises in parliament.¹⁷

In the presidential system, a balanced relationship between the executive and the legislature is needed to create a check and balance mechanism.¹⁸ During the second volume of President SBY's administration, the relationship was smooth with regard to Non-legislative powers, such as the appointment of state officials that required consideration from the House of Representatives, for example in the election of the

rakyat-bukan-maunya-dpr-dan-presiden on May 28, 2024 at 14.11 WIB.

¹⁶ Retrieved from https://www.setneg.go.id/baca/index/amandemen_uud_harus_lewat_konsensus_dan_mengejawantahkan_keinginan_rakyat on May 28, 2024 at 17.55 WIB

¹⁷ Mochamat Nurdin, "Compromising Presidential: A Study of Reductive Presidentialism during the SBY-Budiono Administration", *Scientific Journal of Administration*, Vol. 2, No 1, 2013.

¹⁸ Rizky Andrian Ramadhan Pulungan, Lita Tyesta A. L. W, "Mechanism for the Implementation of the Principle of Checks and Balances Between Legislative and Executive Institutions in the Formation of Laws in the Indonesian Constitutional System", *Indonesian Journal of Legal Development*, Vol 4, No 2, 2022.

National Police Chief, the Commander of the Indonesian Armed Forces and the Governor of Bank Indonesia. The relationship is balanced between the executive and legislative institutions in the field of legislation, as shown in table-2 below:

Table 2: Legislation Products 2009-2014.

year	Initiator of the Bill-DPR	Bill-Government Initiator	Output (Law) by the House of Representatives	Output (Law) by the Government
2010	36	34	6	9
2011	37	33	12	13
2012	46	23	18	14
2013	48	27	11	11
2014	44	23	5	5
sum	211	140	52	52

Source: processed from Kacung Marijan, 2011 Accessed on May 22, 2024.

Indonesia's system of government is presidential, not parliamentary. "The President cannot freeze and/or dissolve the House of Representatives".¹⁹ On the other hand, the House of Representatives cannot overthrow the president, because the president is elected directly by the people through direct election of the president and vice president (pilres). On the other hand, after the amendment of the 1945 Constitution, the position of the People's Consultative Assembly (MPR) is no longer the highest institution of the state but is on par with other high institutions of the state. Article 1 paragraph (2) of the 1945 Constitution reads "Sovereignty is in the hands of the people and is implemented in accordance with the Constitution".²⁰ One high state institution is not responsible for another high state institution. The state's high institutions are directly responsible to the people.

If the House of Representatives dares to block government programs, for example boycotting the discussion of the State Budget and not approving it, the president can use the previous year's State Budget. The people will be angry and accuse the DPR of being anti-people. It seems that the House of Representatives will not dare to fight its own constituents. It is the same as they commit suicide.²¹ In this balanced position, President SBY's position with the House of Representatives is fifty-fifty.

¹⁹ 1945 Constitution Article 7C.

²⁰ 1945 Constitution Article 1 Paragraph 2.

²¹ Efriza, "Political Power: Development of Concepts, Analysis and Criticism", Malang: Intrans Publishing, 2016.

A pragmatic and transactional coalition of political parties as a complement to President SBY's turmoil

After the collapse of the New Order, many new political parties emerged that participated in coloring the world of politics after the opening of the faucet of freedom to form new political parties by the government of President BJ. Habibie with Law of the Republic of Indonesia number 2 of 2011 concerning Amendments to Law of the Republic of Indonesia number 2 of 2008 concerning Political Parties. There were 48 new political parties that participated in the election and managed to get seats in the House of Representatives as a result of the 1999 election. The PDI-P political party won the most votes with 35,689,073 votes, which means 153 seats in the House of Representatives.

Efriza argued that there was a shift in the coalition map starting from the presidential election, the formation of the cabinet to the coalition in the DPR, showing a shift in the party's attitude along with the dynamics of the available political issues and opportunities.²² This tendency has led to the cartelization of power carried out by political parties, which is shown by the pragmatic attitude of political parties, as well as showing the long-term strength of political parties institutionally. This phenomenon is an effort by the party to fund its survival. In line with the opinion of Eid al-Rishan, it is impossible to deny that the weak ideological basis of the party has contributed to the formation of a pragmatic majority of party²³ coalitions. Lili Romli maps two concepts of party coalitions that are often institutionalized in the government system, as shown in table-3 below.²⁴

²² Ibid.

²³ Eid al-Rishan, "The Risk of a Fat Coalition in the Presidential System in Indonesia", *Ius Quia Iustum Law Journal*, Vol 27, No 2, 2020.

²⁴ Luky Sandra Amalia, "Parties and Party Systems in the Reform Era", Jakarta: Pustaka Siswa: LIPI, 2017.

Table 3: Party Coalition Model

Policy Based Coalition Theory	Policy Blind Coalition Theory
Emphasizing similarities in policy preferences	Emphasizing the principle of size or number of seats
Minimal connected coalition	Minimal winning coalition
The party's assumption aims to pursue policy (realizing policies in accordance with the interests of the party)	The party's assumption is that it aims to seek office (maximizing power)
The loyalty of coalition participants is at least bound by the same policy objectives	Loyalty of coalition participants is difficult to guarantee
The loyalty of coalition participants is at least bound by the same policy objectives	It is difficult to predict, and the range of the size of the number of parties is very diverse

Source: Lili Romli, 2017

Based on the pattern in table-3 above, the party coalition is still built on the basis of a blind coalition. Parties can move from coalition to opposition quickly just to take care of government issues. The democratic model that prioritizes ideology and the party's mass base is no longer a guide. An idiotically-connected coalition is just a dream. Finally, the coalition is not based on policy-seeking, but rather on rent seeking. The boundaries between the government and the opposition are not separated based on ideological platforms, but simply whether they sit in the government cabinet (the in) or outside the government (the outs).²⁵

If the oversized coalition is legitimized as a condition for the birth of government stability, the reality is not fully justified. Fat coalitions also give birth to political risks and constitutional problems that are not simple. There are three problems as excesses of the formation of a fat coalition in the presidential system, first, the government tends to be compromising, Mochamat Nurdin called it the Compromise Presidential, second, that the fat coalition does not fully guarantee the stability of the government, especially in the relationship between the President and the DPR, third, the ideology of the party is a nationalist, religious and moderate ideology.²⁶

In the fat coalition in Parliament, there is an ambivalence of the attitude of political party members that is polarized into two interests, party members try to stay in line with the government's attitude, but on the other hand, the attitude of party members must pay attention to the interests of the general chairman of the political

²⁵ Ibid.

²⁶ Ibid.

party. In the 10 years of SBY's administration, political parties have not been solid. Even louder than the opposition.²⁷

Accommodating & Compromising Leadership Style of President SBY, Deadlock Solution of Executive-Legislative Power Relations

In the presidential system, the President has broad authority. The President is the head of state and also the head of government. With the great power he has, the President's leadership can reflect the relationship between the President and the House of Representatives. According to Richard Gunther in Maswadi Rauf 2009, the personality and leadership style of the president not only affect the pattern of the relationship that is built with the parliament but can also have implications for the stability of the president's democracy. This accommodating leadership style is a leadership style that is in accordance with the democratic era, tends to give in, prefers to compromise and make consensus.²⁸

The president's leadership that is hard-willed or less pragmatic can have an impact on policy impasse on the one hand and the emergence of political conflicts between the president and parliament on the other. SBY's leadership is accommodating and compromising, tends to dampen resistance from the House of Representatives, and even tends to be too afraid of political parties that give birth to transactional relationships between the president and political parties. SBY's leadership style is soft power, not hard power, so in taking his political mission is full of careful and planned considerations and SBY does not like conflict.²⁹

The forms of political compromise carried out by President SBY include the division of ministerial positions that accommodate all coalition parties. President SBY cannot resist pressure from political parties. The ministers in the cabinet come from political parties, not by President SBY himself. Of the 36 Ministers in the Indonesian Bersatu Cabinet volume 2, as many as 21 Ministers are from political parties while 15 Ministers are from non-parties. This shows the political accommodating and compromising of President SBY with political parties in determining the cabinet.³⁰ As a result, President SBY himself was held hostage by the interests of supporting political

²⁷ Ibid.

²⁸ Sudirman, Sudirman, "The Position of the Presidency in the Presidential System of Government (An Analysis of the Position and Relationship of the President with Other State Institutions in the 1945 Constitution of the Republic of Indonesia)", *Brawijaya Law Student Journal*, Vol 1, No 1, 2014.

²⁹ Mohamad Rosyidin, "SBY Soft Diplomacy in Indonesia-Malaysia Conflict: A Study of SBY's Policy on Malaysia's Sovereignty Violations in Bintan Waters in 2010", *Journal of Regional Studies*, Vol 5, No 1, 2014.

³⁰ Ibid.

parties. The president's prerogative in forming a cabinet guaranteed by the constitution will be undermined by political parties that dominate parliament, then the president's power will be reduced.

The leadership factor and governing style of President SBY are the supporters of the continuity of the presidential system with a multiparty combination. President SBY succeeded in managing politics effectively. This is due to the tendency of President SBY to be accommodating – compromising based on the desire to build a growing democracy.³¹

IV. CONCLUSION

The 1945 Constitution after the fourth amendment has adhered to a new system, namely the separation of power system or separation of power in a material sense that is horizontal, functional based on mutual balancing and supervision between institutions (checks and balances). That way there is no longer the highest institution of the state because the state institutions stand in line and at the same time show the application of the supremacy of the constitution. The results of the study show that the reason for President SBY's upset is that he is worried that there will be a political impasse due to political tensions between the executive and the legislature which leads to instability in the presidential system because of what is expected in the form of governing support. The solution to overcome the chaos so that there is no political stalemate, with President SBY's accommodating compromising attitude towards political parties in Parliament. President SBY's accommodating attitude is possible because of his pragmatic and transactional attitude as well as the ideological relationship of political parties that tend to be moderate and centric-to national integration. The conducive relationship can be seen from the decrease in the number of inquiry rights and interpellation rights submitted by the House of Representatives to President SBY and the consultation meeting of state leaders.

V. SUGESTIONS

In the event that the president does not have the support of a majority in Parliament, the appropriate leadership style of the President is one that is accommodating compromising, respecting existing boundaries, open to information, focusing on relationships, and sharing responsibilities in the process. It is not an authoritative

³¹ Ibid.

President, which will cause conflicts between the two state institutions which can lead to problematic categories.

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