

Designing Presidentialism Cabinet Under a Multiparty System in Indonesia

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According to the 1945 Constitution, the composition of the Cabinet is the prerogative power of the President. Still, it does not mean that the President can use it conveniently without considering the political parties' coalition. This configuration is created because the position of political parties depends on the presidents' candidacy. It means that Indonesia's political party controls the upstream and downstream facets of executive power. After the election, the President who is elected will face an inherent problem of determining his Cabinet's composition. This article aims to find a formula that can minimise political transactions when forming the Cabinet to strengthen the Presidential preference for selecting cabinet members from pre-election engagement with political parties.

Keywords: *Coalition Cabinet, Presidentialism, Multiparty.*

INTRODUCTION

The question that always arises after an election is how the President can form a Cabinet by not holding coalition parties hostage? After the presidential election, the Cabinet formation will be a hot topic of discussion at different levels of society; in fact, many are scrambling to discuss and disseminate so that the nominated candidates remain in the Cabinet's drafting. It has become commonplace because the power to appoint and dismiss ministers are prerogatives and essential presidential power (Martinez-Gallardo, 2014, p., 38). The Cabinet composition is also crucial for many countries in Latin America, which generally use the presidential system, assessing that the financial sector's policies, particularly in fiscal terms, are crucial (Neto & Samuels, 2010, p., 11).

Due to the electoral system and the relationship between political parties and the two branches of the executive and legislative branches, efforts to design a new cabinet will tend to be more 'boisterous' in the Indonesian context. After the fourth amendment of the 1945 Constitution,

Article 6 of the 1945 Constitution has stipulated that "the Presidential and Vice President Pair is proposed by political parties and/or a combination of political parties participating in the general election". At the same time, Article 22E (3) of the 1945 Constitution explains "Participants in the general elections for electing members of the DPR and members of the DPRD is a Political Party." Such a pattern ultimately places the central role and position of political parties in determining the government posture and the configuration of power in parliament. These conditions are territorially clearly unfavourable if the President wants to achieve stability. Zeev Maoz and Zeynep Somer-Topcu made a similar conclusion that cabinet stability in a multiparty political system is notoriously bad. In some cases in various Latin countries, a cabinet can continue to carry out all of its policies under a minority government even though it has to be battered in the face of opposition attack. In contrast, others show continued instability even when the coalition they support exceeds the minimum majority by a difference-wide one (Maoz & Somer-Topcu, 2010, pp. 807–810).

This paper is intended to find a formula that can minimise political transactions when forming the Cabinet so that Presidential preference for selecting cabinet members from pre-election commitment with political parties can be minimised.

Research Methods

This research uses normative research methods. The normative study uses research methods in legal studies using a qualitative methodology through library research or merely secondary data. In addition to analytical research that investigates primary data, this form of analysis is normative research. This normative research includes (i) research on legal principles, (ii) research on legal systematic, (iii) research on the level of vertical and horizontal synchronisation, (iv) legal comparisons, and (v) legal history. Secondary data is obtained through a literature study. Mark Rheinstein is referred to who argued that the comparison of law explains various matters regarding how to treat law scientifically using unique classifications or analytic descriptions of using one or more positive legal systems (Rheinstein, 1968, p. 415). Therefore, the data's scope is secondary data that includes primary and secondary legal material related to Indonesia's cabinet formation.

History of Cabinet Formation

Since independence until 2020, a branch of governmental power has experienced 41 Cabinets (Chandranegara, 2019, p. 11). This number can be categorised based on five distinct political periods, namely (i) the era of the Independence Struggle with 9 Cabinets, (ii) the era of Parliamentary Democracy with 10 Cabinets, (iii) the era of Directed Democracy with 9 Cabinets, (iv) the era of New Order with 8 Cabinets, and (v) the era of Reformation with 6 Cabinets. If it enters October 2019, a new cabinet will be structured and, especially in the reform period, it will become the 42nd or 7th composition and posture of the cabinet.

The first Cabinet was on September 2nd, 1945. From when Indonesia declared its independence, it did not immediately form a cabinet. There is a complicated situation which announced the new Cabinet 13 days after the Proclamation (Kahin, 1952, p. 118). The Cabinet was led directly by President Soekarno. Eighteen people filled the first Cabinet. At that time, the government was still in the form of the presidential system. On November 14th, 1945, the second Cabinet was announced. This time the Cabinet was led by Soetan Sjahrir with 13 members.

Interestingly, this second Cabinet as already in a parliamentary system. Soekarno remained President and Sjahrir served as the cabinet leader and became Prime Minister. So within 74 days (between September 2nd 1945 to November 14th 1945), Indonesia changed from a presidential to a parliamentary system.

Throughout history, there have also been the two shortest-lived Cabinet, of only 32 days. *First*, the Indonesian Transitional Cabinet led by Soesanto Tirtoprodjo worked between December 20th, 1949 to January 21st 1950. This was a temporary or transitional cabinet due to the round table conference (*Konferensi Meja Bundar* or KMB) agreement which required Indonesia to be represented by the United States. The Cabinet led by Soesanto was filled with seven cabinet members (Simanjuntak, n.d., pp. 15–18). Dwikora II's Cabinet was led by Sukarno, which was only for 32 days (between February, 24th 1966 to March 28th, 1966). This Cabinet did not last long. After all, it was held on a large scale protest demonstration by college students because it still involved the names of officials deemed unclean from the events of 1965 (e.g. Soebandrio, Omar Dhani to Oei Tjoe Tat) or engaged in corruption cases (e.g., Ibnu Sutowo). The Dwikora II Cabinet was replaced by the Dwikora III Cabinet which worked between March 28, 1966, to July 25, 1966.

Meanwhile, the longest-lived Cabinet was three cabinets, among other the United Indonesia Cabinet I and II led by President Susilo Bambang Yudhoyono and the Working Cabinet of President Joko Widodo's leadership. The Development Cabinet, led by President Soeharto, worked from March 17, 1993, to March 14, 1998, or 5 years less three days. The Cabinet numbered 43 people. During this period, surprisingly Harmoko resigned as Minister of Information on 6 June 1997. His position was replaced by R Hartono (Ricklefs, n.d., p. 219).

The slimmest Cabinet was the Emergency Cabinet under Syarifuddin Prawiranegara which worked between December 19th, 1948 to July 13th, 1949. At that time, the Cabinet contained 7 Ministers. Refugees led the Cabinet; at that time, Syarifuddin had to be a guerrilla to avoid the Dutch's pursuit in Sumatra's interior. In contrast, Soekarno, Hatta, Sjahrir and Agus Salim had already been arrested during Military Aggression II. By seven cabinet members, only AA Maramis (Foreign Minister) had experience as a cabinet member. Maramis had previously entered the Cabinet with Minister of Finance's position in the Hatta I Cabinet (January 29th, 1949 - August 4th, 1948). On May 16th, 1949, when detained Republican leaders began to be

invited by the Dutch to negotiate due to international pressure, the number of cabinet members was added by four people. All four are under a command structure called the Emergency Government of the Republic of Indonesia on Java. Simultaneously, the Cabinet with the most extended membership is the Dwikora II Cabinet, which numbered 132 ministers. This Cabinet is indeed extraordinary. In addition to being the shortest Cabinet (32 days), this Cabinet also was the largest. This Cabinet was once the nickname of the Cabinet of 100 Ministers. The number above 100 only continued the previous Cabinet, the Dwikora I Cabinet, also led by Sukarno. Dwikora I's Cabinet numbered 110 people.

In-state administration history, the Cabinet's composition entirely from non-parties (*zaken* cabinet) has happened twice. *First*, it happened in the first Cabinet in Indonesia's history, which worked from September 2, 1945, to November 14, 1945. Of course, some of the ministers had once been parted. Even Sukarno himself as President and cabinet leader was once - for example - a founder of the Indonesian National Party (*Partai Nasional Indonesia* or PNI). But, when the Cabinet was announced, the old parties had not yet "woken up from their graves". The new parties only appeared after the Government Political Party Announcement (or famously known as Information X) on 3 November 1945. *Second*, the *Karya* cabinet led by Prime Minister Djuanda had a service period from April 9th, 1957 to July 10th, 1959. During this period, it entered into a period of decline for political parties because there was indeed a single presidential power under Guided Democracy (Joeniarto, n.d., p. 67), except for the Indonesian Communist Party (*Partai Komunis Indonesia* or PKI) which is currently getting a breath of fresh air. Unfortunately, the Cabinet did not last for long due to the conflicting political party's elite at that time.

In-state administration history, there are also cabinet leaders [be the President or Prime Minister] who also hold concurrent positions as ministers. Sjahrir as Prime Minister has concurrently served as Minister of Home Affairs and Minister of Foreign Affairs simultaneously in the Cabinet of Sjahrir I and II (Sjahrir three times led the Cabinet). Amir Sjarifuddin, while leading the Cabinet as Prime Minister between July 3, 1947, and November 11, 1947, also served as Minister of Defence. The same thing was repeated by Amir when he was entrusted to lead the Cabinet again for the second time between 11 November 1947 to 29 January 1948. When leading the Cabinet by became care-taker of President Between 17 October 1967 to 6 June 1968, Soeharto also doubled as Minister of Defence and Security and The Chief Operational Command for the Restoration of Security and Order (*Panglima Komando Operasi Pemulihan Keamanan dan Ketertiban* or *Pangkopkamtib*). Interestingly, Sukarno who returned Indonesia to the Presidential system in 1959 also remained in the Cabinet in the status of Prime Minister (a position that usually only exists in the parliamentary system, not presidential) (Marsono, 1987, pp. 41–42).

In the history of cabinet compilation, the term "coordinator" first appeared in the Indonesian Cabinet's historical vocabulary during the Hatta II Cabinet (4 August 1949 to 20 December

1949). The official term (according to Presidential Decree No. 6 dated August 4, 1949) is unique: Minister of Defence and Coordinator for Homeland Security (not the Coordinating Minister for Politics and Security, but the Minister of Defence). Sri Sultan Hamengkubuwana IX held the position. The term "coordinator" reappeared during the Working Cabinet II led by Sukarno (6 March 1962 to 13 November 1963). There were six Coordinating Ministers at that time, namely (Domestic, Welfare, Defence and Security, Production, Distribution, Finance, and Special Fields).

Not all cabinet members in the Indonesian Cabinet history are sure to have a Ministerial status/title. Cabinet members in Indonesian history often included, for example, the Attorney General or Chief Justice or the Governor of BI as a cabinet member, as was often the case in the era of the leadership of President Soeharto and Sukarno. In President Soekarno's age, such ministers were commonly referred to as *ex-officio* State Ministers, which meant they were not core cabinet members but could attend Cabinet plenary sessions. The same thing applies to what is referred to as the "Deputy Minister". Even the Deputy Minister entered the Cabinet in the Sukarno era, like the Deputy Minister (Simanjuntak, n.d., p. 89). Besides, the term "minister without portfolio" is known. Soe Hok Gie once ridiculed this term as "Minister without clear job desk" (Wardaya, 2007, pp. 67–68). Some of the names of such ministers include the Minister/Secretary-General of the National Front, the Minister of Liaison of the MPR / DPR / DPA, to the Minister of Networking in Sumatra.

Even the Masyumi party experienced great constitutional dynamics divisions because of the minister's seat in the Cabinet. It influenced Masyumi's power, especially when *Nahdhatul Ulama* (NU) left Masyumi on April 3, 1952. At that time, NU resigned because the Masjumi leader rejected his desire for the Minister of Religion to be given the NU. The Minister of Religion was then handed over to Usman Faqih who came from Muhammadiyah (Mahendra, 2016, p. 59). The composition and posture of the Cabinet in Indonesia are broken down as follows:

Table 1. Cabinet Composition Since independence

The era of Independence Struggle						
No	Name of Cabinet	The initial term of service	End of term	Cabinet Chief	Position	Number of personnel
1	Presidential	September 2 nd , 1945	November 14 th , 1945	Ir. Sukarno	President	21 people
2	Sjahrir I	November 14 th , 1945	March 12 th , 1946	Sutan Syahrir	Prime Minister	17 people
3	Sjahrir I	March 12 th , 1946	October 2 nd , 1946	Sutan Syahrir	Prime Minister	25 people

4	Sjahrir III	October 2 nd , 1946	July 3 rd , 1947	Sutan Syahrir	Prime Minister	32 people
5	Amir Sjarifuddin I	July 3 rd , 1947	November 11 th , 1947	Amir Sjarifuddin	Prime Minister	34 people
6	Amir Sjarifuddin II	November 11 th , 1947	January 29 th , 1948	Amir Sjarifuddin	Prime Minister	37 people
7	Hatta I	January 29 th , 1948	August 4 th , 1949	Mohammad Hatta	Prime Minister	17 people
*	Emergency	December 19 th , 1948	July 13 th , 1949	S. Prawiranegara	Chairperson of PDRI	12 people
The era of Independence Struggle						
No	Name of Cabinet	The initial term of service	End of term	Cabinet Chief	Position	Number of personnel
8	Hatta II	August 4 th , 1949	December 20 th , 1949	Mohammad Hatta	Prime Minister	19 People
Parliamentary Democracy Era						
No	Cabinet Name	The initial term of service	End of term	Chair	Office Position	Number of Personnel
*	RIS	December 20 th , 1949	September 6 th , 1950	Mohammad Hatta	Prime Minister	17 people
9	Susanto	December 20 th , 1949	January 21 st , 1950	Susanto Tirtoprodjo	Acting Prime Minister	Ten people
10	Halim	January 21 st , 1950	September 6 th 1950	Abdul Halim	Prime Minister	15 people
11	Natsir	September 6 th , 1950	April 27 th , 1951	Mohammad Natsir	Prime Minister	18 people
12	Sukiman-Suwirjo	April 27 th , 1951	April 3 rd , 1952	Sukiman Wirjosandjojo	Prime Minister	20 people
13	Wilopo	April 3 rd , 1952	July 30 th , 1953	Wilopo	Prime Minister	18 people
14	Ali Sastroamidjojo I	July 30 th , 1953	August 12 th , 1955	Ali Sastroamidjojo	Prime Minister	20 people
15	Burhanuddin Harahap	August 12 th , 1955	March 24 th , 1956	Burhanuddin Harahap	Prime Minister	23 people
16	Ali Sastroamidjojo II	March 24 th , 1956	April 9 th , 1957	Ali Sastroamidjojo	Prime Minister	25 people

17	Djuanda	April 9 th ,1957	July 10 th , 1959	Djuanda	Prime Minister	24 people
Guided Democracy Era						
No	Cabinet Name	The initial term of service	End of term	Chair Cabinet	Office Position	Number of personnel
18	Work I	July 10 th , 1959	February 18 th , 1960	Ir. Soekarno	President / Prime Minister	33 people
19	Work II	February 18 th , 1960	March 6 th , 1962	Ir. Sukarno	President / Prime Minister	40 people
20	Work III	March 6 th , 1962	November 13 th , 1963	Ir. Soekarno	President / Prime Minister	60 people
21	Working IV	November 13 th , 1963	August 27 th , 1964	Ir. Sukarno	President / Prime Minister	66 people
22	Dwikora I	August 27 th , 1964	February 22 nd , 1966	Ir. Soekarno	President / Prime Minister	110 people
23	Dwikora II	February 24 th , 1966	March 28 th , 1966	Ir. Sukarno	President / Prime Minister	132 people
24	Dwikora III	March 28 th , 1966	July 25 th , 1966	Ir. Soekarno	President / Prime Minister	79 people
25	Ampera I	July 25 th ,1966	Oktober 17 th , 1967	General Suharto	Chairman of the Presidium	31 people
26	Ampera II	October 17 th , 1967	June 6 th , 1968	General Soeharto	Acting President	24 people of
the New Order era						
No	Name of Cabinet	Beginning of service	End of term of office	Cabinet Chief	Position	Number of personnel
27	Development I	June 6 th , 1968	March 28 th , 1973	General Suharto	President	24 people
28	Development II	March 28 th , 1973	March 29 th , 1978	Jend. Suharto	President	24 people
29	Development III	March 29 th , 1978	March 19 th , 1983	Suharto	President	32 people
30	Development IV	March 19 th , 1983	March 23 rd , 1988	Suharto	President	42 people
31	Development V	March 23 rd , 1988	March 17 th , 1993	Suharto	President	44 people
32	Development VI	March 17 th , 1993	March 14 th , 1998	Suharto	President	43 people

the New Order era						
No	Name of Cabinet	Beginning of service	End of term of office	Cabinet Chief	Position	Number of personnel
33	Development VII	March 14 th , 1998	May 21 st , 1998	Soeharto	President	38 people
Reformation Era						
No	Cabinet Name	The initial term of service	End of term	Chair Cabinet	Office Position	Number of personnel
34	Development Reform	May 21 st , 1998	October 20 th , 1999	BJ Habibie	President	37 people
35	National Unity	October 26 th , 1999	August 9 th , 2001	Abdurahman Wahid	President	36 people
36	Mutual Cooperation	August 9 th , 2001	October 20 th , 2004	Megawati Sukarnoputri	President	33 people
37	United Indonesia	October 21 st , 2004	October 20 th , 2009	Susilo Bambang Yudhoyono	President	34 people
38	United Indonesia II	October 22 nd , 2009	October 20 th , 2014	Susilo Bambang Yudhoyono	President	34 people
39	Work	October 27 th , 2014	Now	Joko Widodo	President	34 people

Source: Simanjutak, 2013

Cabinet Formation and Pre-Electoral Commitments

Variation in cabinet appointments patterns can thus provide a window to understand fundamental differences across democratic regimes in policy-making and interest representation. Therefore, an essential question for comparativists to consider is the extent to which cabinet dynamics differ not only across countries, but whether systematic differences exist across democratic regimes. According to Octavio Amorim Neto, there are factors which are associated with two outcomes: (1) the share of non-partisans in the Cabinet; and (2) the aggregate rate to which portfolios are distributed proportionally to each party's share of seats in the government coalition, what Amorim Neto labels *coalescence* (Neto & Octavio, n.d., p. 416).

In any country, government output realises the ability to enact their policy goals. Cabinet ministers everywhere serve two purposes. To greater or lesser degrees, their job is to support legislative proposals that fall under their portfolio. They oversee government departments that implement legislation. President appoints ministers who they believe will best fulfil their goals in proposing and implementing legislation, given existing constraints. Thus in most political

systems, executives' preferences concerning cabinet composition reflect (1) their policy preferences over outcomes; and (2) under majority rule, the extent of their need to negotiate with other actors to obtain those outcomes – including members of their party (Neto & Octavio, n.d., p. 416).

If we take a look in parliamentary systems, pre-electoral negotiations and electoral constraints have received increased attention by analysts of post-electoral cabinet formation (Strøm et al., n.d., p. 311). Martin and Stevenson (Martin & Stevenson, 2001, pp. 33–50), Sona N. Golder (Golder, 2006, pp. 45–64), and Marc Debus (Debus, 2009, pp. 45–64) have brought comparative empirical evidence that pre-electoral coalitions often translate into cabinet coalitions after the election. At the same time, they show that anti-pacts — pre-electoral announcements promising that specific cabinet coalition will not occur — decrease the probability that a particular coalition of the party will be the coalition in the Cabinet. According to Johannes Freudenreich, electoral commitments can be assumed to have critical constraining effects on the partisan composition of governments in presidential systems, for three reasons:

1. Presidential elections provide powerful incentives for forming pre-electoral coalitions due to the presidential electoral rules (Freudenreich, 2016, p. 84). Since Maurice Duverger, we have known that disproportional electoral systems encourage pre-electoral coordination. Because only one candidate can win, electors shy away from their preferred presidential candidate and cast a strategic vote for the candidate they prefer among the potential winners (Neto & Cox, 1997, p. 155).
2. These pre-electoral commitments are likely to play a substantial role in cabinet formation are connected to the chain of delegation in presidential systems. Council in parliamentary systems is singular and indirect. The voters to the ultimate policymakers run a single hierarchical chain, wherein authority is delegated to the next higher level, and every higher level is accountable to the lower ones. In contrast, presidential systems exhibit at least two delegation chains: voters elect the legislature and President separately.
3. Reason for the constraining effect of pre-electoral commitments is the credible commitment problem inherent in presidential systems. Unlike prime ministers, presidents do not need the support of any party to stay in office. Thus, during legislative bargaining, presidents find it more challenging to commit to future political actions credibly and need a strong reputation to make complex legislative deals. Imagine a president who abandons all pre-electoral commitments directly after the election and invites only members of his or her party to the Cabinet (Freudenreich, 2016, p. 85).

If we connected into the Indonesia situation, the first reason why it is difficult to ignore the commitment in compiling the Cabinet is because of the "innate conditions" of the government system and the adopted political system. Combining a presidential system and a multiparty

system adopted simultaneously in Indonesia is a significant factor causing the difficulty in creating a non-partisan cabinet member (zaken cabinet). The presidential and multiparty composition has become one of the research focuses of experts in comparative studies of politics and state administrative law, especially in creating government stability.

Political experts use several terms to define the combination. Scott Mainwaring uses the term multiparty presidential democracy to describe the variety of presidential and multiparty systems in democracies (Mainwaring, 1989, p. 2). Mainwaring uses the term multiparty presidential system when describing a combination of a presidential system and a multiparty system (Mainwaring, 1993, pp. 198–228). Carlos Pereira and Marcus Andre Melo use the terms multiparty presidential regime and multiparty presidential to describe a presidential administration with a lot of partisan fragmentation in the legislature (Pereira & Melo, n.d., p. 156). Eric D. Raile, Carlos Pereira, and Timothy J. Power use multiparty presidential when discussing legislative support for executives in a presidential regime with a multiparty system (Raile, 2010, pp. 10–12). Djayadi Hanan used the terms multiparty presidential system and multiparty presidential alternately to discuss legislative and executive relations in Indonesia after adopting the presidential approach and the multiparty system (Hanan, 2014, p. 44).

Several studies of presidential government systems show situations where the presidential system causes political system instability. Studies by Juan J. Linz in Latin American countries reveal that when compared to presidential regimes, parliamentary regimes are more conducive to the formation of stable democracies, especially in countries with many political parties and fragmentation (Linz, 1990, p. 61). Scott Mainwaring added party system variables as factors that caused presidential system instability (Mainwaring, 1993, pp. 200–201). According to him, the combination between the presidential system and a multiparty system is problematic because there is a likelihood of a deadlock and paralysis in the relations between the executive and the legislature, coupled with ideological polarization and the difficulty of building coalitions across party lines (Mainwaring, 1993, p. 202).

As a result of the concept adopted, the coalition's presence will bridge problems in managing presidential powers. According to Mainwaring, in a presidential system, coalition formation tends to be a problem because of differing views on how executive power is built and maintained (Mainwaring, 1993, pp. 202–203). Also, the possibility of a split in the coalition is more significant than the parliamentary system. In a multiparty presidential system, party leaders often feel the need to keep their President's distance. This was done because by becoming a partner in the government coalition, and party leaders worried that their party would lose their identity, be affected by the sap due to mistakes made by the government, and would not benefit if the government performed well (Mainwaring, 1993, pp. 202–222). If it is related to the cabinet arrangement, the naturally occurring coalition system will ultimately affect elect ministers' power as presidents' prerogative rights (Huda, 2003, p. 104). Because of the fact, the Cabinet's preparation since the reforms rests on prerogative rights and depends on

political compromise and accommodation. It is precisely this matter of settlement that is more dominant in the composition of the Cabinet. The dominance is even brighter if the presidential system stands on a multiparty system. In such conditions, the elect President does not control the majority of votes in parliament. A minority president is present, and a split government is born, making a government whose executive political agenda crosses the road with the majority of political aspirations in the legislature. As a result, the formation of a government cabinet that should be the prerogative area of a President tends to be eroded by political intervention from "sweating" parties in the presidential election contestation (Isra, 2019, pp. 142–143).

The second problem that makes it difficult for the President to ignore political party orders is the presidential election system itself. Instead of strengthening the presidential system, precisely the direct election process's obstacles, to liberalise the party system and the election itself (Siregar, 2018, pp. 264–265). The Presidential Election which strives to have a legal policy to cut the operation of the power oligarchy which has so far used the election as a political instrument to legitimise the running of political-economic power is quite the opposite. The presence of the Constitutional Court Decision No. 14/PUU-XI/2013 which gave way for the simultaneous election, especially in 2019, actually experienced anti-climax when the General Elections Law of 2017 re-implements the presidential threshold. The presidential threshold and the severity of the electoral participation requirements are signs that the election legal instrumentation is locked back into the trap of political oligarchy, which is easy to reap the current electoral system's benefits.

As is well known, the presidential threshold will eventually give birth to such a pragmatic and transactional political process between political parties. The threshold requirement is the nomination of president/vice president of 20 % of the DPR seats or 25 % of the legitimate national vote causing no party from the 2014 election to carry the presidential/vice-presidential candidates themselves. The 2014 and 2019 elections' experience only gave birth to two pairs of presidential/vice-presidential candidates. Political realities *Head-to-head* from the point of view of political realism thicken the political coalition of pragmatism. Compared with the political context of elections in the United States, the situation and character are different, especially related to the absence of a more ideological political struggle.

In Indonesia, the practice of 'head-to-head elections', actually shows the character of gang politics, rather than ideological politics. As a result, it could be witnessed in the 2019 election contestation, namely the birth of 'political mobility', which resulted in parties with difficulty getting coalition are no longer capable of carrying presidential /vice-presidential candidates. The dilemma is certainly for political parties with a small percentage of votes and/or seats. To abstain, of course, is not an option.

Even being in opposition is powerless in the political system as in the provisions of Article 235 (5) of the Election Law of 2017 it states that "In the case of a political party or a combination

of political parties that meet the requirements to nominate a candidate pair, the candidate political party shall not be sanctioned for not following the next election." In this context, the political cartel Election participants, or also referred to by Moch Nurhasyim as 'cartel coalition' or Kusrido Ambardi 'cartelized party system' (Ambardi, 2008, pp. 62–63) weakened the presidential system, because the elect President was increasingly held hostage and must be able to accommodate the interests of the cartel coalition, and policy-friendly policies with cartel social policies.

Structuring Solutions

At least two solutions can be used to realise the preparation of the Cabinet based on expertise or non-partisan (*zaken cabinets*) rather than mere political negotiations. *First*, suppose a constitutional amendment is made. In that case, it is necessary to add additional conditions in the context of nominating candidates for President and/or Vice President, which was previously "*The Presidential and Vice President Pair was proposed by political parties and/or a combination of political parties participating in the general election*", "*The presidential and vice-presidential pairs are proposed by political parties and/or a **combination of two political parties** participating in the general election*". Affirmation of presidents' choice to be carried by one party and/or a combination of two political parties will encourage the avoidance of presidential and/or vice-presidential candidates who are promoted to be more tied to political contracts carried out during the election-winning process.

If using the 2019 election results as a reference, the parliament's political parties are only 9 (nine). If no regulation raises the electoral threshold, then as high as possible, there are 9 (nine) presidential and vice-presidential candidates in or 5 (five) presidential and vice-presidential candidates with a logical ratio that there are 4 (four) candidates proposed by a combination of political parties, and 1 (one) presidential and vice-presidential candidate proposed by 1 (one) political party. The concept can minimise the existence of "mobs" and reinforce the bearer partners who will fight in the presidential and vice-presidential elections.

Second, if the proposal as above is accommodated, it is necessary to confirm ministerial affiliation provisions. Theoretically, a President was indeed given the authority to elect ministers with prerogative rights. However, to emphasise, if the tap is opened to changes to the constitution, it is necessary to have provisions that affirm the minister's profile. Affirmation of the constitution's provisions regarding ministerial profiles is essential to avoid the election of ministers who use only practical political considerations. If the proposal is considered quite heavy due to changing the constitution being heavy, then the arrangements as described can be contained in the law. At present Law No. 39/2008 concerning the State Ministry at present, is limited to regulating institutions without regulating how profiles can occupy ministries as they were intended to be formed by the President.



Third, considering the Cabinet's preparation is not only about the President's interests, but also in the context of government stability, other solutions can be added by structuring a system of representation in the DPR and the reconstruction of its organisation. A representative system of trustees, non-faction can be a solution, thereby removing the faction system in the DPR.

The changes that need to be made above are not intended to free a President from political parties' orders, but rather to weaken all parties and direct the arrangements that give certainty to the minister's profile itself. The regulation on qualifications will mean Presidents are not hostage, and political parties will be more stringent in accepting new members who can meet the required standards. Besides, the non-faction representation system resulted in DPR members, focusing on carrying out their duties to oversee the government's running instead of evaluating the different ministries' political direction.

CONCLUSION

It turns out, after the constitutional reforms carried out in 1999-2002, the issue of cabinet drafting has not yet become a focal point for creating an effective and progressive government and not being held hostage by transactional logic ratios which result in ministries being compensated by the sweat of political parties who handed over tickets and became a successful team during the election. Non-partisan cabinet preparation is a necessity, but it also does not deny that the Cabinet involves elements of the supporting parties that are indeed based on the vision of work programs and qualified personal integrity qualifications to engage in government cabinet proportionally and minimally. Proposed amendments include (1) Amendment to Article 6 of the 1945 Constitution, (2) Arrangement of Minister Profiles into the constitution or to the Ministry Act, and (3) the use of a representative system of non-faction trustees in the DPR which will provide a Presidential position which will be more comfortable in addressing options to elect ministers based solely on political affiliation.

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