

Indonesia's Governance System after Amendment of the 1945 Constitution: The Dialectic between Text and Context

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Abstract— Indonesian political turn-over made up by long history has brought many constellation to form a government institution. The fall of new orde has brought some new spirit to redefine the government institution in support of the presidential system purification. This writing aims to construct the prefer way to made an institutional government who parrarel with government function and moreover to suitable with constitution necessity to operate under the spirit of purification presidential system. Problem with the party coalition on the parliamentary it seems to be the real threat to the stabilization of the implementation the governmental institution can be solved with simplify the existing of the political party in Indonesia.

Keywords— *Amandment, Constitution, Text and Context*

I. INTRODUCTION

After the New Order regime under Soeharto's leadership fell due to massive demonstrations carried out by almost all elements of society, resulting in the transformation of almost all national and state life in Indonesia. The birth of the reform era as a substitute of the New Order era was based on the spirit to make changes to the authoritarian and corrupt New Order government system. The first thing done by the transitional government post-Soeharto's resignation was to accelerate the elections to elect new members of the House of Representatives.

Prior to the acceleration of elections to elect representatives of the people who are considered truly representing the interests of the people, the transitional government together with the House of Representatives to

reform the political laws, including the laws of political parties and electoral laws.[1] During the New Order period, five packages of political laws, namely the election law, the Law on Political Parties, the Ordinance Act, the Law on Referendum and Law are always accused by many as the main cause of the barrenness of democracy in Indonesia.

One of the causes of the undemocratic political law is related to the too limited number of political parties in Indonesia. As is known during the New Order period, the number of political parties only amounted to two political parties, namely the United Development Party (PPP) and Partai Demokrasi Indonesia (PDI) and one Golkar Group (Golkar). After the Election Law and Political Parties Act was established by the transitional government, the MPR in which some members of the House of Representatives were the result of the 1999 election. Meanwhile, the members of the Regional Representative were elected by the First Level DPRD. Meanwhile, the group delegates proposed by the group to the DPR to set.

The People's Consultative Assembly of 1999 election result is the duty to make changes to the 1945 Constitution. The 1945 Constitution is regarded as the cause of the creation of the authoritarian regime of the New Order. The 1945 Constitution is considered an authoritarian constitution because this Constitution is multi-interpretive and only a ruler has the sole authority to interpret the text of the 1945 Constitution.

The 1945 Constitution places too much emphasis on the spirit of state organizers. Thus, whether or not a government will depend on the spirit of state organizers. Adagium Lord

Acton "power tends to corrupt, and absolute power corrupts absolutely" (corrupt power of corruption, and absolute power is certainly corrupt)[2]. Thus, if only depending on the spirit of the state organizers without any strict restrictions in the constitution then it is certain will be born a government that tends to corrupt and this is evidenced by the New Order government practices that are often contrary to the values of democracy.

Similar with Lord Acton, Mahfud M.D. [3] States that the law created precisely because we can't believe just in the spirit of the people, but rather must be suspicious that the person even though personally good, if power will tend to be dragged to the corrupt by his power environment. Soeharto and Soekarno are clear examples that they are ultimately trapped in a deviant government.

The most obvious deviant practice in the Old Order regime and the New Order regime was related to the absence of a term of office for the President. As it is known that during the Old Order, the MPRS has agreed to appoint Sukarno as President for life as stipulated in the Decree of the Provisional People's Legislative Assembly. III / MPRS / 1963 Regarding the Appointment of the Great Leader of the Indonesian Revolution Bung Karno Becomes the Lifetime of the President of the Republic of Indonesia. Likewise, Soeharto was also elected repeatedly without any limitation on how many terms of office.

Soekarno and Soeharto both run an authoritarian system of government. The difference is that if Soekarno practically deviated from the 1945 Constitution in practice, Soeharto made the 1945 Constitution a legitimacy to run an authoritarian government. Soeharto could make the 1945 Constitution a legitimate tool for his administration because of the subtle, concise and solid nature of the 1945 Constitution, so that Suharto could be more flexible to interpret the 1945 Constitution in accordance with his interests, especially the interests of maintaining his power.

However, the practices of the Old Order and the New Order led to a conclusion that the 1945 Constitution was prone to anti-democratic government practices. Moreover, the age of the 1945 Constitution can be considered quite old and it's time to be changed. In addition, if it is traced historically, the 1945 Constitution was indeed made as a temporary Constitution[4]. Thus, the 1945 Constitution is time to be changed.

The amendment to the 1945 Constitution is aimed towards a better than ever. The question is whether the 1945 Constitution after the amendment to the 1945 Constitution is better than before the changes?

II. RESEARCH METHODS

This type of research is normative legal research with some research approaches including legislation approach, conceptual approach, historical approach and comparative approach. Collecting legal material is conducted with study method of literature in accordance with the approach used. All legal materials that have been collected and inventoried

will then be proceed and analyzed in depth in order to obtain the ratio legis of the legal issues which is studied. Primary and secondary legal materials that have been systematically synchronized then be further assessed based on law theories in order to obtain scientific formula to answer the legal issues which is discussed on this law research.[5]

III. RESULTS AND DISCUSSION

A. Gratuitous changes

The main spirit in making changes to the 1945 Constitution is related to the reduction of the President's authority. This is not without reason because both the Old Order and the New Order period showed that the 1945 Constitution had given a very large power to the executive (President). By reducing the authority of the President's authority, it also has the consequence of adding authority to other state institutions.

After the amendment to the 1945 Constitution, the biggest power holders have shifted from the President to the DPR. The addition of authority to the DPR aims to make the DPR more empowered than before. As is known during the New Order period the role of the DPR could be said to be unable to function optimally. The DPR in the New Order era can always be said to agree to all policies of the President.

The weak role of the House of Representatives during the New Order was due to the existence of Article 2 paragraph (1) of the 1945 Constitution which stated that "the People's Consultative Assembly consists of members of the People's Legislative Assembly, plus delegations from regions and groups, according to the rules stipulated by law. "In Article 2 paragraph (1) the mechanism for filling in members of the DPR, regional delegates and group delegates is left to the will of the legislators.

The formulation of the law in terms of its mechanism is regulated in Article 5 Paragraph (1) of the 1945 Constitution which states that "the President holds the power to form a law with the approval of the People's Legislative Assembly." Thus, how the mechanism of filling members of parliament, delegates and delegates will depend on the President. There is indeed a requirement for approval from the DPR, but in practice during the New Order period members of the DPR never rejected the bill that had been submitted by the President. The powerlessness of the DPR in the power of the President because indeed at the beginning of the establishment of the New Order, the power of the DPR had been successfully co-opted by Soeharto, so that for more than twenty-five years the power of the DPR was under Soeharto's rule.

The MPR Ad hoc I Committee has made an agreement on amendments to the 1945 Constitution. The agreement is:

1. Not changing the Preamble to the 1945 Constitution;
2. To maintain the Unitary State of the Republic of Indonesia;
3. Strengthen the presidential system;

4. Explanation of the Constitution of the Unitary State of the Republic of Indonesia in 1945 which contains normative matters will be included in the Articles;
5. 5. Make changes by addendum.

The MPR Committee's most important agreement to get the spotlight in the constitutional context is the third point, namely to reinforce the presidential system. The purpose of the presidential system choice is because this presidential system is considered to guarantee more stability in government than the parliamentary system. This choice is based on the experience of the Indonesian people who had carried out parliamentary practices under the 1950 Constitution and at that time there was instability in the government. The government at that time was easily up and down due to a no-confidence motion by the House.

The existence of the word "affirms" because according to some constitutional law experts, the 1945 Constitution before the change adopted a presidential quasi system.[6] The existence of the People's Consultative Assembly and the model of the President's responsibility for the MPR are considered as a form of a parliamentary system.[7] Thus, the word "affirm" can be equated with the meaning of purification of the presidential system.

Before proceeding on the Indonesian government system according to the 1945 Constitution of the Republic of Indonesia, it is better to review in advance the concept of parliamentary government system and presidential government system and its characteristics in order to better understand the current system of Indonesian government.

The system of government is the workings of state institutions and their relationships with each other.[8] Therefore in the system of government will talk about the workings and relationships between these three branches of power called the system of government. However, the discourse on the system of government is usually limited to the issue of the relationship between the legislature and the executive. Meanwhile the discourse on judicial power usually becomes its own discourse in constitutional theory, because judicial power has its own characteristics compared to legislative and executive powers.[9]

The difference between a presidential system and a parliamentary system can be seen from its characteristics. From some constitutional law and political science literature there are many characteristics that distinguish between the two systems of government. However, the outline of the two systems can be described as follows:[10]

- Presidential system

The presidential system contains at least the following principles:

- a. The Head of State becomes the Head of Government (executive);
- b. The government is not responsible to the parliament (DPR), the Government and parliament are equal;

- c. Ministers are appointed and accountable to the President;
- d. The executive and legislative are equally strong.

- Parliamentary system

The parliamentary system contains at least the following principles:

- a. The head of state is not a head of government because he is more of a national symbol (unifying the nation);
- b. Government is carried out by a cabinet headed by a Prime Minister;
- c. The Cabinet is accountable to and accountable to and can be dropped by the parliament through motion;
- d. (Therefore) the executive position (cabinet) is lower than (and depends on) the parliament.

As a balance of the weakness of this cabinet, the cabinet can ask the Head of State to dissolve the parliament (DPR) for very strong reasons so that the parliament is considered not representative. However, if that happens then in a relatively short time the cabinet must hold elections to form a new parliament.[10]

Kusuma said that the presidential quasi system adopted by the 1945 Constitution was "Own System" [9]. Referred to as "Own System" because at that time the mixed system did not yet exist. France only formed a semi-presidential system during the Republic of France to V, in 1958.[11]

"Own System" does have some similarities with the presidential system such as a definite presidential term and the Head of State concurrently Head of Government.[11] However, the "Own System" also has differences with the presidential system.

According to R.M.A.B. Kusuma there are at least five big differences between "Own System" and presidential system, namely:[11]

1. In the Own System there is only one institution that is directly elected, namely the DPR, while in the United States presidential system there are two directly elected institutions, namely the representative institution and the presidential institution
2. In the "Own System" the law is prepared jointly by Executives and Legislative Institutions. The draft law is prepared by the Executive. In the Presidential System the law is constituted by the legislature itself. The executive has no right to pass a bill but the president has a veto.
3. "Self-System" puts sovereignty in one place, namely in MPR. Indonesia has the "highest institution", namely the MPR. In the presidential system sovereignty is placed in three places, namely in the executive, legislative and judicial branches, meaning that there is no "highest institution".

4. The "Own System" adheres to the Dual Executive in the sense that the president and vice president are single dukes, not "spare tire" like a presidential system.
5. "Own System" without the principle of Trias Politika, the presidential system uses the principle of Trias Politika.

One more feature of "Own System", which is a system of Outlines rather than State Policy (GBHN). The GBHN was formed by the MPR as a consequence because the President and / or Vice President were appointed and elected by the MPR. Therefore, the elected President and / or Vice President must carry out the state directions set by the MPR. As a consequence of the implementation of the GBHN, then at the end of his term of office, the President is obliged to account for the implementation of the GBHN stipulated by the MPR before the MPR.

The GBHN is a benchmark of the performance of the President. If the MPR considers that the performance of the President is in accordance with the GBHN, then the President's responsibility will be accepted by the MPR. Conversely, if the Assembly considers the performance of the President not in accordance with the GBHN then the responsibility of the President will be rejected by the MPR. The President can also be dismissed in the middle of the way by the MPR if the MPR considers the President to violate the GBHN stipulated by the MPR.

After the amendment to the 1945 Constitution, there has been a fairly fundamental change in terms of the Indonesian state administration, especially in relation to the government system. The 1945 Constitution which had its own "System" was finally forced to purify the presidential system. The main problems of the government system are related to the relations between the executive and the legislature. Especially in parliamentary systems.

In a parliamentary system the relationship between the government and parliament is often an obstacle in order to create effective governance. The ineffectiveness of a government will certainly have an impact on political stability which certainly also has an impact on economic stability.[12] This reason makes the MPR want to choose a presidential system rather than parliamentary.

The main characteristic of the relevant presidential system is related to the authority to form laws. In the presidential system the authority to enact legislation is in the hands of Parliament. Therefore, in the first amendment of the 1945 Constitution, the shift of authority to form laws from the hands of the President to the House of Representatives is the most important aspect of the substance of the first amendment of the 1945 Constitution in addition to limiting the term of office of the President.

However, the shift in legislative function from the President to the House of Representatives as stipulated in Article 20 of the 1945 Constitution of the Republic of Indonesia is only related to its authority only. In the process

of its formation still involves the President both in the approval process and in the process of ratification. This is very different from the pure presidential system, where there is a clear separation between the executive and the legislature. In America, the President has no right to interfere in the legislative process. The President is only given the right to refuse to pass a law approved by Congress called veto power [10]. However, this veto may be ruled out by way of a re-voting of a bill already approved by Congress.[13] If two-thirds or more members of Congress agree on the re-voting, the President's veto does not apply and the draft law will become a law without the President's approval.[13]

In the context of the strict separation of powers as practiced in a pure presidential system as in the United States, the authority of the President relates only to matters of government. However, even though the President is only the executor of the law, it does not mean that the President's powers are narrow. The power of the President (executive) is the greatest power over the other branch of power. The legislature (DPR) has only 3 functions, namely the functions of legislation, control functions and budgeting functions. Judicial power (judicial) only has the authority to judge and convict. Meanwhile, almost all aspects of national and state life are the scope of executive authority. Therefore, in the presidential system the executive authority must be very large. It is ironic if the model of presidential government system is chosen but rather the power of the President is reduced. The reduction of the President's power in the amendment of the 1945 Constitution of the Republic of Indonesia was due to a reaction to the New Order regime which emphasized the dominance of executive power.

When examined historically, the dominance of executive power during the period of the 1945 Constitution is not due to a more dominant executive function than any other branch of power. But more so was Suharto's co-optation that was so strong against other branches of power. Constitutionally the highest power is in the hands of the MPR. The supreme power of the MPR in comparison with the power of other state institutions can be seen in Article 1 paragraph (2) of the 1945 Constitution before the amendment. Article 1 Paragraph (2) of the 1945 Constitution before the amendment states that "Sovereignty is in the hands of the people and is done entirely by the MPR."

Article 1 paragraph (2) of the 1945 Constitution before the amendment can be interpreted as the MPR as the sole implementer of people's sovereignty. The MPR occupied the highest position compared to other state institutions, so the MPR was called the highest state institution. Evidence that during the New Order period, executive supremacy was more political than juridical could be proved during the reign of Abdurrahman Wahid (Gus Dur). Although during the reign of Gus Dur there was a change in the second 1945 Constitution, but the changes have not touched the MPR as the highest state institution.

On July 23, 2001 President Gus Dur was revoked by the MPR. Revocation of the mandate was motivated by allegations of corruption of bulog non-budgetary funds and funding grants from the Sultan of Brunei. The House of Representatives at that time formed a questionnaire special committee to investigate allegations of irregularities in Bulog's non-budgetary funds and the Sultan's Brunei funds. The results of the investigation conducted by the Parliamentary Questionnaires Committee was found irregularities of non-budgeter funds.

After the foundation of non-budgetary funding of the bulog the House gave a memorandum I. Memorandum I then continued with memorandum II. After the Second Parliament's memorandum considered that Gus Dur had no improvement and the DPR immediately invited the MPR to conduct a special trial. During the special session of the MPR, Gus Dur was absent, even a day before the special session of the MPR, Gus Dur issued a Decree. The result of the special session of the People's Consultative Assembly was the revocation of Abdurrahman's mandate as President which resulted in Gus Dur's cessation from his post as President.

Gus Dur's dismissal as President is a comparative study of history that the dominance of political power will determine the direction of the movement of constitutional practice based on the 1945 Constitution. Gus Dur is so easily deposed by the MPR, but to depose Soeharto MPR so difficult. In addition, the practice of state administration during the time of President Gus Dur also helped inspire the MPR to make amendments. The birth of Article 7 a stating that the President could not dissolve the House of Representatives was also an inspiration from Gus Dur's action to issue a Decree which included dissolving the MPR / DPR.

B. Purification of Presidential Systems

The purification of the presidential system contained the consequence of the elimination of GBHN in the 1945 Constitution of the Republic of Indonesia. The GBHN was a consequence of the existence of the MPR as the highest state institution. Purification of the presidential system is certainly accompanied by an effort to further strengthen checks and balances on every relationship between state institutions. Thus, both the executive, legislative and judicial institutions have equal standing. Therefore, with the similarity of position between state institutions, the MPR as the highest state institution is no longer recognized in the 1945 Constitution of the Republic of Indonesia.

The abolition of the GBHN system was also caused by changes in the presidential election system from what was previously chosen by the MPR to be directly elected by the people. With direct presidential elections by the people, the burden of presidential political responsibility is not on the MPR, but directly on the people who vote for it. The form of presidential political responsibility directly to the people is carried out by the president when the president nominates himself as the Presidential Candidate in the next period. If

he is re-elected President means political responsibility he is accepted by the people. Conversely, if he is not elected again as President, then his political responsibility is rejected by the people.

Efforts to purify the presidential system through the amanden of the 1945 Constitution in fact also contain fairly substantive weaknesses. Political stability from a country that adopts a presidential system such as in the United States is not directly proportional if applied in other countries, such as Indonesia. The problem of implementing a presidential system in countries entering the transition from an authoritarian regime to a democratic regime is the same.

The problems of presidential systems in countries entering the transitional phase are associated with a presidential system in combination with a multi-party-political system. According to Scott Mainwaring[14], as quoted by Syamsuddin Haris, a presidential system with multi-party combinations would make it difficult for the government to run its programs, in which it contradicts the spirit of presidential system that always emphasizes the effectiveness of government.

A presidential system with a combination of multi-party systems can run optimally if the government is able to build a solid coalition in parliament so that parliament does not interfere with the performance of the government. But if the government is unable to build a solid coalition in parliament, then it can be ascertained that the performance of the government will be halted. The combination of presidential and multiparty systems is believed to be likely to give birth to minority presidents and divided government.[15] This condition occurs when the president is very difficult to get political support in parliament.[15]

After the amendment of the 1945 Constitution of the Republic of Indonesia, the House of Representatives was not easy to drop the president as it was during the reign of Abdurrahman. But with the enactment of the 1945 Constitution of the Republic of Indonesia, the DPR is now stronger than the House of Representatives at the time of the 1945 Constitution prior to the amendment. The main strength of the DPR is now because all DPR members are directly elected by the people, so they feel they have legitimacy to make political efforts if the DPR considers that the policies of the government are detrimental to the people.

In practice it is very difficult for the government to build a solid coalition. Although there is already a political contract between the elected President and his supporting political parties, it is not a guarantee that the political party will be loyal to the government it supports. Many factors make the coalition vulnerable prematurely. An example is the increase in political parties that support the government will certainly reduce the share of seats in the cabinet because they have to share with the newly supporting political parties. In political psychology of course, this will make the relationship between the government and the

supporting political parties from the beginning to be disturbed.

The 1945 Constitution of the Republic of Indonesia has strictly regulated the authority of the People's Legislative Assembly, including the authority to oversee the government. Constitutionally there are three authorities of the DPR to oversee the performance of the government. The authority of the DPR to oversee the government is; right of interpellation, right of inquiry and right of opinion. Interpellation rights are the right to inquire about government policies that harm the people. The right of inquiry is the right to investigate government policies that harm the people. The right to express an opinion is the right to express an opinion on the issues occurring in society.

Although the use of the supervisory function by the House of Representatives will not be able to easily overthrow the President, if the oversight function is often carried out by the DPR, what happens is that the government will not be able to carry out its programs to the maximum and this is a result of a combination of presidential and multi-party-political systems. The multi-party-political system is a necessity in countries that have just felt a democratic atmosphere like Indonesia. Restrictions on the number of political parties carried out by the New Order regime made Indonesian people assume that restrictions on the number of political parties such as those carried out by the New Order regime were a restraint on democracy. Therefore, it is impossible to limit the number of political parties now as it did during the New Order.

The limitation that can be done is by applying the Parliamentary Threshold (PT) system or the parliamentary threshold policy. PT policy began to apply in Law no. 10 of 2008 concerning the general election of members of the People's Legislative Assembly, the Regional Representative Council and the Regional Representative Council to replace the electoral threshold policy[16]. Article 202 paragraph (1) of Law no. 10 of 2008 states that "Election Contesting political parties must meet the threshold of vote acquisition of at least 2.5% of the number of valid votes nationally to be included in determining the acquisition of DPR seats.[16] The expected impact of PT's enforcement policy is a reduction in the number of political party presence in parliament.[16]

The limitation of only 2.5% also indicates that the reduction in the number of political parties in parliament can not be carried out in an extreme because the restrictions can be considered "killing" small political parties and perpetuating established political parties. Thus, it is difficult to implement a simple party system like a dual party. The existence of many political parties in Indonesia is also a consequence of the abolition of the filling system of MPR / DPR members. During the New Order period in addition to MPR members elected through general elections there were also MPR members appointed by the President, such as group delegates. With the loss of elements of group representatives in the institutional structure of the MPR,

then the groups can integrate within political parties that have a unity of vision with them. They must integrate with political parties that have similar political views with them, because it is constitutionally impossible for the mechanism of filling MPR / DPR members by appointment.

Now there are some parties who want Indonesia to return to the original 1945 Constitution manuscript. Now there are some parties who want Indonesia to return to the original 1945 Constitution manuscript. They assume that the amended 1945 Constitution of the Republic of Indonesia has turned into a Constitution that favors liberalism. If studied comprehensively there are indeed some weaknesses in the amended 1945 Constitution of the Republic of Indonesia. The weaknesses found in the 1945 Constitution of the Republic of Indonesia were due to the spirit of change that was so great that the nature of change was more reactionary.

It would be unwise to change the reactionary NRI Constitution against a reactionary attitude. There are at least a number of issues that should be considered if Indonesia returns to the 1945 Constitution. The main issue is related to the GBHN livelihood discourse. The discourse on living the GBHN does indeed have no relevance to efforts to return to the original 1945 Constitution. However, the existence of the GBHN will be closely related to the position of the MPR as the highest state institution.

With the revocation of the GBHN system with the MPR as the highest institution of the state, it will certainly affect the changes in other Articles of the 1945 Constitution. The direct election system of the President will be deleted and returned to the old pattern, which is elected and appointed by the MPR. Groups that want the GBHN to be revived reasoned that in running the government, the government must have a plan. They also assume that RPJPN and RPJMN have been worse than GBHN.

In addition, there are reasons from the group who want the GBHN to be revived, there is also a reason that efforts to revive the GBHN are rethought. The first is related to the statement that GBHN is better than RPJPN and RPJMN. The quality of a plan does not depend on what institution or agency is planning, but will be more on the quality of the people who make the plan. In addition, during the New Order era the dynamics of society and nation are also very different from now. If in the New Order the dynamics of the community is simpler, so to make the planning must be easier. Thus, the effort to restore the concept of state planning to the concept of GBHN is not the right step.

Other reasons related to the position of the MPR as the highest state institution. If referring to the political constellation after the New Order where the power of the DPR is politically stronger than the President, then it can be ascertained that the President will be easily dropped. However, a plan such as GBHN is still abstract. The institution authorized to interpret the contents of the GBHN is the MPR. If the President's political support in the MPR is very fragile, then the MPR can easily state that the President violated the GBHN. The most obvious example is the

dismissal of Gus Dur as President who until now the validity of Gus Dur's dismissal is still a debate among constitutional law experts.

Another issue that should be contemplated is the existence of the Constitutional Court (MK) as guardian of the constitution. In practice so far, the Constitutional Court has shown its function as a state institution that is truly capable of maintaining the marwah of the constitution. There are several laws that are contrary to the constitution and liberal character is declared invalid by the Constitutional Court. It is very ironic if the Constitutional Court which has proven itself as an institution capable of safeguarding the constitution is actually eliminated in the constitution.

However, changes to the constitution of a country are a necessity. Changes to the Constitution are needed if the Constitution is no longer able to accommodate the needs of the community. Several decades ago the Indonesian people had not thought about the importance of the existence of the Constitutional Court. Therefore, the spirit to return to the 1945 Constitution is an unwise attitude. It would be nice if a comprehensive study of the 1945 Constitution had been changed. After that, changes are needed.

IV. CONCLUSION

A. Conclusion

The main problem in the 1945 NRI 1945 Constitution results from changes related to the potential tension between the executive and legislative relations. Despite efforts to purify the presidential system, in practice relations between the executive and legislation remain a problem. The potential tension between the executive and legislative relations is due to a combination of presidential and multi-party systems. It is very difficult to be able to synergize between the presidential and multi-party systems. The essence of the presidential system is to create a stable government. Government stability cannot be realized if the party system used is multi-party.

The 1945 Constitution of the Republic of Indonesia does contain several weaknesses, but that cannot be used as an excuse to return to the 1945 Constitution. The weaknesses in the 1945 Constitution of the Republic of Indonesia NRI resulted from changes made hastily. The hasty changes in the 1945 Constitution were caused by the spirit of the enormous changes that had occurred to the Indonesian people at that time.

The imperfection of the 1945 NRI Constitution resulting from the changes because it was done in a hurry was not a strong reason to return to the original 1945 Constitution. A very dynamic political and constitutional constellation at this time certainly would not be suitable if using the 1945 Constitution the original text as its main legal basis.

B. Recommendation

In the future, efforts should be made to simplify political parties. It is indeed not easy to be able to simplify the ideal number of political parties at this time, because the culture of Indonesian society is diverse. At least there is an effort to simplify the political parties still needed even though they do not reach the ideal number. The culture of a country's society will certainly color the choice of party models. The more heterogeneous a society, the more political parties will be needed to represent the interests of each group.

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