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Authority and responsibility of the Presidential Deputy in the Presidential Government System in Indonesia

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Abstract. The authority of the Vice President of the Republic of Indonesia isn't strictly regulated in the constitution, even though the 1945 Constitution has undergone four changes. Even though in principle Indonesia has emphasized the adoption of a Presidential government system, by conducting direct elections for the President and vice president by the people in one pair as stipulated in Article 6A paragraph (1) of the 1945 NRI Constitution. This isn't in accordance with the theory of state office which requires the existence of clarity of position, duties and authorities as well as accountability of state organs and philosophically considered unfair if later in carrying out their duties and obligations there is no proportional division of authority between the elected President and Vice President.

Keywords. authority; presidential

Introduction

The presidential system is a system of government that is centered on the position of the President as head of government as well as head of state. The main principle of the presidential system of government is that the legislature and the executive are equally strong.

According to Arend Liphart, there are three advantages of implementing a presidential system of government. (Gwyn, 1978) First, executive stability. The stability of government is based on the tenure of the president which remains without being affected by the use of a vote of no confidence by the legislature which can overthrow the cabinet. Second, it's considered to be able to realize a better democracy. This assumption departs from the election of a head of government that is more democratic, because it's elected directly by the people rather than through indirect elections. Third, the government is limited because of the separation of powers system so that it can provide protection for individual freedom against a tyrannical government.

In the presidential system of government to maintain executive stability requires the support of a majority in parliament. (Hsieh, 2013) This is important in order to guarantee political support while at the same time maintaining the smooth running of policies issued by the president. An effective presidential government system is determined by two dimensions, namely the dimensions of system effectiveness and the effectiveness of the president's personality. (Greenfield, 1997) The effectiveness of the system of relations between actors and presidential institutions runs according to the rules. Meanwhile, the effectiveness of the president's personality (non-institutional) concerns the ability and character of the president's

personality in implementing presidentialism in accordance with the constitutional formulation. (Zoffer, 2020)

In relation to the presidency in theory and practice it consists of two organs, namely the President and the Vice President. However, both before and after the amendment, the duties and obligations of the Vice President are only regulated in one article, namely Article 4 paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD NKRI of 1945) which explains, namely "In carrying out The President is obliged to be assisted by one Vice President."

From the explanation above, it doesn't explain the purpose and scope of the obligations or authorities of the Vice President as assistant to the President. On the other hand, it's known that based on the provisions of Article 6A paragraph (1) of the 1945 Constitution of the Republic of Indonesia: "The President and Vice President are directly elected as a pair by the people", so that the positions of the Vice President and President are equally important and mutually reinforcing in the Nomination Process for the Presidential Pair and the Vice President directly by the people. This shows that the power and accountability of the vice president has a weak position.

Whereas every state position, theoretically, always has the authority according to the scope of the position. Every authority possessed by a position holder always requires juridical accountability. This is in accordance with the legal principle "*geen bevoegdheid zonder verantwoording* or *there is no authority without responsibility*". Every granting of authority to a government official implies the responsibility of the official concerned. (Grove, 2020)

The problem is that the authority and accountability of the vice president in the presidential system of government in Indonesia is unclear. There are three things that cause the unclear role and position of the Vice President in Indonesia. First, the position of the Vice President as assistant to the President as assistant to the President. Second, the Vice President is not responsible to the President. Third, there has never been a Vice President who has conveyed accountability to the People's Consultative Assembly (MPR) or to the people.

In view of Article 4 paragraph (2) of the 1945 Constitution of the Republic of Indonesia only states: "The Vice President is the Assistant to the President in carrying out the President's obligations". But if we pay attention to the provisions of Article 6 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the position of the Vice President is equally strong and important, mutually supporting one another, as a pair of President and Vice President The explanation above shows that there is a vacuum in norms regarding the authority and accountability of the Vice President in The 1945 Constitution of the Republic of Indonesia and other laws and regulations, therefore it's necessary to study academically or scientifically. Based on the background of the problems above, the problem is formulated that what is the authority of the Vice President in the presidential government system in Indonesia ? And what is the responsibility of the Vice President in the presidential government system in Indonesia?

Research Methods

This study uses normative legal research. (Yunianto & Michael, 2021)

Research Results and Discussion

The Authority of the Vice President in the Presidential Government System in Indonesia

In a presidential government system, it's usually determined that the position of President and Vice President is determined. From a political perspective, in essence, the President and the Vice President are inseparable institutions. Therefore, the President are

elected in a single election package. In countries with a presidential system, the Vice President has the duties and authorities as Deputy Head of Government and Deputy Head of State. (Tillman, 2011)

The definition of Vice President is a government position that is one level lower than the President. Article 4 paragraph (2) states that "In performing his duties the President is assisted by one Vice President". This shows that the relationship between the President and the vice president in the context of Article 4 paragraph (2) of the 1945 Constitution of the Republic of Indonesia can be analogized: "everyone needs help from others, but not everyone who helps is an assistant".

At least there are several things that cause the role and position of the Vice President to be unclear. First, the Vice President, according to Article 4 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, is clearly an assistant to the president in carrying out presidential obligations. In his position as assistant to the President, the duties and powers of the Vice President depend on the granting and/ or delegation of power from the President. As the name implies, the Vice President acts on behalf of the President in the event that the President is unable to attend certain activities or does something within the President's constitutional obligations. This means that the Vice President is only the second person. In various occasions where the President is unable to fulfill his constitutional obligations for reasons that can be justified according to law, the Vice President can act as a substitute for the President. (Michael, 2020) Meanwhile, on various other occasions, the Vice President can also act as a companion for the president in carrying out his obligations.

Second, the Vice President is not accountable to the President, as befits a ministerial status as Assistant to the President who reports directly to the President. Therefore, the position of the Vice President as assistant to the President has less authority in decision making. This is because in the government system in Indonesia from 1945 to the present, the position of Vice President doesn't have any authority. The function of the Vice President in Indonesia is the authority to accompany the President.

This agrees with the opinion of Bagir Manan (Manan & Harijanti, 2016) that the position of the Vice President as assistant to the President, his duties and powers depend on the provision and transfer of power from the President. In terms of granting power, the Vice President acts on his own behalf (as the Vice President), while in the delegation of power, the Vice President acts on behalf of the President. ("TUGAS DAN FUNGSI WAKIL PRESIDEN DALAM KEGIATAN PEMERINTAHAN DI INDONESIA," 2018)

However, the capacity greeting as an assistant to the president to the vice president's position seems to be similar to the state minister who also acts to assist the president, as stated in Article 17 of the 1945 NRI Constitution which states that the President is assisted by State Minister. The vice president will be the first person if the president becomes unavailable. The definition of "assisted" will disappear if the president is permanently unable to stay and the vice president comes forward as a substitute for the president until his term of office expires. ("TUGAS DAN FUNGSI WAKIL PRESIDEN DALAM PENYELENGGARAAN PEMERINTAHAN MENURUT PASAL 4 AYAT 2 UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA TAHUN 1945," 2019)

The explanation above, is emphasized in Article 8 of the MPR Decree No. III/MPR/1978 concerning the Position and Working System Relationship of the highest State Institutions with / or Between High State Institutions, it states that :

(1) The President is the organizer of the highest state government power under the assembly, which in carrying out it's duties is assisted by the Vice President.

(2) The working relationship between the President and the Vice President is regulated and determined by the President, assisted by the Vice President.

The opinion mentioned above, there are similarities with the Philippine constitution which adopts a presidential system, where in *Article VII Section 1* of the Philippine Constitution it's explained that executive power is transferred to the President, and together with the Vice President hold his post for a period of 6 years. Thus, the duties and powers of the vice president still depend on the delegation of authority from the President. *Section 317* of the Philippine Constitution which states that he can be appointed a member of the cabinet by the President. In addition, the vice president also has the authority to replace the President. In relation to this authority, it's regulated in Article VII Section 7 of the Philippine Constitution which regulates the following provisions:

1. The Vice President of the Philippines replaces the position of President if the elected President fails to meet the specified requirements. Vice President acts as President until the elected President meets the requirements;

2. The Vice President of the Philippines replaces the position of President if at the beginning of the President's term, the elected President dies or is unable to carry out his duties for a long period of time;

3. The Vice President of the Philippines takes office as President if the President submits to the Chair of the Senate and the Chair of the House of Representatives a written statement regarding his / her inability to exercise the powers and duties of the presidency, until the president sends a written statement canceling them.

Accountability of the Vice President in the presidential government system in Indonesia

In order to see the accountability of the Vice President, we will first state the position of the Vice President. An assessment of the position of the Vice President is important in order to know the responsibilities of the Vice President. Releasing the Vice President from a system of accountability violates the principles of governance in a democratic country. In a democratic country, every position or official must have accountability and a place of responsibility. (Widodo et al., 2020)

The accountability of the Vice President in the Presidential Government System, both before and after the amendment to the 1945 Constitution of the Republic of Indonesia, isn't regulated, so there is no constitutional clarity regarding the form, mechanism and implications of the vice president's accountability, even though Indonesia in the amendment of the 1945 Constitution emphasizes the adoption of the Presidential government system. (Tomy Michael, n.d.) This shows that the Vice President isn't responsible to the President because the Vice President is not appointed by the President but by the people and there are no articles in the 1945 Constitution that regulate the responsibilities of the Vice President, both as Deputy Head of Government and as Deputy Head of State. This isn't in accordance with the legal principle: "*geen bevoegdheid zonder verantwoordelijkheid or there is no authority without responsibility*". This shows that the 1945 Constitution of the Republic of Indonesia and the laws and regulations under it don't regulate the accountability mechanism of the Vice President.

Conclusion

The authority of the Vice President of the Republic of Indonesia isn't strictly regulated in the constitution, even though the 1945 Constitution has undergone four changes. Even though in principle Indonesia has emphasized the adoption of a Presidential government system, by conducting direct elections for the President and vice president by the people in one pair as

stipulated in Article 6A paragraph (1) of the 1945 NRI Constitution. This isn't in accordance with the theory of state office which requires the existence of clarity of position, duties and authorities as well as accountability of state organs and philosophically considered unfair if later in carrying out their duties and obligations there is no proportional division of authority between the elected President and Vice President.

The 1945 Constitution of the Republic of Indonesia and the laws and regulations under it don't regulate the accountability mechanism of the Vice President. There is no article in the 1945 NRI Constitution that regulates the accountability of the Vice President, both as Deputy Head of Government and as Deputy Head of State, so there is no constitutional clarity regarding the form, mechanism and implications of the vice president's accountability, even though Indonesia is in the amendment of the 1945 NRI Constitution emphasized the adoption of the Presidential government system. This isn't in accordance with the legal principle: "*geen bevoegdheid zonder verantwoordelijkheid or there is no authority without responsibility*".

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