

Constitutional History During the Parliamentary System of Government: Ris to Presidential Decree (1949-1959)

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Abstrak

Tujuan dari artikel ini adalah untuk mengetahui sejarah ketatanegaraan pada masa sistem pemerintahan parlementer dimulai dari masa Republik Indonesia Serikat (RIS) hingga Dekrit Presiden (1959) yang membuat Indonesia kembali kepada bentuk negara republik. Artikel ini menggunakan metode sejarah dengan tahapan pengumpulan sumber, verifikasi, penafsiran, dan penulisan. Hasil penelitian menunjukkan bahwa sistem pemerintahan parlementer pada masa Republik Indonesia Serikat berlangsung sangat singkat yaitu dari tahun 1949-1950 dengan menggunakan Konstitusi RIS sebagai panduan hukumnya. Kemudian masih menggunakan sistem pemerintahan parlementer, Indonesia kembali kepada bentuk NKRI tetapi dengan UUDS 1950 sebagai panduan hukum. Undang-undang ini merupakan undang-undang yang disusun dengan menggabungkan UUD 1945 dan konstitusi RIS. NKRI dengan UUDS 1950 berlangsung cukup lama, hingga akhirnya pemerintahan di Indonesia dengan sistem pemerintahan parlementer ini berakhir saat dikeluarkannya Dekrit Presiden tahun 1959.

Kata kunci: parlementer, republik indonesia serikat, konstitusi ris, uuds 1950.

Abstract

The purpose of this article is to find out the history of state administration during the parliamentary system of government, starting from the time of the United Republic of Indonesia (RIS) to the Presidential Decree (1959), which made Indonesia return to the form of a republic. This article uses the historical method with the stages of gathering sources, verifying, discovering, and writing. The results obtained based on the collection of sources and data show that the parliamentary system of government during the time of the United States of Indonesia lasted very briefly, namely from 1949-1950, using the RIS Constitution as a legal guide. Then, still using a parliamentary system of government, Indonesia returned to the form of the Republic of Indonesia, but with the 1950 Constitution as a legal guideline. This law was drafted by combining the 1945 Constitution and the RIS Constitution. The Unitary State of the Republic of Indonesia with the 1950 Constitution lasted quite a long time, until finally the government in Indonesia with a parliamentary system of government ended when the Presidential Decree was issued in 1959.

Keywords: parliamentary, united states of indonesia, ris constitution, uuds 1950.

INTRODUCTION

After Japan's surrender, the Netherlands looked for ways to regain its former colony, the Dutch East Indies (Joeniarto, 1990: 60). Every time the Dutch succeeded in occupying a place by piggybacking on the Allied forces, they tried to re-establish the government of

the Dutch East Indies. However, the Dutch encountered strong resistance from the people, so the Dutch sought another way, namely establishing the United Indonesia Committee. This committee was directed to form Indonesia into a union state, and if possible the Republic of Indonesia was destroyed or made into a state with the

narrowest possible area. The Dutch also succeeded in establishing several states (puppets), namely South Sumatra State, East Sumatra State, Pasundan State, East Java State, Madura State, and East Indonesia State. All of these states (puppets) formed by the Dutch were incorporated in a bond called *Bijeenkomst voor Federal Overleg* (BFO).

In an effort to narrow and even eliminate the Republic of Indonesia, the Dutch made various efforts, including through Military Aggression I (1947) in Jakarta and Military Aggression II (1948) in Yogyakarta. On March 1, 1949, a general attack was held in Yogyakarta and succeeded in making Yogyakarta return to the Republic of Indonesia for 6 hours. This led to sympathy from other countries, so that the United Nations and the United States began to take a firm stance against the Netherlands. The United Nations (UN) established a conference between Indonesia and the Netherlands. After several meetings, the Round Table Conference (RTC) was held which was attended by the Republic of Indonesia represented by Moh. Hatta, the Netherlands represented by Mr. van Maarseveen, and the BFO represented by Sultan Hamid II. The results of this RTC were the establishment of the Republic of Indonesia, the surrender of sovereignty to the RIS, and the establishment of the Union of the RIS and the Kingdom of the Netherlands. After the RIS was

established, in fact there were still many shortcomings that caused the RIS to last only briefly. RIS was dissolved in 1950 and Indonesia entered a new phase, namely returning to a unitary state, but using a Parliamentary system of government led by a Prime Minister.

A government system can be defined as a structure in which the legislative, executive and judicial functions are interrelated, coordinated and influence each other (Oktaviani Meri Syaputri et al., 2023: 3). The parliamentary system of government is a system of government at the executive power level that separates the powers of the head of state and the head of government. The powers of the head of state are held by the president, sultan, emperor, and king or queen, while the powers of the head of government are held by the prime minister. In countries with a parliamentary system of government the head of state usually takes care of ceremonial matters. Legislative and executive powers have a close relationship and influence each other in this parliamentary system of government. Mutual influence means that the executive and legislative powers have the ability to overthrow each other's power (Muliadi Anangkota, 2017: 151).

In a parliamentary system of government the head of government is held by the Prime Minister and the President functions as the head of state. The power of the President or head of

state can be overthrown by the legislature by raising a vote of no confidence expressed through a veto (Taufik, 2020: 131). In a democratic country, parliament is not only seen as a representative body of the people, but as an institution that organizes people's sovereignty at large, namely carrying out ongoing work which also includes supervisory duties over the president and government (Haryani, 2023: 1798).

In this parliamentary system of government the cabinet is elected by parliament, so the cabinet is accountable to parliament. If the majority of parliament does not support the cabinet, then the cabinet can be dissolved. With a proposal from the prime minister, parliament can also be dissolved by the president. Usually, after the dissolution of parliament, general elections are held (Tundjung Herning Sitabuana, 2020: 98-99). Since August 17, 1950 the parliamentary system of government with the 1950 Constitution came into force in Indonesia. During the period of the parliamentary government system with the 1950 UUDS, the conditions of government were unstable and often changed.

METHODS

The method used in this research is the historical method. Method means a way, path, implementation instructions or technical instructions to achieve goals

effectively and efficiently (Eva Syarifah Wardah, 2014: 168). The historical method is a method of compiling past events carried out using the stages of heuristics or source/data collection, criticism of sources (verification), interpretation of sources (interpretation), and writing (historiography) (Hamid, 2011: 43).

Heuristics is the first step in the historical method which is an activity of searching, finding and collecting as many sources as possible to be used as material to enter the next stage in historical research (Sayono, 2021: 371). Verification is a step taken to determine or establish the authenticity of source material before it is used in research. Furthermore, interpretation is to construct the results of the data with simple, straightforward, and scientific language so that it can be communicated properly. Finally, historiography or writing history (Wasino & Endah Sri Hartatik, 2018: 12-13).

The author collected sources/data from articles and books. After that, the author reviews the sources/data to see their credibility so that the sources/data have good validity. In the next stage, the writer interprets or interprets the sources/data that have been reviewed earlier so that no errors occur, and connects each source/data. The last stage is writing the sources/data into a readable piece of writing. The historical method is effectively designed to facilitate the collection of sources, critically assess and

present the results obtained in written form (Irvan Tasnur & Muhammad Rijal Fadli, 2019: 58).

RESULTS AND DISCUSSION

A. The constitutional system during the Republic of Indonesia

The Dutch implemented *divide et impera* politics as a way to regain control of Indonesia in the early days of its independence. The method used by the Dutch, namely by forming puppet states under Dutch rule. In addition, the Netherlands also carried out Military Aggression in 1947 and 1948. The Round Table Conference was organized to resolve the problems between Indonesia and the Netherlands (Tundjung Herning Sitabuana, 2020: 15). The decision at the Meja Bundar Conference (KMB) was submitted to the Central Indonesian National Committee (KNIP) session to be ratified on December 6, 1949. Finally, 226 votes approved, 62 votes rejected, and 31 people left the session. Based on the results of the session, the Republic of Indonesia began to stand as a union state with the states. The Republic of Indonesia was included in the 16 states of the RIS. The Republic of Indonesia with a population of 31 million people, and 15 other states with a population between 100 thousand and 11 million people. The next step taken was to make a constitution, namely the Constitution of the Republic of Indonesia Union. The RIS Constitution was drafted in order to

regulate the states contained therein and to realize the objectives of the RIS. In the RIS Constitution, West Irian was not included in the RIS territory because it would still be negotiated again (Suwarno, 2009: 139).

Representatives of the Republic of Indonesia and representatives of the *Bijeenkomst voor Federal Overleg* (BFO) who drafted the RIS Constitution. Both representatives signed the Charter of Approval of the text of the RIS Constitution which is in the attachment to the charter. The meeting of the two representatives was listed in Law Number 11 of 1949 concerning the Ratification of the Constitution of the Republic of Indonesia United which was passed on December 14, 1949. The plan was then approved by the KNIP and the representative bodies of the autonomous regions to be ratified as the Constitution of the Republic of Indonesia (Simorangkir, 1984: 35). This constitutional plan then received approval from the Central Indonesian National Committee (KNIP) as the constitution of the Republic of Indonesia.

On December 16, 1949, a presidential election for the RIS was held, represented by each state government. The result was the election of Soekarno as President of the RIS. The Federal Apparatus of the United Republic of Indonesia as stipulated in Chapter III of the RIS Constitution consisted of the

President, Ministers, Senate, House of Representatives, Supreme Court of Indonesia, and the Financial Supervisory Board. Then, the House of Representatives was formed, which was a representative of each state and its number was taken based on consideration of the number of people in the state. In addition, there is a Senate, which consists of 2 representatives from each state (Zulkarnain Ridwan, 2020: 58-59). The Republic of Indonesia turned into a union state with a parliamentary political system. Constitutionally, the government with a parliamentary system is referred to as constitutional parliamentarism (Benny Bambang Irawan, 2007: 60).

With the formation of the United Republic of Indonesia (RIS), Indonesia still existed but became part of the RIS State. The 1945 Constitution was used only in the territory of the Republic of Indonesia starting on December 27, 1949, which previously this Constitution was valid throughout Indonesia. The RIS Constitution was still a temporary constitution. Indicated by Article 186:

“The Konstituante (Constitution-Making Assembly) together with the government should as soon as possible establish the Constitution of the Republic of Indonesia United which will replace this Provisional Constitution.”

Based on this article, at the beginning of the making of this constitution, it was not felt to be

representative by the drafters to be established as a Constitution. This was because the drafting of the constitution was rushed to fulfill one of the interests in the formation of a federal state. In the RIS Constitution, it was stated that a Constituent Assembly would be formed which would establish a new Constitution. The Constituent Assembly would together with the government compile and establish a permanent Constitution (Joeniarso, 1990: 65-66).

In the RIS Constitution, there were several articles that were not implemented properly. These articles included paragraph 2 of Article 68, which explained that the government was the President with one or several ministers. Article 117 explained that the government carried out the duties of the federal government. Article 118 explains that the president is inviolable in the administration of the country, but is responsible to the minister. Based on these articles, it can be seen that RIS adhered to a parliamentary system of government. However, in reality, the parliamentary system of government could not be implemented because the DPR was not based on general elections (Article 111). Based on Article 109 and Article 110, the DPR was directly appointed and it was also explained in Article 112 that the cabinet or ministers could not exercise power under compulsion from the DPR.

Furthermore, Article 69 states that the president is the head of state elected by representatives of the states. However, in reality, the President of RIS was directly elected by the Central Indonesian National Committee (KNIP) without going through general elections. The same applies to the ministers and presidents of the states. Article 188 explained the formation of the Constituent Assembly, but in reality until the Republic of Indonesia ended, the Constituent Assembly was never formed (Novita Mandasari Hutagaol, 2016: 5-6).

In addition to articles that were not properly implemented, the Constitution of the Republic of Indonesia also contains things that characterize the Republic of Indonesia, including Article 3 in which it is explained that the Red and White Flag is the flag of the RIS (Paragraph 1), and Indonesia Raya is the national anthem used in the RIS (Paragraph 2). Furthermore, Article 4 explains that Indonesian is the official language used in the RIS. From this, it can be seen that the Constitution of the United Republic of Indonesia still contains elements related to the Republic of Indonesia. This is because the RIS Constitution basically adopted the 1945 Constitution and only changed and adjusted several articles relating to the formation of a federal state.

B. Constitutional System during the NKRI Period (1950 UUDS Period)

The RIS State and the RIS Constitution only lasted for a short time. This was because the RIS State and its constitution were not in accordance with the spirit of the proclamation sought by the Indonesian people who did not want a state within a state and aspired to a unitary state. In the end, several states rejoined the Republic of Indonesia. There were only three states left in the RIS, which initially consisted of 16 states. The remaining states were the State of East Sumatra, the Republic of Indonesia, and the State of East Indonesia. The RIS government and the Indonesian government finally decided and reached an agreement to return to the Unitary State of the Republic of Indonesia on May 19, 1950 (Tundjung Herning Sitabuana, 2020: 16).

Changes that occurred in the implementation of the state administration after an agreement was reached to return to the Republic of Indonesia, namely (Zulkarnain Ridlwan, 2020: 63-64):

1. Abolition of the senate.
2. The DPRS consists of a combination of the DPR RIS and the KNIP Working Committee. Additional members will be considered by the DPRS.
3. The DPRS and KNIP were referred to as the Assembly for the Amendment of the Constitution, having the power to make changes in the new law.

4. The Constituent Assembly was formed on the basis of elections, with one person representing 300,000 people.
5. President Soekarno as president of the Republic of Indonesia.
6. The cabinet must be parliamentary.
7. As long as the Constituent Assembly had not been formed, the government would further discuss the position of vice president.
8. Abolition of the Supreme Advisory Council.

As a result of the change in the form of the state, a joint committee was formed to prepare the draft constitution. The joint committee was chaired by Soepomo who was a representative of RIS and Mr. Abdul Hakim who was a representative of RI. The results of the formulation of the Joint Committee law were submitted to the two governments on June 30, 1950. The formulation of the Joint Committee was used as a draft of the Indonesian Constitution with minor changes and submitted to the KNIP, DPR and Senate Working Bodies. Without any amendments, the formulation was approved as the Provisional Constitution (UUSD RI). The approved UUSD was then forwarded to the KNIP Working Committee and the DPR on July 20, 1950 to be ratified (Zulkarnain Ridlwan, 2020: 62-63). The draft UUSD was then approved by the KNIP Working Committee on August 12, 1950, approved by the DPR and Senate of the RIS state on August 14, 1950.

Furthermore, the Unitary State of the Republic of Indonesia was declared in a Special Session of the BP KNIP in Yogyakarta on August 15, 1950 by President Soekarno. The text of the Indonesian Constitution contained in Federal Law No. 7/1950 (LN/56) took effect on August 17, 1950 (Article 11 paragraph 1).

The 1950 UUDS contained the 1945 Constitution and the RIS Constitution. Legislative power in the 1950 UUDS was vested in the President, the DPR and the Cabinet. The government had the power to issue government regulations or emergency laws, but these had to be approved by the DPR. In addition, if necessary, the president can issue a decree. The Cabinet is responsible to the DPR. Furthermore, the DPR has the right to dismiss ministers or bring down the cabinet (Nugroho Notosusanto, 1997: 81). The president can approve the new prime minister, meaning that the DPR has the right to appoint the Prime Minister with the approval of the President (Johan Setiawan et al., 2018: 369).

After Indonesia reverted to a unitary state, it practiced Liberal Democracy until 1959. Indonesia was divided into 10 autonomous provinces since the implementation of Liberal Democracy. Cabinet changes occurred almost every year during Liberal Democracy. There were 7 cabinets, as follows:

1. Natsir Cabinet

This cabinet was led by Mohammad Natsir with the support of the Masyumi Party. Natsir attempted to form a cabinet coalition with other parties to be reflected as a national cabinet. However, the PNI, which at that time was the second largest party, demanded the right to determine seats in the cabinet. Natsir formed a cabinet with a coalition between the Masyumi Party and several smaller parties, as well as several non-party political figures, without the PNI in the cabinet.

The Natsir Cabinet had a work program, namely (a) Conducting Constituent Assembly elections; (b) Improving the government and the military; (c) Striving for progress in the fields of health, economy, and people's welfare; (d) Resolving the West Irian issue and restoring security and order; (e) Curbing the armed forces and restoring security; (f) Legalizing religious lessons in schools; (g) Foreign policy.

The Natsir cabinet sought domestic security caused by various rebellions, such as DI/TII and RMS. The Natsir cabinet overcame the rebellion by taking firm steps through orders to crush the rebellion. Indonesia successfully became the 60th member of the United Nations during this cabinet. In addition to the success in running the work program, there are still several work programs of

the Natsir Cabinet that have failed and have not even been implemented.

In early 1951, this cabinet faltered due to the failure of its work program. This was caused by the West Irian issue because the Netherlands did not want to return it. This problem also widened after a vote of no confidence from parliament. This motion was a demand from the PNI who wanted the election of regional representatives to be conducted democratically. The parliament accepted this motion and the relationship with the cabinet became tense. In addition, many parties supporting the cabinet expelled their ministers, such as the Partai Indonesia Raya (PIR). Unable to do so, Natsir finally handed back his mandate to the president (Johan Setiawan et al., 2018: 370).

2. Sukiman Cabinet

Under the leadership of Dr. Sukiman Wirjosandjojo (Masyumi) and Suwirjo (PNI), this cabinet was in coalition with several other parties. What made this cabinet different from the previous ones was the existence of the Ministry of Agrarian Affairs and the Ministry of Employee Affairs. The Sukiman cabinet had a work program, namely (a) immediately strive for prosperity for the people, improve agrarian regulations for the needs of farmers, accelerate the readiness of general elections, and nationalize De Javasche Bank (socio-

economic field); (b) take firm action to ensure security and peace (security field); (c) carry out free and active political cooperation, and return West Irian to Indonesian territory (political field).

The fall of this cabinet was due to resistance from parliament and its own party. This cabinet was considered favorable to the United States because it signed the Mutual Security Act (MSA) agreement. Cooperative relations with the United States in terms of weapons and economic assistance to Indonesia. This was considered a violation of free and active politics. In addition, the slow handling of rebellion in the regions was also one of the causes of the fall of the cabinet (Johan Setiawan et al., 2018: 371).

3. Wilopo Cabinet

On March 19, 1952, President Soekarno appointed Wilopo of the PNI as the formulator for the new cabinet. This decision was officially authorized by Presidential Decree No. 71 of 1952 (Zulkarnain, 2021: 51). Wilopo as chairman formed a new cabinet called the Wilopo Cabinet. This cabinet was formed by a coalition of PNI, Masyumi, PSI, Labor Party, PSII, PKRI, Parkindo, and non-parties.

The work program of this cabinet, namely (a) organizing general elections for members of the DPR, Constituent Assembly, and DPRD; (b) increasing

prosperity; (c) free and active foreign policy; (d) liberation of West Irian; (e) regional autonomy; (f) simplifying the organization of the central government; (g) completing labor laws; (h) improving the quality of educators, educational infrastructure and educational regulations. In addition, this cabinet was required to renew the agreement with the United States during the previous cabinet in order to obtain assistance with less binding conditions.

The fall of this cabinet was due to a vote of no confidence submitted to parliament. This cabinet was considered unable to overcome the rebellion in the regions. The rebellions occurred due to dissatisfaction with the central government over the imbalance of financial allocations to the regions. Many contributions were made by the regions to the center, but not proportional to those returned to the regions. Therefore, the Wilopo Cabinet returned its mandate to the president in June 1953 (Johan Setiawan et al., 2018: 372).

4. Ali Sastroamidjojo I Cabinet

The cabinet with Mr. Ali Sastromidjojo (PNI) as Prime Minister and Mr. Wongsonegoro (PIR) as Deputy Prime Minister was formed on 1 August 1953. Before the formation of the cabinet, there were disagreements between political parties that were difficult to compromise. The major parties, such as the PNI and

Masyumi, wanted to form a cabinet so that their parties could hold the position of prime minister. In the end, Masyumi was not involved in the cabinet, and NU was given a seat.

This cabinet had a work program, namely (a) security, elections, legislation, state organization, finance, prosperity, and labor; (b) free and active foreign policy; and (c) the liberation of West Irian. One of the major programs during this cabinet period was the holding of the Asian-African Conference (KAA). The purpose of the KAA was to fight colonialism or neocolonialism of imperialist countries by realizing cooperation between countries in Asia-Africa in the fields of culture and economy. This cabinet was unable to survive because of the many pressures from various parties. Many parties finally left and demanded that the cabinet be dissolved because the policies in the cabinet were deemed inappropriate. The Prime Minister returned the mandate to Vice President Mohammad Hatta.

5. Burhanuddin Harahap Cabinet

Masyumi, PSI, and NU were in coalition in this cabinet. The work program of this cabinet, namely restoring the moral authority of the government, completing decentralization legislation, eradicating corruption, economic policy in terms of inflation, returning West Irian, and Asian-African cooperation based on Free and

Active politics. A highly prioritized work program in this cabinet was to conduct general elections. The general election was held in two stages, the first on September 29, 1955 to elect members of the DPR and the second election was held on December 15, 1955 to elect members of the Constituent Assembly (Anak Agung Ngurah Agung Wira Bima Wikrama, 2020: 14). This work program was actually a work agenda that began in the Natsir Cabinet and the Sukiman Cabinet. However, before its implementation, the two cabinets returned their mandates. In the 1955 general election, Indonesia was divided into 16 electoral districts which included 208 districts, 2139 sub-districts and 42,429 villages (Sedana Arta, 2020: 72). This general election was attended by political parties, organizations, and individuals. A total of 118 participants consisting of 36 participants from political parties, 34 participants from organizations, and 48 participants from individuals registered as candidates for DPR members. In addition, 91 participants consisting of 39 participants from political parties, 23 participants from organizations, and 29 participants from individuals registered as candidates for the Constituent Assembly (Zulkarnain, 2021: 107).

The PNI, Masyumi, NU, and PKI became the four major parties that held many seats based on the results of the 1955 General Election. Based on the

results of the general election, the results of the DPR seats were obtained, namely Masyumi and PNI getting 57 seats, NU getting 45 seats, PKI getting 39 seats, and other participants getting a total of 81 seats. Then the results of the Constituent Assembly seats were obtained, namely Masyumi getting 119 seats, PNI getting 112 seats, NU getting 91 seats, and other participants getting 118 seats (Johan Setiawan et al., 2018: 373). The election results did not satisfy Masyumi and PNI. Both parties wanted their full support. This led to many parties removing their members from the cabinet. Burhanudin Harahap returned power to the president in 1956.

6. Ali Sastroamidjojo II Cabinet

PNI, Masyumi, and NU were in coalition in this cabinet. This cabinet had a work program, namely (a) domestic policies in the fields of security, economy and finance, defense, labor, education, veterans, and religion; (b) striving to realize Indonesia's power over West Irian de facto and make West Irian a province; (c) in the interests of the people and towards world peace, carrying out free and active foreign policy cooperation; (d) continuing cooperation with countries that are members of the KAA and implementing the provisions in the KAA.

This cabinet was also not able to survive like the previous cabinets. This was because people in the cabinet often

disagreed. In addition, the president expected the formation of a four-legged cabinet consisting of Masyumi, PNI, NU, and PKI (Zulkarnain, 2021: 116). However, the PKI was not involved in this cabinet. Moh. Hatta resigned from his position as vice president during the reign of this cabinet. After the formation of the DPR and Konstituante based on the results of the general election, Hatta felt that he had to relinquish his position in accordance with the applicable law. Apart from the formation of the DPR and Konstituante, there were also differences in political views between Soekarno and Hatta (Johan Setiawan et al., 2018: 374).

7. Juanda Cabinet

Soewirjo was appointed to form a new cabinet after the Ali II Cabinet left office. However, Soewirjo failed after two attempts to form a cabinet. Finally, President Soekarno appointed Ir. Djuanda as prime minister and formed the Extra-Parliamentary Emergency Cabinet which was later called the Kabinet Karya. This cabinet was the only cabinet that was not from a political party and had members of the Armed Forces in it. This cabinet had a work program, namely (a) the formation of the National Council; (b) improving the state of the Republic of Indonesia; (c) continuing the cancellation of decisions in the RTC; (d) the struggle for West Irian; (e) accelerating development (Kartasasmita & Ginandjar, 1995: 42).

The rebellions that occurred in the regions seemed endless even though the cabinet had changed several times. During the Juanda Cabinet, rebellions in the regions were caused by dissatisfaction with central government decisions that did not pay attention to regional development. The regions formed military organizations and fought back because they were dissatisfied. Based on this, it can be seen that the government at that time could not unite all groups and regions to defend Indonesian independence. The Presidential Decree of July 5, 1959 marked the end of the Juanda Cabinet.

The multiparty system in the Old Order was not so encouraging when the parliamentary system was implemented in 1950-1959. This is because the resulting parliament often experienced disharmony between the parties so that decision-making caused instability and did not provide enough opportunities to develop public welfare (Yulion Zalpa, 2018: 53). The Constituent Assembly, which was formed as a result of the general elections from 1955 to 1959, was also unable to draft a new Constitution to replace the UUDS. On April 22, 1959, a Plenary Session of the Constituent Assembly was held in which President Soekarno proposed that the 1945 Constitution be established as the law for the Republic of Indonesia. After holding a session and voting, but did not reach the curoum in accordance with the 1950 Constitution Article 137

paragraph (2). On July 5, 1959 with the consideration that the country was in a state of emergency, President Soekarno issued a Presidential Decree on Returning to the 1945 Constitution. This decree was contained in Presidential Decree Number 150 of 1959. The decree stipulated:

1. Dissolve the Constituent Assembly;
2. Re-enacting the 1945 Constitution and the non-enactment of the 1950 Constitution; and
3. Establish the Provisional People's Consultative Assembly (MPRS) and the Provisional Supreme Advisory Council (DPAS)

Since the issuance of the Presidential Decree on July 5, 1959, the Republic of Indonesia began to enforce the 1945 Constitution as the law of the land (Tundjung Herning Sitabuana, 2020: 16-17).

CONCLUSION

The Dutch attempt to regain control of Indonesia after the end of Japanese rule was met with strong resistance from the people. The Dutch tried to find other ways, such as carrying out Military Aggression in 1947 and 1948 in Jakarta and Yogyakarta. The end of these two aggressions was the Round Table Conference. This conference resulted in the decision to form a new state in the territory of Indonesia in the form of a union or federation and was named the Republic of Indonesia. In order to run the

country in the form of a union or federation, the Republic of Indonesia needed a constitution as a reference and rule in state life. So a constitution was drafted by representatives from RI and BFO which resulted in the Constitution of the Republic of Indonesia as a temporary law before the enactment of laws drafted by the Constituent Assembly.

There were various kinds of upheavals in several states at the very young age of RIS. Several states wanted to join RI to realize NKRI. Many RIS states rejoined RI, leaving only 3 states. The merger of the RIS states back into RI was contained in the Charter of Agreement. Therefore, a new Constitution was needed by combining the 1945 Constitution and the good elements of the RIS Constitution. The Republic of Indonesia was formed but with a Parliamentary system of government with the Temporary Constitution (UUDS) 1950 which was contained in Federal Law No. 7 of 1950. After becoming a unitary state with almost every year there was a change of cabinet. There were 7 cabinets that ruled until the end of the 1950 UUDS. As a result of the ups and downs of the cabinet, consideration of the state of emergency, and the Constituent Assembly has not succeeded in drafting a permanent Constitution, President Soekarno issued a Presidential Decree which marked the end of Liberal Democracy in Indonesia.

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