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Jokowi After the First Term

Reinstating the Broad Guidelines of State Policy: Tipping the Power Balance?

By Jefferson Ng

SYNOPSIS

Indonesian political parties are discussing a potential reinstatement of the MPR's power to issue the Garis-Garis Besar Haluan Negara or the Broad Guidelines of State Policy (GBHN). What are the policy implications and why are they reviving the GBHN?

COMMENTARY

DURING THE New Order, the GBHN was a set of political, economic, and social principles issued by the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat,MPR*) to guide and direct national development. This constitutional power was revoked in the Third Constitutional Amendment of 2001 when the MPR's broad powers had become an anomaly in the context of the move towards direct presidential elections.

Recently, Indonesian political parties have revived proposals to reinstate the GBHN. According to the MPR assessment team, the constitution could be amended to grant the MPR the authority to issue the guidelines through an MPR decree, or the concept of national guidelines could be directly reinserted into the constitution. If either amendment is successful, the MPR will have the power to draw up broad guidelines specifying national priorities for each presidential term.

Impact on Indonesia's Democratic System

The MPR is composed of 560 members of the House of Representatives members (*Dewan Perwakilan Rakyat, DPR*) and 132 members of the House of Regional

Representatives (*Dewan Perwakilan Daerah, DPD*). The reinstatement of the GBHN is likely to tilt the current balance between the legislature and the executive headed by the president. Currently, through direct presidential elections, popular sovereignty vested in the people is exercised by the president as their representative in the national government.

Reinstatement of the GBHN will likely require articles related to the existence, authority, and position of the MPR to be revised so that it can legitimately claim to represent the people and determine the GBHN.

Proponents of the GBHN argue that these guidelines would promote policy consistency and important national goals like food and energy sovereignty could be carried out across presidential terms. In addition, it will promote the harmonisation of central and regional administrative regulations with the national blueprint and direction.

While these are real and tangible benefits, the reinstatement is not really compatible with a presidential system of government with a clear separation of powers. A presidential system is conventionally understood to feature a one-person executive, an executive directly elected by voters, and a fixed-term chief executive not subject to legislative confidence.

However, in the original 1945 constitution, the president was accountable to the MPR and specifically tasked with the implementation of policy in line with the GBHN. If the president failed to do so, he could be removed from office. In the current timeframe, if the reinstatement allows the MPR to hold the president accountable for implementing the guidelines, it would circumscribe a democratically elected president's ability to determine state policy. On the other hand, if the reinstatement does not hold the president accountable, he or she may simply choose to ignore it.

Vigorous Executive and Its Limits

Speaking to reporters at Cibubur Campground (near Jakarta) in mid-August, President Joko Widodo ("Jokowi") asserted that appointing the cabinet was the prerogative of the president, and that the ministers were his assistants. He further commented that the cabinet would be split by a 55-45 divide between professionals and political appointees.

Such an assertive statement would have been unthinkable some four years ago, when Jokowi was forced by expediency to accept many political appointees in his Working Cabinet. Tired of watching his cabinet ministers' bicker in public, Jokowi engineered multiple cabinet reshuffles and installed key allies to impose discipline and cohesion.

To further strengthen his ability to reshape Indonesian society, Jokowi cultivated the military and prodded the state-owned enterprises (SOEs) so that they can serve as tools of state policy. These initiatives include the army's partnerships with civilian agencies to build village infrastructure and plant crops, to SOEs taking on new debt to fund the construction of priority infrastructure projects.

Unfortunately, his success as a vigorous executive and his assertion of executive prerogative has not fundamentally altered his dependence on his legislative allies, as has been highlighted.

Sustaining the President's Dependence on the MPR

The proposal to reinstate the GBHN either reflects a form of political signalling to Jokowi or the interest of the political parties to redefine the legislative-executive relationship so that they can shape the overall direction of state policy.

In the first scenario, the proposal signals the political parties' dissatisfaction with their reduced influence in the cabinet as a result of Jokowi's assertion of executive prerogative. Both the proposed amendment and PDI-P's recent call to assume more than 4 cabinet posts represented a blowback against Jokowi's assertiveness.

If this is the case, an appropriate show of magnanimity on Jokowi's part (such as the allocation of more cabinet positions) should quickly kill off the proposed amendment.

In the second scenario, the proposal reflects the appetite of the political parties to revise the rules of the game. The aim is to enable the MPR to oversee the direction of national planning and tip the executive-legislative balance with an eye on the 2024 elections.

Retrograde Replay of Old Move?

There is clear precedent for this scenario. The timing of the proposal to reinstate the GBHN is reminiscent of the 2014 bill to abolish direct local elections for mayors and regional governors, after Jokowi's election as president. Then, the bill was designed to impede future Jokowi-like candidates from entering politics.

While the 2014 bill was ultimately suspended by President Yudhoyono, Jokowi is powerless as the MPR has the sole power of constitutional amendment and he is not a party leader in the dominant PDI-P led by Megawati Sukarnoputri. The bottom line is that reinstating the GBHN demonstrates and sustains the president's dependence on the MPR.

While we should reserve judgement till the actual text of the constitutional amendment is drafted, the reinstatement of the GBHN is a retrograde development for the presidential system and is unlikely to be a positive development for Indonesia's future democratic evolution.

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