

The Relationship of the Presidential Decree of 5 July 1950 in Guided Democracy

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Abstract

The purpose of this research is to find out more about the process of the failure of the 1955 election results of the constituent assembly in enacting the Constitution of the Republic of Indonesia, prompting President Soekarno to propose returning to the 1945 Constitution. This situation has basically posed a danger to the safety of the country, especially regarding national unity and integrity. The method used is the historical method which includes heuristics, verification, interpretation and historiography. The results of this research can be seen through the Presidential Decree of 5 July 1959, President Soekarno declared the 1945 Constitution to be re-enacted. However, in a constitutional situation where the 1945 Constitution was implemented based on this Presidential Decree, it provided an opportunity for President Soekarno to position himself as an important policy maker in the country. In this regard, a form of democracy emerged that was initiated by Soekarno, namely Guided Democracy. Even though according to Soekarno Guided Democracy is in accordance with Pancasila by showing popular principles led by wisdom in representative deliberations, the implementation of Guided Democracy which is based on the 1945 Constitution, is devoid of its true aims and objectives. This causes political instability in Indonesia, which gives rise to.

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1. INTRODUCTION

Democracy provides an understanding of the life of the nation and state, that of the power of the people. With such an understanding, the people will create rules that benefit and protect their rights. In order for this to happen, a joint regulation is needed that supports and becomes the basis for the life of the state to guarantee and protect the rights of the people.

Such regulations are usually called Constitutions. In the Indonesian context, the Constitution that is used as a guide is the 1945 Constitution. If you look closely, the 1945 Constitution regulates the sovereignty of the people twice, first in the opening of the fourth paragraph, "then Indonesia's national independence was formulated in a Constitution of the State of Indonesia which is based on the sovereignty of the people..." Second, Article 1 paragraph (2) of the 1945 Constitution as a result of the amendment states, "Sovereignty is in the hands of the people and is implemented according to the Constitution." Thus, the 1945 Constitution is firmly based on democratic government because it is based on people's sovereignty.

Under President Soekarno, the decree was used to dissolve the Constituent Assembly and change the constitution (from the 1955 UUDS Constitution back to the 1945 NRI Constitution),⁹ while President Abdurrahman Wahid's edict substantially contained one of the dissolution of the People's Representative Council (legislature).¹⁰ These two decrees in Basically it has different successes, Soekarno's Guided Democracy was successfully implemented and even became the basis which then triggered the issuance of provisions regarding the People's Representative Council memorandum regarding the source of legal order in Indonesia in the form of TAP MPRS No. XX/MPRS/1966, which in substance also contains the hierarchical order of regulations in the Republic of Indonesia, which clearly

states that Guided Democracy is one of the many sources of legal order in Indonesia (legitimized), 11 while Abdurrahman Wahid's Guided Democracy failed to be implemented because it did not have support from elements of the nation including the legislature which resulted in the impeachment of President Abdurrahman Wahid.

In constitutional law, this is a convention, but in principle it is still a deviation, as stated by Muh. Yamin said that the responsible state ministry is not in accordance with the 1945 Constitution and is even "contrary to article 17 of the 1945 Constitution". (Ismail Suny, 1986:34). There are ministries that are responsible to parliament. This means that Indonesia adheres to a parliamentary system.

The implementation of a parliamentary cabinet system with guaranteed pronouncements shows that the implementation of democracy in Indonesia has not yet led to a system of pure liberalism. Because the aim of its formation was to facilitate diplomatic channels to obtain recognition of sovereignty. This is different after the recognition of sovereignty, the implementation of democracy in Indonesia is a pure liberal democracy. Its implementation is confirmed in Article 83 of the 1950 Provisional Constitution which states: "ministers are responsible for all government policies, while the president and vice president cannot be contested, in other words they are not responsible." (Saleh, 1979:90).

Wilopo (1978:20) states that the responsibility of ministers according to the 1950 Provisional Constitution explains that the government can fall because its policies are not supported by parliament, while the president has the right to dissolve the People's Representative Council (DPR). In this way, the 1950 Provisional Constitution guarantees the legal implementation of liberal democracy in Indonesia, which is marked by the large number of parties that obtain positions in parliament.

The implementation of liberal democracy causes frequent cabinet crises, which means a vacuum in the government. This results in the central government's control over the regions becoming weak, which then provides opportunities for groups who are dissatisfied with the central government, such as the PRRI-PERMESTA rebellion which occurred because of the conflict between parties and the perception that the central government has neglected the regions for a long time. (G. Moedjanto, 1991:94).

2. RESEARCH METHOD

Research methods are commonly called "Historical Methods" which are meant by research methods (Wagino, 1994:30) as for steps such as Heuristics, Source Criticism/Verification, Interpretation/Analysis, Historiography, but all of this must be logical and systematic so that anyone who Carrying out research using the same method will obtain the same results with a calculable error rate. Researchers use several methods whose author's techniques cannot be separated from ways to collect and organize sources or materials into material used by the author.

3. RESEARCH RESULTS AND DISCUSSION

3.1. Presidential Decree as a Guide to Implementing Guided Democracy

The difficulty of the constituents in establishing the Constitution was finally taken over by President Soekarno by issuing a decree on July 5 1959. The government's announcement was an official explanation regarding the re-enactment of the 1945 Constitution as the basis for the state legal system of the Republic of Indonesia, the enactment of the Presidential Decree which became the basis for its enactment. The return to the 1945 Constitution, although it received a negative response from several parties, was the best step for the government and society which had previously experienced political shocks that threatened domestic stability.

The Presidential Decree returns the government's mandate to the President. As the

holder of government control, the president immediately formed a cabinet in accordance with the provisions of the 1945 Constitution, namely in presidential form, namely on July 10 1999. The cabinet that is responsible to the president is called (KK) Karya Cabinet.

The draft cabinet program will be implemented based on the Outlines of State Policy which will soon be formed after completing the government organization. The next step in this improvement is the formation of the Temporary People's Consultative Assembly (MPRS) through a "Presidential Decree No. 2 of 1959" whose members are appointed and appointed by the President by fulfilling the applicable requirements.

The MPRS membership consists of DPR members who represent regions and functional groups. So membership in the MPRS is membership that sits in the DPR which in Presidential Decree No. I was declared to continue working until the next general election. This means that members of the DPR who in Presidential Decree No. 2 of 1959, concurrently serving as a member of the MPR, is a member of the DPR who sat in parliament before the presidential decree was issued. So that the membership of the DPR in Guided Democracy is a continuation of the previous DPR membership, which still continues to function as per Presidential Decree No. I in 1959. Therefore, the formation of the MPR is also temporary; in carrying out the tasks of the MPR it will only determine (GBHN) the Outlines of State Policy.

The next state institution to be formed is the Temporary Supreme Advisory Council (DPAS). Like the MPRS, this state institution is temporary. The DPAS membership totals forty-six members and has duties as outlined by the 1945 Constitution, namely providing advice to the government.

Apart from the formation of state institutions in accordance with the provisions of the 1945 Constitution, a new institution outside the provisions of the 1945 Constitution was also formed which was positioned as a government organ "National Design Council (Depernas)". This institution is chaired by Muhamad Yamin. In its membership, the National Department is not represented by major parties such as Masyumi and the Islamic Union Party (PSI). However, its members are represented by large and small parties, except for the large parties mentioned above.

After the state institutions in accordance with the provisions of the 1945 Constitution are formed, the next step that will be addressed is the guidelines for carrying out the duties of each state institution. As previously mentioned, the guidelines that will be used in future government implementation are GBHN or something similar. These guidelines are also referred to as guided democracy ideology which is a review of President Soekarno's speech on the anniversary of Independence Day 17 August 1959, which was later referred to as Manipol (Political Manifesto) which basically called for "reviving the spirit of revolution, social justice and retooling of institutions." and state organizations for the sake of a sustainable revolution."

The promulgation of a political manifesto as a guideline for government implementation means that all activities including government affairs must be guided by the Political Manifesto. The establishment of the Political Manifesto as the ideology for the implementation of guided democracy is basically a collection of presidential speeches and presidential concepts as guidelines.

3.2. Guided democracy

Democracy is a form of government that emphasizes deliberation from all the people who occupy an area. Democracy places humans on equal rights and obligations in national and state life. A government cannot function without support from the community, in this case the people. Therefore, in a democratic government system,

there is no known classification of society that differentiates the rights and obligations of the community group, WA

While parliamentary democracy emphasizes the exercise of parliamentary power, presidential democracy emphasizes its exercise by the people through the leadership of a president. In Indonesia, democracy implemented according to the 1945 Constitution is democratic based on Pancasila. The implementation of this form of democracy, which was carried out in the early days of the formation of the Republic of Indonesia, could not be fully implemented after the Presidential Decree of July 5 1959, which proclaimed a form of democracy in accordance with the 1945 Constitution, which was termed guided democracy.

According to Soekarno, Guided Democracy is democracy or "people led by the wisdom of representative wisdom". The essence of leadership in Guided Democracy is deliberation that is "led by the wisdom of wisdom", not by "debates and deliberations that end with complaints of power and calculations of pros and cons". As a tool, Guided Democracy also recognizes freedom of thought and speech, but within certain limits, the limits of the interests of the people at large, the limits of national personality, the limits of morality and the limits of accountability to God.

Soekarno's opinion places the meaning of Guided Democracy as a people's government led by a president. In the implementation of democracy, according to this opinion, through a deliberative channel, a president is the center of government implementation, elections are chosen by a deliberative body which carries out all aspirations originating from the people. Because the president is the implementer of these aspirations, his position is strong so that he cannot be overthrown by parliament. So basically, Soekarno's view of the meaning of Guided Democracy is a democracy based on the power of democracy in the people.

The basis of Soekarno's thinking about Guided Democracy which is basically identical to Pancasila by Dr. Roeslan Abdulgani is also defined as a democracy based on Pancasila, but its implementation is not consistent so the meaning of democracy is different. Dr. Roeslan Abdulgani defines Guided Democracy as democracy led by Pancasila, but in reality, it is not led by Pancasila but by a leader who is dispotist, here although there are so-called MPR and DPR they are not functional.

From the opinion expressed by Dr. Roeslan Abdulgani, it appears that he basically agrees with placing guided democracy as a democracy based on Pancasila, but in his view this understanding is not consistent with its implementation so that the meaning of democracy itself becomes blurred. Dr. Roeslan Abdulgani, is in line with the opinion expressed by Hatta regarding Guided Democracy. Hatta's opinion further highlights the position of the president as leader in the implementation of democracy, which is considered too dominant. So, there is no balance between what is said and what is implemented.

3.3. Implementation of Guided Democracy

The re-enactment of the 1945 Constitution as the basis for constitutional law, which began with the establishment of government institutions in accordance with the provisions of the 1945 Constitution. Guidelines for the implementation of the running of State organizations are based on the Manipol Usdek which is established as the outlines of state direction. statehood, Manipol Usdek covers all aspects of the life of the Indonesian nation, both in political, economic, social and cultural aspects. This position places Manipol Usdek as an official ideology, which must be introduced at all levels of education and government. In line with that, President Soekarno also introduced the teachings of Nasakom, namely nationalist, religious, communist. This is intended to

foster unity between the three great powers.

...Reflection of groups in society. Only with this unity can the Indonesian nation become a unit capable of producing a third working cabinet.

The promulgation of Nasakom teachings as a complement to Manipol Usdek is a teaching that will underlie a government that represents the people to implement the Mandate of People's Suffering (AMPERA). Nasakom's teachings are a combination of three single forces that can endanger government stability. Efforts to gather party strength are seen in President Soekarno's efforts to "gather parties using cooperative ties dominated by an ideology". 16) The president's intervention in party life shows that in the ongoing democratic process, the president places his dominance as the top leader, who should only act as a supervisor.

This understanding of Nasakom was then identified with Pancasila by the Indonesian Communist Party (PKI) which accepted the principle "whoever accepts Pancasila accepts Nasakom". 17) The PKI accepted this with the intention of maintaining and strengthening its position as one of the major parties. And the PKI's efforts were indeed successful, as evidenced by the presence of people who sat in the cabinet. The PKI not only took advantage of Nasakom's teachings, but also in political manipulatives, it appeared to have successfully included MIRI (Indonesian Society and the Indonesian Revolution) programs in manipol.

The PKI's success caused the PKI's dominance in the party to become increasingly prominent. In its revolutionary activities, the PKI created hostility with the Indonesian Army. On July 8 1960, the PKI Politburo issued a strongly contradictory statement to the government. However, Soekano was not criticized, only several leaders of the State as a whole were heavily criticized.

The TNI-AD leadership responded directly to this statement by stopping and freezing the PKI's activities in accordance with the state of emergency law. The TNI-AD also advised the president not to believe too much in the PKI's statements. Because it is conveyed based on past experience. The president's response to the TNI-AD's proposal was to warn the TNI-AD not to act as an enemy of the PKI. So even though the PKI does not compromise with the TNI-AD, the president's sympathy for his party will still support the PKI so that it always has access to the political journey of the guided democracy period.

The position of the PKI which still had access was stronger in his speech on 17 August 1960, President Soekarno outlined the course of our Revolution (Jarek), which in January 1961 was detailed as implementing the political manifesto by the DPA. The details are very appropriate to PKI programs, because in developing the methods in JAREK, PKI figures were included. Likewise in terms of foreign policy formulation which is based on President Soekarno's speech before the UN general assembly entitled "Building the World Again".

4. CONCLUSION

Establishment of the constituent assembly as a legal and permanent Constitution-making assembly for the Republic of Indonesia. During its sessions, the constituents experienced difficulties which ultimately led to a split. To overcome this, President Soekarno issued a decree which officially re-enacted the 1945 Constitution as Indonesia's constitutional law system. However, the Presidential Decree is the legal basis for the re-enactment of the 1945 Constitution. In terms of constitutional law, the legal basis for a decree is the same as emergency law, which gives power and authority to the government to deal with important situations. With the re-enactment of the 1945 Constitution, all

constitutional activities must be adjusted to the provisions of the 1945 Constitution. For this reason, state institutions, both legislative, executive and judicial, were formed, namely by forming the MPRS, DPAS, and the formation of a working cabinet. Meanwhile, the implementation guideline is based on Manipol-Usdek as well as several concepts of Soekarno's thoughts on government.

Soekarno's concept of Guided Democracy had differences with several experts. Soekarno's concept placed itself in another form of democracy, resulting in a mismatch between its goals and implementation. So that the implementation of Guided Democracy distorts the true intent and understanding. However, positive results have been achieved in the implementation of foreign policy with the successful settlement of West Irian. Apart from that, it also succeeded in quelling the Darul Islam Rebellion. And the partiality of a group that developed in Guided Democracy has created a new crisis that occurred in the PKI's efforts to take over power through a movement launched on September 30, 1965.

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