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Competence of State Administrative Court in Adjudicating Presidential Decree as Head of State

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Abstract: The position of the President in the presidential system places the President's function as head of state and head of government. The unification of those functions doesn't negate the differences in the President's functions as head of state and head of government. This affects the President's authority in issuing decrees. The absence of such affirmation creates legal uncertainty over the resolution of the President's decision, especially the President's decision as head of state. The formulation of the problem raised is 1) how is the model of the using Presidential Decrees in terms of the President's function as head of state and head of government; and 2) how is the competence of State Administrative Court in adjudicating Presidential Decree as head of state. The research method used normative juridical with a statutory and contextual approach. The results show there are different models of using Presidential Decrees in his position as chief of state and chief of government. Then, the President's decision regarding his position as chief of state becomes a necessity to be differentiated with following elements, First, the President issued it in his capacity as head of state, Second, the President did not have beslissing in issuing it, Third, the decision was issued by the President based on his authority obtained by attribution from the Constitution.

Keyword: Competence, Presidential Decree, State Administrative Court, Head of State.

INTRODUCTION

The construction of the Indonesian state of law is oriented towards the doctrine of the rechtsstaat state of law promoted by FJ Stahl by negating the existence of 4 (four) characteristics of the state of law, namely 1) protection and enforcement of human rights; 2) government based on law; 3) separation of powers; and 4) the existence of administrative justice (Stahl, 2009). This concept is believed by Indonesia in the constitutional level setting which explicitly recognizes the protection of human rights in Article 28 to Article 28J of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) (Simamora & Desiandri, 2024). Government based on law is affirmed in Article

1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The affirmation of this article shows that the Indonesian state is oriented towards the applicable regulations so that all actions taken by state administrators must be based on the law itself (Mubarak & Trisna, 2021). When government actions are not based on applicable law or government actions are carried out arbitrarily, then the existence of administrative justice arises to try all kinds of administrative violations from the government as the holder of authority (Suhariyanto, 2018). These four elements of the FJ Stahl doctrine work together to form an integrated legal system in realizing the Indonesian rule of law.

The doctrine of the rule of law also requires the division of powers recognized in the Indonesian constitution (Suherman, 2019). This arrangement is expressly regulated in the constitution of each state institution which is spread across 3 (three) different powers, namely the legislature, executive and judiciary (Pangaribuan et al., 2023). The regulation of the authority of state institutions at the constitutional level has the aim of being a barrier between state administrators. In addition, the purpose of regulating the constitutional level is also the foundation of state institutions in exercising their authority (Putri & Mahanani, 2022). For example, the President plays the role of head of government in executive power (Susanto, 2016). Although in the Indonesian system, the President also acts as head of state. On the other hand, the President also has the authority to pass laws together with the DPR, which holds legislative power to provide a balance in the formation of laws (Azzahra, 2021). Thus, the doctrine of the rule of law requires a rigid division of powers at the constitutional level and limits every authority of state administrators so that they do not act arbitrarily towards their citizens.

Of the three powers, the executive power has a special position than the other two powers, namely the legislature and the judiciary. The privilege lies in the position of the executive itself, which can act as a state organ and state administrative body (Manan, 1998). In its position as a state organ, the executive can act for and on behalf of the state, which means that the executive's actions are the actions of the state itself. When looking at its position as a state administrative body, the executive can act to carry out state administrative actions. These state administrative powers are independent powers delegated by the state directly through the constitution. This independent power provides discretion for the executive to carry out independent actions both in the realm of regulation (regelen) and the implementation of state administration (besturen) (Manan, 1998).

In addition, the difference between executive power as a state organ and a state administrative body can be seen from the position of the President. The President in the Presidential system of government has a duality of functions that exist in the same position, namely as head of state and head of government, or the holder of the highest power of state administration. The President as head of state can act for and on behalf of the state. The president as head of state has constitutional rights that tend to be the same as prerogative rights (Baital, 2014). For example, the President is authorized to grant clemency by taking into account the considerations of the Supreme Court. Then the President has the right to ratify the law in a formal sense after joint approval by the President and the House of Representatives (Purnomo, 2010). The President is also authorized to fill state positions such as constitutional judges, Supreme Court judges, and members of the Supreme Audit Agency. The President does these things to the extent and function as head of state. Furthermore, the President as the holder of the power of government administration has the authority to fill state administrative positions, such as directors general in state ministries and heads of state administrative agencies or institutions. The consequences of the duality of the President's position as a state organ and state administrative body have an impact on who is authorized to assess the nature of actions, legal consequences and correction efforts.

The nature of the President's actions with his position as head of state and head of government gives rise to various kinds of decisions issued by the President, namely the Presidential Decree as head of state and the Presidential Decree as head of government. The President in issuing his decree as head of state is called a State Decree. This is because the President acts for and on behalf of the state in issuing it (Manan, 1998). This state decree can be issued by the President in a concrete, individualized form with the nomenclature of Presidential Decree. Then, the President in issuing his decision as head of government is called a state administrative decree (Manan, 1998). This is because the President acts to carry out government functions in a narrow sense. This state administration decision can be issued by the President in a concrete individual form with the nomenclature Presidential Decree.

When examined closely, the characteristics of the Presidential Decree, both as head of state and head of government, fall into the qualifications of Article 1 point 9 of the State Administrative Court Law Law No. 51 of 2009 concerning the Third Amendment to Law No. 5 of 1986 concerning State Administrative Courts (hereinafter referred to as the State Administrative Court Law) which reads that "State Administrative Decree is a written decision issued by a state administrative body or official that contains state administrative legal actions based on applicable laws and regulations, which are concrete, individual, and final, which have legal consequences for a person or civil legal entity". The definition of KTUN is also contained in Article 1 point 7 of Law No. 30 of 2014 concerning Government Administration which is amended in Article 175 Point 2 of Law No. 6 of 2023 concerning the Stipulation of Perppu No. 2 of 2022 concerning Job Creation into Law stating that "Government Administration Decisions, which are also called State Administrative Decisions or State Administration Decisions, hereinafter referred to as Decisions, are written provisions issued by Government Agencies and/or Officials in the administration of government". Both articles indicate that State Administrative Decree (KTUN) are indeed included in the realm of state administration. In addition, the regulation of the article requires the form of KTUN to be concrete, individual, and final, which means that it has legal consequences, is addressed to a legal subject, and does not require approval from other agencies (Putra, 2017). Currently, all Presidential Decrees issued by the President can be submitted for correction to the state administrative court if they fulfill the provisions stipulated in Article 1 point 9 of the State Administrative Court Law.

At the practical level, there is no clear distinction between Presidential Decrees as state organs and Presidential Decrees as the holder of the highest power of governance. When looking at the Jakarta State Administrative Court Decision No. 139/G/2013/PTUN JKT which adjudicated Presidential Decree No. 87/P of 2013 on the Appointment of Constitutional Justices Prof. Dr. Maria Farida Indrati, S.H., M.H., and Dr. Patrialis Akbar, S.H., M.H., the Panel of Judges granted the plaintiff's claim by annulling the decree (PTUN Jakarta, 2013). The Presidential Decree was issued in the President's position as a state organ.

Then in a different decision, namely the Jakarta State Administrative Court Decision Number 21/G/2020/PTUN-JKT which adjudicated Presidential Decree No. 101/P of 2019 dated October 09, 2019 concerning Dismissal with Honor and Inauguration of Membership of the Supreme Audit Agency of the Republic of Indonesia, it expressly recognized the existence of a State Decree that was concretely individual in nature and led to the decision not to accept the plaintiff's lawsuit. The panel of judges argued in its legal considerations that the object of the case issued was not based on the will of the President as a state administrative official as an element stipulated in Article 1 point 9 of the State Administrative Court Law, but was issued by the President as head of state. Thus, the State Administrative Court panel of judges decided that the decision could not be accepted because it was not the object of the State Administrative Court case (PTUN Jakarta, 2020). This actually causes legal uncertainty due to the absence of separation of the realm of use of Presidential Decrees so that when a Presidential Decree harms a legal subject, both in his capacity as head of state and head of government, it can become an

object of dispute at the State Administrative Court and potentially be canceled. In addition, if the Presidential Decree is not separated in terms of the realm of its use, it will result in legal uncertainty in the concept of the Presidential Decree as head of state which is only affirmative and does not contain the will of the President in issuing the Presidential Decree. The following is a comparison table between the two decisions:

Table 1.1

Decision of State Administrative Court of Jakarta No. 139/G/2013/PTUN JKT		Decision of State Administrative Court of Jakarta No. 21/G/2020/PTUN-JKT	
Object Of Dispute	Verdict	Object Of Dispute	Verdict
Presidential Decree No. 87 / P of 2013 on the appointment of constitutional judges Prof. Dr. Maria Farida Indrati, S.H., M.H., and Dr. Patrialis Akbar, S.H., M.H.	Grant the plaintiff's claim for the whole.	Presidential Decree No. 101 / P of 2019 dated October 09, 2019 concerning the Honorable dismissal and inauguration of the membership of the Audit Board of the Republic of Indonesia	Declare the plaintiff's claim is not accepted (<i>Niet Onvankelijk Verklaard</i>).

Source: (PTUN Jakarta, 2013, 2020)

Based on the search for literature studies used as literature review in this research, at least 3 (three) groups of studies on Presidential Decrees were found. First, the group of studies that discuss the dispute resolution of Presidential Decrees at the State Administrative Court. Some of the titles of this first group of studies are as follows: CLEMENCIAL REVIEW by the State Administrative Court (a critical review of the Presidential Decree on granting clemency in the presidential system of government in Indonesia) (Ashfiya & Erliyana, 2020), Analysis of the decision of the Jakarta Administrative Court Number 82/2020 / PTUN-JKT in the dispute over state administration Presidential Decree Number 34 / P of 2020 (Supriyadi, 2022), and Legal implications of the decision of the Administrative Court number 82/G/2020 / PTUN.JKY on the object of dispute Presidential Decree Number 34 / P of 2020 concerning the dismissal with disrespect of members of the General Election Commission for the term of office in 2017-2022 (ARBI ALFANO, 2022).

Second, a group of studies that discuss the function of Presidential Decrees. The studies that discuss the function of Presidential Decrees are, Juridical Analysis Of The Granting Of Amnesty By The President Against Violators (Analysis Of The Presidential Decree Granting Amnesty) (Satria & others, 2022), Juridical Review Dismissal Of Judges Of The Constitutional Court Of The Republic Of Indonesia Based On Presidential Decree No. 114 / P of 2022 on dismissal and appointment of judges of the Constitutional Court (MUADIN, 2023), and Analysis of the legal considerations of the Administrative Court judge on the decision on the intertemporal turnover of legislative members (study Decision No. 05/G/2011 / PTUN.YK) (Jamil & others, 2020).

Third, the group of studies that discuss the legal consequences of Presidential Decrees. Some of the titles of the third group of research that discuss this are, The legal consequences of the PSBB policy during the Covid-19 pandemic against the Marriage Reception Building rental agreement due to Presidential Decree Number 12 of 2020 as a national disaster are linked to Book III of the Civil Code (Al Fauzi et al., 2022), The norm of the requirement for a notary to be physically present is related to Presidential Decree Number 11 of 2020 concerning the determination of a state of emergency in the response to the Covid-19 outbreak (Sunardi & Rusidik, 2022), and Juridical review of the Presidential Decree in dismissing Arcandra Tahar based on Law No. 39 of 2008 on the Ministry of State (ANJANI, 2017).

The difference between this study and several studies classified in the 3 (three) groups is that this study discusses the implications of separating the Presidential Decree as head of state and

head of government which affects the competence of the State Administrative Court in adjudicating it. Some of these studies only negate the use of Presidential Decrees without further analyzing the position of the President in issuing these decisions. Then the similarity of this research with several studies classified in the 3 (three) groups is that this research discusses Presidential Decrees which are also discussed in the three research groups. From the explanation of the background that has been described, 2 (two) problem formulations are formulated in this study, namely 1) how is the model of the use of Presidential Decrees in terms of the position of the President as head of state and head of government; and 2) how is the competence of the state administrative court in adjudicating Presidential Decrees as head of state?

METHOD

This research uses a normative juridical method with a statutory approach and a conceptual approach. The normative juridical research method is defined as a research method that uses secondary data as the main research material to find answers to the problems raised (P. M. Marzuki, 2017). The use of secondary data in this research uses legal materials consisting of primary legal materials, secondary legal materials, and tertiary legal materials (B. J. Nasution, 2008). The statutory approach is an approach that uses current positive regulations or laws and is juxtaposed with the topic of the problem raised (P. M. Marzuki, 2017). This research uses several applicable laws and regulations, such as the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), Law Number 5 of 1986 concerning State Administrative Courts and its amendments (hereinafter referred to as the PTUN Law), Law Number 24 of 2003 concerning the Constitutional Court and its amendments (hereinafter referred to as the Constitutional Court Law), Law Number 14 of 1985 concerning the Supreme Court and its amendments (hereinafter referred to as the Supreme Court Law), Law Number 20 of 2023 concerning the State Civil Apparatus (hereinafter referred to as the ASN Law) and Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2023 concerning Job Creation into Law (hereinafter referred to as the Omnibus Law). A conceptual approach is defined as an approach that uses doctrines and theories from living experts in the discipline of law (Nurhayati et al., 2021). The doctrine or theory used in this research is about the presidential system of government, authority, and beslissing. The data collection technique used is a literature study. In addition, this research is descriptive-prescriptive which provides suggestions on the issues raised in the research.

RESULTS AND DISCUSSION

Model of the Use of Presidential Decrees in Terms of the President's Position as Head of state and Head of Government

The Presidential system of government places the head of government and head of state in the same position, namely the President (A. I. Nasution, 2021). This doctrine is adopted by almost every Presidential system country in the world. Although there are semi-presidential systems in some countries, the President's position is still stronger than the prime minister as the executor of government functions (Maziyah & Nugraha, 2020). Furthermore, the concept of the Presidential system was explained by Saldi Isra, who said that this system places the President as the head of state and head of government (Isra, 2013). This concept places the President as a central position in organizing the wheels of state and government (Rusmana et al., 2023). Indonesia as a legal state consistently adheres to the Presidential system of government by giving the President great authority in the functions of state and government (Asshiddiqie, 2022). Thus, the concept of presidential government does place the President as a central position so that his function becomes very large in Indonesian constitutionalism.

According to Montesquieu, the function of government should be held by the executive in addition to other powers, such as legislative and judicial powers (De Montesquieu, 1989). The executive power has the main task of implementing laws that have been enacted by the legislative body, in this case the House of Representatives (law applying organ) (Triningsih & Mardiya, 2017). Although conceptually, Indonesia does not fully implement the pure trias politica because there are many things that are not in line with the concept (Pangaribuan et al., 2023). For example, the President, who is the highest holder of executive power, also has a legislative function.

This is because the executive has 2 (two) positions which also affect its implementation, namely as state organs and state administrative bodies. Then in terms of the implementation of executive power, it can be seen from 2 (two) different dimensions, namely in the field of state administration and in the field of state administration. The President can be said to be an official who has 2 (two) functions, namely as an executive (state organs) as well as an organ of state administration. Meanwhile, institutions other than the President in horizontal relations only have functions as state organs (Manan, 1998). Then when looking at the positions under the President, the position carries out the function of state administration (Jurdi, 2017). The context of state administrative power falls into the realm of the executive as a state administrative body or government organizer.

Government is seen as a government function (*bestuursfunctie*), which is the duty of the ruler that does not include the formation of laws (*wetgeving*) or the judiciary (*rechtspraak*) (Hadjon, 1999). The concept of the doctrine requires a residue, that in addition to the functions of lawmaking and judiciary, it becomes the business of the government (*bestuur*) which is included in the issuance of Presidential Decrees which are the domain of the executive. Thus, this concept believes in the separation of powers that are centralized in the function of government in running the wheels of state government. In addition to the power to form laws and the judiciary.

The role of the President as head of state can be found in the arrangements contained in the 1945 Constitution of the Republic of Indonesia. In addition, the Indonesian constitutional context places the President as the sole holder of executive power with dominant arrangements in the constitution (Isra, 2013). Then at the implementative level, the President has a central role to carry out governance in a broad sense. In addition to having executive functions, the President also has legislative and judicial functions within the office of the President itself. For example, the submission of draft laws to the DPR up to the ratification of the law together with the President (Cristalia, 2020). In addition, in terms of judicial functions, the President is authorized to grant clemency and abolition to convicts (Kapugu, 2016). This has led to evidence that Indonesia adheres to the Presidential system by centralizing the government with the President while still upholding the separation of powers and checks and balances.

This can be seen in some of the President's authorities as head of state in Article 11 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which gives the President the authority to declare war, make peace and treaties with other countries. In addition, the role of the President as head of state can also be seen in the context of Article 12 of the 1945 Constitution of the Republic of Indonesia which gives full authority to declare a state of emergency to part or all of the territory of Indonesia, which reads that "The President declares a state of danger. The conditions and consequences of a state of danger are stipulated by law." Furthermore, the role of the President as head of state is also regulated in Article 13 to Article 15 of the 1945 Constitution of the Republic of Indonesia and the Chapter on State Ministries, in which the President has the right to appoint and dismiss state ministries. The concept of this arrangement is indeed regulated in the constitution to give authority to the President directly because the President is the core organ of the constitution, especially in the Indonesian Presidential system of government.

In addition, the administration of government is also held by the President as the head of government and his staff (Khuluqi & Muwahid, 2023). The concept of regulating the President as head of government is emphasized in Article 4 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which reads that "The President of the Republic of Indonesia holds the power of government according to the Constitution". In connection with the implementation of the President as head of government, it is also closely related to the President's downward relationship or to his staff (Wiyanto, 2016). However, the realm of issuing Presidential Decrees is also often associated with the position of the President as a state administrative body without looking at the position of the President when issuing a Presidential Decree. This has caused confusion in efforts to correct the Presidential Decree as a state organ.

Presidential Decree as a state organ that is individually concrete and issued by the President, attached to the position of the President as head of state. The concept of the decision domain creates a decision function that only legitimizes the process that has taken place. The process is constitutional in terms of filling state positions that have been regulated in the constitution. Such as the use of Presidential Decrees in filling the positions of Constitutional Court judges, Supreme Court judges, members of the Supreme Audit Agency, and other positions that are directly regulated in the 1945 Constitution. Regarding the Presidential Decree as the highest official of state administration is closely related to the position of the President as head of government or the President's hierarchical relationship downward (Jurdi, 2017). The institutional hierarchical relationship in the realm of executive power makes the President the head of government in a narrow sense. Government in a narrow sense can be interpreted as the act of governing carried out by the President as the holder of executive power and its ranks such as ministries and institutions in achieving state goals (Zaini & Maturidi, 2021). Thus, the Presidential Decree should be separated in terms of its domain. Although in implementation, there is no separation of Presidential Decrees in their use.

Jimly Asshiddiqie stated that with the unification of the roles of head of state and head of government in one person, there is no need to distinguish the duties and functions as head of state and head of government (Asshiddiqie, 2006). Both are the President and Vice President who are authorized to carry out government functions in the context of the President-down relationship. In operating the state government, the power and political responsibility of state practice rests with the President (Asshiddiqie, 2006). This leads to the President's position in issuing Presidential Decrees that do not need to be distinguished between being the head of state and head of government (Ashfiya & Erliyana, 2020). Thus, the basis for organizing state practice, especially as head of state and head of government, is actually something that does not need to be separated because it is a consequence of the unification of the two functions in the same position.

On the other hand, Mohammad Laica Marzuki stated that there should be a differentiation of the functions of the presidential institution in the Indonesian constitution. In this case, the President is the head of state (chief of state) as well as the head of government (chief of government). The concept of differentiated position is embraced in the Presidential system of government, which unites the two functions into the same state equipment or office. For him, it is unusual to impose two such dichotomous functions in the Presidential system of government, let alone submit them to the same state equipment (M. L. Marzuki, 2006). The same opinion was conveyed by Bagir Manan, who also separated the President's 2 (two) functions as state organs and state administrative bodies (Manan, 1998). From the two expert opinions above, it can be interpreted that there is a need to separate the functions of the President as head of state and head of government in the Presidential system of government. This separation will have an impact on the actions and decisions of the President as head of state and head of government. Meanwhile, if we refer to Jimly Asshiddiqie's opinion that does not separate the functions of the President as head of state and head of government

(Asshiddiqie, 2006), there is certainly no difference in the use of Presidential Decrees as head of state and head of government.

The use of the Presidential Decree as head of state can be seen from some of the President's authorities granted attributively by the 1945 Constitution of the Republic of Indonesia. As is the case with the process of nominating Constitutional Court judges, which is regulated in Article 24C paragraph (3) of the 1945 Constitution of the Republic of Indonesia, stating that the mechanism for proposing constitutional judges is given entirely to the proposing institution, either from the President, the DPR or the Supreme Court. The President here acts as the party that determines the elected constitutional judges after the process in the proposing institution as stipulated in Article 4 paragraph (1) of the Constitutional Court Law which reads that "The Constitutional Court has 9 (nine) members of constitutional judges who are determined by Presidential Decree". When issuing the Presidential Decree, of course, the President is prohibited from violating the results of the process that has taken place in the proposing institution itself. The concept of this Presidential Decree is only affirmative and has legal effect after the constitutional judges are elected in the process that has been passed in the proposing institution. Thus, the process in the proposing institution has been said to be a recognized process in the concept of state administration so that it has legal consequences at the state level. In this case, the concept of Presidential Decree as head of state is only a confirmation of the process that has been passed in the proposing institution.

The concept of Presidential Decree as the head of state is also adopted in the determination of members of the Supreme Audit Agency. The Presidential Decree is issued to determine the membership of the Supreme Audit Agency as stipulated in Article 23F paragraph (1) of the 1945 Constitution of the Republic of Indonesia which reads that "Members of the Supreme Audit Agency are elected by the House of Representatives with due regard to the considerations of the Regional Representatives Council and inaugurated by the President". In addition, the membership of Supreme Audit Agency (BPK) is indeed formalized through a Presidential Decree as reaffirmed in Article 4 of Law No. 15/2006 on the Supreme Audit Agency (hereinafter referred to as BPK Law) which stipulates that the Supreme Audit Agency has 9 (nine) members, whose membership is formalized by a Presidential Decree. BPK members were previously elected by DPR with consideration from DPD in accordance with the provisions of Article 14 paragraph (1) of BPK Act which reads that "BPK members are elected by DPR with due regard to DPD's consideration". This confirms that BPK members are elected by DPR by taking into account the considerations of DPD. The President is only formalized through a Presidential Decree.

The Presidential Decree issued in his capacity as head of state is recognized in the inauguration of Supreme Court justices. The regulation on this matter is affirmed in Article 24A paragraph (3) of the 1945 Constitution of the Republic of Indonesia which reads that "Candidates for Supreme Court judges are proposed by the Judicial Commission to the House of Representatives for approval and subsequently appointed as Supreme Court judges by the President". The inauguration of the supreme court judge is carried out in a formal form in the form of a Presidential Decree which is confirmed in Article 8 paragraph (6) of the Supreme Court Law which reads that "The Presidential Decree regarding the appointment of the Supreme Court Judge, Chief Justice and Deputy Chief Justice, and Junior Chief Justice of the Supreme Court as referred to in paragraph (1), paragraph (4), and paragraph (5) is stipulated within a maximum period of 14 (fourteen) days after the submission of the candidate is received by the President". The context of the President in issuing the decision is the position of the head of state which is seen from the relationship between the President and the Supreme Court which is on a horizontal line (Jurdi, 2017). In addition, the determination of supreme court judges by the President is directly mentioned in the 1945 Constitution. Thus, the Presidential

Decree in determining supreme court judges is in the position of the President as head of state or state organs.

Then, the use of Presidential Decree as the head of government can be seen in the Presidential Decree on the appointment of director general within the state ministry. This authority is regulated in Article 29 paragraph (1) of the State ASN Law which reads that “The President as the holder of government power in the development of ASN Employees may delegate the authority to determine the appointment, transfer, and dismissal of officials other than the main high leadership officials other than middle high leadership officials, and the highest functional officials to: a. ministers in ministries; b. heads of agencies in non-ministerial government agencies; c. heads of secretariats in state agencies and non-structural agencies; d. governors in provinces; and e. regents/mayors in districts/cities”. The article indicates that the President has the right to determine the appointment, transfer, and dismissal of the main high-ranking officials, middle-ranking officials, and the highest functional officials in the realm of government. This is a feature of the President's position as head of government because it is closely related to the President's hierarchical relationship from top to bottom or to his staff within the executive power (Jurdi, 2017). This stipulation also has a relationship with the President's position as a state administrative body that has full power to regulate and determine his subordinates in accordance with his capacity as the highest head of government.

From the explanation above, it can be said that the model of using Presidential Decrees is closely related to the position of the President as head of state and head of government. The Presidential Decree as head of state is closely related to the authority of the President which has been regulated in the 1945 Constitution of the Republic of Indonesia.

The Competence of State Administrative Court in Adjudicating Presidential Decree as Head of State

The position of the President as head of state has special authority given by attribution by the 1945 Constitution of the Republic of Indonesia, including in the process of filling the positions of state organs outside the executive power. The President in this case is authorized to determine these positions by Presidential Decree as head of state (Manan, 1998). A Presidential Decree as head of state is issued by the President for and on behalf of the state. Theoretically, a Presidential Decree as head of state is referred to as a State Decree. State Decrees can be in the form of laws and regulations or individual concretes (Manan, 1998). State Decrees in the form of laws and regulations are laws and Government Regulations in Lieu of Laws because they are stipulated by the President in his level as a state organ and are regeling in nature. Then the State Decree in the form of individual concreteness is the Presidential Decree regarding the determination of the position of state organs outside the executive power. The characteristics of these decisions tend to be individual and concrete in determining certain positions outside the executive power (Manan, 1998). The decree is issued by the President as a state organ and is *beschikking*.

The President's decision as head of government is referred to as a state administrative decision (Manan, 1998). In the Presidential system of government, the President also serves as the head of government or state administrative body that has actions and decisions in order to carry out government functions (Baital, 2014). The characteristics of the Presidential Decree as the head of government are closely related to the characteristics of state administrative decisions as referred to by Indroharto, which states that state administrative decisions are concrete, individual, and final (Indroharto, 1993). The individual meaning can be interpreted, that the decision is directed directly to a person or civil legal entity concerned and is not addressed to the public in general. The meaning of final means that the decision does not need consideration from other agencies and the legal consequences caused must be correct as the legal consequences (Indroharto, 1993).

Presidential Decrees as the head of government are issued by the President to carry out government functions in a narrow sense or the President's downward institutional relationship (Jurdi, 2017). The differentiation of the President's functions affects the issuance of Presidential Decrees, whether the President's function as head of state or as head of government. This is closely related to the Presidential system of government which requires the President to function as both head of state and head of government (Isra, 2013).

Furthermore, does the President's Decree as both head of state and head of government qualify as a State Administrative Decree as stipulated in the State Administrative Court Law? To answer this question, it is necessary to analyze the provisions of Article 1 paragraph 9 of the State Administrative Court Law, which states that "A State Administrative Decree is a written decision issued by a state administrative body or official that contains a state administrative legal action based on the applicable laws and regulations, which is concrete, individual, and final, which has legal consequences for a person or civil legal entity". Concrete means that all state administrative decisions issued by state administrative officials are always considered the object of a State Administrative Court dispute when they fulfill these three elements. In addition, the article includes the phrase "containing state administrative legal actions" which means that all state administrative decisions must indeed be issued in the context of carrying out government functions in the domain of state administrative law.

State administrative officials themselves are defined as officials who carry out government functions, affairs or duties including those within the executive power, starting from the President as the head of government and his central assistants such as the Vice President, ministers, and non-departmental institutions (Ridwan, 2006). In the context of the definition of a state administrative official above, it can be said that the position of the President as head of government is the same as a state administrative official when issuing a Presidential Decree. The decree can be referred to as a State Administrative Decree (KTUN). Therefore, the Presidential Decree as the head of government (KTUN), can be the object of a case at the State Administrative Court. As explained in Article 53 of the State Administrative Court Law which reads that "A person or civil legal entity who feels that their interests have been harmed by a State Administrative Decree may submit a written lawsuit to the competent Court containing a demand that the disputed State Administrative Decree be declared null or invalid, with or without a claim for compensation and/or rehabilitation". Likewise, a person or legal entity who feels aggrieved by a Presidential Decree as the head of government can submit the annulment of the Presidential Decree to the State Administrative Court because it is included in the object of the State Administrative Court dispute.

From the explanations above and contextualized with the Presidential Decree, the Presidential Decree that can be the object of dispute in the State Administrative Court should only be the Presidential Decree as the head of government. The reason for this is because the President in issuing it acts as a state administrative official. Unlike the case with the Presidential Decree as head of state, which should not be included as the object of the case at the State Administrative Court. However, currently, the concept of Presidential Decree, both as head of state and head of government, can be the object of dispute at the State Administrative Court if it fulfills the elements in Article 1 point 9 of the State Administrative Court Law.

Meanwhile, the State Decree or Presidential Decree as head of state has almost the same characteristics as the Presidential Decree as head of government, namely final, individual, and concrete. However, this does not necessarily give legitimacy to the Presidential Decree as the head of state to be the object of a case at the State Administrative Court for the following reasons. First, this is because the decree is issued by the President in his capacity as head of state, not head of government. In addition, in issuing a Presidential Decree as the head of state, there is first a process carried out by other institutions based on procedures stipulated by law. As in the case of the Presidential Decree on the Appointment and Dismissal of Constitutional

Court Judges, which previously had a process regulated in the Constitutional Court Law and a process submitted to the proposing institution. In addition, the proposing institution gets its authority by attribution in Article 24C paragraph (3) of the 1945 Constitution of the Republic of Indonesia which reads that “The Constitutional Court has nine members of constitutional judges appointed by the President, who are proposed by the Supreme Court, the House of Representatives, and the President”. Then, the President through his authority establishes a Presidential Decree on the Appointment of Constitutional Judges after passing the mechanism of filling positions carried out by the proposing institution. Second, in contrast to the Presidential Decree as head of government, in issuing a Presidential Decree as head of state, the President does not have his own beslissing (will) in issuing a decision before the process takes place. Third, the Presidential Decree as the head of state is issued by the President based on the attribution authority from the 1945 Constitution. Thus, based on these three reasons, the Presidential Decree as head of state cannot be the object of a case at the State Administrative Court.

Because the Presidential Decree as head of state is not qualified, the efforts to correct errors on the Presidential Decree as head of state will be different from the Presidential Decree as head of government. The resolution of the Presidential Decree as head of state follows the principle of *contrarius actus*. The principle of *contrarius actus* requires the cancellation, amendment, and withdrawal of decisions that have been issued by the relevant officials themselves (Imam, 2019). Thus, efforts to correct the Presidential Decree pass through revisions made by the President himself. The concept of changing the Presidential Decree as the head of state is also a non-substantive change or a change that does not change the decision of the proposing institution, or an institution that has beslissing over the proposal for a position in another institution. Indirectly, the President is bound by the collective decision that has been decided by the proposing institution and the President is prohibited from issuing a Presidential Decree that contradicts the results of the institution that has the right of beslissing (Sugiarto, 2017).

In several cases, the Administrative Court has accepted the lawsuit over the object of the Presidential Decree dispute without distinguishing the Presidential Decree as head of state and head of government. As contained in the Jakarta Administrative Court Decision Number 139/G/2013/PTUN-JKT which granted the petitioners' lawsuit to annul Presidential Decree No. 87/P of 2013 dated 22 July 2013 concerning the Appointment of Constitutional Justices Prof. Dr. Maria Farida Indrati, S.H., M.H., and Dr. Patrialis Akbar, S.H., M.H. When examined closely, the decision actually includes the Presidential Decree as head of state. However, in the consideration of the decision, the panel of judges stated that the Presidential Decree was included in the object of the State Administrative Court dispute, even though the decision was a Decree of the President as head of state.

Looking at another case, the Jakarta State Administrative Court Decision Number 21/G/2020/PTUN-JKT recognized the Presidential Decree as the head of state. The plaintiff disputed the enactment of the object of dispute in the form of Presidential Decree No. 101/P of 2019 dated October 09, 2019 concerning the Dismissal with Honor and Inauguration of Membership of the Supreme Audit Agency of the Republic of Indonesia with procedural defects in the proposing institution. The panel of judges in its decision did not accept (NO) the lawsuit from the plaintiffs. The legal reasoning of the State Administrative Court decision states that the will to determine the personnel to be appointed as members of the Supreme Audit Agency exists in the will of the members of the House of Representatives by taking into account the considerations of the Regional Representative Council. Meanwhile, the President does not have the will or beslissing to determine the personnel who will become members of the BPK (PTUN Jakarta, 2020). In other legal considerations, the judge also mentioned that the object of the case did not fulfill the element of “containing state administrative legal actions” as required by the provisions of Article 1 point 9 of the State Administrative Court Law (PTUN

Jakarta, 2020). This is reasonable because the will to elect BPK members lies with the House of Representative with Regional Representative Council (DPD) consideration. The President only inaugurates without thinking and considering the process that has taken place in the House of Representative.

The disparity of 2 (two) State Administrative Court decisions shows that there is an indecision in the competence of State Administrative Court in judging presidential decisions as head of state and head of government. This is due to the State Administrative Court Act which does not separate the Presidential Decree as head of state and head of government, including the object of dispute administrative court. In addition, the indecision resulted in legal uncertainty over the completion of the Presidential Decree, especially the Presidential Decree as head of state in the State Administrative Court.

From some of the explanations above, raises the urgency of the separation of the Presidential Decree as head of state and head of government, namely First, the dispute resolution of the Presidential Decree as head of State in the Administrative Court degrades the constitutional authority of the president in issuing and revising the Presidential Decree as head of State. Currently, decisions of the president as head of state that are concrete individuals can be tried in the Administrative Court. This overstepped and even injured the constitutional authority of the president in resolving disputes over presidential decisions as head of State. Moreover, the President's actions as head of state or exercising his constitutional rights do not enter into the legal realm but in the political field (Baital, 2014). This includes the authority of the president in issuing presidential decrees as head of State. If there are problems over it in the future, it can not be contested legally through the judicial process (Manan, 1998). Thus, the completion of the Presidential Decree as head of State is fully returned to the political responsibility of the president as head of state.

Second, the dispute resolution of the Presidential Decree as head of state in the State Administrative Court raises a conflict of authority between the President and the State Administrative Court. The State Administrative Court is authorized to judge all presidential decisions, both presidential decisions as head of state and head of government through the provisions of the State Administrative Court Act. But theoretically, the president has full authority in resolving disputes presidential decisions as head of state through the principle of *contrarius actus*. Thus, the president can correct his decisions as head of state through the *contrarius actus* principle, on the other hand, the administrative court can test all presidential decisions, both as head of state and head of government. From each of the testing authority owned by the president and the State Administrative Court, this raises a clash of authority between these two institutions.

Third, the power of governance through the *beslissende bevoegdheid* mechanism (deciding power), currently as many as 221,582 (two hundred twenty-one thousand five hundred eighty-two) which are *regeling* (Badan Pemeriksa Keuangan RI, 2024b), and 163.329 (one hundred and sixty-three thousand three hundred and twenty-nine) of a *beschikking* nature (Badan Pemeriksa Keuangan RI, 2024a). When all the *beschikking* presidential decrees are requested to be canceled by the administrative court, it has the potential to hamper the running of government administration. Moreover, the completion of the Presidential Decree as head of State in the Administrative Court involves procedural law that takes a long time (Abrianto et al., 2018).

CONCLUSION

The power of the president in the presidential system of government makes his authority so great, including in issuing presidential decrees as head of state and head of government. However, due to the fusion of the position of head of state and head of government in the same person, there is an understanding that there is no need to distinguish actions and decisions

between the two positions. In fact, the president as head of State has several functions that are different from the head of government. As well as the inauguration, appointment, and dismissal from the position of state organs directly regulated by the 1945 NKRI Constitution.

This puts forward the settlement process on the principle of *contrarius actus*, or cancellation or change of decisions based on the authority of the president as the office that issued the decision. This is due to several reasons as follows. First, the president in issuing the decree is the head of state. Second, the president has no beslissing in removing it. Third, the president in issuing presidential decrees as head of state is based on his authority obtained by attribution from the Constitution.

REFERENCE

- Abrianto, B. O., Nugraha, X., & Grady, N. (2018). Perkembangan Gugatan Perbuatan Melanggar Hukum oleh Pemerintah Pasca-Undang-Undang Nomor 30 Tahun 2014 Development of Lawsuit for Law Violation by the Government of the Post Law Number 30 of 2014. *Jurnal Hukum & Pembangunan*, 48(4).
- Al Fauzi, M. R., Muliya, L. S., & Supriatna, R. (2022). Akibat Hukum dari Kebijakan PSBB di Masa Pandemi Covid-19 terhadap Perjanjian Sewa Gedung Resepsi Perkawinan Akibat Keputusan Presiden Nomor 12 Tahun 2020 sebagai Bencana Nasional Dihubungkan dengan Buku III KUHPerdara. *Bandung Conference Series: Law Studies*, 2(1), 787–794.
- ANJANI, A. (2017). Tinjauan Yuridis terhadap Keputusan Presiden dalam Memberhentikan Arcandra Tahar Berdasarkan UU Nomor 39 Tahun 2008 Tentang Kementerian Negara. Universitas Jenderal Soedirman.
- ARBI ALFANO, G. (2022). IMPLIKASI HUKUM PUTUSAN PENGADILAN TATA USAHA NEGARA NOMOR 82/G/2020/PTUN. JKT ATAS OBJEK SENGKETA KEPUTUSAN PRESIDEN NOMOR 34/P. TAHUN 2020 TENTANG PEMBERHENTIAN DENGAN TIDAK HORMAT ANGGOTA KOMISI PEMILIHAN UMUM MASA JABATAN TAHUN 2017-2022. UNIVERSITAS SULTAN AGENG TIRTAYASA.
- Ashfiya, D. G., & Erliyana, A. (2020). CLEMENCIAL REVIEW OLEH PERADILAN TATA USAHA NEGARA (Telaah Kritis Keputusan Presiden tentang Pemberian Grasi dalam Sistem Pemerintahan Presidensiil di Indonesia). *PALAR (Pakuan Law Review)*, 6(1), 159–186.
- Asshiddiqie, J. (2006). *Perkembangan dan Konsolidasi Lembaga Negara Pasca Reformasi*. Konsititusi Press.
- Asshiddiqie, J. (2022). *Penguatan Sistem Pemerintahan dan Peradilan*. Sinar Grafika.
- Azzahra, F. (2021). Rekonstruksi Kewenangan Presiden Dalam Pembentukan Undang-Undang Sebagai Upaya Penguatan Sistem Presidensial Indonesia. *Legislasi Indonesia*, 18, 153–167.
- Badan Pemeriksa Keuangan RI. (2024a). Keputusan Presiden Beschikking. <https://peraturan.bpk.go.id/Search?keywords=Keputusan+Presiden+%28KEPPRES%29+DIKTUM&tentang=&nomor=>
- Badan Pemeriksa Keuangan RI. (2024b). Keputusan Presiden Regeling. [https://peraturan.bpk.go.id/Search?keywords=Keputusan+Presiden+\(KEPPRES\)+Pasal&tentang=&nomor=&p=2](https://peraturan.bpk.go.id/Search?keywords=Keputusan+Presiden+(KEPPRES)+Pasal&tentang=&nomor=&p=2)
- Baital, B. (2014). Pertanggungjawaban Penggunaan Hak Prerogatif Presiden Di Bidang Yudikatif Dalam Menjamin Kemerdekaan Kekuasaan Kehakiman. *Jurnal Cita Hukum*, 2(1), 75836.
- Cristalia, D. (2020). Politik Hukum Mekanisme Pengesahan Rancangan Undang-Undang di Indonesia. *Al-Balad: Journal of Constitutional Law*, 2(1).

- De Montesquieu, C. (1989). *Montesquieu: The spirit of the laws*. Cambridge University Press.
- Hadjon, P. M. (1999). Hadjon (et. al), *Pengantar Hukum Administrasi Negara Indonesia* (p. 22). Gajah Mada University Press.
- Imam, S. (2019). Asas *contrarius actus* sebagai kontrol pemerintah terhadap kebebasan berserikat dan berkumpul di Indonesia. *Mimbar Keadilan*, 12(2), 181–195.
- Indroharto. (1993). *Usaha Memahami Undang-Undang Tentang Peradilan Tata Usaha Negara* Buku I. Pustaka Harapan.
- Isra, S. (2013). Hubungan Presiden dan DPR. *Jurnal Konstitusi*, 10(3), 399–416.
- Jamil, A., & others. (2020). Analisis Pertimbangan Hukum Hakim PTUN Terhadap Keputusan tentang Pergantian Antarwaktu Anggota Legislatif (Studi Putusan Nomor 05/G/2011/PTUN. YK). *Jurnal Hukum Respublica*, 19(2), 91–110.
- Jurdi, F. (2017). Format Kekuasaan Presiden dalam UUD NRI 1945 (Relasi Horizontal dan Vertikal kekuasaan Presiden dalam Sistem presidensial). *Amanna Gappa*, 38–59.
- Kapugu, G. (2016). Wewenang Presiden Terhadap Permohonan Grasi Dari Terpidana. *Lex Privatum*, 4(3).
- Khuluqi, M. A., & Muwahid, M. (2023). Sejarah Sistem Pemerintahan dan Kekuasaan Eksekutif di Indonesia. *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam*, 26(2), 167–180.
- Manan, B. (1998). *Beberapa Masalah Hukum Tata Negara Indonesia*. ALUMNI.
- Marzuki, M. L. (2006). *Berjalan-jalan di Ranah Hukum*. Sekretariat Jenderal & Kepaniteraan Mahkamah Konstitusi RI.
- Marzuki, P. M. (2017). *Penelitian Hukum: Edisi Revisi*. Prenada Media.
- Maziyah, D. S., & Nugraha, X. (2020). Komparasi Kewenangan Eksekutif Dalam Pembentukan Undang-Undang Pada Sistem Pemerintahan Presidensial: Antara Indonesia Dengan Amerika. *Jurnal Selat*, 8(1), 42–66.
- MUADIN, M. (2023). TINJAUAN YURIDIS PEMBERHENTIAN HAKIM MAHKAMAH KONSTITUSI REPUBLIK INDONESIA BERDASRKAN KEPUTUSAN PRESIDEN NO. 114/P TAHUN 2022 TENTANG PEMBERHENTIAN DAN PENGAKATAN HAKIM MAHKAMAH KONSTITUSI (Studi Kasus Hakim Konstitusi Aswanto). Universitas Muhammadiyah Mataram.
- Mubarak, R., & Trisna, W. (2021). Penentuan Kerugian Keuangan Negara Akibat Penyalahgunaan Kewenangan Pejabat Pemerintah. *Jurnal Ilmiah Penegakan Hukum*, 8(2), 174–182.
- Nasution, A. I. (2021). The Changes Impact on State Ministries Nomenclature Toward National Development Progress. *Veteran Law Review*, 4(2), 94–108.
- Nasution, B. J. (2008). *Metode Penelitian Ilmu Hukum*, Mandar Maju, Cetakan kesatu. Bandung.
- Nurhayati, Y., Ifrani, I., & Said, M. Y. (2021). Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum. *Jurnal Penegakan Hukum Indonesia*, 2(1), 1–20.
- Pangaribuan, R. R. F., Palilingan, T. N., & Mewengkang, F. S. (2023). PEMBAGIAN KEKUASAAN DALAM SISTEM PEMERINTAHAN DI INDONESIA. *LEX ADMINISTRATUM*, 11(5).
- PTUN Jakarta. (2013). Putusan PTUN Jakarta Nomor 139/G/2013/PTUN JKT. Mahkamah Agung RI.
- PTUN Jakarta. (2020). Putusan PTUN Jakarta Nomor 21/G/2020/PTUN-JKT. Mahkamah Agung RI.
- Purnomo, C. E. (2010). Pengaruh Pembatasan Kekuasaan Presiden Terhadap Praktik Ketatanegaraan Indonesia. *Jurnal Konstitusi*, 7(2), 159–182.
- Putra, F. M. K. (2017). Tanggung Gugat Pejabat Tata Usaha Negara Dalam Bentuk Pembatalan Sertipikat Hak Atas Tanah. *Supremasi Hukum: Jurnal Penelitian Hukum*, 26(2), 1–31.

- Putri, A. R., & Mahanani, A. E. E. (2022). Putusan Positive Legislature pada Mahkamah Konstitusi dan Implikasinya terhadap Asas Erga Omnes Praktik Rangkap Jabatan yang Dilakukan Wakil Menteri. *Yustisia Tirtayasa: Jurnal Tugas Akhir*, 2(1), 62–73.
- Ridwan, H. R. (2006). *Hukum Administrasi Negara*. Raja Grafindo Persada.
- Rusmana, R. T., Illahi, B. K., & others. (2023). Kedudukan Kepala Otorita Ibu Kota Nusantara Sebagai Pengelola Keuangan Negara Berdasarkan Kekuasaan Presiden Menurut Konsepsi Keuangan Negara. *Jurnal Ilmiah Kutei*, 22(2), 171–187.
- Satria, T. E., & others. (2022). Analisis Yuridis Pemberian Amnesti Oleh Presiden Terhadap Pelaku Pelanggaran (Analisis Keputusan Presiden Pemberian Amnesti). UIN Ar-Raniry.
- Simamora, M. K., & Desiandri, Y. S. (2024). EKSISTENSI HAM DALAM KONSTITUSI INDONESIA. *JOURNAL OF SCIENCE AND SOCIAL RESEARCH*, 7(1), 49–60.
- Stahl, F. J. (2009). *The Doctrine of State and the Principles of State Law*. WordBridge Publishing.
- Sugiarto, L. (2017). Pemaknaan Surat Keputusan Yang Bersifat Deklaratif Dan Konstitutif (Implikasi SK Menkumham Tentang Pengesahan Perubahan Anggaran Dasar Rumah Tangga Serta Komposisi Dan Personalia Dewan Pimpinan Pusat Golongan Karya). *Jurnal Kajian Hukum*, 2(2), 243–269.
- Suhariyanto, B. (2018). Persinggungan Kewenangan Mengadili Penyalahgunaan Diskresi Antara Pengadilan Tun Dan Pengadilan Tipikor/Interception Of Justice Authority Of Discretion Abuse Between Administration Court And Corruption Courts. *Jurnal Hukum Dan Peradilan*, 7(2), 213–236.
- Suherman, A. (2019). Implementasi Independensi Hakim dalam Pelaksanaan Kekuasaan Kehakiman. *SIGn Jurnal Hukum*, 1(1), 42–51.
- Sunardi, S., & Rusidik, N. D. (2022). NORMA KEHARUSAN NOTARIS HADIR SECARA FISIK TERKAITANNYA DENGAN KEPUTUSAN PRESIDEN NOMOR 11 TAHUN 2020 TENTANG PENETAPAN KEADAAN DARURAT DALAM PENANGGULANGAN WABAH COVID-19. *Jurnal Hukum Dan Kenotariatan*, 6(2), 1035–1051.
- Supriyadi, S. (2022). Analisis putusan Ptun Jakarta nomor. 82/G/2020/PTUN-JKT dalam sengketa tata usaha negara keputusan presiden nomor 34/P. tahun 2020. Universitas Islam Sultan Agung (Indonesia).
- Susanto, M. (2016). Perkembangan Pemaknaan Hak Prerogatif Presiden. *Jurnal Yudisial*, 9(3), 237–258.
- Triningsih, A., & Mardiya, N. Q. (2017). Interpretasi Lembaga Negara dan Sengketa Lembaga Negara dalam Penyelesaian Sengketa Kewenangan Lembaga Negara. *Jurnal Konstitusi*, 14(4), 778–798.
- Wiyanto, A. (2016). Kekuasaan Membentuk Undang-Undang Dalam Sistem Pemerintahan Presidensial Setelah Perubahan Undang-Undang Dasar 1945. *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 6(2), 131–148.
- Zaini, A. A., & Maturidi, M. (2021). Problematika Demokrasi Presidensial Pasca Perubahan Undang-Undang Dasar. *Jurnal Studi Ilmu Pemerintahan*, 2(1), 1–8.