

The Ambiguity of The President's Position As Head of State And Head of Government

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Abstract

This study examines the ambiguity surrounding the position of the President of Indonesia as both Head of State and Head of Government within the prevailing constitutional system. Although Indonesia has adopted a presidential system based on the 1945 Constitution, political and constitutional realities reveal an overlap between these two roles. Since Indonesia's independence, the country's constitutional system has undergone significant changes, influenced by the historical legacy of the parliamentary system and constitutional amendments aimed at reinforcing the presidential system. However, ambiguity persists because several provisions in the 1945 Constitution still leave room for different interpretations regarding the President's position and authority. This research identifies various factors contributing to this ambiguity, including the impact of patronage politics, unclear relationships between the executive and legislative branches, and the President's political dependence on parliamentary coalitions. Furthermore, the study highlights the need for constitutional reform, which includes clarifying ambiguous provisions, improving the party system, and strengthening the checks and balances mechanism between state institutions. These reforms are expected to clarify the President's position, enhance government effectiveness, and ensure the creation of a more stable, accountable, and democratic administration. This study provides valuable insights into the dynamics of Indonesia's constitutional system and offers solutions for improving the existing governance framework

1. Introduction

The position of the President in Indonesia's constitutional system occupies a highly central and strategic role. The President is not only responsible for overseeing the administration of the government, but also serves as a national symbol representing the identity of Indonesia both to its citizens and on the international stage (Ridhuan et al., 2021). This dual role gives the President of Indonesia a unique position compared to heads of state in other countries. On one hand, the President acts as the main executor of government policies, while on the other, they symbolize the sovereignty of the people united in the Unitary State of the Republic of Indonesia.

As Head of State, the President carries out ceremonial duties closely linked to national unity, national integration, and foreign relations. These responsibilities include the formal acceptance of foreign ambassadors, state visits, and delivering speeches at official ceremonies. This role places the President as a symbolic figure bridging national interests with the international community. The President is tasked with maintaining the dignity and honor of the nation, ensuring that the country's image is upheld in every bilateral or multilateral relationship.

Meanwhile, as Head of Government, the President is responsible for the day-to-day administration of the government. The President appoints and dismisses ministers, sets the national policy direction, and coordinates the nation's administration. This places the President in an active executive position, directly engaging with various technical, administrative, and political challenges. The President's performance in this role is evaluated by the public through indicators such as social welfare, political stability, and economic growth.

In classical presidential system theory, combining the roles of Head of State and Head of Government is seen as a logical and normal feature. This system is designed to ensure government stability and maintain direct accountability to the people without excessive interference from the legislature. However, in Indonesia's context, this reality has not been fully realized. Indonesia's political history shows distortions and shifts in the distribution of power, influenced by the legacy of the past parliamentary system that still affects modern governance practices.

The Liberal Democracy Era (1950–1959) provides a concrete example of how the parliamentary model influenced Indonesia's power structure. During this period, the President had a more ceremonial role, while the government was run by the Prime Minister, who was accountable to the parliament. The President had no direct control over the day-to-day running of the government, significantly limiting their effectiveness in national governance (Hariansah & Agustian, 2022). This system ultimately created political instability due to frequent cabinet changes that weakened the continuity of governance.

Subsequently, during the Guided Democracy Era (1959–1966), there was a radical shift in the power structure. President Sukarno assumed full control, managing all aspects of the government without effective legislative oversight. This led to an authoritarian

governance model that deviated significantly from the principles of a healthy presidential system. Despite Sukarno acting as both Head of State and Head of Government, the centralized power resulted in a breakdown of the checks and balances that should be central to a democratic state.

These historical experiences left a complex legacy in Indonesia's constitutional design. When the 1945 Constitution was amended during the Reform Era, one of its aims was to reinforce the presidential system and correct past power imbalances. Over four amendments, the 1945 Constitution underwent significant changes, including the direct election of the President by the people, the strengthening of state institutions, and a clearer emphasis on the separation of powers. However, not all provisions managed to eliminate the ambiguities in constitutional practice.

Article 4, Paragraph (1) of the 1945 Constitution states that the President holds executive power in accordance with the Constitution. Although this phrasing appears simple, it conceals multiple interpretations regarding the limits of the President's power as Head of State and Head of Government. The Constitution does not explicitly distinguish these roles, often leading to overlapping responsibilities and confusing other state institutions.

This lack of clarity is further exacerbated by Indonesia's political culture, which has not fully internalized the strict separation of powers as intended by the presidential system. The culture of political compromise, negotiations over office appointments, and the influence of major parties in parliament often make the President's position less independent. In such conditions, the President is forced to build political coalitions to maintain governmental stability, something that, in a pure presidential system, should not be a necessity.

In daily practice, legislative interference in executive matters remains frequent. For example, while the President proposes the State Budget (APBN), final approval lies with the Parliament (DPR). This process often results in political bargaining, limiting the President's flexibility in executing their policy agenda. This demonstrates that the principle of checks and balances in Indonesia does not always function as an oversight mechanism but at times turns into a political bargaining arena.

Moreover, the President's accountability in Indonesia also shows an ambiguous character. Constitutionally, the President is accountable to the people through a five-yearly election. However, Article 7B of the 1945 Constitution gives the DPR the power to propose the President's impeachment, though through a strict procedure. This opens the door to politicizing impeachment, especially if the reasons are politically motivated rather than based on serious legal violations (Wicaksono, 2024).

In some cases, the political forces in the DPR have used their power to pressure the President to align with certain political interests. This illustrates how legislative control can easily shift into a political bargaining tool, ultimately weakening the essence of democracy

and government stability. The President is no longer solely accountable to the people but must also maintain political relations with parliamentary powers.

The Indonesian presidential model, blended with elements of parliamentary governance, has created what legal scholars refer to as "presidentialism with a parliamentary face." While this model is not inherently negative, it requires clearer role definitions to avoid uncertainty in constitutional practice. Without these clarifications, the risk of institutional dysfunction grows.

The ambiguity of the President's position also impacts the relationship between the executive and the judiciary. The Constitutional Court, for example, often becomes a battleground for interpreting the Constitution in disputes over state institutions' powers, including those involving the President. This shows that the issue of ambiguity is not merely an academic concern but a real challenge in governance.

In terms of international relations, the President's role as Head of State is more prominent. However, in domestic decision-making, domestic political influences often obscure the President's role as Head of Government, which should ideally be autonomous. This creates the impression that the President of Indonesia must play two different roles with political logics that are not always compatible.

Therefore, it is crucial to continue reviewing and refining both the constitutional provisions and political practices related to the President's position. Strengthening political education, reforming political parties, and enhancing constitutional awareness among political elites are key to addressing this ambiguity in the long term.

This article aims to explore in greater depth the roots of the President's ambiguous position, from historical, theoretical, and constitutional perspectives. Through an interdisciplinary approach, this analysis hopes to contribute to the improvement of Indonesia's governance system in the future.

Clarifying the functions and responsibilities of the President in Indonesia's presidential system is a task that involves not just legal texts but also the consistent application of constitutional democracy principles. Without serious efforts in this direction, Indonesia's governance system will remain uncertain, hindering democratic consolidation.

Thus, the discussion on the ambiguity of the President's position should not be taken lightly, but rather be part of an ongoing broader agenda for constitutional reform. Only by clarifying the President's role can Indonesia ensure an effective, democratic government based on the principle of constitutional supremacy.

2. Research Method

This study employs a qualitative approach with a normative-empirical design. The qualitative approach was chosen because the primary focus of this research is to

analyze legal texts, constitutional practices, and the political dynamics surrounding the position of the President as both Head of State and Head of Government (Adhari, 2019). This approach allows the author to uncover the underlying meaning of constitutional norms and examine their application in Indonesia's governance practice.

The normative study in this research aims to understand the positive legal provisions governing the position of the President. The primary sources include the 1945 Constitution of the Republic of Indonesia, amendments to the Constitution, relevant laws, and other official legal documents. The analysis of the constitutional text is conducted using legal interpretation techniques such as grammatical, systematic, historical, and teleological methods to gain a comprehensive understanding of the applicable norms.

Additionally, this study uses an empirical approach by examining the political and constitutional practices that have developed after the amendments to the 1945 Constitution. Empirical data is obtained from various secondary sources, including previous research, reports from state institutions, mass media news, decisions from the Constitutional Court, and relevant scholarly publications. This data is used to assess the gap between the written legal norms and their practical implementation.

Data collection for this study primarily involves library research, where the researcher reviews relevant literature, including constitutional law textbooks, academic journals, scholarly opinion articles, and other documentary sources. This approach provides a strong theoretical foundation and allows for in-depth analysis of the ambiguity surrounding the President's position.

In analyzing the data, this study employs a qualitative-descriptive analysis technique. The data is categorized based on key themes, such as: the theoretical concepts of the roles of Head of State and Head of Government; the historical development of Indonesia's constitutional system; an analysis of relevant articles in the 1945 Constitution; and case studies of constitutional practices concerning the President's role. These data are then interpreted to draw logical and systematic conclusions.

This research also applies a limited comparative method by comparing Indonesia's presidential system with those of other countries, such as the United States and Brazil. This comparison is used to clarify the unique characteristics of Indonesia's presidential system and to identify weaknesses and strengths that need to be addressed in the national constitutional practice.

To maintain the objectivity and validity of the research results, the author conducts source triangulation, which involves comparing various sources of information to ensure data accuracy and avoid bias. This triangulation includes comparing legal data, empirical data, and analyses from credible constitutional law experts. This process is crucial to ensure that the research findings are academically reliable.

Lastly, the limitations of this study need to be clarified. The research is focused on analyzing the President's position from a constitutional perspective and the political practices following the amendments to the 1945 Constitution up until the contemporary era. The study does not delve into the detailed technicalities of administrative government, but rather emphasizes constitutional law theory and the political dynamics of governance. With this limitation, the study aims to provide a more focused and in-depth exploration of the issues at hand.

3. Results and Discussion

1. Theoretical Concept of Head of State and Head of Government in a Presidential System

In the classical presidential system, as practiced in the United States, the President holds two roles that complement each other: as the Head of State and as the Head of Government. As Head of State, the President serves as a symbol of national sovereignty, guardian of the fundamental constitutional values, unifier of various national interests, and representative of the country in international relations. This role is ceremonial, constitutional, and diplomatic. Simultaneously, as the Head of Government, the President leads the executive branch, responsible for the day-to-day operations of the government, the implementation of laws, the management of state administration, and the formulation of public policy (Suryana, 2019).

The presidential system is built upon the principle of separation of powers, as outlined by Montesquieu. The executive, legislative, and judicial branches are independent but act as checks on each other (checks and balances). In this system, the President is accountable directly to the people through elections, not to the parliament. This separation is intended to prevent the concentration of power in one entity and to promote a stable and controlled governance system.

However, in practice, the implementation of this concept is not always uniform. Not all countries claiming to adopt a presidential system execute this separation of functions strictly. Some nations, including Indonesia, exhibit hybrid characteristics that blur the lines between the roles of Head of State and Head of Government. These circumstances are often influenced by historical factors, political culture, and pragmatic needs to build national consensus in a socially and politically diverse society.

In Indonesia, this complexity is further aggravated by the fact that the constitutional model has often changed since the country's independence from a pure presidential system (the 1945 Constitution), to a parliamentary system (the 1950 Constitution and the 1949 RIS Constitution), and then back to a presidential system with authoritarian features (the Presidential Decree of 1959 and the New Order era) (Sugianto, F., Wibowo, D. A., & Michael, 2020). These shifts have prevented the development of a strong institutional culture regarding the President's position as both Head of State and Head of Government within a clear framework of power separation.

Theoretically, the presence of two functions in one presidential role should be seen as a unified system, with each role supporting the other. The Head of State function provides the moral, legal, and sovereign foundation for the Head of Government's technocratic and administrative duties. In other words, the President's political legitimacy and moral sovereignty as the nation's symbol should serve as the foundation for their executive powers. If these functions are separated too strictly, it can lead to disharmony in governance.

Furthermore, in a presidential system, the President is not just an administrator but also the primary architect of national policy. The President sets national priorities, designs strategic programs, and coordinates the efforts of all ministries and state institutions to achieve national goals. This makes the President's position crucial and central to the country's governance. Therefore, a lack of clarity in understanding or practicing the dual role of the President can lead to institutional dysfunction, political instability, and weaken democratic accountability.

In countries with a parliamentary system, the roles of Head of State and Head of Government are typically separated. The Head of State is held by a monarchy or a symbolic president, while the Head of Government is occupied by a Prime Minister. This separation leads to a more structured and formal relationship between state institutions. In contrast, in a presidential system, where the President holds both roles, the personal role of the President becomes extremely significant. The President's integrity, political skills, and statecraft are crucial in maintaining balance between these roles.

Thus, in an ideal presidential system, clarity regarding the President's role boundaries is essential. The Head of State function should be executed by upholding the constitution, maintaining neutrality in representing the state, and ensuring national stability. Meanwhile, the Head of Government role must be carried out with technical competence, decisions based on law and policy, and effective administrative leadership. The merging of these functions requires a high level of statesmanship from the President.

Unfortunately, in Indonesia's governance practice, the combination of these two functions is often not accompanied by effective mechanisms of control and accountability. This opens the door for excessive power concentration in the hands of the President, especially when supported by an absolute majority in parliament (Kurniawan, 2022a). In such circumstances, the risk of authoritarian governance resurfaces, even though the system is formally still a democratic presidential one.

Therefore, a deep conceptual understanding of the roles of Head of State and Head of Government in a presidential system is crucial for constitutional reforms in Indonesia. Political education for the public, strengthening accountability mechanisms, and refining the constitutional design to ensure precision must be part of the joint agenda to ensure that this dual function becomes a source of strength, not ambiguity, in consolidating democracy.

In conclusion, Indonesia's presidential system needs continuous critical examination and development, so that the President's role as Head of State and Head of Government can operate harmoniously according to the principles of constitutional democracy. A solid theoretical understanding serves as an important foundation for creating a governance system that is not only effective in administration but also strong in upholding the values of democracy, justice, and popular sovereignty.

2. The History of the President's Role in Indonesia

The position of the President in Indonesia has undergone dynamic and nuanced changes throughout the nation's constitutional history. Since the declaration of independence on August 17, 1945, the nation's founders established a presidential system through the 1945 Constitution. In this initial framework, the President was not only the Head of State but also the Head of Government, holding full executive powers. The President was elected by the People's Consultative Assembly (MPR), which was considered the highest state institution in the original concept, meaning the President was accountable to the MPR as the embodiment of the people's sovereignty (Rusmana et al., 2023).

However, the political dynamics following independence quickly necessitated adjustments. Internal and external pressures, particularly related to maintaining independence and building national consensus, led to a shift in the governance system. In 1949, Indonesia adopted the Constitution of the Republic of the United States of Indonesia (RIS) following the Round Table Conference with the Netherlands. In this structure, Indonesia adopted a parliamentary system, where the President became a symbolic Head of State while executive powers were held by the Prime Minister, who was accountable to parliament.

This transition marked a fundamental change in the President's role. From initially holding full executive powers in a presidential system, the President became a ceremonial figure in a parliamentary system. The RIS 1949 Constitution and the subsequent 1950 Interim Constitution (UUDS) solidified this position (Wardhani, 2019). The President no longer had an active role in shaping state policy and instead functioned as a symbol of national unity and sovereignty, while the primary executive functions were carried out by a cabinet accountable to the parliament.

Although the parliamentary system was formally applied, Indonesia's political reality at the time was highly turbulent. Parliamentary party coalitions were fragile, cabinets changed rapidly, and governmental stability was disrupted. Between 1950 and 1959, Indonesia experienced more than seven changes of cabinets. This situation led to dissatisfaction with the parliamentary system, both among political elites and the general public, who longed for political stability and effective governance.

This political crisis culminated in 1959 when President Sukarno issued the Presidential Decree of July 5, 1959, dissolving the Constituent Assembly and reactivating the 1945 Constitution. With this decree, Indonesia reverted to a presidential system. However, its implementation differed from classic presidentialism. Sukarno developed the "Guided Democracy" model, in which the President not only held full executive power but also led the nation's ideology, politics, and even social life. The separation of powers intended in the presidential system became blurred, and the President's role became highly centralized.

During the era of Guided Democracy, the President's role expanded significantly, consolidating vast, unchecked powers. President Sukarno declared himself the "Great Leader of the Revolution," combining the roles of Head of State and Head of Government with an ideologically and symbolically dominant position. Legislative, executive, and even some judicial powers were centralized in the hands of the President, paving the way for authoritarian practices and weakening the principles of constitutional democracy.

Following the fall of the Old Order and the transition of power to Suharto, the New Order era (1966-1998) reasserted the presidential system but maintained the dominance of presidential power. Although more bureaucratic and administrative in nature, President Suharto controlled all aspects of governance through a network of bureaucracy, the military, and the *Golongan Karya* (Functional Group) as the main political force. The President continued to serve as both Head of State and Head of Government with full authority, albeit under a more legalistic and administrative framework. The term limits for the President, initially constrained by moral considerations, became effectively unlimited through controlled political mechanisms.

The political system of the New Order emphasized stability, economic development, and modernization but often at the cost of political freedoms and the supremacy of law. The President's highly powerful position was a defining characteristic of this regime. The indirect election of the President by the MPR, controlled by dominant political forces, weakened the President's accountability to the people. In practice, the President was nearly untouchable, and this excessive concentration of power led to widespread corruption, collusion, and nepotism.

The 1998 Reformation marked a pivotal moment in Indonesia's constitutional history. The demand to end the President's absolute power gave rise to a constitutional reform movement. The amendments to the 1945 Constitution, conducted in four stages between 1999 and 2002, aimed to strengthen democratic principles and clarify the presidential system. These amendments introduced direct elections for the President and Vice President by the people, imposed a two-term limit, and established a more explicit impeachment process to prevent abuse of power.

However, despite the progress made through the amendments to the 1945 Constitution, traces of ambiguity regarding the President's position still remain. Some constitutional provisions still allow for multiple interpretations of the relationship between the President and other state institutions. For example, the relationship between the President and the People's Representative Council (DPR) still occasionally reflects parliamentary characteristics. Additionally, the lingering political culture of personalism and patrimonialism has not been fully eradicated, meaning that the President's position sometimes remains more dominant than it should be in a modern presidential system.

The history of the President's position in Indonesia reveals how history, political culture, and constitutional design have interacted to shape the current role of the President. To fully realize an effective and democratic presidential system, continued efforts are required to build a constitutional culture, strengthen democratic institutions, and refine the norms of state law. Without these efforts, the ambiguity of the President's position will continue to pose a challenge to the consolidation of democracy in Indonesia.

By critically understanding this historical development, we can gain valuable lessons about the importance of clear institutional design, healthy political culture, and effective oversight of executive power. Only by doing so can the goal of achieving a democratic, just, and rule-of law based government become a reality.

4. The Implications of the Amendments to the 1945 Constitution on the President's Role

The amendments to the 1945 Constitution marked a significant turning point in Indonesia's constitutional history. These changes were driven by a strong desire to address the weaknesses of the governance system, which had been prone to authoritarian practices during the New Order era (Glori et al., 2024). A major focus of these amendments was to clarify the role and functions of the President, while also reinforcing constitutional democratic principles.

Before the amendments, the President was elected by the People's Consultative Assembly (MPR), a representative body that, in practice, was easily manipulated by dominant political forces. This made the President's position very powerful but lacked direct accountability to the people. The first to fourth amendments to the 1945 Constitution fundamentally changed this mechanism. The President and Vice President are now elected directly through general elections, granting a much stronger democratic legitimacy to the executive. This change has placed the President in a more independent position, no longer relying on political compromises within the MPR to gain and maintain power.

A significant innovation was the introduction of a presidential term limit. Prior to the amendments, the 1945 Constitution did not explicitly limit the President's term, which allowed for long and potentially authoritarian rule, as seen during Suharto's regime. Following the amendments, the President's term is now limited to two five-year terms. This limitation was designed to prevent excessive concentration of power in one individual and to maintain a dynamic democratic process through regular leadership turnover.

In addition to changes in the election process and term limits, the amendments also strengthened the principle of checks and balances. The People's Representative Council (DPR) was granted broader powers to oversee executive policies, including the right to conduct inquiries, issue interpellations, and express opinions. In theory, this should enhance the President's accountability. However, in practice, the relationship between the President and the DPR has not always been ideal. The DPR's power to monitor the President is often influenced by party political interests, which undermines the effectiveness of oversight.

Despite the strengthening of the presidential system through the amendments, the ambiguity surrounding the President's role has not been fully resolved. One source of this ambiguity lies in the executive-legislative relationship, which still carries some parliamentary characteristics. Although the President is directly elected by the people, in practice, the President often must form large coalitions in parliament to ensure governmental stability. In a pure presidential system, the executive and legislative branches ideally operate independently, but Indonesia's multiparty political system necessitates compromises that resemble parliamentary practices.

The coalitions formed by the President to support their government present their own challenges. The President cannot govern entirely independently from the supporting political parties. In some cases, the President must accommodate the interests of various parties when forming a cabinet, resulting in the creation of a "grand coalition cabinet" that is susceptible to political infighting. This situation illustrates that while Indonesia formally follows a presidential system, in practice, there are elements of a parliamentary system that complicate the President's dual role as both Head of State and Head of Government.

Additionally, when it comes to the national budget (APBN), although the President theoretically has the right to propose the budget to the DPR, its approval still requires legislative consent. This budget negotiation process often opens up opportunities for political transactions between the executive and legislature, which erodes the President's independence in managing the government. In a pure presidential system, budget approval is part of the checks and balances mechanism, but in Indonesia, budget negotiations are often driven more by party interests in parliament.

Another implication of the amendments to the 1945 Constitution is the establishment of the Constitutional Court (MK), tasked with safeguarding the Constitution. The MK has the authority to adjudicate disputes over the results of presidential and vice-presidential elections, as well as resolve conflicts between state institutions. This provides an additional legal mechanism to ensure that the President remains within constitutional boundaries. However, in practice, political influence over the judicial process can still undermine the independence of the judiciary in overseeing executive power.

Overall, the amendments to the 1945 Constitution have made significant progress in improving Indonesia's constitutional structure, particularly in strengthening the position of the President within the presidential system. However, political culture, an extreme multiparty system, and dependence on large coalitions remain key challenges that obscure the President's role. This ambiguity not only affects the effectiveness of governance but also undermines the consistency of democratic practices.

Thus, while the amendments to the 1945 Constitution have solidified the foundation of the presidential system, legal and political culture reforms must continue. Strengthening institutions, enforcing political ethics, and promoting constitutional education among the public are critical steps to ensure that the presidential system in Indonesia functions according to its original principles, and that the President can effectively and proportionally carry out the roles of both Head of State and Head of Government.

5. Ambiguity in the President's Relationship with Other State Institutions

The ambiguity surrounding the President's position within Indonesia's political system is not only evident in the dual role of the President as both Head of State and Head of Government but also in the President's interactions with other state institutions. Indonesia's constitutional system formally adheres to the separation of powers among the executive, legislative, and judicial branches, but in practice, there are often tensions and unclear boundaries between the functions of these institutions. This creates a relationship that is not entirely equal between the President and other state bodies, leading to ambiguity in the distribution of power.

One of the most notable examples of this ambiguity is the relationship between the President and the People's Representative Council (DPR). While in a presidential system, the President as Head of Government is expected to have greater authority in executing executive policies, in practice, the President still relies on political support from the DPR to pass important policies such as laws, international agreements, and the State Budget (APBN) (Herlinanur, N., Pangestoeti, W., Putra, A. K. S., & Rahim, 2011). This reliance on the DPR demonstrates a dependency that contradicts the notion that the President should be able to govern independently.

The legislative process involving both the President and the DPR often mirrors parliamentary systems, where the survival of the government depends on the existence of a supporting coalition in parliament. In practice, coalitions formed in the DPR have significant political power in determining the success of the government's agenda. This dependency creates ambiguity in the President's role as Head of State, who should stand above practical politics, and as Head of Government, who is supposed to lead the executive branch. Due to the fluctuating and pluralistic political environment in Indonesia, the President is often forced to negotiate and build political consensus with various parties to ensure the government's policies are implemented.

Beyond the DPR, the President's relationship with other state institutions also reveals ambiguity. One such institution is the Regional Representative Council (DPD), which, while not possessing full legislative power, still influences national policies, especially those concerning regional issues. The DPD plays a role in providing recommendations on policies affecting regions, such as drafts of laws related to regional autonomy. However, the DPD's more limited role in Indonesia's constitutional system often creates tensions with the President, particularly when regional interests do not fully align with the national policies promoted by the President.

The judicial power also contributes to the ambiguity of the President's position. The Supreme Court (MA) and the Constitutional Court (MK) serve as guardians of the Constitution and justice in Indonesia. However, in several cases, the President's position is challenged by decisions made by these courts. For example, the MK has the authority to review the constitutionality of executive policies, including those issued by the President. This can create tension between the executive and judicial powers, where the President, who is essentially the highest authority in the government, must submit to the rulings of these bodies. The dependence on legal oversight by judicial institutions, while constitutionally valid, adds to the complexity of the relationship between the President and other state institutions.

On the other hand, the Audit Board of Indonesia (BPK) also plays a significant role in overseeing and auditing the country's financial management, including expenditures made by the President and his administration. Although the BPK is independent, its oversight function can become an effective tool for controlling the fiscal policies taken by the President. In some instances, the BPK has issued findings indicating discrepancies in the management of the state budget, which can negatively impact the President's administration's image. This relationship highlights the limitations on the President's power in managing the national budget, which cannot be entirely free from external oversight.

A greater level of ambiguity arises in the relationship between the President and the Constitutional Court (MK). The MK does not only function to review constitutional matters but also has the authority to resolve electoral disputes, including presidential elections. This gives the MK a crucial role in determining the legitimacy of presidential election results. In some instances, the MK's decisions can affect the political stability and governance of the President, further complicating the relationship between the President and other state institutions. Although MK decisions are important to uphold constitutional principles, they sometimes generate tensions between the executive and judiciary, making the boundaries of each institution's functions unclear in Indonesia's hybrid presidential system.

This ambiguity in relationships is not only evident in formal structures but also in the everyday political practice, which is influenced by power dynamics and political culture. The President often finds himself caught between exercising executive power and maintaining harmonious relations with the legislative and judicial branches, both of which play critical roles in the policymaking process. The reliance on strong political coalitions in the DPR, oversight by the BPK and judicial bodies, and the MK's role in constitutional matters all clearly demonstrate that the President's position is not entirely autonomous and is influenced by the intervention of other institutions.

Overall, while the 1945 Constitution emphasizes the separation of powers between state institutions, Indonesia's political practice shows that tension between the executive, legislative, and judicial branches is difficult to avoid (Disantara, Permatasari A. B, et al., 2023). This ambiguity creates unstable political dynamics, particularly in the relationship between the President and other state institutions. Strengthening constitutional culture, reforming the governance system, and improving accountability and oversight of the President and other state bodies are essential to address this ambiguity and ensure a more transparent, democratic, and effective government.

6. The Influence of Political Culture on the President's Functions

Political culture in Indonesia plays a significant role in shaping how the President performs his duties as both Head of State and Head of Government. Traditionally, Indonesia's political culture is characterized by patronage, feudalism, and transactional relationships. These cultural elements heavily influence the blurring of boundaries between the President's role as a national leader, expected to act objectively and professionally, and his role as a political actor engaged in pragmatic and often compromising political dynamics.

Patronage politics in Indonesia is deeply ingrained in the state system, where the relationship between the ruler and the people, or between the President and members of the legislature, often depends on informal and mutually beneficial networks. In this context, the President is not only the Head of State, symbolizing constitutional integrity and national unity, but also a political actor who must actively manage and maintain relationships with various political elements in the parliament, political parties, and other political figures. This results in the President's functions sometimes being more influenced by short-term political considerations rather than by constitutional principles and the rule of law.

The patronage culture encourages the President to frequently engage in political compromises with political parties in the DPR (People's Representative Council) to build coalitions supporting his administration's agenda. In Indonesia's multi-party system, large coalitions in parliament are almost always a prerequisite for government stability. Therefore, the success or failure of many government policies largely depends on the President's ability to form and maintain good political relationships with various parties, rather than solely on the internal strength of the executive branch. This makes the President highly dependent on the stability of coalitions, which are often fragile and full of political transactions, rather than on the solid independence of the executive itself.

This issue is further exacerbated by the feudal elements of Indonesia's political culture, which emphasize hierarchical relationships and dependence on power concentrated in specific individuals or groups. In many situations, the President is seen as a figure who must engage in patron-client relationships with political actors both at the national and regional levels. Such relationships often limit the President's freedom in making strategic decisions, as these decisions must take into account the political needs and interests of various influential parties within the government system.

The feudal political culture creates tension between the normative role of the President as the impartial Head of State, who should prioritize the broader interests of the people, and the political reality that forces the President to make decisions based on political and pragmatic considerations. These decisions do not always reflect the needs or interests of the public but are often driven by political strategies to maintain power and coalition stability in parliament. As a result, the President often has to play a dual role, balancing the ideal duties of statehood with the political demands that do not always align with the broader constitutional goals.

The strong transactional nature of political culture also significantly affects the President's functions. In a transactional political environment, each decision and policy is often viewed as part of a bargaining process between parties with vested interests in the (Kurniawan, 2022b). The President must negotiate with various groups to secure support for his policies, even though these negotiations often result in compromises that do not necessarily serve the broader public interest. In Indonesia's hybrid political system, which combines elements of both the presidential and parliamentary systems, the influence of transactional politics further exacerbates the ambiguity of the President's role as both Head of State and Head of Government (Disantara, Putri, et al., 2023).

In this context, the stability of the government is highly dependent on how strong and cohesive the coalitions the President builds are. However, these coalitions, formed through patronage and transactional politics, are often temporary and fragile, which can lead to political instability. When such coalitions begin to falter or when parties that support the President withdraw their support, the President faces political crises that can threaten the continuity of his administration. This situation demonstrates that, while theoretically the President has extensive powers within the presidential system, in practice, the President's power is deeply reliant on the political relationships he cultivates with other political actors.

The dominant influence of political culture also creates distortions in the implementation of public policy (Disantara et al., 2022). Rather than prioritizing technocratic policies based on the public good, the policies the President pursues are often influenced by political and pragmatic considerations. In many cases, the President must not only maintain balance among political parties but also meet the expectations of certain groups that support his administration, whether in the form of budget allocations, public official appointments, or policies that benefit specific groups.

As a result, the ambiguity surrounding the President's position as both Head of State and Head of Government is further compounded by the political reality that emphasizes compromise and transactionalism. The President is not only required to perform state duties but is also caught up in short-term political dynamics that are more influenced by the need to maintain coalitions and political stability than by principles of good governance and the long-term interests of the people.

In conclusion, Indonesia's political culture, dominated by patronage, feudalism, and transactionalism, has a significant impact on how the President performs his functions within the state system (Disantara, 2021). It creates a heavy dependence on political actors, diminishing the President's independence in making strategic decisions. This ambiguity adds to the complexity of the separation of powers in Indonesia and affects the effectiveness of governance in implementing policies that are normative and objective in nature.

6. The Urgency of Constitutional Reform to Clarify the Role of the President

Given the complexity and ambiguity surrounding the position of the President as both Head of State and Head of Government within Indonesia's constitutional system, it is evident that further constitutional reform is both urgent and necessary (Widodo et al., 2020). Despite the changes made through four amendments to the 1945 Constitution, certain provisions remain open to various interpretations, leading to unclear execution of governmental functions (Hapsoro, F. L., Ismail, I., & Rofiqi, 2024). Therefore, one of the first steps in this reform process must be to address and clarify these multi-interpretational constitutional provisions, with the aim of establishing clearer boundaries for the President's authority and the relationships between state institutions.

The initial step in constitutional reform should be to clarify the President's position within the Constitution, particularly with respect to the scope of his powers as both Head of State and Head of Government. In this context, it is crucial to amend articles that still cause ambiguity, especially those regarding the relationship between the President, the legislature (DPR), and the judiciary. For instance, there needs to be clarity about the procedures for parliamentary oversight of the President's policies, as well as how control over state budgets and foreign policies is to be implemented, to prevent overlap between executive and legislative powers. These improvements will help reduce potential conflicts between state institutions and enhance the effectiveness and decisiveness of the existing constitutional system.

One of the recurring challenges in Indonesia's political practice is the dominance of political parties in the governmental system. Although political parties play a critical role in democracy, Indonesia's party system often hinders the creation of an effective and efficient government (Rizky et al., 2022). The frequently shifting and unstable coalitions often force the President into a position of political compromise, preventing the formulation of strategic policies. Therefore, an important aspect of constitutional reform involves addressing the party system. A more nation-centered electoral system, prioritizing the nation's broader interests rather than those of individual parties or groups, is needed to reduce unhealthy political polarization in the country.

Furthermore, reform of the electoral system, which has historically resulted in a highly fragmented political landscape, is essential. With too many parties, it becomes difficult for the President to manage and effectively govern because coalitions are not always based on shared vision but on the need for power-sharing. Reforming the electoral system, perhaps by reducing the number of parties or introducing a system that better represents the people's interests, will have a positive impact on political stability and clarify the President's position in fulfilling his duties.

Additionally, political education and strengthening political ethics are crucial in this reform process. A clear and transparent constitutional system will be easier for the public to accept and understand if accompanied by adequate political education. Political education rooted in democratic values, respect for the Constitution, and an understanding of the roles and functions of state institutions, particularly the President, will enrich public political awareness and reduce identity politics or politics that focus on the interests of specific groups. Therefore, both the government and educational institutions need to implement sufficient political education programs for the public, at both the basic and advanced levels.

Moreover, reinforcing political ethics is essential in this reform process. In an ideal constitutional system, every political actor, including the President, must be committed to carrying out their duties based on high ethical standards, prioritizing the interests of the people and the nation above personal or group interests. This reform of political ethics must also address and eliminate corrupt practices, nepotism, and collusion, which frequently undermine the government system and worsen the ambiguity surrounding the President's position.

As part of a broader reform agenda, efforts must also be made to strengthen effective checks and balances mechanisms. One of the challenges in Indonesia's constitutional system is the weakness of oversight over the President's actions by the legislative and judicial branches. Although the Constitution provides for oversight, these mechanisms are often insufficient, granting the President excessive power without adequate supervision. Therefore, strengthening oversight institutions like the Corruption Eradication Commission (KPK), the Constitutional Court (MK), and other state bodies should be part of a comprehensive constitutional reform. With tighter oversight, not only will the President be held accountable, but the entire government system will also become more transparent and accountable.

This constitutional reform should also aim at creating a more stable governance system, where the President can perform his duties without being overly dependent on unstable coalitions. A more stable system will reduce political tensions, allowing the President to focus on decision-making that is oriented towards the interests of the people and the nation. Stability will provide the President with more freedom to implement long-term and strategic policies, strengthening the government's performance in achieving national development goals.

By clarifying the President's position within the constitutional framework, Indonesia can build a government that is more stable, accountable, and in line with the principles of constitutional democracy. Through deeper reforms, the President's role will be clearer, and the functions of government will be easier to execute efficiently, transparently, and responsibly. This constitutional reform will also help reduce the imbalance of power between state institutions, improve the quality of public policies, and mitigate unhealthy political tensions within the government.

In doing so, Indonesia can move toward a more consolidated and civilized democracy, with a government system that is not only institutionally strong but also enjoys strong legitimacy in the eyes of the people. This reform is not only critical for the continuation of democracy in Indonesia but also as a strategic step towards improving governance, ultimately benefiting the overall well-being of the people. With the right reform steps, Indonesia can create a better, more transparent, and more responsive government system that addresses the needs of its people.

4. Conclusion

This study concludes that the ambiguity regarding the position of the President as both Head of State and Head of Government in Indonesia's constitutional system has been an ongoing issue since the nation's independence and continues to persist. Although the presidential system has been strengthened through amendments to the 1945 Constitution, provisions within the Constitution that remain open to interpretation, along with the evolving political practices, have led to overlapping roles for the President as both a symbol of the state and the executor of government. This situation not only creates confusion regarding the President's duties and powers but also opens the door to potential tensions between state institutions that are interconnected.

The constitutional reforms through amendments to the 1945 Constitution have not fully resolved the ambiguity surrounding the President's position, particularly in terms of the relationship between the executive and legislative branches. Despite efforts to clarify the President's role in the Constitution, the hybrid nature of Indonesia's political system and the dominance of political parties have hindered the creation of an effective and stable government. In this context, the President is often trapped in political compromises, which diminishes independence in decision-making processes.

Therefore, further constitutional reforms are required, which include refining the ambiguous constitutional provisions, improving the party system, and strengthening the checks and balances mechanisms between state institutions. These reforms should also involve enhancing political education and reinforcing political ethics to foster a healthier political culture and reduce corruption and nepotism within the government. As a result, Indonesia can achieve a more stable, transparent, and accountable government that aligns with the principles of constitutional democracy.

In conclusion, while Indonesia has undergone several constitutional changes to strengthen the presidential system, the ambiguity in the President's role as both Head of

State and Head of Government remains a significant challenge. Therefore, comprehensive and in-depth constitutional reforms are urgently needed to clarify the President's position, create a more effective governance system, and enable Indonesia to achieve a more mature democratic consolidation. These reforms must be implemented with a strong commitment to establish a better government system that directly benefits the people of Indonesia.

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