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**A Comparative Analysis of Government Systems: A Theoretical Study of  
Presidential, Parliamentary, and Indonesia's Sui Generis Constitutional Dialectic  
Systems**

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**ABSTRACT**

This research examines the complex dynamics of global governance models through a comparative lens, focusing on the fundamental dichotomy between presidential and parliamentary systems and the unique constitutional evolution of Indonesia. The primary objective is to analyze the structural efficacy, accountability mechanisms, and stability profiles of these systems in the context of contemporary democratic challenges such as the rise of populism and institutional erosion. Utilizing a normative juridical and comparative qualitative methodology, the study synthesizes constitutional provisions, recent Scopus-indexed literature (2020-2025), and landmark judicial decisions to provide an expert-level evaluation of institutional design. The findings reveal that while parliamentary systems excel in representativeness and collective responsibility through executive-legislative fusion, they often struggle with coalition instability. Conversely, presidential systems offer executive stability through fixed tenure but face risks of polarization, gridlock, and power concentration. Indonesia's system is identified as a "sui generis" model—a product of constitutional dialectics that attempts to purify the presidential executive while operating within a hyper-pluralistic multi-party environment. The research highlights the pivotal role of the Indonesian Constitutional Court in shifting the national priority from "governability" to "representativeness" through Decision No. 62/PUU-XXII/2024. The study concludes that the effectiveness of a government system is inherently tied to its cultural and historical context, requiring continuous institutional engineering to balance executive power with democratic inclusivity.

**Keywords:** Presidentialism, Parliamentarism, Constitutional Dialectics, Sui Generis, Governance Models

**1. INTRODUCTION**

The global landscape of governance in the third decade of the twenty-first century is characterized by a profound re-evaluation of constitutional architecture as nations

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grapple with unprecedented socio-political disruptions (Hamdani, 2021). The classic debate between presidentialism and parliamentarism, once considered a settled area of political science, has regained intense relevance as emerging democracies and established states alike confront the limitations of traditional institutional designs (Magar, 2025). This research addresses the fundamental question of how governance systems ensure stability, accountability, and representation in an era of rising populism, economic volatility, and democratic backsliding (Magar, 2025).

In the comparative study of political institutions, scholars have long weighed the relative merits of different constitutional molds. Pulami Magar argues that while no system is universally superior, its effectiveness is deeply rooted in historical background, political culture, and institutional maturity (Magar, 2025). Previous studies have identified that parliamentary systems, through their mechanism of collective executive responsibility, tend to promote higher levels of accountability and inclusiveness, whereas presidential systems prioritize fixed tenure and policy stability at the potential cost of legislative gridlock and centralization of power (Magar, 2025). However, recent research by Ganghof highlights a growing concern regarding "executive personalism" in presidential regimes, suggesting that the direct election of a single chief executive can undermine democratic separation by concentrating excessive authorization in one individual (Ganghof, 2025).

The Indonesian context offers a particularly compelling case study of constitutional dialectics (Akbar et al., 2025). Following the 1998 Reformation, Indonesia underwent a series of constitutional amendments (1999–2002) designed to "purify" its presidential system, moving away from the "quasi-presidential" or "ambivalent" models of the past that were criticized for being "executive-heavy" or prone to arbitrary dismissal by the legislature (Istinah et al., 2021). This purification process established a direct popular mandate for the president and strengthened the checks and balances between the

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executive and the legislature (Fauzia et al., 2021). Yet, the juxtaposition of this purified presidentialism with a hyper-pluralistic multi-party system has created a "sui generis" governance model that defies easy classification into traditional Western templates (Istinah et al., 2021).

The significance of this research lies in its examination of the contemporary shifts in Indonesia's electoral governance, specifically the role of the Constitutional Court (Mahkamah Konstitusi) as a primary avenue for reform. Landmark rulings such as Decision No. 62/PUU-XXII/2024, which abolished the long-standing presidential threshold, represent a major dialectical shift from a focus on "governability"—the stability of the ruling coalition—to "representativeness"—the protection of citizens' political rights and the inclusivity of the democratic process (Hanan et al., 2025). This study combines global comparative insights with an in-depth analysis of the Indonesian case to explore how nations can navigate the "difficult combination" of multi-party systems and presidential structures while maintaining democratic resilience (Hanan, 2025).

By exploring the causal relationships between institutional design and governance outcomes, this report provides a nuanced understanding of the structural trade-offs between efficiency, transparency, and participation. It emphasizes the necessity of contextual suitability in constitutional engineering, arguing that the future of democratic endurance in the twenty-first century depends on the ability of governance systems to accommodate diversity and prevent the emergence of "imperial" or "crown-presidentialism" that erodes institutional accountability (Feltis, 2026).

## **2. METHOD**

This research employs a normative juridical and descriptive qualitative methodology to provide a comprehensive comparative analysis of government systems.

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The study is grounded in the analysis of legal norms, constitutional provisions, and judicial precedents, supplemented by an extensive survey of contemporary scholarly literature indexed in Scopus and other international databases from the period 2018–2025. This timeframe ensures the integration of the latest developments in global political trends, including the impact of populism and the evolution of hybrid regimes (Naranjo-Vinueza et al., 2025).

The primary data collection method involves a library-based approach, scrutinizing constitutional texts from various jurisdictions—including the United States, the United Kingdom, Brazil, India, South Africa, and Indonesia—to identify the structural mechanisms of power distribution (Magar, 2025). The research also incorporates secondary data from selected peer-reviewed journals to assess governance outcomes such as economic performance, transparency, and institutional efficiency (Magar, 2025).

For the Indonesian case study, the research focuses on the normative evolution of the 1945 Constitution through the four amendments (1999–2002) and subsequent judicial interpretations. Special attention is given to the jurisprudence of the Indonesian Constitutional Court, specifically Decision No. 62/PUU-XXII/2024, utilizing a case approach to analyze the legal reasoning behind the shift from governability to representativeness (Hanan et al., 2025). The data were analyzed through a thematic synthesis, organizing jurisdictions into categories based on their regulatory approaches (presidential, parliamentary, or hybrid) and comparing them against analytical axes such as accountability, stability, and the separation of powers (Magar, 2025). This method allows for a fluid narrative that transcends mere data detail to offer deeper theoretical and practical insights into the "sui generis" nature of Indonesia's constitutional dialectics.

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### **3. RESULT & DISCUSSION**

The analysis of modern governance models reveals a sophisticated tension between the need for executive effectiveness and the demand for democratic accountability. As global politics becomes increasingly polarized, the structural differences between presidential and parliamentary systems have profound implications for the survival of democracy and the stability of the state.

#### **The Global Dichotomy: Theoretical Mechanics and Performance of Presidential and Parliamentary Models**

The architecture of democratic governance is traditionally divided between two dominant molds: the parliamentary system, characterized by the fusion of executive and legislative powers, and the presidential system, defined by a rigid separation of powers (Magar, 2025). These systems represent distinct strategies for the electoral authorization of the political executive—the process by which a leader is granted the legitimate power to govern (Ganghof, 2025). In a parliamentary system, the executive's authority is derivative of the legislature's mandate, creating a relationship of continuous dependency known as the "confidence" mechanism (Feltis, 2026). Conversely, in a presidential system, the executive is granted a direct popular mandate for a fixed term, independent of the legislative majority (Magar, 2025).

The performance of these systems across various governance indicators reveals a complex set of trade-offs. Parliamentary systems are often praised for their flexibility and collective responsibility. Because the Prime Minister and the cabinet must retain the support of a legislative majority, they are subject to constant interrogation and can be replaced without a regime-level crisis if they lose the "confidence" of the house (Feltis, 2026). This flexibility acts as a "release valve" for political tension, allowing for peaceful course correction in the face of leadership failure or shifting societal demands (Feltis,

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2026). However, the same mechanism can lead to chronic instability in multi-party contexts, where fragile coalitions may collapse frequently, resulting in government turnover and policy inconsistency, as seen in the historical experiences of Nepal and Italy (Magar, 2025).

Presidential systems, by contrast, offer institutional stability and leadership continuity through fixed tenures (Magar, 2025). The direct election of the president provides a strong, unified mandate that can facilitate swift decision-making and clear policy agendas (Mahmuluddin, 2024). Yet, this stability often creates a "constitutional standoff" when the president and the legislative majority come from different parties, leading to systemic gridlock or "political deadlocks" (Akbar et al., 2025). Furthermore, the lack of a mechanism for early removal (short of the difficult and legally fraught process of impeachment) can leave a nation "prisoner of its own constitution," stuck with an ineffective or damaging leader for the remainder of their term (Feltis, 2026).

**Table 1.** Structural Comparison of Pure Governance Models (Magar, 2025)

<b>Feature</b>	<b>Parliamentary System</b>	<b>Presidential System</b>
Separation of Powers	Fused (Executive from Leg.)	Strict/Independent Branches
Executive Head	Prime Minister (Head of Gov)	President (Head of State & Gov)
Source of Mandate	Legislative Majority	Direct Popular Election
Tenure	Flexible (subject to confidence)	Fixed (standard term limits)
Cabinet Accountability	Collective to Parliament	Individual to President
Mechanism for Removal	Vote of No Confidence	Impeachment (Legal violations)
Decision-making	Slower (Consensus-based)	Faster (Centralized)

Recent empirical data highlights the economic and administrative implications of these structural choices. Studies from 2024–2025 indicate that parliamentary systems generally outperform presidential ones in areas of transparency, decentralization, and

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public welfare (Mahmuluddin, 2024). In presidential regimes, the concentration of power in the executive can lead to less transparency and a greater risk of "elite capture," where policies are designed to favor a narrow group of stakeholders rather than the broader electorate (Mahmuluddin, 2024). This centralization is often associated with slower GDP growth—averaging 0.6 to 1.2 percentage points lower than parliamentary counterparts—and higher levels of income inequality (Mahmuluddin, 2024).

Beyond efficiency, a critical theoretical concern in contemporary literature is "executive personalism"—the degree to which power is concentrated in a single human being rather than a collective institution (Ganghof, 2025). Critics like Juan Linz have long warned of the "perils of presidentialism," arguing that the direct election of a chief executive encourages a "winner-take-all" mentality and reduces the incentive for coalition-building and compromise (Magar, 2025). This personalism can accelerate authoritarian tendencies, as leaders utilize their direct electoral legitimacy to bypass or erode institutional checks, a phenomenon observed in cases like Venezuela and Turkey (Feltis, 2026). In contrast, parliamentary systems "depersonalize" the executive by dispersing authority among a cabinet that shares collective responsibility, thereby providing better odds for democratic endurance in the face of populist storms (Feltis, 2026).

The evolution of "semi-parliamentarism" in jurisdictions like Australia offers a potential middle ground, utilizing a bicameral structure where one house serves as a confidence chamber while the other provides a robust proportional veto power (Ganghof, 2024). This model aims to combine the benefits of branch-based separation with the accountability mechanisms of parliamentarism, avoiding the "worst of both worlds" often found in dysfunctional semi-presidential systems (Ganghof, 2025). Ultimately, the effectiveness of any model depends on its "contextual suitability"—the alignment of

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institutional structures with the socio-economic and cultural realities of the country (Magar, 2025).

### **The Indonesian Constitutional Dialectic: From Purified Presidentialism to the Representativeness Paradigm**

Indonesia's journey of constitutional discovery represents a unique "sui generis" dialectic, a process of synthesizing diverse influences into a model that reflects the "distinct character" of the Indonesian people (Wiyono et al., 2020). The foundational 1945 Constitution originally established an ambivalent system where the People's Consultative Assembly (MPR) held supreme sovereignty, creating a "quasi-presidential" model that effectively subordinated the executive to a representative body (Istinah et al., 2021). This configuration led to historical instabilities, where presidents could be dismissed for purely political reasons, as occurred during the presidencies of Sukarno and Abdurrahman Wahid (Wiyono et al., 2020).

The constitutional amendments of 1999–2002 sought to resolve these contradictions through a process of "purification" (Wiyono et al., 2020). The "purified" Indonesian presidential system is anchored by several core characteristics: a direct popular mandate for the President and Vice President, strict two-term limits to prevent authoritarian consolidation, the separation of the roles of head of state and head of government into a single office, and the transition of the impeachment process from a political to a legal-constitutional mechanism overseen by the Constitutional Court (Wiyono et al., 2020). This transformation aimed to provide the executive with the stability and legitimacy necessary for governance in a transitioning democracy (Istinah et al., 2021).

However, the application of this purified presidentialism within Indonesia's "extreme multi-party system" has created significant operational hurdles (Istinah et al.,

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2021). Unlike the United States, where a presidential system typically coexists with a two-party dominance, Indonesia's pluralistic social fabric supports a fragmented legislature where the president's own party rarely holds a majority (Istinah et al., 2021). This has necessitated the practice of "coalitional presidentialism," where presidents must build oversized and often unstable coalitions to pass legislation and budgets (Hanan, 2025). While this has maintained system stability and avoided the deadlocks predicted by traditional theories, it has also led to "transactional politics" and a weakening of the opposition, as rival parties are frequently co-opted into the cabinet (Hanan, 2025).

**Table 2.** Historical Evolution of Indonesia's Governance System (Istinah et al., 2021)

<b>Era</b>	<b>System Type</b>	<b>Source of Sovereignty</b>	<b>Executive Stability</b>
Old Order (1945-1965)	Quasi-Presidential/Ambivalent	MPR (Legislative-Heavy)	Low (Political dismissal possible)
New Order (1966-1998)	Executive-Heavy Presidential	Centralized Party Control	High (Authoritarian)
Reform (1999-2002)	Purified Presidential	People (Direct Election)	High (Legal/Constitutional)
Contemporary (2024+)	Participatory/Sui Generis	Constitutional Dialectics	Balanced (Judicial Oversight)

The most profound recent shift in this dialectic is the transition from a paradigm of "governability" to one of "representativeness," a change driven primarily by the Indonesian Constitutional Court (Mahkamah Konstitusi) (Hanan et al., 2025). For two decades, the "presidential threshold"—requiring parties to secure 20% of legislative seats or 25% of the popular vote to nominate a candidate—was upheld as a form of "constitutional engineering" to ensure that an elected president had sufficient parliamentary support (Hanan et al., 2025). However, in its landmark Decision No. 62/PUU-XXII/2024, the Court abolished this threshold for future elections, arguing that

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it had become a "structural barrier" that violated the political rights of citizens and the equality of arms in the democratic process (Hanan et al., 2025).

This ruling marks a major victory for inclusive democracy. By removing high administrative barriers, the Court has opened the door for new or smaller political parties to nominate candidates independently, thereby dismantling the "oligarchic dominance" that had narrowed the public's choice of national leadership (Hanan et al., 2025). The Court emphasized that democracy cannot be measured solely by the efficiency of governing coalitions but must also provide space for "meaningful participation" and the representation of the wider public's aspirations (Ristawati, 2025). This shift acknowledges the "adverse real-world consequences" of rigid governability, where the pursuit of stability leads to the marginalization of minority voices and the entrenchment of political elites (Hanan et al., 2025).

Despite these positive reforms, Indonesia faces a lingering threat of "Imperial Presidency" or "Crown-Presidentialism".<sup>16</sup> Under the second term of President Joko Widodo (2019–2024), there was an observed trend of executive aggrandizement, where the president became increasingly dominant in policy-making, often bypassing or manipulating existing legal procedures with the support of a "big tent" coalition that neutralized the legislature's oversight function (Hanan, 2025). The rise of dynastic politics and the strategic use of state resources to influence election outcomes further complicate the "sui generis" nature of Indonesia's democracy, revealing a system where formal democratic traits coexist with authoritarian mechanisms (Wikipedia, 2026).

The "sui generis" character of the system also extends to its integration of "living law" or "*Adat*" (customary law). The 1945 Constitution, through Articles 18A and 18B, mandates the state to respect the traditional rights and uniqueness of indigenous communities as foundational elements of statehood (Khuan et al., 2025). This constitutional pluralism recognizes that for a nation as diverse as Indonesia, a rigid

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application of Western legal principles must be balanced with the cultural identities that have existed since before the state's formation (Khuan et al., 2025). The Constitutional Court's role in protecting these "Traditional Cultural Expressions" from exploitation illustrates a deeper commitment to a justice system that is both "predictable and experienced as substantively just" (Amrulla et al., 2026).

As Indonesia prepares for the 2029 election cycle, the implications of Decision No. 62/PUU-XXII/2024 are expected to foster a more competitive and inclusive political arena (Hanan et al., 2025). However, the removal of the threshold also brings the risk of "political fragmentation" and "heightened polarization" if not accompanied by further institutional engineering (Munawar et al., 2025). Potential strategies for managing this transition include simplifying the structure of the DPR into distinct factions—such as pro-government, opposition, and independent—and strengthening the requirements for political party formation to ensure that parties are not merely transactional vehicles but genuine conduits of public will (Mohamad, 2025). The ongoing constitutional dialectic in Indonesia thus remains a work in progress, balancing the historical quest for executive strength with the modern imperative of democratic inclusivity.

#### **4. CONCLUSION**

The comparative analysis of governance systems demonstrates that the choice between presidential and parliamentary models is fraught with inherent structural trade-offs. While parliamentary systems excel in decentralization, transparency, and collective accountability, their performance is frequently hindered by coalition instability and legislative dominance. Presidential systems provide the benefit of executive stability and direct democratic legitimacy, yet they are structurally prone to political gridlock, executive aggrandizement, and the "perils of personalism."

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Indonesia's "sui generis" government system represents a remarkable attempt to navigate these trade-offs by synthesizing a purified presidential executive with a highly diverse multi-party landscape. The constitutional dialectics of the past two decades have successfully established a strong independent mandate for the president, while the recent jurisprudence of the Constitutional Court has signaled a crucial pivot toward "representativeness." By dismantling the presidential threshold through Decision No. 62/PUU-XXII/2024, the Court has reaffirmed the principle that the political rights of citizens and the inclusivity of the democratic contestation take precedence over the administrative convenience of governing coalitions.

To sustain this democratic progress, Indonesia must remain vigilant against the emergence of an "imperial presidency" that utilizes oversized coalitions to neutralize checks and balances. Future reforms should focus on enhancing the institutionalization of political parties and ensuring that the removal of electoral barriers leads to substantive, rather than merely procedural, democracy. Furthermore, the integration of customary law into the modern constitutional framework must be continuously optimized to ensure that Indonesia's legal system remains responsive to its pluralistic social identity. Ultimately, the maturity of a governance system is measured by its capacity to adapt to changing societal demands while maintaining the core principles of the rule of law and the supremacy of the constitution.

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