

COMPARISON OF GOVERNMENT SYSTEMS BETWEEN MALAYSIAN AND INDONESIAN

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Abstract

In general, the Malaysian legal system is influenced by the British Common Law System legal tradition, while the Indonesian legal system adopts more of the Dutch civil law system tradition. In addition, the Islamic legal system and the customary law system also influence the national laws of each country. The comparative study of the constitutional law systems of Malaysia and Indonesia is a study of constitutional law using normative law research methods with a comparative law approach to examine What are the differences in the form of the state between Indonesia and Malaysia and how are the differences in the system of government between Indonesia and Malaysia. Based on the results of research through library research it was found that the institutional formats of Malaysia and Indonesia have differences both in terms of the form of the state and the system of government. Malaysia is a country that adheres to a federal type of state which includes a federal state and a state with a democratic monarchy system of government. While the State of Indonesia, in the form of a unitary state which includes central government and autonomous regions with a republican system of government with the principles of constitutional democracy.

Keywords: *Indonesia, Malaysia, Comparison, Government System.*

I. INTRODUCTION

Malaysia is a country that is geographically included in the Southeast Asian region, like Indonesia, the Kingdom of Brunei Darussalam, Burma, the Republic of the Philippines, the Kingdom of Muangthai, Kampuchea and the Republic of Singapore. The population consists of various races or ethnicities, namely Aborigines, Malays, Chinese, Arabs, Indians and other ethnicities originating from Indonesia (Java) and Europe. As a country dominated by the Malay race, Malaysia has a variety of religions embraced by its citizens. Islam, Christianity, Hinduism, Buddhism are among the religions they believe in. As a neighboring country to Indonesia, Malaysia in achieving its independence was not like Indonesia, which fought against the invaders by sacrificing property and lives. Malaysia struggled through diplomatic means by pleading with the colonialists to gain independence.

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In general, a number of parties view Malaysian law as far more advanced than Indonesian law. This view is quite justified in the progress made by Malaysia in various fields. In the field of law, in the last 10 years, there has been quite rapid progress, both in terms of the quality of legislation and the level of legal supremacy as well as public trust in the judiciary and law enforcement institutions. One of the interesting legal systems in Malaysia is the plurality of the legal system and the country's constitutional guarantees against Islamic law and other religious laws and the dualism of the judiciary in cases of violations of Islamic norms and cases of violations of civil norms, as emphasized in Article 3 paragraph (1). Institutionalization of the Fellowship of Malaysia that "Islam is a religion for the Fellowship;

As a former British colony, Malaysia still maintains the customary law tradition of the British common law system. This tradition stands at the center of the Islamic legal system (which is administered by Sharia courts) and the customary laws of various indigenous groups. Malaysia is a multi-ethnic, multicultural and multi-religious country. The national legal system reflects a heterogeneous society that has been influenced and shaped by external and indigenous cultures. Meanwhile, Indonesia as a former Dutch colony that adheres to the Civil Law System tradition, also maintains the Dutch legal tradition, especially in the criminal law system amidst the traditions of Islamic law and customary law. Like Malaysia, Indonesia has a plural legal system, namely a national legal system in which two or more traditions coexist. Malaysia's legal legal system is an integration of Common Law, Sharia law and customary law traditions. while the Indonesian legal system is an integration of Civil Law, Islamic law and customary law traditions.⁵

What are the differences in the form of the State between Indonesia and Malaysia. What are the differences in the government system between Indonesia and Malaysia.

II. DISCUSSION

System of Government Theory

The government system can be interpreted as a structure consisting of legislative, executive and judicial functions that are interconnected, work together and influence one another. Thus the system of government is the workings of state institutions with each other. According to Jimly Asshidiqie, the government system is defined as a system of relations between state institutions. Meanwhile, according to Sri Soemantri, the system of government is the relationship between the legislature and the executive. Ismail Suny has the opinion that the government system is a certain system that explains how the relationship between the highest

⁵ Nasaruddin Umar, 2001: 113

state equipment in a country. With regard to the government system, it is generally divided into two main systems, namely presidential and parliamentary systems.

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The government system is the popular designation of the form of government. This is based on the idea that the form of the state is a sociological review, while juridically it is called a form of government, namely the prevailing system that determines how the relationship between state apparatus is regulated by its constitution. Because of that form of government is often and more popularly referred to as a system of government. Further linking the government system with the concept of a system, namely as an arrangement or order in the form of a structure consisting of parts or components that are related to each other in an orderly and planned manner to achieve goals. If one of these parts functions beyond its authority or is less functioning, it will affect the other components.

Therefore the system of government can be referred to as the whole of the orderly arrangement or arrangement of state institutions that are related to one another, either directly or indirectly according to a plan or pattern to achieve the goals of the country. According to him, in this world there is a system of government in which there is a close relationship between the executive power and the parliament. These two institutions are interdependent with one another. The executive led by a Prime Minister is formed by Parliament from the Party/Organization with a majority in Parliament. Then, the government system where there is a strict separation between the legislature (Parliament and the executive branch and also the judiciary).

In addition, there is also a system of government with direct oversight by the people of the legislature. In this system parliament is subject to direct control of the people. In addition to these three, there is also a government system that combines these three systems, which is called a mixed government system. For more details, the various government systems will be described in full in the section on the types of government systems. Based on the description above, in essence the study of the government system is the study of how state institutions work by paying attention to the level of authority and accountability between state institutions. On the other hand, the government system focuses more on the position between the legislature

(parliament) and the executive. Is the legislature higher than the executive or vice versa the executive is higher than the parliament. In addition, how is the level of influence of power in determining the direction of state decisions whether legislative or executive. The government system also examines how the formation and accountability of the cabinet / minister is formed by the legislature or the executive. Is the minister responsible to the legislature or the judiciary. All of this is part of the nature of the study of government systems. The government system also examines how the formation and accountability of the cabinet / minister is formed by the legislature or the executive. Is the minister responsible to the legislature or the judiciary. All of this is part of the nature of the study of government systems. The government system also examines how the formation and accountability of the cabinet / minister is formed by the legislature or the executive. Is the minister responsible to the legislature or the judiciary. All of this is part of the nature of the study of government systems.⁶

In fact, the concept of a system of government cannot be separated from the political thought of Montesquieu, who offered the idea of separation of powers, and John Locke, who offered the idea of sharing power. The essence of this Montesquieu concept is that in order to avoid concentration of power and the formation of arbitrary absolute power, power needs to be separated. In this case, Montesquieu separated state power into three forms of power namely, legislative, executive and judicial powers. Although this idea is not a new idea because JJ Rousseau and John Locke have discussed it in depth. Only in a few aspects are there differences in understanding or emphasis on the three institutions of power between them.⁷

Comparative Rule of Law Theory

Regarding the notion of a rule of law state, it is often found in Indonesian legal literature, giving the following understanding of a rule of law state; rule of law is a country where the rulers in carrying out state duties are bound by the applicable legal regulations. Defines a rule of law as a state that runs a government that is not according to the will of those in power, but according to written rules made by representative bodies of the people that are formed legally, in accordance with the principle of "the laws and not men shall govern". Meanwhile Joeniarto gives the notion of a rule of law country is a country where the actions of its rulers must be limited by applicable law Sudargo Gautama who states that the notion of a rule of law comes from the teachings of the rule of law gives understanding, gives understanding, rule of law is a country where the state apparatus is subject to the rule of law. On the other hand, Soediman Kartohadiprodjo stated that a rule of law

⁶ Muliadi Anangkota, Classification of Government Systems from a Contemporary Modern Government Perspective, *Cosmogov Journal*, 2019, p.50-51

⁷ Ahmad Yani, Indonesian Government System: Theory and Practice Approach, *Lantern Hukum Journal*, 2018, p.253

state is a country where the fate and independence of the people in it are best guaranteed by law. If we look for the essence of the notion of a rule of law put forward by quite prominent Indonesian scholars, it seems that they all emphasize the submission of the ruler to the law as the essence of a rule of law. The essence of such a rule of law countries focuses on the submission of the judicial power to the law. To further establish scientific support for the truth of the proposition "judicial power is subject to law" it is necessary to conduct a broader discussion on the diversity of the rule of law concept as a springboard to arrive at the description that Indonesia is a rule of law as mentioned above. In studying Indonesia, the rule of law will be emphasized on the idea that Indonesia's judicial power is also subject to the law. Such thinking is very important to convey the perception that the submission of judicial power to law causes an understanding of the existence of limits to the freedom of judicial power.⁸

Comparative Analysis of Government Systems Between Malaysia and Indonesia

The form of the state is the boundary between sociological and juridical views of the state. Sociological review is if the whole country without looking at its contents. Juridical review is when the state is only seen in terms of content and structure. The form of the state is the boundary between a sociological examination and a review of state law. Social Review If the country is considered as a set (ganzhit) regardless of its contents, while legally legally if the state revision is only seen with its content or structure. Whereas legally if the state of the state is only seen in its content or structure. State forms are global provisions or organizations regarding state structures that include all state elements (regional or population) or vice versa that state forms talk about the basis of the state.

Malaysia is a country in Southeast Asia, with the capital city of Kuala Lumpur, located on the Malacca peninsula and parts of North Kalimantan. Malaysia is a country that adheres to a federal type of state with a democratic monarchy system of government. The federation of Malaysia itself, was established on August 31, 1963 which consists of thirteen states. Which includes: Eleven states and two federal territories. The eleven states include: Johor, Kedah, Kelantan, Melaka, Negeri Sembilan, Pahang, Panang, Perak, Perlis, Selangor and Terengganu, while two are federal territories, namely Kuala Lumpur and Putrajaya. located on the Malay Peninsula (peninsula or West Malaysia). Sabah, Sarawak, and the Labuan Federal Territory are in the north-western part of the island of Borneo (East Malaysia). East and west Malaysia are separated by about 650 kilometers of seas south of China. The Malaysian Federation system consists of a central and state government.

⁸ Sri Wirjayati, Diktat of Comparative Theory of the Law of the State", Surabaya: UIN Sunan Ampel, 2022, p.17

In order to reach an understanding of what is meant by a Federal State, it would be better if we first discuss how the process of forming a Federal State is. Judging from its origins, the word "federation" comes from the Latin, *foedus* which means League. The League of States - the autonomous city-states of ancient Greece can be seen as the early Federal States. The modern form of federal government stems from the constitutional experience of the United States. It can be said that the federal government is one of the historical contributions of the United States of America to the modern world. The Federal State Model departs from a basic assumption that it was formed by a number of independent countries or regions, which from the beginning had sovereignty or some kind of sovereignty in themselves.

The countries and territories that founded the federation then changed their status to become states or administrative territories with certain names within the federal environment. In other words, it is the countries or territories that are members of the federation that basically have all the powers that are then partially handed over to the federal government. Typically, the federal government is vested with monetary, defense, judicial, and foreign relations powers. Other powers tend to be retained by states or administrative territories. The powers of the divisions are usually very prominent in domestic affairs, such as education, health, social welfare, and public security (police). In summary, the formation of a federation state goes through two stages, namely the stage of recognition of the existence of independent states and territories and the second stage is their agreement to form a federal state. This can be seen in the federalism system in the United States and Malaysia. So looking at the formation of the Federal State, we can take a definition that the Federal State is a country composed of several countries that originally stood alone, then countries entered into effective cooperative ties, but besides that, these countries still want to have authorities that can taken care of yourself. So, here not all matters are handed over to the joint government or the federal government, but there are still certain matters that are still taken care of by themselves. This can be seen in the federalism system in the United States and Malaysia. So looking at the formation of the Federal State, we can take a definition that the Federal State is a country composed of several countries that originally stood alone, then countries entered into effective cooperative ties, but besides that, these countries still want to have authorities that can taken care of yourself. So, here not all matters are handed over to the joint

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Usually the affairs that are submitted by the state governments to the federal government are matters that concern the interests of all the states such as monetary affairs, defense, judiciary and foreign relations. In a United States or Federal state power is divided between the States and the Federal Government. Genuine power resides with the States as separate state legal entities that collectively form the federal government with the limits of power mutually agreed upon by the states in the Federal Constitution. Defense, finance, and foreign relations affairs in a federal/unified state are always determined as the affairs of the federal government, so that in practice the Federal Government tends to have a very strong position.

Where the federation's legislative and executive powers are divided between the central and state governments in accordance with Articles 74 and 80, the Constitution of Malaysia (federal, state, Joint Supplement to Sabah and Sarawak). Each of the states of Johor, Kedah, Kelantan, Melaka, Negeri Sembilan, Pahang, Panang, Perak, Perlis, Selangor and Terengganu, within the federation has its own Head of State (either the Ruler or Yang di-Dipertuan Negeri Negeri), a unicameral elected DPR and a council. the executive is led by a Chief Minister who is called the Minister of Justice (in Malay countries) or the Chief Minister (in countries that were formerly British colonies). Like the Yang in Pertuan-Agong, each Ruler and Yang in-Pertuang Negeri is the constitutional Head of the country's executive Council.

While the State of Indonesia, in the form of a unitary state, this is emphasized in the Indonesian constitution Article 1 paragraph 1 of the 1945 Constitution of the Republic of Indonesia which reads: The State of Indonesia is a unitary state in the form of a Republic. Tahkim Vol. IX No. 2, December 2013 115 Regions in Indonesia consist of provinces which currently number 33 provinces, each province is led by a governor and deputy governor as representatives of the central government in the regions and each province consists of regencies and cities led by Regent/deputy

regent, and/or mayor/deputy mayor, currently there are 386 regencies and 91 municipalities in Indonesia.⁹

In the Unitary State model, the basic assumptions differ diametrically from the Federal State. The formation of the Unitary State was declared at the time of independence by the founders of the state by claiming all of their territory as part of one state. There is no agreement between regional authorities, let alone countries, because it is assumed that all areas included in their territory are not independent parts of the territory. On that basis, the state forms regions or regions which are then given power or authority by the Central Government to take care of the various interests of its people. In Indonesia, these areas are called provinces. These provinces were then given autonomy, given the sovereignty to manage their own households for matters determined by the central government. Sovereignty or what is called autonomy in this province is only the autonomy that is determined. Here it is assumed that the state is the source of power. Regional power is basically centralized power, and then autonomous regions are formed. So in a unitary state it is very clear that regional autonomy is a form of power.¹⁰

Government System

The form of government for the State of Malaysia in the form of a democratic monarchy and/or constitutional monarchy is that it adheres to a royal government system based on a constitution, not an absolute monarchy without a constitution (absolute monarchy). Or in Malaysia's perspective it is called a parliamentary democratic kingdom, democracy means the ruling people, that is, a ruling kingdom is elected by the people and for the people, and parliamentary democracy is representation where people's opinions can be channeled through people's representatives who are elected by the people directly through general elections. Constitutional monarchy is a form of government in a country headed by a king whose powers are limited by the constitution. The constitutional monarchy process is as follows:

1. There are times when the constitutional monarchy process comes from the king himself for fear of a coup. For example: Japan with octroon rights.
2. . There are times when the process of constitutional monarchy occurs because of a people's revolution against the king. For example: England which gave birth to Bill of Rights I in 1689, Jordan, Denmark, Saudi Arabia, Brunei Darussalam.¹¹

This means that the institutionalization of independence in 1957 perpetuated the sovereignty of the Malay kings. According to Gatot Sugiharto, Malaysia's

⁹ *Ibid.*, 114- 115

¹⁰ Indah Sari, Federal Versus Unity: A Process of Searching for State Forms in Realizing Regional Autonomy, *Scientific Journal of Aerospace Law*, 2015, p.44-45

¹¹ Siti Aulia Noviardi, Paper Explaining the Definition and Forms of Government , p.5

Constitution has a federal system that divides the powers of the federal government and state governments. This division of powers is enshrined in the Federal Constitution. Although the constitution uses a federal system, this system operates with great powers from the central government. Some of the powers of the federal government are:

1. Foreign affairs
2. National Defense and Security
3. Federal performance and power, and social security.
4. Police, Civil law and criminal law
5. Justice administration procedures
6. Citizenship
7. Finance
8. industry, trade and commerce
9. education, health and employment
10. shipping, navigation and fisheries
11. communication and transportation
12. While some state authorities in Malaysia include:
13. Matters relating to the practice of Islam in the state
14. Land ownership rights,
15. Mining license
16. Agriculture and forest exploitation
17. City government
18. And public work in the interest of the state.

Constitutionally, according to several Malaysian socio-political scientists and political elites, Malaysia's political system and government are democratic. The argument is that this country chooses government leaders at the national and local levels based on general elections. Malaysia since its independence has practiced a royal government system with a constitutional royal government model or in Malaysia known as an institutionalized king. The position of the king as stated in the Malaysian Constitution is the head of state who does not carry out the government. The rights as stated in the constitution are carried out with the proposal of the ruling prime minister, as the head of government.¹²

Elections as an absolute condition for modern democracy are carried out consistently in Malaysia. The emergence of democratic institutions in Malaysia was introduced by the British during the colonial period, through the British colonial government's reform policies aimed at transferring power to community representatives in Malaysia. This policy is stipulated in the 1948 Federation of Malaya Agreement. Based on this agreement:

- a. The British gave power to the Malays to establish a federation system,

¹² Azhari, Politics and Bureaucracy in the State of Sabah Malaysia (Case Study of Intervention of Political Officials Against Bureaucratic Officials, Journal of Law and Development, 2011, p.595

- b. Malay kingdoms became constitutional monarchies (constitutional monarchy),
- c. Established a federal legislative assembly composed of Malaysians,
- d. Quasi-cabinet formed, and
- e. The legislative election at the federal level was held in 1955. This agreement became a blueprint

Malaya's "Freedom" constitution after becoming an independent nation. In the "Merdeka" Constitution of Malaya, the political system and government of Malaysia have the following characteristics:

- a. The form of the country is federal,
- b. The form of government is a constitutional monarchy,
- c. The system of government is parliamentary, and
- d. Judicial institutions or judicial bodies are independent, almost like the English judiciary.¹³

Whereas in Indonesia adheres to the Pancasila Democracy System, why is that because democracy in Indonesia originates from Pancasila? Republic of Indonesia, organizations of socio-political forces, community organizations and other social institutions as well as state institutions both at the central and regional levels.¹⁴

As discovered by the late Prof. Padmo Wahyono who said that Indonesia is a country with a presidential system of government. This was based on the agreement of the founding fathers at the meeting of the Investigating Agency for the Preparatory Work for Independence (BPUPK) on May 29-June 1 and July 10-17 1945.¹⁵

Prior to the amendment to the 1945 Constitution, the presidential system adopted by Indonesia was a semi-presidential-semi-parliamentary system of government. Then with the amendment to the 1945 Constitution, it gave confirmation that the government system became a presidential system. This is also one of the agreements between the MPR regarding the direction of changes to the 1945 Constitution, namely agreeing to maintain the presidential system as attached in the MPR Decree No. IX/MPR/1999. In a presidential system of government or presidential government or "non-parliamentary executive system" or "fixed executive system, referred to as a fixed executive, which is accompanied by direct elections will strengthen the position of the president in terms of dealing with the legislature because during the term of office,

Based on Article 4 Paragraph (1) of the 1945 Constitution, it has been expressly stated that Indonesia adheres to a presidential system of government. After the reform, the MPR institution agreed to design the purity of the presidential

¹³ Mohammad Fauzi, Democracy in Malaysia: A Comparative Study of the Governmental Periods of Three Malaysian Prime Ministers", Journal of International Relations, 2015, p.59- 60

¹⁴ Agustam, Conception and Implementation of Pancasila Democracy in the Political System in Indonesia, TAPIS Journal, 2011, p.53

¹⁵ *Op.Cit*, p.263

government system in Indonesia. Constitutionally it is clear that Indonesia does have a presidential government system, this is as stated in Article 4 paragraph (1) of the 1945 Constitution, so this cannot be changed (Qonita Fadila Islami, 2022: 50-51).

A presidential system of government, also known as a congressional system, is a system of government in which the executive and legislative bodies have independent positions. The two bodies are not related directly as in a parliamentary system of government. They are elected by the people separately. The presidential system does not recognize the existence of a supreme supremacy institution. A country can be said to adhere to a presidential system if it has the following three elements:

1. The president is directly elected by the people as the leader of the government
2. The President simultaneously serves as head of state and head of government and in this position appoints relevant government officials; and
3. The president must be guaranteed to have legislative authority by the Constitution or the constitution.¹⁶

The presidency is the responsibility of the ministers to the state departments, in this system it is addressed to the president, therefore the ministers take cover behind the wings of the president even though the constitution provides the possibility for the legislature to pry out the mistakes of the ministers. So, in this system the president has strong power, because apart from being the head of state he is also the head of government who chairs the cabinet. Therefore, in order not to lead to dictatorship, checks and balances are needed between high state institutions, this is what is called checking power with power. The presidential system of government is a republican system of government in which the executive power is elected through elections and is separated from the legislative power. According to Rod Hague,

1. The president who is elected by the people leads the government and appoints related government officials.
2. The president and the representative council have a fixed term of office, they cannot overthrow each other.

In the political characteristics of presidentialism, the basis for presidential legitimacy comes from the people, not from parliament, as is the case in a parliamentary system. Therefore, the presidential government system is characterized by the implementation of a system of electing the president and vice president directly by the people with a fixed term of office. The implication of presidential political legitimacy that comes from the people through direct elections is that the president is not responsible to parliamentary institutions, as is the case

¹⁶ M. Alief Akhbar PA.G, Adelia Miranda, Ahmad Naufal Fahrezi, Miftahul Jannah, Analysis of the Impact of Multiparty Systems in the Implementation of Presidential Government Systems in the Era of Jokowi and Jusuf Kalla”, *TheJournalish: Social and Government*, 2020

with parliamentary systems, but is directly responsible to the people. Giovanni Sartori explained that the character of a presidential system is manifested by a political system if and only if the president:

- a. elected by the people's elections;
- b. cannot be revoked or abolished by voting in parliament, during his term of office; and
- c. lead a government that is chosen and appointed by themselves.¹⁷

The presidential system based on the amendments to the 1945 Constitution has the advantages, among others, firstly the president acts as head of state as well as head of government Article 14 The two presidents are directly elected by the people so that they have strong legitimacy Article 6A The three presidents hold the prerogative to choose to appoint and dismiss related officials or ministers as heads of departments or non-departmental Ministers are of course fully responsible to the president so that the wheels of government can run more effectively Article 17 The four presidents have fixed terms of office so that they cannot be dropped halfway unless they violate the constitution, betray the country and engage in criminal activities The president can be subject to impeachment impeachment after passing various stringent conditions as a form of people withdrawing the mandate that has been given to the president (Article 7A and 7B).

The presidential system, according to Juan Linz, besides having advantages, also contains weaknesses, namely first, the relatively large portion of presidential power can lead to authoritarian tendencies. Second, authoritarian governments give birth to a state of powerstaat power, no longer a state of rechtstaat law. Third, the responsibility of the president is unclear, but the people can punish the president in ways re-elect him in the next presidential election. Fourth, public policies produced by the government are the result of bargaining with the legislature, so decisions tend to be indecisive and take a long time. paralysis of the president The six opposition camps in the legislature can carry out frontal impeachment against the president. The seven situations can be used by the military to carry out a coup against a civilian government that is considered a failure.¹⁸

In Indonesia, the division of governmental affairs between the government and regional governments in Indonesia is regulated in Article 10 of Law Number 32 of 2004 concerning Regional Government, that regional governments carry out government affairs which are under their authority, except for government affairs which are determined by this law to be government affairs; In carrying out government affairs which become the authority of the region as referred to in paragraph (1), the regional government shall exercise the widest possible autonomy

¹⁷ Dina Fadiyah, The Dilemma of a Multi-Party System in the Presidential System in Indonesia, Madani Journal, 2022, p.23 -24

¹⁸ Luky Sandra Amalia, Indonesia Chooses a Presidency, Book Review: Presidential System of an Ideal President (Moch Nurhasim and Ikrar Nusa Bhakti), 2009, p.30

to regulate and manage government affairs on its own based on the principles of autonomy and co-administration; Government Affairs which are government affairs as referred to in paragraph (1) cover the fields of foreign policy, defence, security, justice, national monetary and fiscal, religion.¹⁹

Fundamentally, power is usually mapped into several functions that are related to one another. John Locke in his book "Two Treatises of Government", divided state power into three functions, but differed in content. According to Locke the functions of state power consist of; legislative function, executive function, and federative function. By following the line of thought of John Locke, Montesquieu in his book "L'Esprit des Lois" written in 1784 or the English version known as "The Spirit of The Laws", classifies state power into three branches, namely:

- a. Legislative power as a legislator;
- b. Executive power to enforce laws.
- c. Power to judge or judiciary.

Based on this theory, the Indonesian government system adheres to this principle. This is in line with upholding the principles of people's sovereignty, the principle of checks and balances. The term checks and balances is the principle of balancing and supervising each other between branches of power, usually in the context of state power, so the President must pay serious attention to the voice of the DPR in terms of legislative functions, oversight functions over the running of government and the function of the State Revenue and Expenditure Budget (APBN). For this reason, there is a need for a clearer relationship mechanism between the Presidential (executive) and DPR (legislative) institutions as well as with other State institutions

III. CONCLUSION

Malaysia is a country in Southeast Asia, with the capital city of Kuala Lumpur, located on the Malacca peninsula and parts of North Kalimantan. Malaysia is a country that adheres to the federal state type. Meanwhile, the State of Indonesia, in the form of a unitary state, this is emphasized in the Indonesian constitution Article 1 paragraph 1 of the 1945 Constitution of the Republic of Indonesia which reads: The State of Indonesia is a unitary state in the form of a Republic. Tahkim Vol. IX No. 2, December 2013 115 Regions in Indonesia consist of provinces which currently number 33 provinces, each province is led by a governor and deputy governor as representatives of the central government in the regions and each province consists of regencies and cities led by Regents/deputy regents, and/or mayors/deputy mayors, currently there are 386 regencies and 91 municipalities throughout Indonesia.

¹⁹ Decky Wospakrik, Coalition of Political Parties in the Presidential System in Indonesia, Papua Law Journal, 2016, p.115- 116

The form of government for the State of Malaysia in the form of a democratic monarchy and/or constitutional monarchy is that it adheres to a royal government system based on a constitution, not an absolute monarchy without a constitution (absolute monarchy). As discovered by the late Prof. Padmo Wahyono who said that Indonesia is a country with a presidential system of government. This was based on the agreement of the founding fathers at the meeting of the Investigative Body for the Preparatory Work for Independence (BPUPK) on 29 May-1 June and 10-17 July 1945

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