

PRESIDENTIAL DECREE AS THE NORM IN LEGAL POLITICS (A Comparative of the Presidential Decree in Tunisia and Indonesia During Soekarno and Abdurrahman Wahid)

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Abstract: This article investigates a legal politics in Tunisia and Indonesia focuses the fate of the presidential decree in Tunisia in the dissolution of Parliament context. Did it succeed or fail? This analysis is obtained through a comparative study of the same pattern in Indonesia, namely the presidential decree during the Soekarno leadership and Abdurrahman Wahid or Gus Dur. The data is obtained through literature studies such as scientific books and journals. Researchers also construct the data through online media studies both at domestic and abroad. The results of this study illustrate how the pattern of the Presidential decree in Tunisia on July 27th, 2021. It has similarities with the presidential decree that occurred during the Soekarno Presidential era on July 5th, 1959. Military forces fully supported the decree that led to the dissolution of Parliament. Unlike Gus Dur, who stepped down from his post after issuing a decree. Kais Saied's decree in Tunisia is predicted to be a success and perpetuate his reign as President.

Keywords: Presidential Decree, Tunisia, Kais Saied, Soekarno, Abdurrahman Wahid, Parliament

Abstrak: Artikel ini memotret politik hukum di Tunisia dan Indonesia dalam konteks penerbitan dekrit Presiden. Bagaimana nasib dekrit Presiden di Tunisia dalam konteks pembubaran parlemen. Berhasilkah atau justru gagal? Analisis ini didapat melalui studi perbandingan terhadap pola yang sama dan pernah terjadi di Indonesia, yaitu dekrit Presiden di masa kepemimpinan Soekarno dan dekrit Presiden di era Abdurrahman Wahid alias Gus Dur. Data di dalam riset ini didapat melalui kajian literatur seperti buku dan jurnal-jurnal ilmiah. Peneliti juga mengkonstruksi data melalui telaah media online baik dalam maupun luar negeri. Hasil penelitian ini menggambarkan bagaimana pola dekrit Presiden yang berlangsung di Tunisia 27 Juli 2021 kemarin, memiliki kemiripan dengan dekrit Presiden yang terjadi di masa Presiden Soekarno 5 Juli 1959. Dekrit yang berujung pada pembubaran parlemen tersebut

didukung penuh oleh kekuatan militer. Tidak seperti Gus Dur yang lengser dari jabatannya setelah menerbitkan dekrit. Dekrit Kais Saied di Tunisia diprediksi sukses dan akan melangengkan kekuasaannya sebagai seorang Presiden.

Kata Kunci: Dekrit Presiden, Tunisia, Kais Saied, Soekarno, Abdurrahman Wahid, Parlemen

Introduction

The political conflict was re-erupted in Tunisia, a small country in North Africa, at the end of July 2021. The 2019 Elected President of Tunisia, Kais Saied took over the government power by deposing the Prime Minister and freezing the Parliament through a decree policy.¹ The Presidential Decree issued on July 27th, 2021, is fully supported by military forces. As soon as the decree was announced, the army moved in and ensured the presidential decree was carried out without a counterwork. The military closed roads access to Parliament and controlled government offices.²

Tunisians have a long experience in political conflicts. This France colonized country was rarely agitation-free.³ Since independence on July 25th, 1957, Tunisia, which replaced the monarchical system of government into a Republican government, has always been led by a dictatorial regime. Therefore, this condition sparked a coup against the position of a President. The first coup took place on November 7th, 1987, when Tunisian Prime Minister Ben Ali succeeded in overthrowing Zen Al-Abidin from the presidency. Ben Ali continued the government in the same style and model as his predecessor and dictatorial. Even Ben Ali

used his position to enrich himself without protest and resistance from any party. This regime reigned long enough that protests arose in 2010.⁴ The resistance movement began with a massive demonstration by the Tunisian people to demand Ben Ali to retreat from the presidency. The military stood with the people. Due to the growing pressure, while the military was on the side of the people, Ben Ali felt threatened and was forced to retreat and flee to Saudi Arabia. Prime Minister Mohamed Ghannouchi then continued the President's authority through a policy decree. The decree was issued by Ben Ali, specifically dissolving Parliament and government, then appointing Ghannouchi as President. It was Ben Ali's strategy to preserve his dominion. He hopes that after the conditions subside, he can take over the position of President again. Ben Ali's estimation was wrong. The Constitutional Court considers transitioning power through the decree as a constitutional violation. The Court requisite the President and elected Mebazaa as interim President and permanent Prime Minister Ghannouchi. However, the Tunisian people regard Ghannouchi as a henchman of Ben Ali. The masses continue to press him to step down. Ghannouchi finally resigned as Prime Minister on February 28th 2011.⁵

Tunisia's Political stability is slowly beginning to recover after the turmoil in

¹ John Andhi Oktaveri, "Setelah Presiden Bubarkan Parlemen, Begini Langkah Partai Terbesar Tunisia," *Kabar 24* (Jakarta, 2021).

² Benny D Koestanto, "Presiden Pecat Menteri Pertahanan, Tunisia Terancam Pertikaian Bersenjata," *Kompas* (Jakarta, 2021).

³ Ahmad Sahide, S. H. (2015). The Arab Spring : Membaca Kronologi dan Faktor Penyebabnya. *Jurnal Hubungan Internasional UMY*, 118-129.

⁴ Hasemi, A. (2019). Perubahan Strategi Politik Partai Ennahdah di Tunisia Tahun 2016. *Jurnal Politik Universitas Jember*, 24-53.

⁵ D.W Anggrowati, *Kajian Tentang Runtuhnya Ben Ali Di Tunisia Tahun 2011* (Yogyakarta: Universitas Negeri Yogyakarta, 2014).

2010-2011. In the 2019 election, Kais Saied, a figure with a law background, won the election. He defeated a candidate who came from a party group, where the people hated the party since the political turmoil of the 2010-2011 fall of Ben Ali. The people who were traumatized by the leadership of the party cadres finally made their choice to Kais Saied.⁶ Despite having the support of the majority of the people, however, Kais Saied is not supported by the party group, which controls the Parliament. Thus, the prime minister of his choice dropped halfway by the Parliament in five months.⁷ Since then, President Kais Saied's conflict versus party groups in Parliament has continued to flare up. The climax occurred when President Kais Saied clashed with Prime Minister Mechichi, the elected politician and representative of parliamentary interest groups. As Prime Minister, Mechichi's loyalty is not to the President but the Speaker of the Parliament, in this case, the Chairman of the Ennahdah Party. The conflict ended with the issuance of a Presidential decree by Kais Saied on July 27th 2021, which was influential in the freezing of Parliament and the removal of the Prime Minister.⁸

Indonesia has experienced a similar phase as happened in Tunisia. It was President Soekarno who had issued a decree on July 5th, 1959 and succeeded. Then-President Abdurrahman Wahid issued a decree on July 23rd, 2001, but failed. The decree accelerated Gus Dur's downfall from the presidency. The contents of the decree are essentially the same, namely the steps to

freeze or dissolve Parliament. Why do some decrees work and some fail? This study aims to explain the success and failure of 3 presidential decrees, namely the success of the Tunisian presidential decree Kais Saied on 27 July 2021, Soekarno's presidential decree which went smoothly on 5 July 1959, and the failure of Abdurrahman Wahid's presidential decree on 23 July 2001.

Many researchers have investigated the comparison between President Soekarno's and Gus Dur's decrees. Such as Sumiyatun's study on a comparative study of the Decrees of July 5th, 1959 with the Decrees of July 23rd, 2001. This research describes the comparison of decrees by focusing on the similarities and differences. The similarity of the decree is it has a purpose: to stabilize the state of a country in an emergency. The difference lies in the background and the people's responses.⁹ Furthermore, a study conducted by Changnata et al. related to the constitutionality of the presidential decree July 5th 1959 and the presidential decree July 23rd 2001. This research explains the background of the decree from a legal perspective, right or wrong. The research reveals that President Soekarno's decree is constitutional, while President Gus Dur's edict is unconstitutional.¹⁰

In particular, this study explains the comparison of the causes of the success of Soekarno's presidential decree and the failure of Abdurrahman Wahid's presidential decree. In addition, this research also examines the Tunisian presidential decree which has only been running since 27 July 2021, and explains the success factors of the same decree pattern in

⁶ Kadura, J. (2021). Tunisia's Bumpy road to democracy. *Democracy and society*, 1-17

⁷ Asri Sulistyowati, "Memanas Dengan Perdana Menteri Hichem Mechichi, Presiden Tunisia Kais Saied Tarik Kekuatan Keamanan Bersenjata," *Pikiran Rakyat* (Cirebon, April 19, 2021).

⁸ Sharan Grewal and Mohamed-Dhia Hammami, "Who Is Hichem Mechichi, Tunisia's Prime Minister-Designate?," *Project on Middle East Democracy*, 2020.

⁹ Sumiyatun Sumiyatun, "Studi Perbandingan Dekrit 5 Juli 1959 Dengan Dekrit Presiden 23 Juli 2001," *Jurnal Swarnadwipa* 1, no. 3 (2017): 169-178.

¹⁰ Neysa Changnata, Mexsasai Indra, and Junaidi Junaidi, "Konstitusionalitas Dekrit Presiden 5 Juli 1959 Dan Maklumat Presiden 23 Juli 2001," *Jurnal Online Mahasiswa Fakultas Hukum Universitas Riau* 2, no. 2 (2015).

two different countries, namely the presidential decree of Soekarno and the presidential decree of Kais Saied. Then the researcher will also compare the three decrees, analyze the causes of success and failure in carrying out the decree.

Method

This research uses a qualitative approach. Qualitative research is a research procedure that produces descriptive data in written.¹¹ The data was obtained from secondary data, namely from documentation studies such as books, papers, newspapers, the internet, journals and other written sources. The data is then analyzed through the process of compiling, sorting and categorizing it into patterns, and categories so that its meaning can be understood.¹²

Tunis President's Decree Kais Saied July 27th, 2021

The government system in Tunisia adheres to a parliamentary model, namely the division of power between the President and Parliament.¹³ The Tunisian Constitution places the position of a President only having the authority to regulate defence affairs and foreign policy. Meanwhile, the domestic governance system is run by a prime minister appointed by a coalition of parties in Parliament.¹⁴ Thus, the model is similar to the Indonesian parliamentary government system in the early days of independence until Soekarno's Guided

Democracy formation¹⁵. Practically, this model causes decentralization of power. This power-sharing model comes from the concept of John Locke and Montesquieu. In essence, the division of power is intended so that the king or President does not act arbitrarily. Since in the view of Locke and Montesquieu, the destruction of a state in many histories was caused by the arbitrariness of a ruler. Power-sharing is intended to checks and balances processes in the government.¹⁶

Kais Saied is the President of Tunisia who was elected by direct election in 2019. He is not a politician of a party. Previously, he was a lawyer.¹⁷ Although it was not taken into account, due to various limitations, including financial problems, he managed to attract the attention of the Tunisian people. He won the presidential election with a very convincing vote. Saied's promise during the campaign helped him gain support from leftist groups of Muslims and youth.¹⁸ As a non-party politician, Saied's steps in managing the country are challenged. His political work is complicated because he has to deal with the Parliament, which comes from a political party.

Moreover, Parliament has full power to appoint the Prime Minister, who can control the government. Kais Saied had felt political turmoil since the beginning of his reign. When the government was running for five months, the Parliament voted against the prime minister, Elyes Fakhfakh. The goal is

¹¹ Lexy J Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosda Karya, 2010).

¹² J.W Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (4th Ed.) (Thousand Oaks, CA: SAGE Publications, 2014).

¹³ Sukandi, A. (2014). Politik Bourguiba Tentang Hukum Keluarga di Tunisia. *Jurnal Media*, 99-109.

¹⁴ Koko Triarko, "Mechici, PM Baru Tunisia," *Cendana News* (Jakarta, 2020).

¹⁵ Yani, A. (2018). Sistem Pemerintahan Indonesia : Pendekatan Teori dan Praktek Konstitusi Undang-undang Dasar 1945. *Jurnal Ilmiah Kebijakan Hukum*, 119-128.

¹⁶ A Suhelmi, *Pemikiran Politik Barat* (Jakarta: PT Gramedia Pustaka Umum, 2007).

¹⁷ Francesco Tamburini, The Ghost of the Constitutional Review in Tunisia: Authoritarianism, Transition to Democracy and Rule of Law, *Journal of Asian and African Studies* (August 2, 2021)

¹⁸ Istman Musaharun Pramadiba, "Bekukan Parlemen Dan Pecat PM Tunisia, Siapa Presiden Kais Saied?," *Tempo* (Jakarta, 2021).

to overthrow the Tunisian government under President Saied.¹⁹

The initiator of Fakhfakh's ouster from the post of Prime Minister was the Ennahda Party, which had a majority in Parliament. Ennahda is an election-winning Islamic party that succeeded in placing its party chairman, Rachid Ghannouchi, as Speaker of Parliament. Despite winning the election, Ennahda did not control the majority of votes in Parliament. So, Ennahda had to build a coalition with other parties to propose a candidate for prime minister. For this reason, the conflict between Ennahda and Tunisian President Kais Saied began. Ennahda proposed a candidate for prime minister. However, the proposed candidate failed to get the support of a majority vote in Parliament. The impasse made Tunisian President Saied manoeuvre by appointing Fakhfakh, who also serves as finance minister as Prime Minister. Disagreeing with President Saied's move, Ennahda formed a coalition to bring down Fakhfakh's government and cabinet. Two parties from the opposition camp, Heart of Tunisia and Karama, were successfully invited to overthrow Prime Minister Fakhfakh. This grand coalition succeeded in getting 105 votes of support from 109 signatures. With only four signatures left, the motion of no confidence in Fakhfakh's government can be continued. Before the Parliament completed its mission, Prime Minister Fakhfakh placed his mandate on the Tunisian President. He first resigned before Parliament toppled him. Tunisian Prime Minister Fakhfakh officially resigned on Wednesday, June 15th 2020.²⁰

The Ennahda group's victory in Parliament continues by proposing one

name as Prime Minister. The figure proposed by the Parliament was Hichem Mechichi. He is the home affairs minister. He also serves as law adviser to President Saied. Mechichi also has the same background as Saied, a lawyer.²¹ Even Hichem Mechichi is not the chosen figure of the Tunisian President, but a figure who represents the strength of the parliamentary group, in this case representing the interests of the Election Winning Party, Ennahdah. Therefore, Mechichi's loyalty is not to Tunisian President Kais Saied but only to Parliament Speaker Rachid Ghannouchi, the Chair of the Ennahdah Party. This can be explained because Rachid Ghannouchi, as Speaker of Parliament and Chair of the Election Winning Party, has provided resources in the position of Prime Minister to Mechichi. In this case, citing the patronage theory presented by Rauf, that a client will give his total loyalty to the patron since an unbalanced exchange of services.²² Patrons give their resources, such as money or power, while the clients give back by loyalty. This loyalty is even more solid because Mechichi still belongs to the same group and ethnic group as Ghannouchi. So, in the context of government in Tunisia, Mechichi's loyalty is only perpendicular to Ghannouchi and Ennahdah.

This condition causes the government in Tunisia to instability. The governing elite is divided between President Saied and Prime Minister Mechichi. The disagreements between the two leaders peaked in February 2021 when the Ennahdah party mobilized its militant masses to pressure President Saied. Ennahdah took advantage of mass pressure as well as a form of support for Prime Minister Mechichi. The pandemic did not ignite the steps of hundreds of thousands of people who poured out on the streets. In

¹⁹ Anton Suhartono, "Perdana Menteri Tunisia Elyes Fakhfakh Mengundurkan Diri, Picu Krisis Politik," *INews* (Jakarta, 2021).

²⁰ Anton Suhartono, "Presiden Tunisia Setujui Hichem Mechichi Sebagai Perdana Menteri Baru," *INews* (Jakarta, 2020).

²¹ Ibid.

²² M Rauf, *Konsensus Dan Politik* (Jakarta: Direktorat Jenderal Pendidikan Tinggi Departemen Pendidikan Nasional, 2000).

Tunisian history, this is the largest demonstration that has ever taken place. This action responds to the intense feud between Prime Minister Mechichi and President Saied over the cabinet reshuffle. Mechichi replaces 11 Ministers, who are allies of President Saied. Mechichi replaced Saied loyalists by including members of the Ennahdah Party and another coalition party, Heart of Tunisia, into the cabinet. The dispute escalated when the President refused to inaugurate the four ministerial candidates chosen by Mechichi. Because of this stalemate, Ennahdah then mobilized the power of the masses to fight against President Saied. This action also served as a kind of support for Prime Minister Mechichi, who had fired the 11 ministers.²³ Since then, the conflict between President Saied and Prime Minister Mechichi has escalated.

Before the policy of dissolving Parliament was issued in July 2021, three months earlier or April 18th 2021, to be precise, President Saied had a chance to manoeuvre by taking over the power of the domestic security forces (police). In fact, as in Tunisia's Constitution, the police are under the prime minister's control. The President's control is only on the military. Presumably, Saied understands very well that armed groups must support the plan to dissolve Parliament and form a new government, in this case, the military and police. Saied realized that armed force was the key to success in his political steps forward. Saied later claimed that the Tunisian Constitution stipulates the President as the supreme commander of the military and civilian armed forces to strengthen his legitimacy. Thus, as President, he has the authority to take over the armed forces of the police.

Furthermore, it is considered not to violate the Constitution. His efforts were successful, and President Saied's move was fully supported by the armed elite, both the military and the police. Saied issued a Presidential decree on July 25th, 2021, in which some of the essential points were the dissolution of Parliament, the dismissal of Prime Minister Mechichi and the removal of several ministers who were against him. Apart from overthrowing the Mechichi government and freezing Parliament, Saied took over executive authority and appointed a new Prime Minister. President Saied also ordered civilians to take to the streets and support his revolutionary move.²⁴

President Saied's political move was relatively smooth because he had the full support of the Tunisian military. Since the decree was announced, the military immediately moved to secure the policy. Armoured vehicles were lined up to block vehicle access to the parliament building. Military units have been deployed to the Kasbah, the seat of government and other vital institutions. The military also began to detain members of Parliament who appeared prominently in opposition to the presidential decree.²⁵ Saied's success in rallying the military to support him eased Saied's efforts to dissolve Parliament and replace a prime minister who disagreed with him. The pattern in Tunisia is similar to the presidential decree that occurred in Indonesia during the Soekarno leadership. Below will be explained in detail how the model of President Soekarno's decree successfully dissolved Parliament without any significant resistance.

President Soekarno's Decree July 5th, 1959

²³ Citra Puspitaningrum, "Imbas Presiden Dan Perdana Menteri Tak Akur, Tunisia Dilanda Demo Besar-Besaran," *Akurat* (Jakarta, 2021).

²⁴ Ibid.

²⁵ Koestanto, "Presiden Pecat Menteri Pertahanan, Tunisia Terancam Pertikaian Bersenjata."

The conflict between President Soekarno and the party groups in Parliament has never subsided since the proclamation of the Indonesian state in 1945. Soekarno disagrees with the parliamentary model, which he accused of being westernized.²⁶ In this government system, the President does not have absolute power but only has nominal power. The real power is in the hands of the cabinet, which representatives of political parties control. In other words, the President is only the head of state. In a speech, President Soekarno once said that he did not want to be a stamp president. What is meant is that the position of the President only affixes a signature to a decision made by a prime minister.²⁷ During the period 1945-1959, cabinet changes make political instability. It was easy for Parliament to issue a vote of no confidence against the cabinet, so the coalition of parties withdrew, and the cabinet fell. Meanwhile, as President, Soekarno had no real power except to appoint formators to form new cabinets, a task that often involved complicated negotiations.²⁸

In 1956, or a year after the first general election was held in 1955, the conflict escalated. It started when there was a deadlock in the process of selecting the prime minister.²⁹ Like the Constitution in Tunisia, Indonesia divided the state's power into two parts, namely the President and the

Parliament. The government is run, and the cabinet is formed by a prime minister appointed by a coalition of parties in Parliament. The impasse made Soekarno violate the Constitution by giving a mandate to himself, who represented the PNI in Parliament as the formator tasked with appointing the prime minister. Political engineering was successful. Soekarno, as a formator, then appointed Ir Djuanda as Prime Minister and gave the authority to determine his cabinet.³⁰

Masyumi, as the second party winning the 1955 general election, was the most vocal in accusing Soekarno of acting unconstitutionally. Natsir is the leader of the Masyumi, he emphasized that Soekarno made democracy a drama, this can be seen from the way Soekarno appointed himself as a formator. This steps explains that Soekarno does not consider the existence of people's sovereignty, does not see the desires and demands of troubled regions, so that Soekarno's steps cannot be accounted for.³¹

Seeing this condition, Mohammad Hatta, who had been at opposite with Soekarno for a long time, finally could no longer walk hand in hand. He resigned from the position of Vice President and has been out of the power circle since 1956.³² The unstable political condition caused the national economy to sink, exacerbated by the government's attitude, which only carried out development in Java and the regions as if they were not being cared for. In contrast, the funds used for the development come from agricultural products in the regions. In response to these conditions, at the same

²⁶ P.Y Nur Indro, F. M. (1997). Faktor-faktor pendorong pemerintahan Soekarno untuk mengganti sistem politik demokrasi parlementer menjadi demokrasi terpimpin. *Lembaga Penelitian dan Pengabdian Masyarakat Universitas Katolik Parahyangan Bandung*, 1-20.

²⁷ Indrajat, H. (2018). Demokrasi Terpimpin Sebuah Konsepsi Pemikiran Soekarno Tentang Demokrasi. *Jurnal Sosiologi*, 53-62.

²⁸ A.S Purba, *Pemikiran Politik Soekarno Tentang Demokrasi Terpimpin* (Depok: Universitas Indonesia, 2016).

²⁹ Gili Argenti, D. S. (2017). Pemikiran Politik Soekarno Tentang Demokrasi Terpimpin. *Jurnal Politikom Indonesiana*, 14-27.

³⁰ L Hakiem, *Mohammad Natsir, Kepribadian, Pemikiran Dan Perjuangan* (Jakarta: Pustaka Al Kautsar, 2019).

³¹ Ibid.

³² Sumantri, A. O. (2009). Mundurnya Mohammad Hatta Sebagai Wakil Presiden RI tahun 1956. *Jurnal Pendidikan Sejarah Universitas Sanata Dharma*, 66-74.

time, disappointment erupted in the form of rebellion. Rebellion actions occurred in almost all parts of Indonesia, such as the Darul Islam Movement/Indonesian Islam Army (DI/TII), Andi Azis Movement, Ratu Adil Armed Forces Movement (APRA), South Maluku Republic Movement (RMS).³³

The escalation continued to rise when Masyumi elites, such as Muhammad Natsir, Syafrudin Prawiranegara and others, did not merely criticize but seemed to have begun to mobilize military forces against Soekarno. The seeds of resistance peaked when their desire to urge Soekarno to reappoint Bung Hatta as prime minister was ignored. Natsir's group, supported by the military elite who opposed Soekarno, such as Zulkifli Lubis (founder of the State Intelligence Agency), later established a struggling council in Sumatra. This group then gave an ultimatum to President Soekarno, one of them urging the President to replace Prime Minister Djuanda with Bung Hatta. The following are several PRRI ultimatums that were submitted to President Soekarno: a) Djuanda Cabinet returned its mandate; b) Bung Hatta and Hamengkubuwono IX were appointed to form a zaken national cabinet based on the Constitution; and c) President Soekarno returned to his constitutional position. PRRI demanded that the ultimatum be implemented within 5x24 hours since the ultimatum was announced.³⁴

The ultimatum was delivered from Bukit Tinggi at the end of 1958. This movement threatened that if the ultimatum were not heeded, they would disobey Soekarno as President. However, the ultimatum was ignored, and Soekarno answered through armed warfare. This group then called themselves PRRI.³⁵ The proclamation of

PRRI by Ahmad Husein in Padang on February 15th, 1958, received complete response and support from the Perjuangan Semesta (PERMESTA) in Sulawesi. Several national figures, both civilian and military, also provided support and joined PRRI in West Sumatra, including Natsir, Syafruddin Prawiranegara, Burhanuddin Harahap, M. Syafe'i, Colonel Dahlan Djambek, Colonel Maludin Simbolon and Lieutenant Colonel Ahmad Husein.³⁶

PRRI then built its power base in the forests of the Maninjau area. They were bombarded by the republican army, which at that time was primarily affiliated with the PKI. Captain Untung, who later became the leader of the 1965 PKI rebellion, led the troops to crush the PRRI group in Bukit Tinggi. Natsir and Syafrudin Prawiranegara were later arrested. Meanwhile, Sumitro Djojohadikusumo (the founder of BNI) fled abroad. Soekarno's hatred of Masyumi was increasing. Moreover, the PRRI movement in Soekarno's view was driven by Natsir, the Masyumi leader. Furthermore, in the end, Masyumi was dissolved by Soekarno during the guided democracy.³⁷

Meanwhile, the conflict between political parties in the parliament building has not subsided. The Constituent Assembly in charge of drafting the Constitution did not produce tangible results. In their sessions, the council members always put the interests of their party ahead of the interests of the Nation.³⁸ There are always conflicts between groups that cause the institution not to carry out its duties properly. This conflict mainly concerns fundamental state issues. Masyumi's desire to reinsert the

³³ Purba, *Pemikiran Politik Soekarno Tentang Demokrasi Terpimpin*.

³⁴ Hakiem, *Mohammad Natsir, Kepribadian, Pemikiran Dan Perjuangan*.

³⁵ Ibid.

³⁶ Purba, *Pemikiran Politik Soekarno Tentang Demokrasi Terpimpin*.

³⁷ Hakiem, *Mohammad Natsir, Kepribadian, Pemikiran Dan Perjuangan*.

³⁸ Bathoro, A. (2018). Redupnya Peran Politik Islam di Masa Demokrasi Terpimpin (Studi Kasus Pembubaran Masyumi oleh Presiden Soekarno). *Jurnal Ilmu Pemerintahan*, 24-41.

Jakarta charter into the Constitution met strong resistance from the PKI. As a result, the Constituent Assembly always yielded nothing. The congestion of the Constituent Assembly is considered a national failure.³⁹

Since the 1930s, Indonesian political parties have tended to represent very different political interests. So, it is almost impossible to compromise. During the latter half of the 1950s, approximately 50 political parties represented different and often very narrow interests, which could generally be categorized into three ideological tendencies: Nationalist, Islamic and Communist. Since many of these parties represent narrow interests, such as regional, religious, or even political, it is challenged to find grounds for compromise. As a result, it is almost impossible to form a solid coalition to create a stable and effective government.⁴⁰

Soekarno used this condition to manoeuvre. On July 5th, 1959, Soekarno issued a presidential decree, which included disbanding Parliament. Soekarno announced the decree because of the failure of the constituents, the Constituent Assembly was unable to be the savior of the Revolution, so it was in the interest of the Nation and for the safety of the Revolution that the decree was issued.⁴¹

Soekarno emphasized his political stance by saying that the democracy adopted since the first period of the enactment of the 1945 Constitution and the period of entry into force of the RIS Constitution and the 1950 Provisional Constitution was the wrong system. Soekarno stated that the ongoing democratic system does not reflect the personality of the Nation, but democracy imported from the west, Soekarno called it

Western Democracy. So that in order to overcome the difficulties faced so far, Soekarno emphasized the need to replace democracy during this time with Guided Democracy. According to Soekarno, guided democracy is more in line with the spirit of the nation, namely the social conditions of a pluralistic, traditional, semi-feudal, cooperative society and mostly low-educated society and even a large number are still illiterate.⁴²

Thus ended the period of Parliamentary Democracy in Indonesia and the beginning of Guided Democracy. This is the peak manifestation of Soekarno's antipathy towards Western-style Liberal Democracy. According to Maswadi Rauf, in his book *Konsensus dan Politik* (Consensus and Politics).⁴³ Soekarno succeeded in convincing the people that freedom, as practised in Western Democracy, would only bring disaster. Therefore, the limitation of freedom is in the interest of the Indonesian people.

Soekarno's steps went smoothly and did not receive significant resistance from the Parliament since military forces fully supported it. To secure the policy of the Presidential Decree, the ruler of the Central War, Lt. Gen. A.H. Nasution, issued a ban on all political activities. ABRI gradually emerged as a new political force in Indonesian politics. Soekarno, at that time, opened up a dual function room for ABRI so that ABRI had the means to strengthen its position in the government.⁴⁴

However, the success of Soekarno's decree dissolving Parliament and establishing a guided democracy created new problems. The dual function of ABRI, which was initiated by Soekarno, thus opening the doors of the army to enter

³⁹ Hakiem, Mohammad Natsir, *Kepribadian, Pemikiran Dan Perjuangan*.

⁴⁰ Purba, *Pemikiran Politik Soekarno Tentang Demokrasi Terpimpin*.

⁴¹ L.C Herbeth, *Pemikiran Politik Indonesia 1945-1965* (Jakarta: LP3ES, 1988).

⁴² Purba, *Pemikiran Politik Soekarno Tentang Demokrasi Terpimpin*.

⁴³ Rauf, *Konsensus Dan Politik*.

⁴⁴ Ibid.

politics, has become a boomerang. ABRI instead became the leading political force in the government and began to try to get rid of the PKI, which was considered closed to Soekarno. The conflict between the two groups, the TNI versus the PKI, is getting worse. It turns out that maintaining a balance between the two major political forces that are sharply opposite is not an easy job. The growing strength of the PKI under Soekarno's protection made the balance with ABRI challenging to maintain. The PKI felt strong and gained momentum to destroy the political balance in 1965. The PKI felt confident that they could defeat their opponent with a mortal blow. ABRI, who was attacked, immediately retaliated, resulting in a bloody conflict. This condition gave birth to a massive explosion in the form of a great political conflict. As a result, Soekarno was overthrown by the military through a parliament chaired by General Nasution on March 12th, 1967.⁴⁵

Soekarno's attitude, which began to be authoritarian, buried his dream of becoming President for life. He fell from the chair of President, which he defended since the beginning of independence with great pain.

President's Decree Abdurrahman Wahid July 23rd 2001

The Decree of the President of the Republic of Indonesia was repeated during Abdurrahman Wahid or Gus Dur. Slightly different from the decree of President Soekarno and the decree of the President in Tunisia. Gus Dur's decree dissolving Parliament failed. Instead of disbanding Parliament, it was Gus Dur who was ousted from the presidency.

As the history of Soekarno's decree, President Gus Dur's decree on July 23rd, 2001, began with a long series of conflicts with the House of Representatives (DPR).

The conflict between Gus Dur and the DPR was triggered by disbanding the Ministry of Social and Information Affairs. Golkar (one of the biggest political parties), which has much interest in these two institutions, feels the most disadvantaged. Therefore, the Golkar and HMI figure, Akbar Tanjung became the most persistent initiators against Gus Dur. The DPR then used the right of interpellation to request information from President Gus Dur. Gus Dur did not soften and instead inflamed resistance.⁴⁶ In a session at the DPR building on November 18th, 1999, Gus Dur expressed his disappointment with the DPR. He called the DPR like a kindergarten. It caused the conflict to begin. According to Khamani Zeda, although Gus Dur's policy was important enough to foster a democratic culture by providing free public space since the information department was a legacy of the orde baru to silence civil liberties, this policy was like creating a new enemy for his government.⁴⁷

Therefore, this conflict is seen as a political battle among Gus Dur and political parties, especially Golkar and PDIP. PDIP, as the winning party of the election, wanted general Chairman Megawati Soekarno Putri as President of the Republic of Indonesia. However, in the process, a central axis emerged, initiated by Amien Rais, who promoted Gus Dur as an alternative candidate to Megawati.⁴⁸ Meanwhile, Golkar, who seemed determined to re-nominate Bj Habibie, was finally confused since Habibie suddenly withdrew from the nomination process. Without Habibie, the

⁴⁶ Angela Ervina, R. K. (2019). Kontroversi Gaya Komunikasi Politik Presiden KH Abdurrahman Wahid. *Jurnal Ilmu Komunikasi MEDIKOM*, 89-99.

⁴⁷ I Despianti, *Dekrit Presiden Abdurrahman Wahid 23 Juli 2001* (Surakarta: Universitas Sebelas Maret, 2012).

⁴⁸ Suwarno. (2005). Perilaku Politik Muhammadiyah Dalam Relasi Dengan Negara Pada Era Reformasi. *Jurnal Penelitian Humaniora*, 189-206.

⁴⁵ Ibid.

political view of Golkar's elite was divided between Gus Dur and Megawati (Ahmad, 2021:70-85). After Gus Dur became President, Megawati was finally elected as Vice President through voting in Parliament. The relationship between the President and the DPR/MPR was rarely harmonious.⁴⁹

Persatuan Pembangunan Party (PPP), one originally part of the coalition supporting Gus Dur's, also became involved in the conflict. It began when the Chairman of the party, Hamzah Haz, was kicked out from the coordinating minister for the People Welfare position. Hamzah Haz felt uncomfortable in government since Gus Dur was accused of being a corruptor. Hamzah Haz's disappointment was voiced through the PPP members in the Parliament. The conflict continues especially when Gus Dur sacking the ministers from other political parties.⁵⁰

Furthermore, Gusdur also asked General Wiranto, the coordinating minister for Political, Legal and Security Affairs, to step down from his position. Gus Dur made this request in early February 2000, just before he departed for Europe. Gus Dur's request was reasonable considering that the UN had announced that Wiranto was involved in gross human rights violations in East Timor. Gus Dur did not want his cabinet to be disturbed by Wiranto's status. Wiranto tried to convince Gus Dur but failed. After returning from Europe, Wiranto was removed from his position.⁵¹ The climax occurred when Gus Dur removed ministers from Golkar and PDIP on April 24th 2000. The two ministers who represented the power of the big party were Jusuf Kalla (Minister of Industry and Trade) and Admiral Sukardi (Minister of SOEs). The

reason for his removal was because they were considered involved in corruption.⁵² This replacement provoked a strong reaction from the Parliament. At that time, several DPR's members initiate the right of interpellation. It worked. However, before this interpellation movement led to impeachment, Gus Dur manoeuvred by approaching the Speaker of the DPR, Akbar Tanjung. This effort was quite successful in reducing tension.⁵³

However, the conflict between President Gus Dur and the Parliament did not subside. When the DPR proposed the "Hak Angket" regarding the Sultan of Brunei's aid fund. The DPR then formed a special committee to investigate Gus Dur, chaired by Bachtiar Chamsah from PPP.⁵⁴ PPP seemed to get the momentum to take revenge by beating Gus Dur through the cases called Buloggate and Bruneigate. In its conclusion, the committee stated that the President should be suspected of playing a role in the disbursement and use of Bulog Yanatera funds. On February 1st, 2001, the plenary session of the DPR finally handed down Memorandum I to the President, who was deemed to have violated state policy and involving in corruption. Gus Dur submitted a disclaimer to the DPR on March 28th, 2001 and declared himself innocent. The House of Representatives was dissatisfied with Gus Dur's answer, so they reissued Memorandum II on April 30th, 2001. The Attorney General strengthened Gus Dur's argument by publishing a report on the investigation results related to the Buloggate and Bruneigate cases. In this case, the

⁴⁹ Despianti, *Dekrit Presiden Abdurrahman Wahid 23 Juli 2001*.

⁵⁰ Ibid.

⁵¹ Fadrik Aziz Firdausi, "Empat Bulan Setelah Dilantik Jadi Presiden, Gus Dur Memecat Wiranto," *Tirto* (Jakarta, 2020).

⁵² V.R Utama, "Kisah Di Balik Gus Dur Memecat Jusuf Kalla Dan Laksamana Sukardi," *Alif* (Jakarta, 2020).

⁵³ Reza Gunadha, "Foto Lengkap Surat Rahasia Brawijaya Yang Diduga Skenario Jatuhkan Gus Dur," *Suara* (Jakarta, 2020).

⁵⁴ Anonim, "Bachtiar Chamsyah, Dari Pansus Buloggate-Bruneigate Ke Sapigate," *Detiknews* (Jakarta, 2010).

Attorney General's Office stated that President Abdurrahman Wahid was not involved. However, the pressure from the DPR did not subside. The DPR has increasingly condemned Gus Dur as President. PDIP then urged the MPR to immediately hold a special session with the agenda of holding the President accountable. PDIP officially conveyed the urge through its cadre, who served as Deputy Speaker of the DPR, Soetardjo Soerjogoeritno.⁵⁵ PDIP seems to be deliberately trying to take advantage of this momentum to overthrow Gus Dur. In this way, the General Chair, Megawati Soekarno Putri, the Vice President, will automatically be promoted to President.

Gus Dur's threat of dissolving Parliament through a decree sparked a strong reaction from Amien Rais, the MPR. Amien began to intervene because Gus Dur's discourse on the dissolution of the DPR/MPR was detrimental to him as the leader of the MPR. Another factor was because Bambang Sudibyo, a PAN cadre who served as Minister of Finance, was fired by Gus Dur. As Chairman of PAN, Amien joined a coalition of 7 parties, namely the PDIP, Golkar, PPP, Reformasi, Perserikatan Daulah Ummah, Bulan Bintang, and Group delegates mobilized forces to overthrow Gus Dur. They intensely devised a scenario for appointing Megawati Soekarno Putri as President of the Republic of Indonesia.⁵⁶

Gus Dur successfully detected the operation initiated by Amin, Mega, Akbar Tanjung et al.. The discourse of the decree is to be taken seriously by Gus Dur. However, unlike Soekarno or Kais Sied in Tunisia, Gus Dur's preparations for the decree did not show any signs of mobilizing the strength of

the armed forces. Gus Dur only seemed to be preconditioning the police by removing the National Police Chief, General Surojo Bimantoro. Then he replaced him with Commissioner-General Chaerudin Ismail, who served as Deputy Chief of the National Police.⁵⁷ The reshuffle of the police leadership became the beginning of disaster for Gus Dur. The DPR/MPR used this momentum to speed up the agenda of the Special Session, which was supposed to be held from August 2001 to July 29th, 2001. All factions in the DPR agreed to the acceleration plan. To finalize the plan to overthrow Gus Dur, the opposition group gathered again at Megawati's house on Jalan Teuku Umar on Sunday, July 22nd, 2001. The leaders of the political parties, except PKB, attended the meeting. After the meeting, Megawati Soekarno Putri (Chairman of PDIP, vice president), Amien Rais (Chairman of PAN, Chair of the MPR), Akbar Tanjung (Chairman of Golkar, Chair of the DPR) then presented his political statements openly in front of journalists. Amien Rais stated in front of reporters that all those present at the meeting had provided moral support to Megawati, in addition Amien Rais also conveyed his political statement that soon a new national leadership would emerge.⁵⁸

Responding to his impeachment attempt, which was planned to take place on July 29th, 2001, President Gus Dur then moved faster by preempting a presidential decree on July 23rd, 2001. He conveyed the decree publicly through a state speech at the Merdeka Palace, Jakarta. After announcing the decree, Gus Dur asked the TNI-Polri to secure the decree. One of the contents of the decree is the policy to freeze Parliament, the DPR/MPR. Only eight hours after the

⁵⁵ Despianti, *Dekrit Presiden Abdurrahman Wahid* 23 Juli 2001.

⁵⁶ Fadrik Aziz Firdausi, "Bulan Madu Singkat Megawati Dan Amien Rais Saat Reformasi," *Tirto* (Jakarta, 2019).

⁵⁷ Yulistyo Pratomo, "Kisah Gus Dur Lengser Gara-Gara Sembarangan Ganti Kapolri," *Merdeka* (Jakarta, 2015).

⁵⁸ Despianti, *Dekrit Presiden Abdurrahman Wahid* 23 Juli 2001.

Presidential decree was announced, the DPR/MPR again accelerated the agenda of the Special Session to overthrow Gus Dur, which was supposed to be held from July 29th to July 23rd, 2001.

Meanwhile, the TNI announced its stance not to support Gus Dur's move by not securing the presidential decree. Through its spokesman, the TNI stated that it would fully support and secure the process of the Special Session at the DPR/MPR Building. For community groups who want to try to interfere with the implementation of the Special Session, the TNI has threatened to prepare the muzzle of a weapon to expel them. The Commander of Kostrad, Lt. Gen. Ryamizard Ryacudu, had already prepared a cannon pointed at the Presidential Palace on Jalan Merdeka. The Special Session led by Amien Rais successfully ended Gus Dur's career as President.⁵⁹

Gus Dur had the support of NU clerics to carry out resistance. Millions of people, especially East Java, were waiting for the command to come to Jakarta. However, Gus Dur chose to accept the Parliament's decision rather than stick to the decree policy. Gus Dur, in an interview, stated that he deliberately gave in to anticipate the civil war.⁶⁰ This time, the presidential decree failed to be implemented. Gus Dur's political steps were not as smooth as the manoeuvres carried out by his predecessors Soekarno and Kais Saied in Tunisia. One thing that sets it apart is that it ends up failing. Since Gus Dur's decree was not supported by military force, the TNI, in the context of Gus Dur's decree, actually participated in securing and defending the Parliament that overthrew him.

Analysis of the Fate of Tunisia Post-Presidential Decree of Kais Saied

Tunisian President Kais Saied seems to understand the political steps that should be taken before issuing the policy of the Presidential decree. Thus, the decree that led to the dissolution of Parliament could be carried out smoothly, without significant turmoil. The strategic and most essential steps taken by Kais Saied were to ensure that the military power was on his side. Therefore, Kais Saied was cautious. Kais Saied ensuring he had fully supported by the armed forces. Therefore, the strategic step taken by Kais Saied before the decree was to persuade and involve the police, which institutionally is still under the authority of the Prime Minister. Kais Saied waited until the momentum was right. After the police and army were controlled, Kais Saied dared to manoeuvre to freeze Parliament, change the prime minister and form a new cabinet through decree.

Although unconstitutional, the move went smoothly without a fight. Because immediately, the army and police secure the decree. The loyalty of the armed forces goes to President Saied. The military then blocked access to the parliament building with battle tanks barricades. Government offices are also heavily guarded by the army. The military even began to act brutally. The Parliament's members who tried to resist were immediately arrested. Thus, parliamentary activity is completely paralyzed. Ghannouchi, the Speaker of the Tunisian Parliament, was powerless to counterattack. Likewise with Prime Minister Mechichi, unable to face the military power that stood firmly behind President Kais Saied.

The Tunisian President's political move is similar to Soekarno's presidential decree. It was fully supported by military force. Sukarno needed military support to

⁵⁹ Erik Purnama Putra, "Acak-Acak TNI Dan Polri Satu Pemicu Penggulingan Gus Dur," *Republika* (Jakarta, 2021).

⁶⁰ Puteranegara Batubara, "Gus Dur Keliling Pesantren, Ingatkan Pasukan Berani Mati Hentikan Aksi," *Okezone* (Jakarta, 2018).

dominate his political power.⁶¹ Before the decree policy, Soekarno had long had a profound disillusionment with Parliament. Presumably, what Soekarno felt was also felt by Kais Saied in Tunisia. As President, they feel they are just a stamp. They do not have complete control over the government. Meanwhile, the prime minister elected by Parliament holds a vital role in the government. The prime minister's loyalty to Parliament makes the President's position like a puppet.

Soekarno chose to remain silent, waiting for the right moment to act. Calls for the dissolution of Parliament due to party interests that were too prominent occurred in the early 1950s. The pressure came from the military group, which KASAD Colonel AH Nasution initiated. At that time, Nasution proposed his intention to bring in the Dutch Military Mission (MMB). The aim is to assist the Indonesian military technically. However, the idea was firmly rejected by the internal army. In this case, Colonel Bambang Supeno was the soldier who most persistently refused. He reported his dislike of Nasution to Soekarno, ignoring the line of command in the army. Considered committing a subversive act, Nasution then dismissed Bambang Supeno from the military. Nasution's move was then strongly criticized by Parliament. As a form of resistance, the Parliament then issued a motion to terminate the MMB because it was pro-colonial.⁶²

Nasution was furious. He then urged Soekarno to dissolve Parliament because it was too far to interfere with the internal military. To suppress Soekarno, Nasution aimed the muzzle of the cannon at President Soekarno's palace. However, Soekarno

refused Nasution's request. He chose to side with Parliament by firing Nasution as KASAD.⁶³

Soekarno's authority and charisma did manage to control the situation. However, the conflict between Nasution's military group and the Parliament was not immediately extinguished. It was when Soekarno felt that Parliament was unreliable, did he immediately reactivate Nasution as KASAD. This is the first time a soldier has served twice in the same position. Soekarno seemed to understand the importance of activating Nasution, a military figure who harboured a deep hatred for Parliament. Its mission is predictable, namely, bring order and control political turmoil in Parliament. Soekarno's calculations were not wrong. Before issuing the decree, Nasution as the number one person in the Army (AD), agreed with Soekarno's steps. The decree of July 5th 1959, was successfully implemented in total security of the military forces. Nasution arrested the Members of Parliament who tried to resist. Practically after the decree, the military then became a core force in Soekarno's government. The cabinet's composition was announced by Soekarno five days after the decree (July 10th 1959), a third of which came from the military.⁶⁴

The military became the core force, and key to the success of the decree carried out by Soekarno and Kais Saied. As in world history, the military plays an essential role in every country's politics. This was emphasized by Gonda Yumitro, who believes that the military's role becomes essential in a country's politics since the power of a regime will only be strong if it has military support. Besides having weapons, they have a pattern of centralized command, hierarchy, discipline with the main task of maintaining the security and

⁶¹ Nina Mirantie Wirasaputri, "The Politics of Law Development of The Military Entitlement in Indonesia's Democracy Transition," *KANUN: Jurnal Ilmu Hukum* Vol. 19, No. 3 (2017): 515-532.

⁶² Martin Sitompul, "Ada Nasution Di Balik Dekrit Presiden," *Historia* (Jakarta, 2019).

⁶³ Ibid.

⁶⁴ Ibid.

defence of a country. Practically, the political conditions in a country are highly dependent on the presence and alignment of the military. Therefore, the history of the coups and decrees in a country, from time immemorial, shows the involvement of military elements. No coup or decree has succeeded without military support. Military control of combat equipment, such as weapons, allows the military to control political turmoil and overcome all kinds of resistance threats from opposing parties. Milan also explained in his article that military intervention in politics also serves as an agent to control mass threats and prevent any challenge to the power of the opposing regime.⁶⁵

While the failure of President Gus Dur's decree on July 23rd, 2001, occurred because the military did not side with him. Gus Dur seemed too confident and too honest in believing that the military would stand on his side. Because Gus Dur considered the military had made many improvements after the reformation. The military is believed to have become a professional organization that works according to its function. The military will undoubtedly be upright, and its loyalty must be single to the President. Thus, before the decree, there did not appear to be any persistent effort from Gus Dur to precondition and mobilize strength from military groups. Gus Dur's analysis was wrong. This view was conveyed by the politician of the Bulan Bintang Party, MS Kaban. According to Kaban, what accelerated Gus Dur's fall from the presidency was a decree, not the Buloggate and Bruneigate cases. In Kaban's view, if the TNI-Polri fully supported Gus Dur's decree, the policy would have gone smoothly. This can be seen from Kaban's comments in the Merdeka People that based

on the history of the Nation, Soekarno's presidential decree was able to run and succeed because it had the support of the army, and was supported by Nasution. So that the decree on the dissolution of the DPR will be successful if it gets support from the military, namely the TNI and Polri.⁶⁶

Soekarno and Kais Saied are two politicians who seem to understand how important it is to control military power before going too far. Therefore, both Soekarno and Kais Saied had long planned and ensured that the military should side with him before the decree was issued. When the support is apparent, then the decree steps are executed. By conducting a comparative study, this research shows that the decrees in Tunisia are similar to those during the Soekarno era, not Gus Dur's. The decrees of President Kais Saied and Soekarno were fully supported by military force. Therefore, the Tunisian President's decree on July 27th 2021, is successful, without interference, like Soekarno's decree. It happened because there was a military force behind it.

State life is basically a part of muamalah, the Qur'an and Sunnah only provide general guidelines or only, because state life experiences variations and is increasingly complex, the application of muamalah is left to human thought, in accordance with the guidelines. the life they experience or in accordance with the times and does not conflict with the principles of religious teachings.⁶⁷ In Islam, a state of emergency is a concern over something dangerous, something that can come from a strong belief or suspicion. When a country is in an abnormal condition, is not safe or not peaceful, then in this case the head of state

⁶⁵ Milan W. Svolik, Contracting on Violence: The Moral Hazard in Authoritarian Repression and Military Intervention in Politics," *Journal of Conflict Resolution* 57, no. 5 (October 2013), 765-794.

⁶⁶ Pratomo, "Kisah Gus Dur Lengser Gara-Gara Sembarangan Ganti Kapolri."

⁶⁷ Daded Pratama, "Hukum Muamalah Perpolitikan Dalam Mencapai Pemerintahan Yang Berkeadilan Dan Berperadaban," *JAH: Jurnal Analisis Hukum* Vol. 1, No. 1 (2020): 27-32.

must take action to avoid things that are unexpected or dangerous. Presidential decrees are issued in situations of instability or emergency in the government, both the government in Indonesia and in Tunisia mentioned above. This instability can be seen from the division of power which resulted in mass chaos. So that the government or head of state makes a decree, one of which contains restrictions on freedom of power. Because the limitation of power can minimize the division of the people.

The Head of State in Islam functions as an enforcer of justice, maintaining security and peace of the people. This is in accordance with the guidance of the Qur'an and Hadith that the head of state functions to realize and maintain the benefit of the people, run the country well. The head of state has different powers and authorities from the community, the head of state has the authority to issue decisions, even though at first it was considered strange and inappropriate. The people are obliged to accept decisions from the head of state on the condition that they are in accordance with God's law and applicable laws.

Conclusion

The success and failure of a presidential decree are primarily determined by the alignment of a critical element in a country, namely the military. The military has excellent resources and power to control the state and beat the state's enemy, including securing policy decrees. Without military support, the President's decree is nothing, as was the case with Gus Dur.

Another conclusion, this study finds that there is a similar pattern of decrees in two different countries, the Decree of Tunisia's President Kais Saied on July 27th, 2021, has similarities with the decree pattern that occurred during President Soekarno's on

July 5th, 1959. Military forces stood behind him. Thus, the Tunisian President's decree is almost sure to run smoothly and successfully because military forces support it. There was almost no resistance from the parliamentary group initiated by the Ennahdah party.

In the Soekarno era, Kais Saied carried out similar policies after the decree, including forming a new cabinet, a new parliament consisting of people from his supporting parties. Everything went smoothly without any interference from the opposition. Kais Saied also took strategic steps by placing the military at the core of the government. This condition can make President Kais Saied a military regime and can act cruelly against his political opponents. For example, by taking steps to dissolve and ban the Ennahdah Party, which became its main enemy. Soekarno took a similar step by making Masjumi a banned party. This is possible if Ennahdah does not try to soften and build consensus with President Kais Saied.

All the tendencies described above have worked. Currently, Kais Saied has succeeded in forming the Prime Minister and a new cabinet in line with him. However, Kais Saied does not appear to want to silence his political opponents by freezing the Ennahdah party. If this moderate Islamic party continues to mobilize resistance, threatening Kais Saied's position, the policy of disbandment may occur.

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