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Democratic State Governance: The Urgency of Implementing Conventions in Constitutional Practices in Indonesia

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Abstract:

Constitutional conventions are often used with different meanings depending on the context of the discussion. Constitutional conventions are only limited to agreements between bilateral and multilateral countries, agreements among international law subjects, meetings of political, legislative, fraternal members or representatives, and other organizations. Constitutional conventions are not formed and built from laws, court decisions, or parliamentary customs but are outside of them to regulate political behavior. This research aims to determine the urgency of constitutional practice conventions in Indonesia. This research uses qualitative research. The method used in this research is a normative legal research method. This research concludes that the Convention in constitutional practice in Indonesia has an essential urgency in forming and regulating government governance. The urgency of conventions in constitutional practice is to perfect the constitutional system, empower state institutions, develop constitutional law, and provide crisis resolution in politics.

Keywords: *Urgency, Convention, Constitutional Practice*

Abstrak:

Konvensi konstitusional sering digunakan dengan berbagai makna tergantung pada konteks diskusi. Konvensi konstitusional hanya terbatas pada kesepakatan antar negara, baik bilateral maupun multilateral, dan kesepakatan di antara subjek hukum internasional, pertemuan anggota politik, legislatif, fraternal, atau perwakilan, serta organisasi lainnya. Konvensi konstitusional tidak terbentuk dan tidak dibangun dari undang-undang, keputusan pengadilan, atau kebiasaan parlementer, tetapi berada di luar itu semua untuk mengatur perilaku politik. Penelitian ini bertujuan untuk menentukan urgensi konvensi praktik konstitusional di Indonesia. Penelitian ini menggunakan metode penelitian kualitatif. Metode yang digunakan dalam penelitian ini adalah metode penelitian hukum normatif. Penelitian ini menyimpulkan bahwa konvensi dalam praktik konstitusional di Indonesia memiliki urgensi yang penting dalam membentuk dan mengatur tata kelola pemerintahan. Urgensi konvensi dalam praktik konstitusional adalah untuk menyempurnakan sistem konstitusi, memberdayakan lembaga-lembaga negara, mengembangkan hukum konstitusi, dan memberikan solusi krisis dalam politik.

Kata Kunci: *Urgensi, Konvensi, Praktik Konstitusional*

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INTRODUCTION

Indonesia, as an archipelagic country with a diverse cultural heritage, operates under a constitutional system grounded in the 1945 Constitution of the Republic of Indonesia (UUD 1945) (Sulardi et al., 2015; Hermanto et al., 2019). While this written constitution provides the primary legal framework, the practice of constitutional governance in Indonesia is also shaped by unwritten norms that have evolved through political conventions (Abas et al., 2023). These conventions, often referred to as constitutional conventions, represent a series of political norms and practices that have grown and developed within the nation's political life (Satriaji, 2022). The importance of these conventions reflects Indonesia's historical journey, cultural diversity, and the ongoing transformations within its society. In situations where the written constitution fails to provide adequate guidance, these conventions serve as a bridge to fill the gaps (Thalib, 2018), thereby adapting the constitutional framework to meet the needs of a changing society.

The study of constitutional conventions in Indonesia has been explored in various scholarly works, highlighting their role in the country's legal and political systems. For instance, Jennings (1956) emphasized that conventions often play a critical role in resolving political crises or addressing constitutional uncertainties. Dicey (1967) argued that conventions create a balance between the written constitution and actual political practice, thus reinforcing democratic governance. Recent studies, such as those by Suprijatna (2018) and Agiwinata (2014), discuss how conventions function not to alter the existing constitutional elements but to ensure that the constitutional life aligns with contemporary demands. Furthermore, Arbani (2016) posits that conventions should be recognized as a complement to the written constitution, supporting the effective functioning of the state system. Despite these contributions, there remains a need for a deeper exploration of how conventions integrate with Indonesia's constitutional practices in light of current developments.

Although prior research has extensively examined the role of constitutional conventions in Indonesia, there are still gaps in understanding how these conventions are formalized or recognized within the broader constitutional framework. Most studies focus on conventions as informal practices or customs that complement the written constitution. However, there is limited discussion on the potential for these conventions to be formally acknowledged within the constitutional or legislative texts. This research seeks to fill this gap by exploring the possibility of integrating constitutional conventions into Indonesia's legal framework, thus providing a more structured and recognized approach to these practices.

This research is significant as it addresses the evolving nature of Indonesia's constitutional practices, particularly in the context of the growing complexity of its governance system. By investigating the formal recognition of constitutional conventions, this study contributes to the ongoing discourse on how to strengthen Indonesia's legal and political systems. The recognition of these conventions within the constitutional or legislative framework would not only solidify their role in

governance but also ensure that they align with democratic principles, legal certainty, and the needs of a diverse society. Given the historical importance and contemporary relevance of these conventions, this research offers a timely and critical examination of their role in Indonesia's constitutional practice.

The primary objective of this research is to analyze the potential for formal recognition of constitutional conventions within Indonesia's legal framework. Specifically, the study aims to investigate how these conventions can be integrated into the constitution or relevant legislation to enhance the country's governance system. The hypothesis guiding this research is that the formal recognition of constitutional conventions will strengthen Indonesia's constitutional framework, providing greater clarity and legitimacy to these practices, thereby supporting a more robust and responsive governance system.

METHOD

This research focuses on the urgency of constitutional conventions in Indonesia, a critical issue due to its profound implications for the governance and legal framework of the country. The study examines the role of these conventions in filling the gaps left by the written constitution, which is crucial for adapting to the dynamic political environment and societal needs. The selection of this issue stems from its significance in ensuring the effective functioning of government institutions and its potential to strengthen democratic processes (Thalib, 2018; Hermanto & Mahendra, 2019).

The research adopts a qualitative design, utilizing a normative legal research method to analyze theories, legal concepts, and practices. This approach allows for an in-depth examination of constitutional conventions, which are often unwritten but play a vital role in the legal system. The primary data sources include legal documents, statutes, case law, scholarly articles, and legal commentaries (Suprijatna, 2018). These sources were selected based on their relevance and authority in the field, ensuring that the study is grounded in a comprehensive and accurate legal framework (Thalib, 2018; Arbani, 2016).

Data collection was conducted through a systematic literature review and document analysis, focusing on identifying relevant legal materials and scholarly discussions. This method ensures a thorough examination of the topic, with cross-referencing of sources to enhance the validity and reliability of the findings (Agiwinata, 2014). The data analysis involved several stages: initially, legal concepts were identified and categorized, followed by an interpretative analysis to understand their implications. Contextual analysis was also applied to compare different interpretations, leading to a synthesis of findings that provides a coherent conclusion regarding the urgency of constitutional conventions in Indonesia's legal and political landscape (Satriaji, 2022; Suprijatna, 2018).

RESULTS AND DISCUSSION

1. Change of Presidential Cabinet to Parliamentary Cabinet

The country's government system underwent fundamental changes after the president approved the proposal of the national committee working body on November 11, which was realized by the issuance of a government proclamation on November 14th, 1945. This proclamation was preceded by the issuance of Vice

Presidential Proclamation No. X dated October 16th, 1945, which at the time was confirmed as follows: "that the Central National Committee, before the formation of the People's Consultative Assembly and the People's Representative Council, is entrusted with legislative powers and participates in determining the outlines of State policy, and agrees that the day-to-day work of the Central National Committee is related to the importance of being carried out by an elected working body among them and responsible to the Central National Committee." (Aprilia, 2018)

This proclamation is accompanied by an explanation of presidential proclamation no. X which, among other things, explains: "According to this decision, the working body is obliged and entitled to (Nasution, 2020):

a. Also determines the outlines of state direction. This means that the working body together with the president determines the outlines of the country's course. The workers' body has no right to interfere in day-to-day government policies. This remains in the hands of the president.
b. To establish together with the president laws regarding all kinds of government affairs, meaning that the president is assisted by ministers and employees under him.

From the dictum and explanation of this proclamation, at least several conclusions can be drawn, firstly, the working body has the authority to determine the GBHN together with the president. Second, the authority to form laws is carried out jointly by the president and the working body. Third, in exercising its authority, the working body is obliged to be accountable to the central National Committee.

2. Implementation of Ratification of International Agreements according to Article 11 of the 1945 Constitution and Constitutional conventions

International Agreements are the main source of international law. International agreements have become an important instrument that can harmonize relations between countries, between countries and international organizations, and between international organizations. It is difficult to imagine what modern international society would look like without international agreements. According to Boer Mauna, according to international law, international agreements are all agreements made between active subjects of international law that are regulated by international law and contain bonds that have legal consequences (Sompotan, 2016). Meanwhile, according to Mochtar Kusumaatmadja, an international agreement is an agreement entered into between members of a community of nations and aims to produce certain legal consequences. To be called an international agreement, the agreement must be entered into by the subjects of international law who constitute the international community (Purwanto, 2011).

The process of making an international agreement generally includes three stages, namely negotiation, signing, and ratification. Of these three steps, negotiation and signing tend to fall within the scope of discussions of international law. If you pay attention to its contents, the 1945 Constitution does not separate forms of agreement, whereas the 1949 RIS Constitution appears as if it has differentiated agreements (treaties) and other agreements as separate forms. Hamid Attamimi concluded that the RIS constitution defines agreements as international agreements which are usually known as treaties and international agreements which are usually known as other terms such as act, convention, declaration, protocol, and so on. Hamid Attamimi believes that the government under the 1945 Constitution which is not responsible to

the DPR, in dealing with various types of agreements, wants to show its legitimacy, that even though Article 11 of the 1945 Constitution states this, in practice, there are international agreements which are the portion of the DPR in ratifying them and some are the portion of the president. in ratification although accompanied by a note that the latter was submitted by the resident to the council for its information (Attamimi, 2017).

3. Article 17 Paragraph (3) of the 1945 Constitution and Constitutional conventions

The 1945 Constitution in Article 17 states in full (Republik Indonesia, 1945):

a. The president is assisted by state ministers
b. Ministers of state are appointed and dismissed by the president
c. These ministers lead government departments.

In the explanation of the 1945 constitution regarding the state government system, it is stated that state ministers are assistants to the president state ministers are not responsible to the people's representatives. It was further explained that the position of the ministers does not depend on the council, but depends on the president. These provisions show that the government system in the 1945 Constitution is somehow substantial on the presidential system of government. Apart from that, the explanation of the Constitution adds that "as a department leader, the minister knows the ins and outs of matters relating to his work environment. In connection with this, the minister has great influence on the president in determining state politics regarding his department."

Compared with the two other constitutions that have been in force, it appears that the formulation of state ministries in the 1945 Constitution is the shortest. In the 1949 RIS constitution and the 1950 UUDS, the formulation is much broader and more detailed. In the 1949 RIS constitution, state ministries are regulated in articles 73-article 79, while in the 1950 UUDS, they are contained in articles 49-article 55. Of the several provisions regarding state ministries in the 1950 UUDS that are closely related to the discussion here are those outlined in articles 50 and article 51. Article 50 states "*the president forms ministries*".

4. President's Speech at the DPR Plenary Session

Laws in the formal sense are one of the legal instruments that form the basis of state life (Meliana, 2021). It is difficult to imagine if there is a country in the modern era where the dynamics of relationships between citizens are increasingly complex and do not adapt the legal order to regulate them. Likewise, in running government, laws are always needed, therefore hypothetically laws as a form of law must be owned by every citizen. According to Burkhardt Krems as quoted by Attamimi (2017), the formation of statutory regulations includes two main things, namely activities to form the content of regulations on the one hand, and activities related to fulfilling the form of regulations, methods of forming regulations and processes and procedures for formation on the other hand. The two activities are carried out simultaneously, and each part of the activity must meet its requirements. If legal regulations are to apply as they should, both juridically, politically, and sociologically (Nugroho, 2013). According to the provisions of the 1945 Constitution, the authority to form laws rests with the president and the People's Representative Council.

The president's state speech before the DPR plenary session every August 16th contains a report on the implementation of the government's duties in the past fiscal year and future policy directions. The speech's delivery coincides with the start of the

DPR session because in article 77 the DPR's rules of conduct begin on August 16th and end on August 15th of the following year. If August 16th falls on a holiday, then the opening of the session year will be held on the previous working day. Meanwhile, article 79 paragraph 1 of the DPR's rules and regulations states that on the first day of the session year, the main event is the president's state speech at the plenary session. If absent, the state address is delivered by the vice president. With the president's state address scheduled for every August 16, on the other hand, it will be mandatory for the DPR to hold a plenary session according to the speech schedule. The habit of delivering the president's state speech at the DPR plenary session every August 16th is considered by various groups to be a constitutional convention in state practice in Indonesia (Taroreh, et. al., 2023).

5. Constitutional Convention in the election of President and Vice President before amendments to the 1945 Constitution

The election of the president and vice president before the amendment to the 1945 Constitution was one of the important tasks of the MPR in addition to enacting the Constitution and establishing the GBHN at each General Session. Regarding the election mechanism, article 6 paragraph 2 of the 1945 Constitution has provided instructions that the president and vice president are elected by the people's deliberative assembly with a majority of votes. If we follow the confirmation of the 1945 Constitution every member of the MPR has the freedom to elect whoever they want. This principle is to the democratic teachings that apply in modern countries. However, what happens in practice is that a presidential candidate is only valid if proposed by a faction. These restrictions are contained in article 9 of MPR Decree No.II/MPR/1973/concerning procedures for electing the president and vice president of the Republic of Indonesia which states: "Presidential candidates are proposed by factions in writing and submitted to the leadership of the assembly through the leaders of the factions who nominate with approval from the candidate concerned."

The next implication that appears in political practice is that materially the elected president will determine who the vice presidential candidate can work with (H Mustaghfirin, 2011). This means that the MPR only legally confirms the vice presidential candidate proposed or desired by the president to be his running mate. The political habits practiced by the MPR legally deviate from or at least change the meaning of article 7 paragraph 2 of the 1945 Constitution (Indrayana, 2007). The mechanism for selecting the president and vice president using the steps described above meets the requirements to be classified as a constitutional convention.

The provisions for vice president in the 1945 Constitution are the same as for presidential elections. Because of that, MPR Decree No. II/MPR/1973 relatively does not differentiate between the mechanisms that apply in the election of president and vice president. Something that has developed positively since the beginning of the new order is that the vice president is required to work closely with the president. The 1945 Constitution does not specify these conditions and as previously mentioned only outlines that the vice president is the same as the president elected by the MPR with the majority vote. According to Sri Soemantri, the existence of this condition of cooperation means that the two officials must come from the same political unit or have the same political views or have the same political views. This is to prevent various possibilities related to the replacement of the president by the vice president. Apart from that, such requirements are of course intended to create a harmonious

atmosphere in government. Because the internal conflict between the president and the vice president interferes with the implementation of the president's duties which in turn hinders the achievement of the state's goals. Moreover, the constitutional history of the Republic of Indonesia has recorded a political rift between President Soekarno and Vice President Moh. Hatta when they were the President and vice president of this country. As a result of the dispute, Hatta resigned from his position on December 1st, 1956 (Pahlevi, 2016).

It is this political experience that should be avoided, resulting in the emergence of strong pressure that requires the president and vice president to be able to work together when they lead and run the country's government. This insistence was finally welcomed positively by the MPR, which concretely put it into practice in every presidential and vice presidential election since the beginning of the new order. Based on these considerations, Article 2 of MPR Decree No. 11/MPR/1973 contains the following additional requirements:

a. The president and vice president must be able to work together.
b. Candidates for vice president, apart from fulfilling the requirements specified in article 1 of this decree, must also declare that they are capable and able to work together with the president.

Based on this provision, at every general session, the MPR always consults with the president as to who the vice presidential candidate can work with. These requirements do not only apply to constitutional practice in Indonesia but are also found in countries that have these two positions with these variations because form of the country, diversity of ethnic groups, and so on. The mechanism for selecting the president and vice president using the steps described above meets the requirements to be classified as a constitutional convention.

6. Pluralism of Cabinet Members

Filling cabinet positions is one of the important agendas in starting the administration of government after the president and vice president are elected by the MPR. The 1945 Constitution does not state how ministers are selected to fill these various important positions. The explanation of the law only notes that "the president appoints and dismisses state ministers. These ministers are not responsible to the people's representative council. Its position is independent of the council. However, it depends on the president. They are the president's assistants." Apart from that, regarding the position of ministers, the explanation of the Constitution still provides an additional description at the end of the general explanation which completes it by stating "Although the position of state ministers depends on the president, they are not ordinary high-ranking officials because ministers are the ones who primarily exercise government power (pouvoir executive) in practice (Supryadi & Amalia, 2021).

As a department leader, the minister knows the ins and outs of matters relating to his job environment. In this connection, the minister has great influence on the president in determining state politics regarding his department. What comes the point is the ministers are state leaders. To determine government politics and coordination in state government, ministers work together with each other as closely as possible under the leadership of the President. To determine government politics and coordination in state government, ministers cooperate as closely as possible under the leadership of the president. The information in the explanation of the Constitution shows that state ministers according to the constitutional system under the 1945

Constitution have an important position because, among other things, they have a big influence on the president in determining state politics specifically regarding the field of work of his department. Even though the appointment of ministers is the president's prerogative where he is free to determine man and positions who becomes his assistants, but considering that the position of minister is very important, every cabinet personnel is not just anyone who by chance or because of special relationships is given the position of minister. The president's determination of cabinet members must be carried out carefully through strict selection and sharing considerations, as follows;

a. Indonesian citizens
b. Have faith in God
c. Honest and fair
d. Have good abilities in running the wheels of government
e. Always maintain the unity and unity of the nation.

In practice, the quantity of ministers' origins has been positively growing to date. Since the first cabinet was formed, pluralism has characterized government in Indonesia. Therefore, whether we realize it or not, constitutional conventions have been created in every cabinet formation so far. Of course, it is hoped that this constitutional convention will be maintained and continue with every cabinet formation in the future (Agiwinata, 2014).

7. Implementation of Article 23 Paragraph (3) of the 1945 Constitution concerning types and prices of a currency determined by law.

One of several constitutional rules that have not been implemented in state practice to date is article 23 paragraph 3 of the 1945 Constitution. This article states, "The type and price of the currency are determined by law. Determining provisions containing the regulation of "types and prices of currency by law" like this are not following the normal monetary arrangement. When the 1945 Constitution was drafted, perhaps money only functioned as a means of payment. Currently, it is hard to determine the price because today's currency, apart from being a means of payment, has also become a trading commodity. Therefore, it is natural that the government does not need to set currency prices and therefore a constitutional convention has been formed regarding this matter.

8. Legislation formed through the Constitutional Convention

a. MPR Decree. The basic law does not explicitly list the forms of MPR legal products. Therefore, since the first MPRS general session, various Assembly products have been issued, such as MPR Decree, MPR Decree, MEMORANDUM, and so on. From the beginning of the new order until the general session or special session of the MPR in 1998, the Assembly only issued two forms, namely assembly decrees and assembly decisions. The term accuracy comes from article 3 of the 1945 Constitution which states: "The People's Consultative Assembly determines the basic laws and outlines of state policy."

In this article, the term determine is found, and from this term, it is then interpreted that one of the legal products of this institution is issuing "MPR decisions". Establishing is not a legal term in the sense of being a form of a certain type of legal product such as a law or government regulation as stipulated in the 1945 Constitution. In line with that, Moh. Kusnandi stated: "The term provision in the decision of the people's deliberative assembly

(provisional) MPRS/MPR does not exist in the 1945 Constitution. This term was probably adopted by the people's Deliberative Assembly at its first sessions, from the sound of article 3 of the 1945 Constitution states that the People's deliberative assembly has the authority to establish the constitution and the outlines of state policy."

So basically the MPR decrees are not expressly stated as a type of legislation but are based on this interpretation from the first MPRS general session in 1960 to the MPR special session which is binding on the entire Indonesian nation. The MPR decision is the assembly which has binding legal force in and out of or on all members of the assembly. Meanwhile, the assembly's decision is internal because it only applies to the members of the assembly. Furthermore, according to the DPRGR memorandum regarding the sources of legal order of the Republic of Indonesia and the sequence of laws and regulations of the Republic of Indonesia which have been published and become MPRS Decree No. XX/MPRS/1966 which was further strengthened by MPR Decree No. V/MPR/1973 "MPR decrees as a form of legislation are placed in second place under the 1945 Constitution.

Based on this practice, it can be concluded that the form of MPR decree that exists so far is not instructed by the 1945 Constitution but is rather accepted as one of the MPR products and can be considered a constitutional convention.

b. Government Regulations instead of Laws are formed based on constitutional conventions. According to the explanation above, constitutional conventions can include government regulations instead of laws and are essentially developed through constitutional conventions, because Article 22 paragraph 1 of the 1945 Constitution regulates that "in the event of a compelling emergency, the president has the right to enact government regulations instead of laws."

The provisions above only state that the President can stipulate government regulations instead of laws. This does not mean that this type of legislation is immediately called government regulation instead of law. From these provisions, other variations can be derived, namely:

1) Presidential decree as a government regulation instead of law.
2) Government regulations replace laws as presidential decrees.
3) Government regulations as determined by the president, etc.

By using the term government regulation instead of law, it can be considered that this has become a constitutional convention.

9. The President's ratification or rejection of a bill that has been approved by the DPR

Bagir Manan assumes that the custom of "ratifying draft laws that have been approved by the DPR by the President has been classified as a constitutional convention. The practice that prevailed during the New Order, especially until 1997, was that all bills that had been approved by the DPR were always ratified by the President. Indeed, during the New Order, the initiative to form laws always came from the government. Thus, after experiencing changes here and there based on the DPR's proposed amendments and then being approved by the government (of course these changes are always consulted with the President), it is natural that the President always accepts and ratifies every bill submitted to him to become law. The opposite incident occurred when the bill on broadcasting proposed by the government was

completed by the DPR on December 9th, 1996 and agreed to be submitted to the President, but about 8 months later the president refused to pass it into law, and instead through his letter dated 11 July 1997 No. R.09/jo/VII/1997 The President officially asked the DPR to review certain articles in the broadcasting bill. According to Moerdiono (minister of state secretary at that time), the President was not willing to put his signature on this bill, of course there was a reason, One of the articles that the president believes is almost impossible to implement is the article which reads "that national broadcasts are television broadcasts that reach 50% of the population." Meanwhile, the chairman of the DPR/MPR, Wahono, is of the opinion that the government's resubmission of the broadcasting bill to the DPR is a new precedent that creates a new convention in state life, especially executive-legislative relations in drafting laws.

This event attracted the attention of Constitutional Law experts because with this incident the President's habit (which has become a Constitutional Convention) of always accepting and ratifying bills that have been approved by the DPR has ended. What is hoped is the formation of a new constitutional convention within which there is a deadline for presidential rejection. must be determined or for the sake of legal certainty, regulations regarding this period should be provided in the future, so that bills that have been approved by the DPR will no longer be left in limbo for too long (Nazriyah, 2010). The president's rejection of a bill that has been accepted by the DPR is not an act that violates the constitution. Article 21 paragraph (2) of the 1945 Constitution gives the President the right to refuse to ratify a bill submitted to him. Especially if the bill is the result of an initiative from the DPR. The problem is that the time period given to the President to sign or reject the bill is not regulated by the 1945 Constitution. This is different from article 94 paragraph (2) of the 1950 Constitution which states: "the government must ratify a proposed law that has been accepted, unless within one month after the proposal was presented to him for approval, declaring it inevitable."Such provisions are not found in the 1945 Constitution, because up to now there is growing political will not to change the 1945 Constitution, it is hoped that the issue of the period for the President's rejection of a bill that has been passed by the DPR will be determined in an MPR decree or institutionalized through a constitutional convention.

10. The Urgency of Constitutional Conventions in the State System

Violations of the Constitutional Convention as stated by Dicey cannot be enforced by the court. If we examine the current development of Constitutional Law, the question arises whether what these two experts mean cannot be enforced in all courts or only general courts. This is because currently the Constitutional Court has been formed which was born to guard the constitution, and democracy and make Indonesia's political life better (Asshiddiqie, 2008). Conventions complement the norms contained in the constitution (UUD 45), where conventions are interpreted as an aspect of dynamizing the norms and legal rules contained in statutory regulations (Arbani, 2016). According to the views of O. Hood Philips and Paul Jackson quoted by Weldy Agiwinata in his journal, they view conventions as a dynamic pattern of constitutional political practice which is a continuation of the implementation of a constitution (Jackson et. al., 2001).

The urgency of the convention as thought by A. V. Dicey reveals that constitutional governance in each country has its differences in accordance with the

prevailing constitutional political system and culture (Hughes, 1980). However, in the aspect of fulfilling checks and balances, equality control, and realizing the functions of state institutions as stated in statutory regulations so that they are more effective, the presence of a convention becomes an urgency in itself. This is based on the political culture of state administration which will always experience development in accordance with the state political demands of a system within the state (Ardilafiza & Tamrin, 2010).

From the description, constitutional conventions are very important to continue to be developed and widely practiced by filling the gaps in the existing system, considering many aspects of the gap in the flow of solutions to several constitutional problems. Conventions need to be interpreted as constitutional practices without a constitution (missing constitutional practices), that is, conventions are a sub-system whose implementation is free without waiting for previous regulations. This tends to be very lively and also in accordance with the theoretical and philosophical aspects of understanding the constitution as a living norm (Living Constitution). The meaning of the constitution as a norm of life is a system in a state does not always have to be locked into coercive regulatory norms, but the life and development of a system is certainly born from a practice that is not regulated by statutory regulations. This can be understood as a fundamental breakthrough. Conventions which were initially only recognized as a source of law in the study of constitutional law, have now become new embryos in the constitutional system which are brought to life through political initiatives.

So the idea that needs to be put forward is that conventions are no longer limited to legal sources, but rather as a valid system. However, in this case, the idea of conventions as a sub-system in the management and sustainability of state organs deserves to be given recognition and legitimacy in applicable laws and regulations. Because in principle, this is intended so as not to give rise to a tendency that as the convention continues to develop, it will actually become unconstitutional actions, so if no regulation is carried out, the convention will backfire on the system itself, because of its binding power and Convention recognition is still at a theoretical level, namely as a source of law only, and this regulation also prevents us from practices that lead to constitutional crimes (Constitutional Disobedient) (Mujaddidi, 2022).

As an additional idea in the urgency of implementing and developing conventions in state practice, the author views that in the future conventions need to be the starting point in ratifying global international agreements in achieving and realizing SDG's (Sustainable Development Goals) in various fields such as economic goals, climate change, conference on parties, and Common But Differentiated Responsibility and Respective Capabilities (C)BDR-RC). So that the practice of conventions which can be the basis for implementing international agreements into central and regional government instruments and policies can accelerate the country's progress in realizing aspects of national stability and have an impact on the global political constellation.

CONCLUSION

Constitutional conventions in Indonesia play a pivotal role in shaping and directing political practices and government governance. The urgency of these conventions stems from their ability to accommodate cultural diversity, maintain

historical values, and provide flexibility in the face of dynamic times. Indonesia's rich cultural diversity and local values are primary drivers of this urgency. The conventions allow for the alignment of traditional and local values with constitutional principles, creating a harmonious balance between diversity. This alignment is crucial for maintaining national stability and promoting public welfare. Additionally, the conventions' flexibility in adapting to change ensures the relevance of the constitutional system in an era of rapid social development. The historical experience of Indonesia's struggle for independence and the formation of national identity has provided a solid basis for the norms of these conventions. These norms reflect the values valued by Indonesian society and continue to evolve in line with the nation's needs and aspirations.

The study highlights the importance of conventions in constitutional practice, transcending the formal legal framework. Conventions empower civil society and political elements to contribute to widely recognized political norms, thereby enhancing public participation and legitimacy in government governance. In the context of democracy, conventions serve as a dynamic framework that recognizes local values and provides flexibility to adapt to changing times. This framework is essential for resolving political crises and constitutional uncertainties, thereby restoring political stability and public trust in government. The qualitative research method used in this study, which involves normative legal research, provides a comprehensive understanding of the urgency and significance of conventions in Indonesian constitutional practice. This approach underscores the need for conventions to be recognized constitutionally and statutorily, thereby integrating them into the broader legal framework.

Despite the significant contributions of this study, there are limitations that need to be addressed. The determination and implementation of conventions in Indonesia are not fully regulated by the Constitution, which raises questions about their status in extra-constitutional practices. This ambiguity necessitates a clearer formulation of the scope and limits of convention practice. Future studies should focus on developing a more precise framework for convention implementation, ensuring that these practices are aligned with constitutional principles and statutory regulations. Additionally, a deeper exploration of the intersection between conventions and extra-constitutional practices is necessary to provide a comprehensive understanding of their role in Indonesian governance. By addressing these limitations, future research can further solidify the importance of conventions in maintaining a democratic, inclusive, and responsive constitutional system in Indonesia.

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