

## Reformulation of Decision-Making System in ASEAN

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**Abstract:** ASEAN, established on 8 August 1967 by Indonesia, Singapore, Malaysia, Thailand, and the Philippines, serves as a regional organization for Southeast Asia. Over time, its membership has expanded to include 11 nations, with Timor Leste being the most recent addition. Similar to other international organizations, ASEAN operates with its own decision-making system. Initially, the decision-making process in ASEAN, before the charter, relied on consultation and consensus, requiring unanimous agreement from all members. This approach, outlined in the Bangkok Declaration, allowed decisions only if no member opposed them. However, with the establishment of the 2007 ASEAN Charter, a new decision-making system, known as ASEAN Minus-X, emerged. This system permits policies to be decided even if supported by only a subset of members, specifically in the economic field. These two decision-making systems have presented several challenges, prompting the need for innovative ideas to reformulate ASEAN's decision-making system. The aim is to create a system that aligns with the contemporary needs and accommodates the diverse interests of all ASEAN members.

**Keywords:** ASEAN; Decision-Making System; International Law; Reformulate

### 1. Introduction

ASEAN is an international organization founded by Indonesia, Malaysia, the Philippines, Singapore, and Thailand in 1967. The establishment of ASEAN aimed to expedite economic growth, foster social progress, and promote cultural development, all while enhancing peace and security in Southeast Asia. Subsequent to its formation, Brunei became a member in 1984, followed by Vietnam in 1995, Laos and Myanmar in 1997, and Cambodia in 1999.<sup>1</sup> Notably, Timor Leste officially joined in 2022 during the ASEAN Summit in Phnom Penh, Cambodia.

The ASEAN region has a population of more than 600 million and covers a total area of 1.7 million square miles (4.5 million square km). ASEAN replaced the Association of South East Asia, initially established by the Philippines, Thailand, and the Federation of Malaya (now part of Malaysia) in 1961.<sup>2</sup> Under the banner of cooperative peace and shared

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<sup>1</sup> Tahar, Abdul Muthalib, and S. Endang Prasetyawati. "Kajian Harmonisasi Hukum Persaingan Tiga Negara Anggota Asean Berdasarkan the Asean Regional Guidelines on Competition Policy." *Cepalo* 2, no. 1 (2018): 1-20.

<sup>2</sup> Swastia, Syifa Ayunda, and Faisyal Rani. "Diplomasi Timor Leste Bergabung Dalam Keanggotaan Tetap ASEAN." *JOM Bidang Ilmu Sosial dan Ilmu Politik* 3, no. 2: 1-12.

prosperity, ASEAN's primary initiatives revolve around fostering economic cooperation, encouraging trade between ASEAN member states and the global community, and implementing collaborative programs for joint research and technical cooperation among the member governments.

ASEAN now comprises 11 Southeast Asian countries and is an important regional organization for the development of developing countries in the region. After the Bangkok Declaration was deemed no longer suitable for the dynamics and development of issues in the region, ASEAN member states established a constituent instrument like other organizations, namely, the ASEAN Charter.

The ASEAN Charter contains more or less the Articles of Association and Bylaws of ASEAN and replaces the Bangkok Declaration as the legal basis of ASEAN.<sup>3</sup> As a regional organization, the existence of this charter holds significant importance. Beyond fortifying ASEAN's standing on the global stage, it also provides clarity and legal certainty within the organization. The ASEAN Charter contains norms; affirmation of sovereignty, rights, and obligations; and considerable power in the legislative, executive, and judicial processes. Thus, the establishment of the ASEAN Charter is a step in the right direction for ASEAN.

With the change of the Bangkok Declaration into the ASEAN Charter, it is certain that the provisions governing ASEAN will also change. One of them is about the decision-making system in ASEAN.<sup>4</sup> The decision-making system itself is an important thing in an organization, especially in a regional organization like ASEAN. This is because the decision-making system is useful for supporting the economic, political, social, defense, and security integration of countries.<sup>5</sup> Therefore, the development of a decision-making system in a regional organization should be approached meticulously and optimally. This is with the understanding that the decision-making system should effectively support and align with the interests of its member countries.

## 2. Method

The research employed is the normative legal research method, an approach focused on examining the application of norms or legal principles enacted in positive law or laws that are still in effect and have the power to bind legal subjects.<sup>6</sup> The type of data used in this research is qualitative (description or narrative) with support obtained from primary and secondary sources. Primary data is in the form of facts, information, and opinions from various actors, whether individuals, groups, or institutions.

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<sup>3</sup> Saiin, Asrizal, Kholidah Kholidah, Zulfahmi Zulfahmi, Anwar M. Radiamoda, and Kemas Muhammad Gemilang. "The Property Rights Regulation, Semenda Marriage, and Exploring the Determinants in ASEAN Countries." *Journal of Human Rights, Culture and Legal System* 3, no. 2 (2023): 134-159.

<sup>4</sup> Narine, Shaun. "ASEAN in the twenty-first century: a sceptical review." *Cambridge Review of International Affairs* 22, no. 3 (2009): 369-386.

<sup>5</sup> Koesrianti. "Law Reform of Small and Medium Enterprises (Smes) and Equitable Cooperative for Competitiveness Improvement in Aec Era." *Jurnal Dinamika Hukum* 16, no. 3 (2017): 297-302.

<sup>6</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011), 35.

### 3. ASEAN Decision-making System Before and After the 2007 ASEAN Charter

The existence of ASEAN cannot be aligned with other regional organizations because the formation of ASEAN is only based on consensus. ASEAN does not have a constitutional charter or other legal instruments that explain the formation, basic structure, and functions of this organization.<sup>7</sup> ASEAN does not have a constitutional charter or legal instrument on which to base its formation, basic structure, and functions. Therefore, the founding countries of ASEAN prefer a regional organization that is flexible and informal in nature to enhance cooperation and kinship.<sup>8</sup>

Before describing the ASEAN decision-making system before and after the 2007 ASEAN Charter, we first must know what the 2007 ASEAN Charter is and its contents. The 2007 ASEAN Charter was established at the ASEAN Summit in Singapore in 2007.<sup>9</sup> The Charter contains the following 14 principles:

- a. Respect the independence, sovereignty, equality, territorial integrity, and national identity of all ASEAN member states;
- b. Share a collective commitment and responsibility in promoting regional peace, security, and prosperity;
- c. Reject aggression and the threat or use of force or other actions in a manner inconsistent with international law;
- d. Reliance on peaceful settlement of disputes;
- e. Non-interference in the internal affairs of other ASEAN member states;
- f. Respect for the right of each member state to maintain its national existence free from external interference, subversion, and coercion;
- g. Enhanced consultation on matters seriously affecting the common interests of ASEAN;
- h. Adherence to the rule of law, good governance, democratic principles, and constitutional government;
- i. Respect for fundamental freedom, promotion and protection of human rights, and promotion of social justice;
- j. Uphold the UN Charter and international law, including international humanitarian law, agreed by ASEAN member states;
- k. Not participate in policies or activities, including the use of its territory, pursued by ASEAN member states or non-ASEAN states or non-state actors, that threaten the sovereignty, territorial integrity, or political and economic stability of ASEAN member states;
- l. Respect the cultural, linguistic, and religious differences of the ASEAN community while emphasizing shared values in the spirit of unity in diversity;
- m. ASEAN centrality in external political, economic, social, and cultural relations while remaining actively engaged, outward-looking, inclusive, and non-discriminatory; and

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<sup>8</sup> Jesus P. Estanslao, *Internal Dynamics of One Southeast Asia: Economic and Social Aspects*. Dalam Hadi Soesastro (ed). *One Southeast Asia in a New Regional and International Setting*. (Jakarta: CSIS, 1997), 79.

<sup>9</sup> Humphrey Wangke, "Prospek Kerjasama ASEAN Pasca Ratifikasi Piagam ASEAN" *Kajian* 15, no. 3 (2010): 461.

- n. Adherence to multilateral trade rules and ASEAN-based regulatory regimes for the effective implementation of economic commitments and progressive reduction toward the removal of all barriers to regional economic integration in the drive for a market economy.

The principles contained in the charter then changed the entire system within ASEAN. The decision-making system is no exception. With this charter, decision-making before and after the charter is definitely different. Before the 2007 ASEAN Charter, decision-making in ASEAN still used the principle of consensus. Typically, this formula is employed for decision-making across various sectors within ASEAN, with particular emphasis on the economic field, a key focus area for the organization.<sup>10</sup>

The consensus principle is a guiding principle for decision-making within ASEAN, ensuring that every member feels at ease expressing their opinions in the forum.<sup>11</sup> Under this principle, ASEAN ensures that every member state's voice will definitely be heard, preventing coercion of members with differing views to conform to decisions against their preferences. This underscores the principle that each member state has the right to freely choose and express its own voice and decision.<sup>12</sup> There are several policies that have been produced by this consensus decision-making system. Among them are the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers and the Five Points of ASEAN Consensus.

The ASEAN Five Point Consensus is an agreement to resolve the human rights violations that occurred in Myanmar.<sup>13</sup> These five points are that violence must stop immediately in Myanmar and all parties must exercise complete restraint, that constructive dialogs among all relevant parties must be initiated immediately to find a peaceful solution for the benefit of the people, that the special envoy of the ASEAN Chairperson will facilitate the mediation of the dialog process with the assistance of the ASEAN Secretary-General, that ASEAN will provide humanitarian assistance through the AHA Centre (the ASEAN Coordinating Centre for Humanitarian Assistance of Disaster Management), and that the special envoy and delegation will visit Myanmar to meet with all relevant parties. Initially, the Myanmar military leader agreed to attend the meeting to discuss the consensus. However, two days after the consensus was formed, the Myanmar military leader declared his withdrawal from the agreement. This made the policy no longer applicable because it was not in accordance with the principles of the consensus.<sup>14</sup>

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<sup>10</sup> Hartono, Agus Tri. "Beyond the Ivory Tower: Challenges Toward Realizing an ASEAN Community 2015." *Jurnal Studi Keamanan dan Diplomasi* 2, no. 1 (2010): 16.

<sup>11</sup> Adela, Rosa Virginia, Chrisa Grace Nada, Yoshe Angela, Gabriella Permana, Rahel Shininta, and Sean Gaudialmo. "Peran Penting Diplomasi Multilateral Indonesia Melalui Kerangka ASEAN dalam Proses Penyelesaian Konflik Laut China Selatan." *Jurnal Sentris* (2021): 188-209.

<sup>12</sup> Islam, Mohammed Tahmidul, Md Tuhin Mia, and Mazharul Islam. "The Right to Nationality & Repatriation under International Law: A Study of Biharis in Bangladesh." *JILS (Journal of Indonesian Legal Studies)*, 6 (2021): 251-278.

<sup>13</sup> Ramadhani, Zahratunnisa, and Maburrah Maburrah. "Pengaruh Prinsip Non-Intervensi ASEAN terhadap Upaya Negosiasi Indonesia Dalam Menangani Konflik Kudeta Myanmar." *Global Political Studies Journal* 5, no. 2 (2021): 126-143.

<sup>14</sup> Sentani, Rachel Georghea, and Mathijs ten Wolde. "The Legal Policy of Executability in the International Arbitral Tribunal Decision." *Bestuur* 9, no. 2 (2021): 144-155.

Next is the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. This consensus was formed to advance the employment situation and the provision of decent, humane, productive, and dignified wages for migrant workers. As the name implies, it is a consensus to protect and promote the rights of migrant workers. This consensus outlines the ideal time for workers, worker health insurance, worker safety insurance, and a living wage, which refers to the International Labor Organization. The consensus was established in 2017, with a further plan in 2018–2025 to establish an Action Plan 2018-2025 to implement the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.<sup>15</sup>

ASEAN countries currently grapple with various external challenges, encompassing the repercussions of globalization, increased inter-state interdependence, global issue inter-connections, and the emergence of China and India as new powers that cause increasingly sharp competition, especially in the economic field. Additionally, the emergence of transnational security threats requires ASEAN to transform into an organization with clearer rules of the game (rule-based), operating as a legal entity. This transformation is necessary to empower ASEAN for more flexible and active participation on both regional and international fronts in the future. All these factors coupled with the need for ASEAN to adjust to be more responsive in the face of new threats and opportunities suggest that the way ASEAN has been working is no longer adequate. As a step to transform ASEAN into a rule-based organization, ASEAN leaders agreed on the Declaration of the Establishment of the ASEAN Charter in 2007.

Over time, ASEAN, initially conceived as an informal organization, has evolved into a rule-based organization, notably marked by the adoption of the ASEAN Charter in November 2007. This chapter embodies a collective commitment from ASEAN countries to strengthen cooperation among member states.<sup>16</sup> The ASEAN Charter is a constitutional document that contains norms and then affirms the sovereignty of member states and the rights and obligations of member states in the legislative, executive, and judicial processes. These changes make the ASEAN Charter a form of effort made by ASEAN to become an effective organization and can issue binding decisions.<sup>17</sup> As for the entry into force of the ASEAN Charter, member states must conduct the obligations and provisions contained in this charter.

The ASEAN Charter then becomes a much stronger foundation for ASEAN in making decisions and performing all its activities.<sup>18</sup> Basically, the presence of the ASEAN Charter does not merely replace the principle of consensus that has long been the main

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<sup>15</sup> Almaas Rahmawati Putri and Viani Puspita Sari, "ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers sebagai Rezim Perlindungan Pekerja Migran Berketerampilan Rendah di ASEAN." *Padjajaran Journal of International Relations (PADJIR)* 3, no. 2 (2021): 243-247.

<sup>16</sup> Dyan Franciska Dumaris Sitanggang, "Implementasi Personalitas Hukum Internasional ASEAN Dalam Pembentukan Perjanjian Internasional." *Jurnal Yuridis* 7, no. 2 (2020): 374.

<sup>17</sup> Yustina, Endang Wahyati, Marcella Elwina Simandjuntak, Mohamad Nasser, and John D. Blum. "Legalization of Medical Marijuana in Indonesia from the Human Rights Perspectives: Lessons Learned from Three ASEAN Countries." *Lex Scientia Law Review* 7, no. 2 (2023).

<sup>18</sup> Johan, Suwinto, Amad Sudiro, and Ariawan Gunadi. "What Could ASEAN Learn about Bankruptcy Law from ASEAN Partner Countries, China and Japan?." *Hasanuddin Law Review* 8, no. 3 (2022): 194-210.

foundation in decision making.<sup>19</sup> However, with the ASEAN Charter, there are further guidelines that make decision-making in ASEAN much more structured and also help direct activities within ASEAN itself.

Basically, the ASEAN Charter was formed to strengthen cooperation and integration among member states and to create an integrated, competitive, and participatory community in its activities. The ASEAN Charter also contains important principles, such as consensus, mutual decision, deep understanding, and respect for the sovereignty and territorial integrity of each member state. By containing new values in the ASEAN Charter, it can make ASEAN a regional organization that has influence and does not disappear because diplomacy in the Southeast Asian region involves governments and existing communities. With the birth of the ASEAN Charter in 2007, it certainly has a significant impact on the process or way of decision making within ASEAN. Some of these impacts are as follows:

- a. Reinforce the principle of consensus as the basis of the decision-making process in ASEAN;
- b. Introduce flexibility in decision-making where decision-making can be simplified;
- c. The ASEAN Charter has a strong role in facilitating the decision-making process and monitoring the implementation of decisions;
- d. Indicates the concept of adherence to ASEAN principles and the sanctions applicable to member states that violate these principles;
- e. Make decision-making more consistent and in line with the vision and mission of ASEAN itself;
- f. Encourage member states to be more open and participatory in decision-making discussions;
- g. The concept of decision-making with the ASEAN Minus-X formula that is more flexible than the consensus principle, although this formula only applies to the economic field.

The impact of the ASEAN Charter on decision-making can be characterized as positive. This is because the ASEAN Charter strengthens the principles of consensus, recognizes flexibility, strengthens the role of the secretariat, and introduces the concept of compliance to member states. Then the existence of this charter is also considered to improve the decision-making system and law enforcement in ASEAN, where, currently, the decision-making body is divided into three groups, namely, the ASEAN Summit, the ASEAN Coordination Council, and the ASEAN Community Council. The highest authority is in the hands of the ASEAN Summit if no consensus is reached among member states.<sup>20</sup>

Furthermore, the ASEAN Charter also mentions a new decision-making system with the ASEAN Minus-X formula. The ASEAN Minus-X formula is a decision-making concept introduced after the inception of the 2007 ASEAN Charter, in conjunction with the principles of consensus and diplomacy. Notably, there are significant differences between the ASEAN Minus-X concept and the principle of alternative consensus in ASEAN decision-making. This difference is evident in the application of the ASEAN Minus-X method, which

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<sup>19</sup> Mandala, Subianta. "Penguatan Kerangka Hukum Asean untuk Mewujudkan Masyarakat Ekonomi Asean 2015." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 3, no. 2 (2014): 183-196.

<sup>20</sup> Djafar, Zainuddin. "Piagam ASEAN, Legalitas Tonggak Baru Menuju Integrasi Regional?." *Indonesian Journal of International Law*, 6 no. 2 (2008): 197.

does not require unanimous agreement from all ASEAN member states to implement an economic policy. This formula is also recognized in the ASEAN Charter as a flexible method of implementing economic commitments.<sup>21</sup> The ASEAN Minus-X formula can be applied to situations where some ASEAN members agree to continue an agreement without involving some other members. However, even if not all members are involved in the agreement to be continued, the forum still conducts dialogs and consultations in an effort to find a solution that is acceptable to all ASEAN members.

The ASEAN Minus-X formula offers several advantages. These advantages include providing an opportunity for countries with poor economies to see whether economic policies are successful. For instance, in establishing the ASEAN Economic Community, ASEAN is required to implement policies in accordance with the principles of an open, outward-looking, inclusive, and market-oriented economy in accordance with the rules agreed among ASEAN countries and consider the different levels of development and readiness of each ASEAN member country through the application of the ASEAN Minus-X formulation.<sup>22</sup> This is because not all ASEAN members have a good economy. Hence, with this formula, a policy can be implemented first by countries that have a fairly good and stable economy. If the policy is deemed successful, then other countries that have not implemented the policy can make the decision to follow the policies that have been implemented by countries that have implemented it first. Vice versa, there is no loss for countries that have a poor economy if the policy is not successful. This is because the country has not been involved in the economic policy but can see from countries that have implemented it first. Thus, this formula minimizes the risk of policy failure.

From the entire description above, the difference in the decision-making system in ASEAN before and after the 2007 ASEAN Charter is the existence of ASEAN Minus-X. Before the ASEAN Charter, ASEAN based its decision-making system only on the principle of consensus. Meanwhile, after the ASEAN Charter was formed, there was an addition to the concept of a decision-making system, namely, a decision-making system with the ASEAN Minus-X formula.

## 4. Reformulate the Decision-making System in ASEAN

### 4.1. Decision-making System through the Consensus and ASEAN Minus-X

In regional organizations, the formulation of decisions is critical to achieving positive outcomes and offering win-win solutions to problems. The development of decision-making systems in regional organizations holds significant importance.<sup>23</sup> ASEAN, as a longstanding regional organization, must continually update its decision-making system formulation. This is imperative due to the evolving political dynamics among countries,

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<sup>21</sup> Aimsiranun, Usanee. *Comparative study on the legal framework on general differentiated integration mechanisms in the European Union, APEC, and ASEAN*. No. 1107. ADBI Working Paper Series, 2020.

<sup>22</sup> Saragih, Hendra Maujana. "Indonesia dan Persaingan di Era ASEAN Economic Community." *Jurnal Masharif Al-Syariah: Jurnal Ekonomi dan Perbankan Syariah* 2, no. 2 (2017): 8-9.

<sup>23</sup> Putri, Alvela, Putri Jasmine, Riana Salma, Galang Bagasta, and M. Padhil Faturrahman. "Dampak Prinsip-Prinsip Dasar ASEAN Terhadap Pola Kerjasama ASEAN Menghadapi Krisis Kudeta Myanmar." *Nation State: Journal of International Studies* 4, no. 1 (2021): 117-139.

leading to the emergence of various problems in different forms and scales. Therefore, the role of decision-making system formulation within ASEAN remains crucial.

ASEAN recognizes two decision-making systems, namely, decision-making with the principle of consensus and decision-making system with the ASEAN Minus-X formula. These two decision-making concepts are mentioned in Articles 21 and 22 of the 2007 ASEAN Charter. *First*, the decision-making system is grounded in the principles of consensus and consultation, as outlined in Article 21 of the 2007 ASEAN Charter.<sup>24</sup> Consensus itself is a principle of decision-making based on the agreement of all parties, which are members of ASEAN. Decision-making with the principle of consensus allows each member to veto all proposals or draft policies that are considered to threaten the national interests of each member. Thus, a proposal or a policy can be decided if the votes of all ASEAN members agree to the proposal or policy.<sup>25</sup> Before the 2007 ASEAN Charter, the use of consensus itself became the only decision-making system, which seemed to be a fixed price in making a decision.

Consensus is a guiding principle that underscores the importance of agreement among all parties involved. The principle of consensus or free consent will not be achieved if, in a forum, there is one or more parties who do not agree on a problem. Therefore, the principle of consensus implicitly upholds agreement for all parties to achieve results that meet all the interests of the parties. However, the principle of consensus in the formulation of decision-making in ASEAN today is considered unable to resolve a problem properly.<sup>26</sup> This is because the principle takes a long time to reach a decision, while on the other hand, a problem must be solved as quickly as possible, given the high dynamics of foreign relations.<sup>27</sup>

The existence of the consensus principle in decision-making formulation does not inherently guarantee positivity.<sup>28</sup> Essentially, not every decision based on will is necessarily beneficial for all parties involved. At times, the necessity rather than sheer will become a crucial factor in decision-making. Thus, it can be a double-edged sword for the parties involved. Meanwhile, if a decision hinges on the unanimous consent of all parties, it could potentially become significantly challenging. The number of ASEAN members has now reached 11, with Timor Leste being the latest addition.<sup>29</sup> Naturally, accommodating the diverse interests of all members in decision-making becomes a considerable challenge. This can result in prolonged deliberations as all parties strive to reach an agreement.<sup>30</sup>

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<sup>24</sup> Tony Yuri Rahmanto, "Prinsip Non-Intervensi Bagi ASEAN Ditinjau Dari Perspektif Hak Asasi Manusia." *Jurnal HAM* 8, no. 2 (2017): 155.

<sup>25</sup> Dyan Franciska Dumaris Sitanggang, *Op.Cit.*, 479.

<sup>26</sup> Mohadib, "Prospek dan Tantangan Komunitas Politik Keamanan ASEAN." *Jurnal Kajian Lemhanas Republik Indonesia* 35 (2018): 35.

<sup>27</sup> Simela Victor Muhammad, "Dinamika Perkembangan ASEAN Menuju A People Oriented Organization." *Kajian* 16, no. 3 (2011): 494.

<sup>28</sup> Sefriani, *Op.Cit.*, 93.

<sup>29</sup> Anuel Riyadi, "Penundaan Timor Leste Sebagai Anggota Tetap ASEAN 2011-2016." *Jurnal Demokrasi dan Otonomi Daerah* 16, no. 2 (2018): 125.

<sup>30</sup> Novita Putri Rudiany, "Studi Perbandingan Proses Keanggotaan ASEAN: Vietnam, Myanmar, Kamboja dan Timor Leste." *Jurnal Analisis Hubungan Internasional* 4, no. 1 (2015): 1692.



From the description of the consensus principle above, it can be concluded that consensus is not good enough to solve problems in ASEAN that must be resolved quickly. For instance, in the case of the economy, the economic changes experienced by ASEAN member countries, such as Indonesia and Singapore, have a high probability of not being solved by policies decided through consensus, considering that consensus takes a long time to reach a decision. Thus, consensus is not dynamic in solving a problem. For this reason, the researcher argues that consensus can be maintained as one of the formulations of the decision-making system in ASEAN, but its status is lowered so that it does not become the main formulation in making a decision.

*Second*, the decision-making system with the ASEAN Minus-X formula mentioned in Article 22 of the 2007 ASEAN Charter. Basically, ASEAN Minus-X is a decision-making system formulation that has been in effect since the establishment and entry into force of the 2007 ASEAN Charter. In the formulation of the ASEAN Minus-X Formula, all parties have a voice to determine their availability or rejection in the decision-making plan. Thus, a decision can be made even if not all members agree to it.

Generally, because this formulation applies to making decisions in the economic field, the parties that first implement the policies taken from this formulation are usually member countries that have a stable economy in their country or even developed. Thus, during the course of this policy, the parties that have not yet implemented this decision can scrutinize, examine, and assess whether the provisions and values in the policy are relevant and applicable in their country. This is because the characteristics of each member country are different. These characteristics are influenced by all aspects of the country, whether influenced by political, economic, social, defense, or security aspects.<sup>31</sup>

Since this formula is only applied to decide policies in the economic field, it cannot be called a dynamic decision-making system due to its limited use. When examined, this formula has good results in deciding a policy. However, it cannot solve problems or find policies outside the economic field. Hitherto, there has not been a single summit that has determined that the decision-making system using the ASEAN Minus-X formula can be used other than in the economic sector.<sup>32</sup>

From the description of the decision-making system with the ASEAN Minus-X formula above, it can be concluded that the formula is a good formula. With this formula, it is expected that the economic interests of ASEAN member countries can be fulfilled without having to wait for other countries to agree with economic policies in ASEAN. Although with a note, this system must be changed to a wider range of fields so that not only the process of economic integration can be advanced, but the process of social, political, cultural, defense, and security integration can also be advanced.

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<sup>31</sup> Wirawan, I Komang Arba. "Nasionalisme, Budaya Konsumerisme dan Bela Negara." *WIRA: Media Informasi dan Kementerian Pertahanan* 69, no. 53 (2017): 23.

<sup>32</sup> Astuti, Prihartini Budi. "Dampak Masyarakat Ekonomi Asean Terhadap Neraca Pembayaran Indonesia Tahun 2016." *Jurnal Ilmiah Akuntansi dan Keuangan* 6, no. 1 (2017): 29-58.

## 4.2. Reformulate the Decision-making System in ASEAN

From the consensus decision-making system and ASEAN Minus-X, it was found that the consensus decision system should not be the main decision-making system. This is because it is no longer effective. In the decision-making system in regional organizations, several things must be considered that are key in determining decision-making. The first thing is to pay attention to the political conditions of all member countries. The importance of paying attention to conditions is useful in making a decision. Because regional organization decisions must be in accordance with or accommodate the interests of a member country.<sup>33</sup> So that by knowing the political conditions in these countries, it is hoped that the decisions that will be taken in the future can accommodate the interests of all parties. Secondly, it is necessary to consider aspects of international relations between member states. This is so important because the conditions of international relations of each member country will certainly vary.<sup>34</sup> If there is a heated relationship between two or more countries, a decision can be made that can provide a solution for both countries or more.

Based on the two considerations above, three ideas were found to reformulate the decision-making system in ASEAN. The first idea is consensus. Consensus was originally the main decision-making system, but due to the many formulations that always meet deadlock when they are about to be decided, consensus must be changed so that it does not become the main decision-making system. This aims to prevent deadlock in making decisions. Thus, consensus is no longer the main decision-making system, with several other decision-making systems.

The second idea is to expand the ASEAN Minus-X decision-making system in the form of expanding the fields in which ASEAN Minus-X is applied. Initially, the ASEAN Minus-X formula could only be applied in the economic field. However, given the high political dynamics in ASEAN, the ASEAN Minus-X formula needs to be developed further. Thus, ASEAN Minus-X can not only solve problems in the economic field, but can solve problems other than in the economic field. Furthermore, it can solve problems related to national integration such as politics, security, economy, social and culture in ASEAN.

The third idea is Majority Voting decision-making. The decision system provides an opportunity for members to vote in favor, against or abstain. The decision is taken based on the largest number of decisions. Thus, this decision system is considered to be able to solve a problem quickly. This decision-making system is inspired by the decision-making system at the United Nations, and the decision-making system is more flexible and responds more quickly to regional problem solving, especially related to national integration in ASEAN.

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<sup>33</sup> Bainus, Arry, and Junita Budi Rachman. "Kepentingan Nasional dalam Hubungan Internasional." *Intermestic: Journal of International Studies* 2, no. 2 (2018): 109-115.

<sup>34</sup> Olivia, Yessi. "Level Analisis Sistem dan Teori Hubungan Internasional." *Jurnal Transnasional* 5, no. 1 (2013): 890-907.

## 5. Conclusion

The Decision-Making System in ASEAN before the ASEAN Charter was only consultation and consensus. That is, decision making based on the agreement of all members and can only be decided if no one refuses. Meanwhile, after the establishment of the ASEAN Charter, there is a new decision-making system, namely ASEAN Minus-X. A decision-making system that is not based on the approval of all its members, so that a policy can be decided even if only approved by a few members. This decision-making system can only be done in the economic field. In conclusion, the researcher argues that consensus can be maintained but its status is downgraded from the main system. As for the ASEAN-X formula, its scope is expanded so that it cannot only be used in making decisions in the economic field.

The decision-making system in ASEAN needs to be reformulated. As a result of the lack of effectiveness of the decision-making system through consensus. The findings are the decision-making system through Majority Voting, which is a system that gives all members the option to vote in favor, against or abstain. Favor means agreeing with the formula proposed in the meeting, against means rejecting and abstaining means not giving an answer. Then the decision is based on the majority of voters who support or reject.

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