



## Legal Review of the Existence of the Coordinating Ministry in the Ministerial System in Post-Reform Indonesia

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Article	Abstract
<b>Keywords:</b> Coordinating Ministry; Ministerial System; Synchronization; Coordination; Post-Reform	<i>This research is motivated by the problematic existence of the Coordinating Ministry in the post-reform Indonesian government system, especially related to the unclear regulation of the coordinating mechanism and the unclear boundaries of the formation of the Ministry. The purpose of this study is to legally analyze the existence of the Coordinating Ministry from time to time in various post-reform government cabinets and to provide recommendations regarding ideal arrangements in the future to ensure legal certainty and efficiency of the ministerial structure. The research method used is normative legal with a statutory approach, historical approach, conceptual approach, and case approach. The results of the study indicate that the existence of the Coordinating Ministry, although not explicitly regulated in the 1945 Constitution of the Republic of Indonesia, has become an integral part of the government system through state practices and derivative laws and regulations, such as Law Number 39 of 2008 and its amendments. However, in its implementation, weaknesses were found in the aspects of coordination, politicization of positions, budget waste, and inconsistency in the number of ministries that do not have normative boundaries. This study concludes that it is necessary to reorganize the coordinating ministry system, both in terms of regulations and institutional structure, by emphasizing efficiency, effectiveness, and legal certainty so that national development goals can be achieved optimally.</i>

### INTRODUCTION

Indonesia is a country that implements a presidential system, where the president acts as head of state and head of government in carrying out state functions as mandated in Article 4 Paragraph (1) of the 1945 NRI Constitution. Then in Article 4 Paragraph (2) it states that "In carrying out his duties, the President is assisted by one Vice President." which means that the Vice President serves as an assistant to the president in running the government. In addition to being assisted by the Vice President, the President is also assisted by state ministers. Article 17 of the 1945 NRI

Constitution is a constitutional mandate in the formation of state ministers. The President has the prerogative to appoint and dismiss ministers and has the right to form a cabinet and choose the composition of its cabinet (Farkhani 2016).

The existence of the state minister as an assistant to the president is clearly stated in Article 17 of the 1945 Constitution of the Republic of Indonesia, but there are other assistant elements that are not expressly stated in the 1945 Constitution of the Republic of Indonesia, the assistant element of the state minister is the Coordinating Minister (Arion et al. 2016). The coordinating minister is an assistant to the president who leads the Coordinating Ministry. The Coordinating Ministry has the task of organizing synchronization and coordination of the implementation of ministerial affairs in the administration of government in its field. Like other presidential assistants, the coordinating minister is directly responsible to the president for the tasks in his field.

Although the coordinating minister is not explicitly mentioned in the 1945 Constitution of the Republic of Indonesia, the existence of this Coordinating Minister has existed since the cabinets of the early independence era until now. Moreover, this Coordinating Ministry was born from the Constitutional Convention from the beginning of independence. In relation to this, the author will limit the discussion of the existence of the Coordinating Ministry after the reformation until now.

The implementation of the Coordinating Ministry in every cabinet of the post-reform government shows how important the role of the Coordinating Ministry is in running the government. Although legally there is no provision requiring the president to form a Coordinating Ministry in the ministerial system in Indonesia, in reality the existence of this Coordinating Ministry is always present in each cabinet. The Coordinating Ministry is the main key to synchronization and coordination between technical ministries in its field so that they are integrated (Asshidiqdie 2016). However, in carrying out its main function for synchronization and coordination, the Coordinating Ministry in its implementation has several weaknesses and legal ambiguities that have resulted in the existence of this Coordinating Ministry becoming a problem that has implications for several other government sectors, not just ministries.

The main problem is related to the unclear regulations governing the coordination and synchronization mechanisms, even though this is a fundamental matter that has implications for many things because coordination and synchronization are the main tasks of the Coordinating Ministry. There is a lack of clarity in the provisions that clearly regulate the coordination and synchronization mechanisms of the Coordinating Ministry with technical ministries in its field, the Coordinating Ministry with technical ministries outside its field, and the Coordinating Ministry with other Coordinating Ministries (Larasati 2023). Moreover, if the Coordinating Ministry is only authorized to carry out synchronization and coordination with technical ministries in its field, it will actually result in weak cross-sector coordination.

In addition, conflicts between the Coordinating Ministry and other technical ministries often become evidence that the weakness of the Coordinating Ministry is a question related to its urgency. Since the post-reformation until now there are still conflicts between ministries caused by the lack of coordination between ministries or the nature of the sectoral ego of each ministry. In fact, not only conflicts between ministries, problems also arise from public statements by the Coordinating Minister which are controversial. Some of them, such as the statement of the Coordinating Minister for Law, Human Rights, Immigration, and Community Affairs 2024-2029, Yusril Ihza Mahendra, who argued that the 1998 tragedy did not fall into the category of gross human rights violations, the conflict between the Coordinating Minister for Maritime Affairs Rizal Ramli and the Minister of Energy and Mineral Resources Sudirman Said (2015) regarding the plan to build a power plant, differences of opinion between the Coordinating Minister for Maritime Affairs Luhut Binsar Pandjaitan and the Minister of Maritime Affairs and Fisheries Susi Pudjiastuti (2016-2018) regarding the ban on trawls, ship sinking, lobster seed exports, differences of opinion between the Coordinating Minister for the Economy Sofyan Djalil and the Minister of Trade Rahmat Gobel (2015) regarding rice imports, and so on (Wantu 2019).

Criticism from several constitutional law experts at the National Conference on Constitutional Law, the Association of Constitutional Law and State Administrative Law Lecturers (APHTN-HAN) in several of its conferences often recommends the elimination of the Coordinating Ministry in the ministerial system in Indonesia.

The problems of the Coordinating Ministry are not only at the level of coordination and synchronization, this time during the Red and White Cabinet government through Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning State Ministries which explains that the President has the right to determine the total number of ministries formed without any limitations and adjusted to the needs of the President, The change in the number of ministries certainly further extends the potential problems that arise. Concerns have arisen regarding the risk of politicization of the Coordinating Ministry position, where the Coordinating Ministry position is used as a tool for dividing power that is not based on technical competence. Moreover, the position of minister is a position that is political in nature (Arion et al. 2016).

Regarding the budget, the Coordinating Ministry also absorbs a fairly high budget burden. This budget burden is not yet proportional to the significant impact of the Coordinating Ministry itself. Most recently in the Red and White Cabinet, the DPR RI Budget Agency approved the budget for the Coordinating Ministry in 2025 reaching IDR 6,444,509,080,000 (six trillion four hundred and forty-four billion five hundred and nine million eighty thousand rupiah). While neighboring countries, Vietnam at the end of 2024 reduced the number of ministries, in contrast in Indonesia increased the number of ministries. The number of ministries in Vietnam was reduced with the aim

of eliminating bureaucratic congestion, and funds from the reduction of ministries were diverted to development projects. Vietnam's bureaucratic reform, which is referred to as a strategic plan, will eliminate at least 15-20 percent of ministerial units and/or state institutions (Puspapertiwi 2024). Vietnam's steps in reducing ministries are a real manifestation of bureaucratic efficiency and effectiveness.

These problems have led the author to conduct a comprehensive analysis of the problems of the Coordinating Ministry post-reform until now and future arrangements to overcome these problems.

## METHOD

This research is compiled using a type of normative legal research method. This normative legal research is a research that uses legal material sources or objects studied, namely in the form of positive legal norms or laws and regulations, court decisions (Decisions), legal theories, literature and doctrines of legal experts (Dr. Muhaimin, SH. 2008). The author uses a normative legal research method in his research because the focus of the research focuses on legal reviews and their implications, especially in its preparation the researcher uses primary legal materials, namely analyzing all laws and regulations that regulate the existence of the Coordinating Ministry, from the 1945 Constitution of the Republic of Indonesia to the related Presidential Regulation.

This research uses several approaches such as the legislative approach (*statue approach*), Case Approach (*Case Approach*), conceptual approach (*Conceptual Approach*), and Historical Approach (*Historical Approach*). This legislative approach is carried out by examining all laws and regulations related to the legal issue being discussed. Then case approach (*Case Approach*), the author analyzes problematic cases from the Coordinating Ministry. The author connects several cases and draws a conclusion on the problematic cases that occur. Conceptual approach, the author analyzes related concepts from the existence of the Coordinating Ministry. Furthermore, the historical approach (*Historical Approach*), the author analyzes the existence of the Coordinating Ministry from post-reform to the present.

The legal materials contained in this study are primary legal materials consisting of laws and regulations, secondary such as law books, and tertiary such as law dictionaries. Then The technique for collecting legal materials uses a bibliographic study, namely by identifying all legal materials, both primary, secondary and tertiary legal materials, which are then inventoried to sort out the appropriate legal materials.

The legal materials that have been collected are then analyzed using qualitative methods, namely by interpreting or interpreting the legal materials (Dr. Muhaimin, SH. 2008). Then the analysis in this study is prescriptive, namely by providing arguments for the research results related to the Coordinating Ministry's regulations.

## RESULTS AND DISCUSSION

### **Problems of the Existence of the Coordinating Ministry in the Ministerial System in Post-Reformation Indonesia Until Now**

Post-reform, the existence of the Coordinating Ministry has always existed in every cabinet in the government. Although the number of Coordinating Ministries is different in each cabinet, its main task remains the same, namely related to synchronization and coordination. The President as head of state and head of government has the prerogative to determine the number of ministries according to the needs of the planned programs. It was recorded in the post-reform which began with the Development Reform Cabinet - President Bacharuddin Jusuf Habibie (1998-1999) which consisted of 4 (four) Coordinating Ministries, then the National Unity Cabinet - President KH Abdurrahman Wahid (1999-2001) consisting of 3 (three) Coordinating Ministries, then the Gotong Royong Cabinet period - President Megawati Soekarnoputri (2001-2004) consisting of 3 (three) Coordinating Ministries, then the United Indonesia Cabinet - President Susilo Bambang Yudhoyono (2004-2014) consisting of 3 (three) Coordinating Ministries, then the Working Cabinet - President Joko Widodo (2014-2019) and the Advanced Indonesia Cabinet - President Joko Widodo (2019-2024) consisting of 4 (four) Coordinating Ministries, then currently the Red and White Cabinet - President Prabowo Subianto (2024-Present) consisting of 7 (seven) Coordinating Ministries.

### **Problems of the Coordinating Ministry for Development Reform Cabinet – President Bacharuddin Jusuf Habibie (1998-1999)**

During the implementation of the BJ Habibie Development Reform government, the composition of the ministries at that time was recorded as 37 Ministries, 4 of which were Coordinating Ministries consisting of the Coordinating Ministry for Political and Security Affairs, the Coordinating Ministry for Economic, Financial and Industrial Affairs, the Coordinating Ministry for Development Supervision and Empowerment of State Apparatus, and the Coordinating Ministry for Community Welfare and Poverty Alleviation.

The legal umbrella for the existence of the Coordinating Ministry is contained in Presidential Decree (KEPPRES) No. 100 of 1998 concerning the Position, Duties, Functions, Organizational Structure and Work Procedures of the Coordinating Minister of State and KEPPRES No. 134 of 1998 concerning Amendments to Presidential Decree Number 100 of 1998 concerning the Position, Duties, Functions, Organizational Structure, and Work Procedures of the Coordinating Minister of State.

The problems that occurred during the reign of the Development Reform Cabinet were marked by problems with synchronization and coordination mechanisms. In Presidential Decree No. 100 of 1998 concerning the Position, Duties, Functions, Organizational Structure and Work Procedures of the Coordinating Minister of State,

there was no synchronization and coordination mechanism between ministries in their fields or outside their fields. Before that, the regulation was indeed intended to clarify and facilitate coordination and synchronization between ministries, especially several fields in the related Coordinating Ministry such as politics, economy, development, and public welfare. However, the provisions contained in the Presidential Decree have not fully accommodated the technical needs of the Coordinating Ministry.

Then the regulation was updated which was marked by the issuance of Presidential Decree No. 134 of 1998 concerning Amendments to Presidential Decree Number 100 of 1998 concerning the Position, Duties, Functions, Organizational Structure, and Work Procedures of the Coordinating Minister of State. However, the changes to the regulation have not been touched on the crucial point related to the problem of synchronization and coordination because the changes are limited to the number of expert staff for each Coordinating Ministry, then other provisions do not change. There are several weaknesses, especially related to the synchronization and coordination mechanism which have implications for the technical implementation which will overlap because there are no provisions on the limits of coordination between Coordinating Ministries.

In addition, the provisions contained in Article 7 Paragraph (3) of Presidential Decree No. 100 of 1998 concerning the Position, Duties, Functions, Organizational Structure and Work Procedures of the Coordinating Minister of State, every expert staff must be appointed with written approval from the Coordinating Minister for Supervision of Development and Empowerment of State Apparatus. Of course, this has the potential to cause *bottlenecks* or obstacles in the bureaucratic system and the increasingly inefficient bureaucratic flow in an institution. In fact, one of the objectives of establishing the Coordinating Ministry, apart from synchronization and coordination, is related to the efficiency of the smooth running of the bureaucracy in the ministerial system in Indonesia.

### **Problems of the Coordinating Ministry of the National Unity Cabinet - President KH Abdurrahman Wahid (1999-2001)**

During Gus Dur's administration, he named his cabinet the National Unity Cabinet and formed a government composition in his cabinet, namely 36 State Ministers, 3 of whom were Coordinating Ministers. The Coordinating Ministries included the Coordinating Ministry for Politics and Security, the Coordinating Ministry for Economic Affairs, Finance, and Industry, and the Coordinating Ministry for People's Welfare and Poverty Alleviation.

The legal umbrella for the existence of the Coordinating Ministry during Gus Dur's administration is contained in Presidential Decree No. 135 of 1999 concerning the Position, Duties, Functions, Organizational Structure, and Work Procedures of the Coordinating Minister of State which was later updated by Presidential Decree No.



146 of 1999 concerning Amendments to Presidential Decree No. 135 of 1999 concerning the Position, Duties, Functions, Organizational Structure, and Work Procedures of the Coordinating Minister of State. The core of the change is only a change in the nomenclature of one of the ministries, namely the Minister of Marine Exploration, whose nomenclature was changed to the Minister of Marine Exploration and Fisheries.

After that, the 2 (two) regulations were revoked and replaced by Presidential Decree No. 162 of 2000 concerning the Position, Duties, Functions, Authority, Organizational Structure, and Work Procedures of the Coordinating Minister of State. There are several changes, mainly related to the Coordinating Ministry, such as the Simplification of the number of Coordinating Ministries from 3 Coordinating Ministries to 2 Coordinating Ministries and the Expansion of the authority of the Coordinating Ministry, previously the Coordinating Ministry only focused on its main task of coordination, synchronization, and integration. Through Article 6 and Article 10 of Presidential Decree No. 162 of 2000 concerning the Position, Duties, Functions, Authority, Organizational Structure, and Work Procedures of the Coordinating Minister of State, the Coordinating Ministry has additional authority, namely determining policies and preparing plans macro, signing international agreements based on the delegation of authority from the President in its field, and formulating policy priorities in its field;

Then there were two more changes, namely through Presidential Decree No. 170 of 2000 concerning Amendments to Presidential Decree No. 162 of 2000 concerning the Position, Duties, Functions, Authority, Organizational Structure, and Work Procedures of the Coordinating Minister of State and Presidential Decree No. 35 of 2001 concerning Amendments to Presidential Decree 162 of 2000 concerning the Position, Duties, Functions, Authority, Organizational Structure, and Work Procedures of the Coordinating Minister of State as Amended by Presidential Decree No. 170 of 2000. The core of the two changes is to focus more on the organizational and institutional structure such as changes in the number of deputies and their field structures and changes in the number of expert staff of the Coordinating Minister.

There are several problems that arise from the legal basis that applies to the Coordinating Ministry during Gus Dur's administration, in general, of the five regulations, the considerations or the legal basis for the implementation of the regulation only refers to the 1945 Constitution and the Law that does not regulate the Ministry, especially the Coordinating Ministry. There is no special legal umbrella or law that regulates the Ministry, specifically the Coordinating Ministry, this certainly has legal consequences. One example is the authority of the Coordinating Minister for the Economy regarding international agreements regulated in Article 10 letter C of Presidential Decree Number 162 of 2000 concerning the Position, Duties, Functions,

Authorities, Organizational Structure, and Work Procedures of the Coordinating Minister of State which states that:

"Signing of international agreements/contracts based on the delegation of authority from the President in his/her field;"

This would be contrary to Law No. 24 of 2000 concerning International Agreements which mandates the Minister of Foreign Affairs as the main actor related to international agreements. This could be overcome by the provisions contained in a special Law related to the Ministry by adding explanations for certain matters, but at that time there was no special Law related to the Ministry, especially the Coordinating Ministry.

In addition, the unclear provisions regarding conflict resolution in the event of a conflict between the policies of the Coordinating Ministry and the Technical Ministry. The provisions contained in the regulations of the Coordinating Ministry during the Gus Dur administration only focused on procedures and technicalities and ignored important aspects of a substantial nature.

#### **Problems of the Coordinating Ministry of the Mutual Cooperation Cabinet - President Megawati Soekarnoputri (2001-2004)**

The cabinet during President Megawati's administration was named the Gotong Royong Cabinet with a composition of 33 State Ministers, 3 of whom were Coordinating Ministers. The Coordinating Ministries at that time included the Coordinating Ministry for Politics and Security, the Coordinating Ministry for Economic Affairs, and the Coordinating Ministry for People's Welfare.

The legal umbrella for the existence of the Coordinating Ministry during President Megawati's administration is contained in Presidential Decree No. 100 of 2001 concerning the Position, Duties, Functions, Authorities, Organizational Structure, and Work Procedures of the Coordinating Minister of State. In addition, there are new provisions regarding the determination of decisions resulting from coordination contained in Article 6 letter E, Article 10 letter E, and Article letter 14 E concerning the expansion of authority related to the formulation of macro policy agendas and priorities and the determination of decisions resulting from coordination.

Then there are provisions for sanctions related to procedural violations in the personnel structure, specifically in Article 29 Paragraphs (3) and (4). These provisions have never been regulated in regulations related to the Coordinating Ministry. This step is the right step to provide professional values in the bureaucratic system at that time.

Then there was a change through Presidential Decree No. 1 of 2002 concerning Amendments to Presidential Decree No. 100 of 2001 concerning the Position, Duties, Functions, Authorities, Organizational Structure and Work Procedures of the Coordinating Minister of State. However, the change was limited to Article 11 related



to the technical ministers under the Coordinating Minister for the Economy, where there was the removal of the Minister of State for National Development Planning from the list of coordination under the Coordinating Minister for the Economy.

Problems also arose in the Coordinating Ministry during President Megawati's administration, similar to the problems in the previous era related to the absence of a special law regulating the Ministry, specifically the Coordinating Ministry, causing this institution to be weak in the hierarchy of laws and regulations because its provisions are only regulated by Presidential Decree. Moreover, the Presidential Decree is instructional from the President. That means there is no legal certainty in terms of the laws regulating the Ministry, especially the Coordinating Ministry.

In addition, in Presidential Decree Number 100 of 2001 concerning the Position, Duties, Functions, Authorities, Organizational Structure and Work Procedures of the Coordinating Ministry of State, there are no provisions regarding conflicts of authority if problems occur between the Coordinating Ministry and the Technical Ministry, such as overlapping policies in their implementation. This certainly results in a lack of synchronization between the Coordinating Ministry and the Technical Ministry in their fields or outside their coordination fields.

Regarding the accountability of the Coordinating Ministry at that time, it was still lacking, in Article 31 of Presidential Decree Number 100 of 2001 concerning the Position, Duties, Functions, Authorities, Organizational Structure and Work Procedures of the Coordinating Ministry of State, it states that the report on the results of the Coordinating Ministry's coordination is submitted internally directly to the President without any transparency mechanism to the public or the DPR as a legislative institution which causes a lack of supervision from the DPR or the people. This is certainly contrary to the principle of *checks and balances* from the constitutional system in Indonesia which had just made the 4th amendment to the 1945 Constitution at that time.

### **Problems of the Coordinating Ministry of the United Indonesia Cabinet I - President Susilo Bambang Yudhoyono (2004-2009)**

During President SBY's administration, he named his cabinet the United Indonesia Cabinet. The composition of the United Indonesia Cabinet consists of 34 State Ministers, 3 of whom are Coordinating Ministers consisting of the Coordinating Ministry for Political, Legal, and Security Affairs, the Coordinating Ministry for Economic Affairs, and the Coordinating Ministry for People's Welfare.

The legal umbrella for the existence of the Coordinating Ministry during President SBY's administration is contained in Law No. 39 of 2008 concerning State Ministries and Presidential Regulation (PERPRES) Number 9 of 2005 concerning the Position, Duties, Functions, Organizational Structure, and Work Procedures of the State Ministries of the Republic of Indonesia.

In the previous era, provisions regarding ministries were only regulated through Presidential Decrees or Presidential Regulations, during the SBY government there was Law No. 39 of 2008 concerning the State Ministry. This is a progressive step for the legal basis and strengthening of the existence of the Ministry.

When viewed from *timeline* -the Law on State Ministries was only valid and enforced in 2008, while the start of President SBY's administration was in 2004, meaning that there were other provisions governing the State Ministries, especially the Coordinating Ministry, before the enactment of Law No. 39 of 2008 concerning State Ministries. These provisions are contained in Presidential Regulation No. 9 of 2005 concerning the Position, Duties, Functions, Organizational Structure, and Work Procedures of the State Ministries of the Republic of Indonesia and its amendments. The following is a table of the differences in the provisions contained in the two regulations;

**Table 1.1 Differences between Law No. 39 of 2008 and Presidential Regulation no. 9 of 2005 and its amendments.**

No	Aspect	Law No. 39/2008	Presidential Decree No. 9/2005 and its amendments
1	Formation	Made by the DPR with the joint approval of the President	Made by the President
2	Hierarchy	Higher than Presidential Decree	Under the Law
3	Substance	More general in nature, such as classification of government affairs, ministerial structure, functions of formation and dissolution of ministries.	More technical in nature such as structure, tasks, echelons, organizational work procedures
4	Number of Ministries	34 State Ministries	Not limited, according to the President's needs
5	Prohibition	Prohibition of double positions for ministers	Do not arrange for multiple positions
6	Sanctions	Ministers can be dismissed	There is no legal sanction mechanism

The provisions of the Ministry, especially the Coordinating Ministry during the SBY administration were the result of an evaluation of the cabinets during the previous administration. However, in practice, even though these provisions were the result of an evaluation, there were still several problems related to the Coordinating Ministry

that had implications for various things. President SBY was also recorded at that time as having carried out several *reshuffles* in his cabinet.

The first and main problem is related to the unclear synchronization and coordination mechanism. The Law on State Ministries and the Presidential Regulation that regulates it does not contain provisions regarding the synchronization and coordination mechanism. The Coordinating Ministry which is tasked with synergizing the coordination and synchronization of ministries and government institutions does not have a concrete mechanism that regulates this such as resolution or follow-up. This certainly causes the coordination mechanism to not run optimally, especially in cross-sector policies.

Then Presidential Regulation Number 9 of 2005 Concerning the Position, Duties, Functions, Organizational Structure, and Work Procedures of the Ministry of State of the Republic of Indonesia, although it regulates the duties and functions of the Coordinating Ministry, the provisions regarding the mechanism for resolving problems if there are overlapping policies between ministries are unclear. This has the potential for sectoral egos between ministries later which will result in inefficiency in the government structure.

The next problem is related to the limited authority held by the Coordinating Ministry. Articles 3 and 4 of Presidential Regulation Number 9 of 2005 concerning the Position, Duties, Functions, Organizational Structure, and Work Procedures of the Ministries of the Republic of Indonesia mandate the Coordinating Ministry to coordinate plans and synchronize policies, but the role of the Coordinating Ministry is weak because it does not have the authority to decide or force the coordinated ministries to comply with the matters coordinated for the alignment of government programs. Thus, the role of the Coordinating Ministry will not be optimal because there is no provision that the coordinated technical ministries must comply with what is coordinated.

Other limited authority of the Coordinating Ministry is contained in Article 26 of Law No. 39 of 2008 concerning State Ministries which states that;

"The relationship between the Ministry and the regional government is implemented within the framework of the Unitary State government system, taking into account the principles of the Republic of Indonesia with the implementation of regional autonomy in accordance with laws and regulations."

The article does not regulate the role of the Coordinating Ministry in coordinating the Technical Ministries in its field with the regions. In fact, this is needed to optimize the role of the Coordinating Ministry to synchronize regional government programs with the center through synchronization of technical ministry policies in its field.

## **Problems of the Coordinating Ministry of the United Indonesia Cabinet II - President Susilo Bambang Yudhoyono (2009-2014)**

The name of the Cabinet in President SBY's second term retained the name of the previous cabinet, so the Cabinet of the Government during President SBY's second term was named the United Indonesia Cabinet II. The composition of the ministries in the cabinet was in accordance with the mandate of the number of ministries regulated in Law No. 39 of 2008 concerning State Ministries. The total number of Ministries is 34 Ministries with 3 (three) of them being Coordinating Ministries consisting of the Coordinating Ministry for Economic Affairs, the Coordinating Ministry for Political, Legal and Security Affairs, and the Coordinating Ministry for People's Welfare.

The provisions regarding the Ministry, especially regarding the Coordinating Ministry in President SBY's second term, have made many adjustments to the provisions contained in Law No. 39 of 2008 concerning the State Ministry. This is because the following Law is the main legal umbrella related to the ministerial system in Indonesia. Therefore, every implementing regulation or derivative regulation related to the ministry must be adjusted to the Law on the State Ministry. The first implementing regulation was in Presidential Regulation No. 47 of 2009 concerning the Formation and Organization of the State Ministry, then the Presidential Regulation underwent several changes which in essence regulated the work procedures of the Coordinating Ministry

Some of these regulations are the legal basis for the validity of ministries including the Coordinating Ministry during the second term of President SBY's administration. From several of these regulations, the direction of system renewal related to bureaucracy, duties and functions, organizational structure experienced quite significant changes in the ministerial system in Indonesia at that time. Of course, all of these regulations still have several evaluations in several provisions. Such as the provisions regarding the Coordinating Ministry are not yet at the stage of accommodating all synchronization and coordination needs. This is because there are still problems that arise.

In addition, the problem of coordination and synchronization also received some criticism from elements of society, one of which was from Indonesia Corruption Watch (ICW). President SBY's government received criticism from ICW after 1 year of his second term, ICW criticized the problem of coordination and synchronization between Ministers, specifically the Minister of Home Affairs and the Coordinating Minister, Central Government, and Regional Government (Indonesia Corruption Watch 2020). This is not without reason, there were several problems regarding the lack of synchronization of several regional regulations at that time with several regulations from the center.

One thing that is no less important is related to the selection of cabinet elements that are too political in nature which resulted in a less harmonious relationship between the President and Vice President at that time which of course had implications for the

problems of ministerial coordination. One real example is Conflicts of interest in government, including differences of opinion between the president and vice president, have caused tensions, such as in the case of the struggle for control of the Directorate General of Posts and Telecommunications ( Postel ) between the Department of Transportation and the Ministry of Information and Communication. Initially, the Directorate General of Post and Telecommunications was under the Department of Transportation, but SBY and Jusuf Kalla (JK) planned to move it to the Ministry of Information and Communication along with the formation of the Directorate of Telematics in the ministry. This debate forced SBY to amend Presidential Decree No. 187/2004 on the Composition of the United Indonesia Cabinet. Delays in issuing decrees and the lack of adequate infrastructure support could weaken internal cabinet coordination and consolidation. If left unchecked, this condition would hamper the implementation of government programs and potentially reduce public trust (Yusuf 2005).

#### **Problems of the Coordinating Ministry of the Working Cabinet - President Joko Widodo (2014-2019)**

During the administration of President Joko Widodo, his cabinet was named the Working Cabinet. The composition of the Working Cabinet consists of 34 Ministries, 4 (four) of which are Coordinating Ministries, consisting of the Coordinating Ministry for Politics, Law and Security, the Coordinating Ministry for the Economy, the Coordinating Ministry for Human Development and Culture, and the Coordinating Ministry for Maritime Affairs.

In addition to the Law on State Ministries, the legal basis for the existence of the Coordinating Ministry during President Jokowi's administration is contained in Presidential Regulation No. 7 of 2015 concerning the Organization of State Ministries and a special Presidential Regulation concerning the Coordinating Ministry for each field which was previously regulated in the same Presidential Regulation, during President Jokowi's administration, concerning specifically the Coordinating Ministry were separated in its own Presidential Regulation in each Coordinating Ministry that existed at that time.

In the legal basis for the existence of the Coordinating Ministry, the First Presidential Regulation during President Jokowi's administration was PERPRES No. 7 of 2015 concerning the Organization of State Ministries. The PERPRES is more systematic and innovative in substance. In the PERPRES there is a matter of ministry classification stating that the classification of Ministries consists of Coordinating Ministries, Group 1 Ministries, Group 2 Ministries, and Group 3 Ministries. In addition, Article 1 Paragraph (2) of PERPRES No. 7 of 2015 also regulates institutional evaluations that are routinely carried out at least every 3 years. The routine evaluation

is something new that is stated in writing in the provisions contained in the Presidential Regulation that regulates the Ministry.

The next Presidential Regulation specifically regulates the Coordinating Ministry, which in essence the Presidential Regulation regulates the duties, functions, organizational structure, work procedures and Ministries that are coordinated in each coordinated field. The difference from the Presidential Regulation that regulates the Coordinating Ministry during President Jokowi's administration is the difference in terms of the scope of tasks that are coordinated according to their respective coordination fields.

Regarding Presidential Regulation No. 7 of 2015, one of the provisions contained in the regulation is that the Coordinating Ministry only has the right to act and coordinate with Ministries under its jurisdiction. This has the potential to cause problems related to coordination issues with ministries that are not within its jurisdiction.

In relation to this, it is undeniable that there are still problems with the Coordinating Ministry during President Jokowi's administration. Similar to previous problems, problems related to the synchronization and coordination mechanisms in President Jokowi's administration have not been fully accommodated, resulting in several problems such as overlapping authority, sectoral egos between ministries and institutions, and conflict resolution mechanisms between ministries.

There are several concrete examples of the following problems such as the Conflict between Coordinating Minister for Maritime Affairs Rizal Ramli and Minister of Energy and Mineral Resources Sudirman Said (2015) regarding the plan to build a power plant, Differences of Opinion between Coordinating Minister for Maritime Affairs Luhut Binsar Pandjaitan and Minister of Maritime Affairs and Fisheries Susi Pudjiastuti (2016-2018) regarding the ban on trawls, ship sinking, lobster seed exports, Differences of Views between Coordinating Minister for the Economy Sofyan Djalil and Minister of Trade Rahmat Gobel (2015) regarding rice imports, Problems between Minister of Villages, Disadvantaged Regions, and Transmigration Marwan Jafar and Cabinet Secretary Pramono Anung in 2019, and problems between Minister of Transportation Ignasius Jonan and Minister of SOEs Rini Soemarno (Wantu 2019).

In addition to these problems, President Jokowi reshuffled the Coordinating Ministries several times at that time, the history of the first cabinet reshuffle on August 12, 2015, Coordinating Minister for the Economy Sofjan Djalil was replaced by Darmin Nasution, Coordinating Minister for Maritime Affairs Indroyono Susilo was replaced by Rizal Ramli, and Coordinating Minister for Political, Legal and Security Affairs Tedjo Edhy Purdjianto was replaced by Luhut Binsar. Then the second reshuffle on July 27, 2016, Coordinating Minister for Political, Legal and Security Affairs Luhut Binsar was replaced by Wiranto, and Coordinating Minister for Maritime Affairs Rizal Ramli was replaced by Luhut Binsar (Larasati 2023).



This cabinet reshuffle is the result of an evaluation of the performance that has been carried out by the Coordinating Ministry and other ministers. Reviewing the data contained in the Survey conducted by *Compass*, related to the performance satisfaction survey of Ministers during Jokowi's administration, the results of public dissatisfaction were in the economic sector, in that context the Coordinating Minister for the Economy received the highest dissatisfaction score with a total of 64.8%. This number is the highest number of dissatisfaction compared to other Coordinating Ministers (D 2015).

### **Problems of the Coordinating Ministry of the Advanced Indonesia Cabinet - President Joko Widodo (2019-2024)**

In his second term, President Jokowi named his cabinet the Advanced Indonesia Cabinet. This cabinet consists of 34 ministries, 4 of which are Coordinating Ministries consisting of the Coordinating Ministry for Politics, Law and Security, the Coordinating Ministry for the Economy, the Coordinating Ministry for Human Development and Culture, and the Coordinating Ministry for Maritime Affairs and Investment.

The legal basis for the existence of the Coordinating Ministry in this period relates to the Law has not changed, which is the Law on State Ministries. Regarding the Presidential Regulation, there has been a change from the previous period, the Presidential Regulation revokes the previous Presidential Regulation that regulates the same thing. The difference in substance is essentially related to the nomenclature of the Ministry, organizational work procedures, duties and functions, digitalization and composition of the ministry.

However, the implementation of all laws and regulations related to the Coordinating Ministry in the second period of President Jokowi's administration in fact still raises several problems. Moreover referring to the results of the IPO (Indonesia Political Opinion) survey conducted on January 10-31, 2020. The Executive Director of Indonesia Political Opinion (IPO) explained that the performance of the Coordinating Ministry of the Jokowi- Ma'ruf cabinet was considered poor by the public (Larasati 2023).

Criticism from several constitutional law experts regarding the effectiveness of the Coordinating Ministry has also become a highlight, especially regarding the problems that occurred during the formation and implementation of the Coordinating Ministry. The National Conference on Constitutional Law, the Association of Constitutional Law Lecturers and State Administrative Law (APHTN-HAN) in several of its conferences often recommends the elimination of the Coordinating Ministry in the ministerial system in Indonesia. Oce Madril , a HAN expert from Gadjah Mada University, who led the reading of the recommendations of the 2nd APHTN-HAN National Conference stated that *existence* It would be better to eliminate the

Coordinating Ministry, because according to regulations, its existence is not mandatory and to make policies and direct coordination between ministers and the President more effective ( Hukumonline 2023).

In addition, in the second term, President Jokowi also reshuffled ministers in his cabinet several times (Putri, Faraidiany , and Ahmady 2022). Regarding the Coordinating Ministry, there was a reshuffle for Coordinating Minister for Political, Legal, and Security Affairs Mahfud MD who was replaced by Hadi Tjahjanto . Mahfud MD resigned from his position because he was running for Vice President of Indonesia in the 2024 Election.

### **Problems of the Coordinating Ministry of the Red and White Cabinet - President Prabowo (2024-Present)**

The cabinet during President Prabowo's administration was named the Red and White Cabinet, consisting of 48 Ministries, 7 of which were Coordinating Ministries, consisting of the Coordinating Ministry for Political and Security Affairs, the Coordinating Ministry for Law, Human Rights, Immigration, and Corrections, the Coordinating Ministry for the Economy, the Coordinating Ministry for Human Development and Culture, the Coordinating Ministry for Infrastructure and Regional Development, the Coordinating Ministry for Community Empowerment, and the Coordinating Ministry for Food. There were several changes in provisions that had an impact on the total number of ministries as a whole which increased compared to the previous cabinet period.

The legal basis for the existence of the Coordinating Ministry in this period has changed, namely through Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning the State Ministry. Not only with the Law, the Presidential Regulation governing the Coordinating Ministry has also changed through Presidential Regulation Number 140 of 2024 concerning the Organization of the State Ministry and special Presidential Regulations for each field of the Coordinating Ministry.

The main thing in the provisions regarding the Coordinating Ministry during President Prabowo's administration is related to changes to the Law on State Ministries, namely Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning State Ministries, this regulation creates several changes related to the existence of the Coordinating Ministry, especially changes to Article 15 regarding the number of Ministries, in Article 15 of Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning State Ministries it states that; "The total number of Ministries formed as referred to in Article 12, Article 13, and Article 14 is determined in accordance with the needs of the administration of government by the President."

This article has implications for the flexibility of the President to adjust the number of ministries to suit the President's needs in running the government, without being limited by the number as in the previous provisions, namely 34 Ministries. With this change, the President can determine the number of Ministries according to his needs.

Several changes to the provisions contained in the Law on the Ministry will of course have implications for other implementing regulations regulated in the Presidential Regulation regarding the Coordinating Ministry, which in essence are related to the number of ministries, work procedures, nomenclature, duties and functions, and composition of the Ministry.

In its current implementation, the provisions regarding the Coordinating Ministry still have the potential to cause problems in the future. There are still several weaknesses and deficiencies related to the regulations regarding the Coordinating Ministry in the previous period regarding the unclear synchronization and coordination mechanisms. As explained previously, the absence of regulations regarding the synchronization and coordination mechanisms will have implications for other problems that arise in the ministerial system in Indonesia.

Another problem is related to the new provisions contained in Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning State Ministries, which states that;

"The total number of Ministries formed as referred to in Article 12, Article 13, and Article 14 is determined in accordance with the needs of the administration of government by the President."

The article provides space for the President to determine the number of Ministries in his cabinet. The change in the number of ministries certainly further extends the potential problems that arise. This potential is marked by concerns regarding the risk of politicization of the Coordinating Ministry position, where the Coordinating Ministry position is used as a tool for dividing power that is not based on technical competence. Moreover, the position of minister is a position that is political in nature (Arion et al. 2016). With no limits on the president in determining the number of ministries, of course the possibility of politicization of the position is high. The absence of these limits results in waste of positions or the emergence of positions in the government structure that are not responsive to the needs of the community, and there is an obesity of law or regulation because each Ministry has the authority to issue Ministerial Regulations, with a total of ministries that are not limited, the potential for overlapping regulations will occur.

In fact, the current performance of the Ministries during Prabowo's administration has received various responses from the public. This is due to the performance being considered less than optimal and the controversial statements being made. There are several examples such as the statement by the Coordinating Minister for Law, Human Rights, Immigration, and Corrections 2024-2029, Yusril Ihza Mahendra , who claimed

that the tragedy in 1998 was not categorized as a gross human rights violation. Furthermore, the request for an additional budget for the Ministry of Human Rights which was so high at 20 trillion, was conveyed directly by the Minister of Human Rights, Natalius Pigai . The budget request was certainly considered unreasonable and inappropriate, especially at this time when budget efficiency was being implemented by the Prabowo Presidential Administration. In addition to the above cases, there is controversy over the use of ministerial letterheads by the Minister of Villages and Disadvantaged Regions Yandri Susanto, the alleged involvement of the Minister of Cooperatives, Budi Arie in the Online Gambling case, the controversy over the dismissal of employees by the Minister of Higher Education, Science, and Technology Satryo Soemantri , and the controversy over the arrangement of subsidized gas by the Minister of Energy and Natural Resources Bahlil Lahadalia . Several examples of these cases have made the public increasingly assess indications of politicization of the Minister's position without being based on performance and expertise ( Lubis 2024).

In addition, what is worth noting is the ministry's budget burden. The more ministries there are, the more budget is spent without considering the aspects of effectiveness or efficiency. Regarding the budget, the Coordinating Ministry absorbs a fairly high budget burden. This budget burden is not yet directly proportional to the significant impact of the Coordinating Ministry itself. The latest in the Red and White Cabinet, the Indonesian House of Representatives Budget Agency approved the budget for the Coordinating Ministries in 2025 reaching IDR 6,444,509,080,000 (six trillion four hundred and forty four billion five hundred and nine million eighty thousand rupiah) with details of the Coordinating Ministry for Food IDR 550,000,000,000, Coordinating Ministry for Community Empowerment IDR793,500,000,000, Coordinating Ministry for the Economy IDR523,976,054,000, Coordinating Ministry for Politics and Security IDR3,268,281,288,000, Coordinating Ministry for Human Development and Culture IDR471,578,475,000, Coordinating Ministry for Law, Human Rights, Immigration, Corrections IDR334,029,527,000, and Coordinating Ministry for Infrastructure and Territories IDR503,143,736,000 (Blessings 2024).

### **Future Arrangements Regarding the Coordinating Ministry System to Ensure Legal Certainty**

During the current Red and White Cabinet, the problems related to the existence of the Coordinating Ministry have narrowed down to 2 (two) things. The first is the unclear mechanism of synchronization and coordination by the Coordinating Ministry and the second is related to the lack of a limit on the number of Ministries including the Coordinating Ministry because there is a new provision in the Law on Ministries regarding the number of ministries adjusted to the needs of the President.

### **Coordinating Ministry Synchronization and Coordination Mechanism Arrangement**

The regulation regarding synchronization and coordination is one of the most fundamental and central things, because it is related to its main task. During the existence of the Coordinating Ministry after the reform until now, there have been no concrete provisions regulating the synchronization and coordination mechanisms. The absence of provisions in the laws and regulations regarding the Coordinating Ministry related to the mechanism has resulted in the implementation of the duties and functions of the Coordinating Ministry being less effective and less than optimal. This is evidenced by several problems that occur in each cabinet in the Indonesian government, starting from legal problems to the sectoral egos of each Ministry. In fact, these problems still continue until the current Red and White Cabinet.

In this Red and White Cabinet, the legal basis governing the synchronization and coordination mechanisms is contained in Presidential Regulation Number 140 of 2024 concerning the Organization of State Ministries, however, the provisions of the mechanisms contained in the Presidential Regulation are still not concrete and detailed. Based on the results of the analysis using grammatical interpretation, there are several articles in the Presidential Regulation that touch on the synchronization and coordination mechanisms, the first is in Article 49 Paragraph (1) which states that; "The Coordinating Ministry has the task of organizing synchronization and coordination of the implementation of ministerial affairs in the administration of government in its field."

In the article there is a phrase "governance in its field" which means that the Coordinating Ministry is limited to synchronizing and coordinating only in ministries in its field. In fact, if we are talking about policy synchronization, of course it requires cross-sector coordination, not just in one field. Moreover, in the next paragraph, namely Article 49 Paragraph (2) it states that;

"The duties of the Coordinating Ministry as referred to in paragraph (1) are carried out to provide support and coordination for the implementation of policy initiatives based on the national development agenda and the President's assignments in an inclusive and integrated manner."

When it comes to the national development agenda, the policies issued by the Government should be related to each other. Therefore, the Coordinating Ministry should not be limited to synchronization and coordination within its field alone, but synchronizing and coordinating outside its field is also something important to do.

In addition, regarding the function of the Coordinating Ministry contained in Article 49 Paragraph (1) and Article 50, which mandates that the synchronization and coordination mechanism is limited to the Ministry in its field only, this results in the synchronization and coordination mechanism being less than optimal in achieving the goals of the national development agenda.

Then the next article is related to the working procedures of the Coordinating Ministry contained in Article 82 Paragraphs (1) to (10). However, the provisions contained in Article 81 have not fully accommodated the needs of synchronization and coordination. Several provisions contained in the article are not yet detailed enough to regulate the synchronization and coordination mechanisms, especially since there is no mandate for more detailed provisions to be regulated in special implementing regulations. There are several that are missing from those provisions already listed, such as the conflict resolution mechanism if there are problems between ministries, sanctions for ministries that do not comply with the results of synchronization and coordination, overlapping conflicts between policies, conflicts of authority, and follow-up to the conflict resolution mechanism between ministries.

Therefore, regarding several provisions related to the synchronization and coordination mechanisms that are not yet clear and detailed, special legislation is needed, namely a Presidential Regulation regarding the synchronization and coordination mechanisms of the Coordinating Ministry. The Presidential Regulation must be able to revise the provisions that make the role of the Coordinating Ministry less than optimal in Presidential Regulation Number 140 of 2024 concerning the Organization of State Ministries, detail the provisions regarding the synchronization and coordination mechanisms that are already contained in the Presidential Regulation, and accommodate several provisions that are not yet contained in the Presidential Regulation.

The first is to revise the provisions that make the role of the Coordinating Ministry less than optimal in Presidential Regulation Number 140 of 2024 concerning the Organization of State Ministries, specifically in Article 49 Paragraph 1 and Article 50. In addition, as previously explained, when discussing the national development agenda, its nature is comprehensive, meaning that the policies issued by the government, in this case the Ministries and Institutions, will synergize between several ministries.

Next is to detail the provisions regarding the synchronization and coordination mechanisms that are already contained in the Presidential Regulation. These details are certainly useful for providing legal certainty in the implementation of government later, Then the last is to accommodate several that are not yet contained in the Presidential Regulation, such as provisions on conflict resolution mechanisms if there are problems between ministries, provisions for ministries that do not comply with the results of synchronization and coordination, overlapping conflicts between ministerial policies, conflicts of authority between ministries, and follow-up to the conflict resolution mechanism between ministries.

If there is a presidential regulation that accommodates the following matters, then the potential problems that occur when carrying out the synchronization and coordination functions by the Coordinating Ministry have preventive steps that are solution-oriented and futuristic. In this context, the theory of *Responsive Regulation* as



stated by Ayres and Braithwaite (1992), in the institutional context of the Coordinating Ministry, the application of the principle of *Responsive Regulation* can be realized through flexible regulatory arrangements but still provides clear normative boundaries, especially related to coordination functions, as well as performance evaluation mechanisms. Regulations that are too rigid risk inhibiting adaptation to government dynamics.

### **Regulation of the Number of Ministries in the Ministerial System in Indonesia**

The regulation regarding the number of ministries was previously limited to 34 ministries as stated in Law Number 39 of 2008 concerning State Ministries. Currently, this provision has changed with the issuance of Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning State Ministries, which states that;

"The total number of Ministries formed as referred to in Article 12, Article 13, and Article 14 is determined in accordance with the needs of the administration of government by the President."

The article provides space for the President to determine the number of Ministries according to the needs of his cabinet. The latest provision has the potential to provide less than optimal and effective implications in the ministerial system in Indonesia.

Basically, the President's authority to determine the number of ministries based on these needs is the President's prerogative as head of state and head of government. Prerogative is a special power or inherent authority held by a president without being interfered with by other institutions and is regulated by the constitution (Susanto 2016). Moreover, the President has prerogative rights related to the Ministry as regulated in Article 17 of the 1945 Constitution of the Republic of Indonesia. However, this prerogative does not mean giving the President the broadest possible authority without considering essential matters such as the needs of the community or effectiveness in government, especially in the ministerial system. There are several limitations regarding the President's prerogative rights that are not explicitly stated in the laws and regulations.

When viewed from a historical perspective, the formation of Law Number 39 of 2008 concerning State Ministries, in addition to following up on the provisions of Article 17 of the 1945 Constitution of the Republic of Indonesia which mandates that the formation, amendment, and dissolution of state ministries are regulated by law. Another purpose is to limit the President's Prerogative Rights in forming Ministries, because at that time there were no concrete regulations regarding the limitation of the President's Prerogative Rights in appointing his ministers which resulted in the ineffective and inefficient implementation of government, especially in the ministerial system in Indonesia (Majid 2017).

Regarding the limitation of the President's prerogative rights, this is useful to minimize the abuse of power by the President to act arbitrarily. According to Sjachran Basah, "abus de droit" or arbitrary action, namely the actions of officials that are not in accordance with the objectives outside the scope of statutory provisions. This definition means that to assess whether or not there is abuse of authority by testing how the purpose of the authority is given (principle of specialization). Acting arbitrarily can also be interpreted as using authority (rights and powers to act) beyond what should be done so that the action in question is contrary to the provisions (Sjafran Wet 2025). In addition, there is a doctrine put forward by Lord Acton "Power tends to corrupt and absolute power corrupts absolutely." The quote means that the greater the power a person has, the higher the tendency for it to be misused (Hafis and Yogia 2017). If the President is given absolute authority in the formation of Ministries, of course there is the potential for misuse such as the formation of Ministries that are not in accordance with the needs and the Ministers appointed by him will only be based on political interests, not on the needs of the community. That is why the limitation of the President's Prerogative Rights in determining the number of ministers is very important to apply because it will have implications for the effectiveness of the government.

The limitation of Prerogative Rights is also bound by the General Principles of Good Governance (AUPB) as stated in Law No. 30 of 2014 concerning Government Administration. The President as head of government is bound by these principles in organizing government. The new provisions contained in this Ministerial Law certainly have the potential to be inconsistent with the AUPB, such as the principle of usefulness, the principle of abuse of power, and the principle of certainty.

In addition, the latest provisions have raised concerns in the public regarding the risk of politicization of ministerial positions, including the Coordinating Ministry, where the Coordinating Ministry position is used as a tool for dividing power that is not based on technical competence, but rather based on the division of positions resulting from election coalitions and waste of positions or the emergence of positions in the government structure that are not responsive to the needs of the community. Moreover, the position of minister is a position that is political in nature (Arion et al. 2016), so of course the possibility of politicization of positions is high.

In fact, the coalition that is part of President Prabowo's winning team in the 2024 Presidential Election is a fat coalition consisting of various political parties. The consequence is that President Prabowo must accommodate the interests of several political parties. Moreover, in the Indonesian state system, the Presidential system is implemented which is accommodated with a multi-party system (Djayadi Hanan 2017). It is recorded that the Ministries in the Red and White Cabinet during President Prabowo's administration consisted of 48 Ministries, led by ministers from various parties and professional backgrounds.

The multiparty system implemented in Indonesia has an impact on the leadership of a President in running the government, especially when the President forms the composition of the cabinet. Since the reformation, the President in running the government has not been separated from building a coalition with supporting political parties (Ibrahim 2022).

Then in terms of legal certainty, the provisions in the amendment to Article 15 of the Ministry of Law have not provided clear certainty. When viewed from the phrase contained in the article that gives flexibility to the President, namely the phrase "According to needs", the phrase does not have objective parameters. The phrase provides room for multiple interpretations and has the potential for abuse of authority because there are no limitations for the President in forming a Ministry.

When viewed from the theory of legal certainty put forward by Gustav Radbruch, the article has not provided legal certainty as it should. Gustav Radbruch put forward 4 (four) basic things related to the meaning of legal certainty, namely:

1. "That the law is positive, meaning that positive law is legislation.
2. That the law is based on facts, meaning it is based on reality.
3. That facts must be formulated in a clear manner so as to avoid errors in interpretation, in addition to being easy to implement.
4. Positive law cannot be easily changed." (Nur 2023)

The articles contained in the 2024 Ministerial Law do not fully accommodate the requirements for legal certainty put forward by Gustav Radbruch, especially in point number 3 (three) regarding interpretation that does not cause confusion.

In addition, there is another important thing related to the budget burden. The more ministries there are, the consequence is that the more budget is spent. Based on Presidential Regulation Number 201 of 2024 concerning Details of the State Revenue and Expenditure Budget for the 2025 Fiscal Year, the total budget for all ministries is around IDR 849.20 trillion. Then most recently in the Red and White Cabinet, the DPR RI Budget Agency approved an additional budget for the Coordinating Ministry in 2025 reaching IDR 6,444,509,080,000 (six trillion four hundred forty-four billion five hundred nine million eight hundred thousand rupiah) (Rahayu 2024)

Regarding the budget of the Coordinating Ministry, it absorbs a fairly high budget burden. This budget burden is not directly proportional to the significant impact of the Coordinating Ministry itself. The more ministries there are, the more budgets are spent without considering aspects of effectiveness or efficiency.

While other ASEAN countries such as Vietnam will reduce the number of ministries for efficiency by the end of 2024, Indonesia will increase the number of ministries. The number of ministries in Vietnam was reduced with the aim of eliminating bureaucratic bottlenecks, and funds from the reduction of ministries were diverted to development projects. Vietnam's bureaucratic reform, which is referred to as a strategic plan, will eliminate at least 15-20 percent of ministerial units and/or state

institutions ( Puspapertiwi 2024). Vietnam's steps in reducing ministries are a real manifestation of bureaucratic efficiency and effectiveness. In Vietnam, citizen satisfaction with government performance in general has increased, especially in areas such as transparency, e-government, and public service delivery (Thanh, 2024).

The ministry's budget, especially the Coordinating Ministry's budget in 2025, when viewed from the *Economic Analysis of Law approach* which emphasizes the principle of efficiency, of course, is still not reflected because the budget issued is not directly proportional to optimal performance. Economic Analysis of Law is the application of economic principles as a rational choice to analyze legal issues. This theory comes from the utilitarianism school that prioritizes the principle of benefit, put forward by Jeremi Bentham and John Stuart Mill ( Prasetya et al. 2023).

Therefore to resolve all issues related to the article a regulation is needed that provides legal certainty and is born from a political configuration that appears democratically, not only on the basis of the political interests of political parties. The character of a legal product is greatly influenced by the political configuration behind it. Quoting the opinion of a Constitutional Law expert, Prof. Mahfud MD, in a democratic political system, the law tends to be responsive, namely providing detailed rules and limiting the government's interpretation space. On the other hand, an authoritarian political system produces orthodox or conservative laws, which give the government great freedom to interpret laws through their derivative regulations (Mahfud 1998). Thus, the political configuration determines the extent to which the law provides space or limits executive power in its implementation ( Madjid 2022).

Thus, the provisions contained in Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning State Ministries relating to the President's authority in determining the number of ministries must be revised immediately so that its implementation creates legal certainty and minimizes abuse of power by the President. The revision is by returning the limit on the formation of the number of Ministries to 34 Ministries. This certainly provides legal certainty and provides a limit for the President to form the number of Ministries. The number of 34 Ministries is the ideal number for smooth bureaucracy and effectiveness in government. As conveyed by Paramadina University lecturer and Co-Founder & Head Advisor of the Paramadina Public Policy Institute (PPPI) Wijayanto Samirin also suggested that President-elect Prabowo Subianto maintain the ideal structure of 30-34 ministers ( Rahardyan , 2024).

## CONCLUSION

The existence of the Coordinating Ministry after the reformation in fact has several problems that arise in each cabinet. Starting from the Development Reform Cabinet during the administration of President BJ Habibie (1998-1999) which was marked by problems with the synchronization and coordination mechanisms and

obstacles to an overly complicated bureaucratic system, and regulations regarding the Coordinating Ministry were only regulated through a Presidential Decree. Then during the National Unity Cabinet of President Gus Dur (1999-2001) in the form of problems with the absence of a special legal umbrella such as a Law related to the Ministry, especially the Coordinating Ministry, overlapping authority, and unclear mechanisms for resolving conflicts between ministries. Furthermore, during the Gotong Royong Cabinet of President Megawati (2001-2004) the problems that emerged were the same as the previous cabinet, namely there was no special law that regulated, provisions regarding all ministries were only regulated through a Presidential Decree, conflicts of authority, and accountability problems. Then during the reign of the United Indonesia Cabinet of President SBY who served 2 terms, namely 2004-2009 and 2009-2014, several problems that emerged were the unclear synchronization and coordination mechanisms, problems with limited authority, internal cabinet problems that were too politically charged. Then during the reign of President Jokowi who served 2 (two) terms, the first in the Working Cabinet (2014-2019) and the second in the Advanced Indonesia Cabinet (2019-2024), the problems that emerged during his reign were problems related to the synchronization and coordination mechanisms, problems with sectoral egos between ministries, overlapping authority, several reshuffles, poor performance surveys from the Coordinating Ministry, and criticism from several Constitutional Law experts. Furthermore, the latest is currently the Red and White Cabinet Government of President Prabowo Subianto, there are several problems, namely the President's authority to form Ministries according to his needs without any limits on the number of ministries regulated in Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning Ministries and the unclear synchronization and coordination mechanisms, the potential for politicization of ministerial positions and high budget burdens. Basically, every problem in each cabinet is caused by the weak legal basis related to the Coordinating Ministry which has implications for various things.

Reviewing some of these problems, future regulations are needed regarding the Coordinating Ministry to ensure legal certainty. The first is the regulation of the synchronization and coordination mechanism. The regulations contained in Presidential Regulation Number 140 of 2024 concerning the Organization of State Ministries have not fully accommodated the needs related to the synchronization and coordination mechanism, there are still several provisions that are not detailed enough regarding the limited role of the Coordinating Ministry in carrying out its functions, work procedures that are not detailed enough, conflict resolution mechanisms if there are problems between ministries, especially for ministries that do not comply with the results of synchronization and coordination, overlapping conflicts between policies, conflicts of authority, and follow-up to the conflict resolution mechanism between ministries. In addition to the regulations regarding the synchronization and

coordination mechanism, other regulations are related to the regulation of the number of ministries in the ministerial system in Indonesia. The issuance of Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning State Ministries which mandates the formation of Ministries adjusted to the needs of the President without any limits on the number of ministries raises several problems of potential abuse of power, politicization of positions and high budget burdens.

### Suggestion

Considering these problems, the author provides several recommendations as follows;

1. For the President, revising the provisions that make the role of the Coordinating Ministry less than optimal in Presidential Regulation Number 140 of 2024 concerning the Organization of State Ministries, specifically in Article 49 Paragraph 1 and Article 50.
2. For the President, detailing the provisions regarding the synchronization and coordination mechanisms that are already contained in the Presidential Decree
3. For the President and the House of Representatives, to revise Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning State Ministries relating to the President's authority in determining the number of ministries must be revised immediately so that its implementation creates legal certainty and minimizes abuse of power by the President. The revision is by returning the limit on the formation of the number of Ministries to 34 Ministries. This certainly provides legal certainty and provides a limit for the President to form the number of Ministries.

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