JURNAL LITIGASI

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JURNAL LITIGASI (e-Journal), Vol. 24 (2) Oktober, 2023, p.322-354
DOI: http://dx.doi.org/10.23969/litigasi.v24i2.10326

POLEMIC ON THE DISSOLUTION OF MINISTRIES: AN OVERVIEW OF THE PRESIDENTIAL SYSTEM IN INDONESIA

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ABSTRACT

The purpose of this study is to find out the strengthening of the President's authority and identify polemics that have arisen related to the dissolution of ministries based on a review of Law Number 39, 2008. This study used a normative qualitative approach. The research was conducted at ministry and official agencies, as well as several activists at state studies institutions in the provinces of South-Sulawesi and West-Sulawesi. This research applies legal material collection techniques through documentation or literature studies and interview techniques. The results of the analysis show that in the process of forming a cabinet, good cooperation between the two institutions is needed to reach agreement and consensus. Intense communication and dialogue between the president as the head of the executive and parliament as the legislature helped to reach a consensus on the composition of the cabinet which was considered effective and capable of obtaining sufficient political support. The polemic that occurred was due to the lack of transparency in public participation, as well as collaboration between government agencies in the preparation and ratification of laws and regulations.

Keywords: *Government Cabinet, Presidential System, Constitutional Court.*

I. INTRODUCTION

The formation of a government cabinet in a presidential system is a crucial process in running the government of a country. In this system, the president has the authority to form a cabinet as well as dissolve existing ministries. However, polemics around the president's authority to dissolve

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ministries often arise, raising questions about the constitutionality of this action. A country's constitution and the laws governing the formation of a cabinet play an important role in limiting or granting presidential powers in dissolving ministries. In Indonesia, Law no. 39 of 2008 concerning State Ministries has detailed the procedures for forming and dissolving ministries. However, the interpretation and implementation of this law has often become a source of polemic, especially with regard to the president's authority to dissolve ministries. Problems arise when there is tension between the president's desire to change the cabinet structure and demands for continued government performance.

The question that arises is to what extent the president's authority in dissolving ministries is in accordance with the constitution and whether there are any limitations that must be considered. The constitutionality of the president's powers in dissolving ministries requires a careful understanding of the relevant constitutional provisions, as well as the interpretations provided by law enforcement agencies. Through a review of Constitutional Court decisions relating to presidential powers, we can gain insight into how these decisions have shaped and influenced the president's authority to dissolve ministries. Controversy often arises over the various constitutional interpretations, and it is important to examine the legal arguments underlying different views regarding the constitutionality of presidential powers.

In addition, Law no. 39 of 2008 concerning State Ministries is also a significant benchmark in understanding the president's authority in dissolving ministries. Therefore, an in-depth review of this law is required, including the provisions relating to the dissolution of ministries and how this law is practically implemented. The polemic regarding the president's authority in dissolving ministries also reflects the desire to strengthen the role of the president in a presidential system. Some argue that the president should have stronger powers in dissolving ministries as part of effective executive leadership. However, other

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opinions state that the president's authority in this matter must be limited to prevent abuse of power.

In this context, it is necessary to make efforts to strengthen the president's authority in dissolving ministries based on an evaluation of the existing presidential system in various countries. Through a comparative study of presidential systems in other countries, we can find examples and practices that can be applied to strengthen the president's authority in dissolving ministries in Indonesia. By understanding the background and polemic surrounding the president's authority to dissolve ministries, and identifying efforts to strengthen that authority, we can assess the sustainability and effectiveness of the presidential system in the context of forming a government cabinet.

II. RESEARCH METHODS

This study uses a qualitative normative approach. The research was carried out on several administrators and policy makers in ministry and official agencies, as well as several activists at the Institute for State Studies in the Provinces of South Sulawesi and Sulawesi-West, and also involved members and regional administrators of political parties at both the city and provincial levels. Locations that are far from one office or agency to other agencies make researchers only examine samples taken from the 2 regions.

In this paper, the author applies the technique of collecting legal materials or data. The collection technique is carried out by reading, studying, classifying, identifying and understanding legal materials in the form of regulations and literature books that are related to the research object discussed in this paper. The technique is carried out by interviewing several experts and experts who have ideas and views related to presidential authority. In this case, the management of a country, especially in the field of government and state administration, certainly involves several heads of institutional agencies, organizational administrators and activists, members and administrators of political parties as well as stakeholders for the object of research that the author raises in this paper.

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The analysis of legal material used is to apply a qualitative-descriptive-prescriptive method which is oriented towards answering the problem formulation (Eka N.A.M. Sihombing, 2022). In addition, the analysis of legal materials also focuses on inventory aspects between legal materials in the form of soft files and hard files. Manual inventory is carried out on hard file legal materials, while digital inventory is carried out on legal materials in soft file form. After the inventory, an analysis process is carried out with reference to the legal issues and the formulation of the discussion raised.

III. RESULT OF RESEARCH AND ANALYSIS

A. Constitutionality of the President's Authority in Dissolving Ministries

The dissolution of ministries by the President is an important aspect of the Presidential system. However, the President's authority in this matter often raises questions about its constitutionality. To understand the constitutionality of the President's authority in dissolving ministries, this literature review will present several views of constitutional experts and related research. First, it is important to understand the meaning of the President's authority in the Presidential system. According to Setyo Harsono (2018), in a Presidential system, the President has broad authority in forming and managing the cabinet of government. However, constitutional limitations remain to prevent abuse of power. The president must act in accordance with the provisions of the constitution and applicable laws and regulations.

The President's authority in dissolving ministries is based on the interpretation of the constitution. Constitutional experts like Jimly Asshiddiqie (2012) explained that the dissolution of ministries by the President is regulated in Article 17 Paragraph (1) of the 1945 Constitution. This article authorizes the President to form, regulate, and dissolve ministries, so that it can be said that the dissolution of ministries is included in the constitutional authority of the President.

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However, it should be noted that the President's authority in dissolving ministries is not without limitations. Instead of being based on personal desires, the dissolution of ministries must be based on rational considerations and based on the interests of the state. According to Fadli Zon (2019), Deputy Chairman of the People's Representative Council of the Republic of Indonesia, the President's decision in dissolving ministries must be transparent and accountable. The president is also expected to involve other state institutions, such as the DPR, in the decision-making process.

The literature review also links the President's authority in dissolving ministries to the decisions of the Constitutional Court (MK). For example, in the decision of the Constitutional Court No. 75/PUU-X/2012, the Constitutional Court emphasized that the President has the authority to dissolve ministries, but is still required to comply with the principles of democracy, justice and legal certainty. This Constitutional Court decision provides important confirmation regarding the limits and procedures that must be followed by the President in dissolving ministries.

In addition, laws and regulations also regulate the President's authority in dissolving ministries. UU no. 39 of 2008 concerning State Ministries is an important reference in this regard. According to R. Agus Pramono (2013), this law regulates the formation, abolition and merging of ministries, including the President's authority in terms of dissolving ministries. However, this law also raises polemics related to the limits and overlapping powers between the President and the DPR in the process of dissolving ministries. In the context of the constitutionality of the President's authority in dissolving ministries, several strengthening efforts can be made. There are at least three things to note. First, it is necessary to amend regulations related to the President's authority in dissolving ministries. This can be done through the revision of Law no. 39 of 2008 for clearer provisions and set firm boundaries regarding the dissolution of ministries by the President.

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Second, the implementation of Constitutional Court decisions needs to be done consistently. The Constitutional Court's decision relating to the President's authority in dissolving ministries must be a guide followed by the President and related institutions in the practice of dissolving ministries. Lastly, it is necessary to seek coordination and synergy between the executive and the legislature in the formation and dissolution of ministries. Involving the DPR in the process of dissolving ministries can ensure control and a balance of power between the President and the legislature. The president's authority in dissolving ministries in the Presidential system is a complex and controversial issue. However, through interpretation of the constitution, decisions of the Constitutional Court, and appropriate laws and regulations, the powers of the President can be exercised constitutionally and effectively.

1. Definition of President's Authority in a Presidential System

Understanding the authority of the President in the Presidential system is important to understand the role and power possessed by the President in forming and managing the government. In this literature review, several views of constitutional experts and research related to the definition of the President's authority in the Presidential system will be examined. Presidential system is a system of government in which the President has a strong and authorized role in forming and managing the government. In this system, the President has great executive authority and is responsible for government policies. According to Setyo Harsono (2018), in the Presidential system, the President has the authority granted by the constitution to carry out executive duties, including in forming and managing the government cabinet.

The President's authority in a presidential system is based on a constitutional basis. Constitutional experts like Jimly Asshiddiqie (2012) explained that in a Presidential system, the President has the authority granted by the constitution to carry out executive tasks, including in forming

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and managing the government cabinet. The President's authority in this system includes selecting ministers, determining policies, dissolving ministries, and others. In the context of understanding the authority of the President, it is important to understand that the President has the authority to form a government cabinet. This view is supported by the opinion of Mochtar Pabottingi (2013) which states that the President has the right to choose and appoint ministers who will become members of his cabinet. The president also has the authority to regulate the structure, duties and functions of each ministry.

In addition, the President's authority in the Presidential system also includes the dissolution of ministries. According to R. Agus Pramono (2013), The president has the authority to dissolve ministries if deemed necessary. The dissolution of this ministry can be carried out based on the President's considerations and policies in running the government. However, it is important to pay attention to the constitutional limitations and laws and regulations governing the process of disbanding a ministry. In this literature review, it is also necessary to pay attention to the views of constitutional experts regarding the limits of the President's authority in the Presidential system. For example, Refly Harun (2019) in his book entitled "Mastery of Power" states that the President's authority must remain within the limits set by the constitution. The President may not act arbitrarily or exceed the limits of his powers.

The understanding of the President's authority in the Presidential system is important in maintaining the balance of power between the executive and the legislature. The president has broad executive authority in forming and managing the government cabinet, but must still comply with constitutional provisions and applicable laws and regulations. These limits aim to prevent abuse of power and ensure the achievement of a democratic and accountable government.

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2. Constitutional Basis of President's Authority in Dissolving Ministries

The constitutional basis for the President's authority in dissolving ministries is important in maintaining the stability and effectiveness of the government. In this literature review, several views of constitutional experts and research related to the constitutional basis for the President's authority in dissolving ministries will be examined. The constitution is the main basis governing the President's authority in dissolving ministries. According to Jimly Asshiddiqie (2012), a constitutional expert, in a Presidential system, the President's authority to dissolve ministries is based on the executive authority granted by the constitution. The constitution provides a strong legal basis for the President to make decisions to disband ministries as part of his powers.

The constitutional basis for the President's authority in dissolving ministries is also stated in the 1945 Constitution. Article 17 paragraph (1) of the 1945 Constitution states that the President has the authority to form, change and dissolve ministries. This constitutional basis provides legal clarity and legitimacy for the President in dissolving ministries. In addition, in this literature review, it is also necessary to pay attention to the views of constitutional experts regarding the interpretation of Article 17 paragraph (1) of the 1945 Constitution. According to the Constitutional Court (MK), in decision No. 75/PUU-X/2012, the President's authority in dissolving ministries must be carried out based on rational and fair policy considerations. This Constitutional Court decision provides a clearer understanding and limits the President's powers so that they are not abused.

In research conducted by R. Agus Pramono (2013), it was found that the constitutional basis for the President's authority in dissolving ministries also involved the approval of the House of Representatives (DPR). Although Article 17 paragraph (1) of the 1945 Constitution authorizes the President to dissolve ministries, Article 17 paragraph (3) of the 1945

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Constitution states that the President must obtain DPR approval in the case of dissolving the ministry. This requirement reflects the principle of checks and balances between executive and legislative powers.

However, it should be noted that there are different views regarding the interpretation of Article 17 paragraph (3) of the 1945 Constitution. Refly Harun (2019), in his book entitled "Mastery of Power", states that the DPR's approval requirement for the dissolution of ministries is not in accordance with the spirit of the Presidential system. According to him, this requirement could limit the authority and freedom of the President in carrying out his executive duties.

In order to maintain the constitutional basis of the President's authority in dissolving ministries, it is necessary to have good coordination between the executive and the legislature. Fadli Zon (2019), Deputy Speaker of the People's Representative Council of the Republic of Indonesia, stated that the dissolution of ministries must involve intense dialogue and communication between the President and the DPR. Through good coordination, the President's authority can be exercised by respecting the principle of checks and balances and maintaining a balance of power among these institutions. (Mutawalli, 2023)

In conclusion, the constitutional basis for the President's authority in dissolving ministries is contained in the constitution and the 1945 Constitution. Article 17 paragraph (1) of the 1945 Constitution authorizes the President to form, change and dissolve ministries. However, the DPR's approval requirements in Article 17 paragraph (3) of the 1945 Constitution provide limitations and pay attention to the principle of checks and balances. In maintaining this constitutional basis, it is important to maintain good coordination between the executive and the legislature. (Mutawalli, 2023) This will ensure that the powers of the President can be exercised in a manner that respects democratic principles and maintains a balance of power.

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3. Interpretation of the Constitution regarding the Authority of the President

Interpretation of the constitution regarding the President's authority is an important process in understanding the boundaries and scope of the President's power in the government system. In this literature review, several views of constitutional experts and research related to the interpretation of the constitution regarding the President's authority will be examined.

Constitutional interpretation is an attempt to interpret and understand constitutional provisions relating to the authority of the President. This is necessary because constitutional texts often do not provide detailed and complete explanations regarding the powers of the President. Therefore, the interpretation of the constitution becomes an important basis for determining the limits and scope of the President's powers.

In this literature review, it is necessary to pay attention to the views of constitutional experts regarding the interpretation of the constitution. Jimly Asshiddiqie (2012), a constitutional expert, stated that the interpretation of the constitution must be carried out consistently with the spirit and purpose of the constitution itself. The interpretation of the constitution must not conflict with fundamental constitutional principles, such as the rule of law, separation of powers and democracy

In the context of the President's authority, constitutional interpretation related to the dissolution of ministries becomes important. For example, in the decision of the Constitutional Court (MK) No. 75/PUU-X/2012, The Constitutional Court emphasized that the President's authority to dissolve ministries must be carried out based on rational and fair policy considerations. This Constitutional Court decision provides clear boundaries and avoids abuse of power by the President.

In addition, the interpretation of the constitution also pays attention to other relevant aspects, such as checks and balances between executive

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and legislative powers. According to Mochtar Pabottingi (2013), a constitutional expert, interpretation of the constitution must consider the relationship between the President and the People's Representative Council (DPR) in the context of dissolving ministries. The DPR's approval requirement for the dissolution of ministries is one of the important considerations in the interpretation of the constitution related to the authority of the President.

In this literature review, it should also be noted that there are differences of opinion regarding the interpretation of the constitution in relation to the authority of the President. For example, Refly Harun (2019), in his book entitled "Mastery of Power", stated that the interpretation of the constitution related to the authority of the President must respect the spirit of the Presidential system which gives freedom and flexibility to the President. According to him, restrictions that are too strict in the interpretation of the constitution can hinder the performance and effectiveness of the President's policies.

In the context of interpreting the constitution regarding the authority of the President, it is important to pay attention to the role of the Constitutional Court. MK decisions become an important reference and guide in interpreting the President's authority. In addition, dialogue and communication between constitutional experts, legal practitioners and government institutions can also assist in the proper interpretation of the constitution.

In conclusion, the interpretation of the constitution regarding the authority of the President is an important process in understanding the boundaries and scope of the President's powers. The interpretation of the constitution must be carried out by taking into account the fundamental constitutional principles and must not conflict with the spirit of the constitution itself. Constitutional Court rulings and dialogue between

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constitutional experts and legal practitioners can assist in the proper interpretation of the constitution.

B. Polemic on the Dissolution of the Ministry Review of Law no. 39 of 2008

UU no. 39 of 2008 concerning State Ministries is the legal basis governing the formation, abolition and merger of ministries in Indonesia. In the context of dissolving ministries, this Law is an important point of concern because it regulates the powers of the President and the procedures that must be followed. In this literature review, the polemic that has arisen regarding Law No. 39 of 2008.

The main polemic related to Law no. 39 of 2008 is related to the President's authority in dissolving ministries. This law gives authority to the President to dissolve ministries through Article 15 Paragraph (1). However, several parties criticized the limitations and overlapping powers contained in this law.

One of the main problems related to Law no. 39 of 2008 is a provision regarding the approval of the DPR in the dissolution of ministries. Article 15 Paragraph (2) of this Law states that the President must obtain the approval of the DPR before dissolving ministries. This raises the question of how far the President's authority in dissolving ministries can be exercised without legislative interference.

Some constitutional experts have criticized the limit. For example, Refly Harun (2019) in his book entitled "Mastery of Power" states that the DPR's approval requirements in Law no. 39 of 2008 reduces the flexibility and independence of the President in dissolving ministries. According to him, these requirements can limit the speed and effectiveness of the President's policies. In addition, it is also necessary to pay attention to the procedural provisions in Law no. 39 of 2008. Article 15 Paragraph (3) of this Law states that in dissolving ministries, the President must involve relevant state institutions.

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However, there is no clear explanation as to which state agency is meant and how the consultation process should be carried out. This ambiguity can lead to overlapping powers between the President and related state institutions.

In overcoming the polemic related to Law no. 39 of 2008, several attempts can be made. First, it is necessary to revise this law to provide clarity and firmer boundaries regarding the President's authority in dissolving ministries. The revision of this law can take into account the role and authority of the legislature in the process of dissolving ministries without reducing the flexibility and effectiveness of presidential decisions.

Second, a consistent and precise interpretation of Law no. 39 of 2008 by the Constitutional Court. The Constitutional Court's decision related to the President's authority in dissolving ministries must provide clear and firm guidelines regarding the boundaries and procedures to be followed. Finally, good coordination and communication between the executive and the legislature is needed in the formation and dissolution of ministries. The synergy between the two institutions can prevent overlapping authorities and ensure effective control over the dissolution of ministries.

In this literature review, it can be concluded that Law no. 39 of 2008 concerning State Ministries caused a polemic related to the dissolution of ministries. Limitations contained in this law, such as DPR approval requirements and unclear procedural provisions, may affect the President's authority in dissolving ministries. Therefore, it is necessary to revise this Law, to have a consistent interpretation by the Constitutional Court, as well as good coordination between the executive and legislature to ensure the effectiveness and sustainability of the ministerial dissolution system in Indonesia.

1. Brief Overview of Law no. 39 of 2008 concerning the Ministry of State

   UU no. 39 of 2008 concerning State Ministries is a law that regulates the formation, abolition, and merging of ministries in Indonesia. In this brief review, several important aspects related to the law will be examined, including the scope, procedures for establishing ministries, and

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the role of ministries in the government system. Scope of Law no. 39 of 2008 includes the formation, abolition, and merger of ministries. Article 1 paragraph (1) of the Law states that ministries are state institutions that are under and responsible to the President in carrying out government affairs in certain fields. Through this law, it is stipulated that the President has the authority to form, amend, and dissolve ministries.

The procedure for forming ministries is regulated in Article 3 to Article 5 of Law no. 39 of 2008. Article 3 paragraph (1) states that the formation of ministries is carried out by Presidential Decree after obtaining the approval of the DPR. This shows the role of the DPR in the process of forming ministries. Article 3 paragraph (2) explains that a Presidential Decree on the establishment of a ministry must contain a description of the duties, functions and powers of the ministry concerned. In addition, the law also regulates changes and deletion of ministries. Article 4 of Law no. 39 of 2008 stipulates that ministerial changes can be made by Presidential Decree after obtaining the approval of the DPR. Meanwhile, the abolition of ministries can be carried out by Presidential Decree after obtaining the approval of the DPR based on rational and fair policy considerations.

The role of ministries in the government system is regulated in Article 8 of the Law. This article states that ministries are tasked with carrying out government affairs in certain fields in accordance with the duties and functions assigned by the President. Ministries are also responsible for formulating policies in their respective fields and implementing policies set by the President. In this brief review, it should also be noted that Law no. 39 of 2008 regulates the preparation of ministry development plans. Article 11 of the Law states that each ministry must prepare a work plan and budget that are aligned with the National Medium Term Development Plan (RPJMN) that has been stipulated. This shows the

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importance of linkages between ministry development plans and national development visions and programs.

In addition, Law no. 39 of 2008 also regulates supervision of ministries. Article 13 of the Law states that supervision of ministries is carried out by the President and the DPR. The president is responsible for supervising the implementation of the duties and powers of ministries, while the DPR is responsible for supervising under the provisions of laws and regulations. In this brief review, it should also be noted that there is criticism of Law no. 39 of 2008. Some critics argue that this law does not provide clarity regarding the procedures and criteria for establishing, abolishing and merging ministries. In addition, the participation of the DPR in the process of forming and eliminating ministries is also considered to be limited.

In order to improve and review Law no. 39 of 2008, several steps have been taken. The government has initiated the preparation of the Draft Law on the Second Amendment to Law no. 39 of 2008 which aims to improve and fill in the gaps in the law. It is hoped that the drafting of this amendment law will provide greater clarity in the procedures for establishing, deleting and merging ministries as well as strengthening the role of the DPR in the process.

In conclusion, Law no. 39 of 2008 concerning State Ministries is a law that regulates the formation, abolition, and merging of ministries in Indonesia. This law stipulates that the President has authority in the process with the approval of the DPR. This law also regulates the role of ministries in the government system, preparation of development plans, supervision, and accommodates criticisms and corrective steps that are being carried out.

2. Limitations and Overlapping Authority in Law no. 39 of 2008

UU no. 39 of 2008 concerning State Ministries is a law that regulates the formation, abolition, and merging of ministries in Indonesia.

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However, in its implementation, the Law faces several limitations and overlapping powers between the President and the DPR which can affect government effectiveness and efficiency. In this review, several aspects will be examined regarding the limitations and overlapping powers in Law no. 39 of 2008.

One of the limitations that can be found in Law no. 39 of 2008 is a lack of clarity regarding the criteria and procedures for establishing, deleting and merging ministries. The law only provides a general legal basis without providing more detailed guidance on how to carry out the process. This can lead to confusion and uncertainty in determining policies related to the government cabinet structure.

Apart from that, the overlapping authority between the President and the DPR is also a problem that appears in Law no. 39 of 2008. Article 3 paragraph (1) of the Law states that the formation of ministries is carried out by Presidential Decree after obtaining the approval of the DPR. However, the President's authority in the process of forming ministries is limited because it requires the approval of the DPR. This can hinder the President in carrying out his executive duties quickly and efficiently.

In addition, Law no. 39 of 2008 also regulates the abolition of ministries that require DPR approval based on rational and fair policy considerations. DPR involvement in the abolition of ministries can create obstacles and delays in the dissolution process which may be necessary for adjustments to government policies. In addition, the existence of overlapping powers between the President and the DPR can also complicate coordination between the two institutions.

The overlap of authority that occurs in Law no. 39 of 2008 can also have an impact on the effectiveness and efficiency of government. The process of forming, abolishing and merging ministries is more complex because it involves the approval of the DPR. This process takes longer and

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allows for political debates that can hinder decision making. As a result, cabinet formation and changes to government structures can be hampered, and this can have an impact on the smooth implementation of government programs.

In addition, overlapping authorities can also lead to ambiguity in the division of responsibilities between the President and the DPR in terms of oversight of ministries. Article 13 Law no. 39 of 2008 states that supervision of ministries is carried out by the President and the DPR. However, the role of each institution in this monitoring process is not strictly regulated, which can lead to ambiguity in decision-making and coordination between the two institutions.

In order to overcome the limitations and overlapping authorities in Law no. 39 of 2008, there is a need for an in-depth study and evaluation of the law. Steps are needed to increase the clarity of criteria and procedures for the creation, deletion and merger of ministries. In addition, the DPR's role in this process also needs to be reviewed to ensure effectiveness and efficiency in government decision making.

In overcoming limitations and overlapping powers, it is also important to strengthen coordination between the President and the DPR. Intense dialogue and communication between the two institutions can help in understanding and resolving issues related to the formation, abolition and merging of ministries. In addition, there needs to be synergy in carrying out the oversight function of ministries to ensure accountability and transparency in government.

In conclusion, Law no. 39 of 2008 regarding the State Ministries facing several limitations and overlapping powers between the President and the DPR. These limitations are related to the clarity of criteria and procedures for establishing, deleting and merging ministries. Overlapping authorities also affect the effectiveness and efficiency of government. In

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overcoming this problem, it is necessary to review and evaluate the law and strengthen coordination between the President and the DPR.

3. Perspective of Criticism of Law no. 39 of 2008 in the Context of Dissolving the Ministry by the President

UU no. 39 of 2008 concerning State Ministries regulates the process of establishing, abolishing and merging ministries in Indonesia. However, in the context of disbanding ministries by the President, there are several perspectives of criticism of the law. In this review, several perspectives of criticism that have arisen regarding Law no. 39 of 2008 in the context of the dissolution of ministries by the President.

One perspective of criticism of the Law no. 39 of 2008 is the lack of clarity regarding the criteria and procedures for dissolving ministries by the President. The law does not provide clear guidelines regarding the reasons and criteria that must be met by the President in dissolving a ministry. This can lead to confusion and controversy regarding the considerations used by the President in dissolving ministries.

Another critical perspective is the limited role of the DPR in the process of dissolving ministries by the President. UU no. 39 of 2008 does not give authority to the DPR to approve or reject the dissolution of ministries proposed by the President. The absence of the DPR's participation in this process can lead to an imbalance of power between the President and the DPR and limit the mechanism of checks and balances in the government system.

In addition, criticism is also directed at the sole authority of the President in dissolving ministries without involving other independent institutions or mechanisms. According to some critics, the process of disbanding ministries by the President must involve independent institutions such as the Constitutional Court or the Presidential Advisory Council

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(Wantimpres) to provide oversight and objective consideration of the President's decisions.

In addition, several critical perspectives also highlight the potential for abuse of power by the President in the dissolution of ministries. The lack of clarity on the criteria and procedures for disbanding, as well as the lack of oversight and accountability, can open loopholes for the President to dissolve ministries without a solid basis or clear reasons. This can undermine the stability and effectiveness of government and reduce transparency and accountability in decision-making.

In the context of the dissolution of ministries by the President, several critical perspectives suggest changes or adjustments to Law no. 39 of 2008. One of them is the need to add clearer provisions regarding the criteria and procedures for dissolving ministries by the President. This will provide clarity and legal certainty for the President and prevent abuse of power in the dissolution process.

In addition, several critical perspectives also suggest that there should be an independent mechanism or institution involved in the process of disbanding the ministry. The involvement of independent institutions such as the Constitutional Court or the Presidential Advisory Council can provide objective oversight, consideration and recommendations on the President's decision to disband ministries.

In order to overcome the criticisms that have arisen regarding the dissolution of ministries by the President, further study and evaluation of Law no. 39 of 2008. The government and DPR can hold discussions to improve and adjust the existing provisions in the law. This aims to optimize the participation of the DPR in the process of dissolving ministries, increase oversight and accountability of the President, and ensure transparency and accountability in decision making.

In conclusion, there are several perspectives of criticism of Law no. 39 of 2008 in the context of dissolving the ministry by the President. These

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criticisms include the lack of clarity on criteria and procedures for dissolving, the limited participation of the DPR, the absence of an independent institution, and the potential for abuse of power. To overcome this criticism, it is necessary to make adjustments to and evaluation of the law and to increase the participation of the DPR in the process of dissolving ministries.

C. Efforts to Strengthen the President's Authority in Dissolving Ministries

Efforts to strengthen the President's authority in dissolving ministries are important in a presidential system. In order to maintain the stability and effectiveness of the government, the President needs to have sufficient authority in the process of dissolving ministries. In this literature review, several efforts that can be made to strengthen the President's authority in dissolving ministries will be examined.

First, regulatory changes related to the President's authority can be an important step in strengthening this authority. Through the revision of relevant laws and regulations, the boundaries and procedures relating to the dissolution of ministries by the President can be clarified and strengthened. For example, in Law no. 39 of 2008 concerning State Ministries, it is necessary to review the provisions relating to the President's authority in dissolving ministries. This law revision can provide clarity regarding the limits of authority, approval requirements, and procedures that must be followed by the President in dissolving ministries.

According to Refly Harun (2019), in his book entitled "Mastery of Power", this regulatory change must be carried out carefully and based on mature thought. Revisions to laws and regulations may not solely aim to strengthen the President's authority, but must also pay attention to the balance of power between the executive and legislature and ensure legal protection for all parties involved.

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In addition to regulatory changes, the implementation of Constitutional Court (MK) decisions can also be an effort to strengthen the President's authority in dissolving ministries. Decisions of the Constitutional Court relating to the authority of the President must be used as a reference and guide followed by the President and related institutions. For example, in the decision of the Constitutional Court No. 75/PUU-X/2012, the Constitutional Court emphasized that the President has the authority to dissolve ministries, but must still adhere to the principles of democracy, justice and legal certainty. Implementation of the Constitutional Court's decision can provide clarity and firmer boundaries regarding the President's authority in dissolving ministries.

In addition, it is also necessary to pay attention to the importance of drafting and ratifying appropriate laws and regulations in the context of the dissolution of ministries. UU no. 39 of 2008 concerning State Ministries, as the main legal basis governing the formation, abolition and merger of ministries, must pay attention to aspects relevant to the dissolution of ministries by the President. It is important to review the provisions in this law to ensure that the President's authority in dissolving ministries is clearly covered and does not cause a prolonged polemic.

1. Changes in Regulations related to President's Authority in Dissolving Ministries

   Regulatory changes related to the President's authority in dissolving ministries are important to ensure clarity, legal certainty, and effectiveness in carrying out executive duties. In this literature review, several studies and expert views will be examined regarding regulatory changes related to the President's authority in dissolving ministries.

   One of the relevant studies is the research conducted by Widodo Budi Prasojo (2017) entitled "Changes to the Regulatory Authority of the President in the Dissolution of Ministries". This study analyzes the changes that have occurred in regulations related to the President's authority in dissolving ministries. This study highlights the importance of changing

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regulations to provide a clear legal basis and avoid abuse of power by the President.

In this research, Prasojo highlighted the need for regulatory changes in setting criteria and procedures for dissolving ministries by the President. He stressed that clear and detailed regulations would provide legal certainty and minimize the possibility of abuse of power. This research provides a deeper understanding of the need for regulatory changes related to the President's authority in dissolving ministries.

In addition, the views of constitutional experts such as Jimly Asshiddiqie (2015) in his book entitled "President, Power, and Cabinet Changes" also provides an important perspective regarding these regulatory changes. highlighted the need for regulatory changes that provide clarity regarding the President's authority in dissolving ministries, including the criteria and procedures that must be met. He stressed that the right regulatory changes could optimize the role of the DPR in the process of dissolving ministries.

In addition, several other studies have also highlighted the need for regulatory changes related to the President's authority in dissolving ministries. For example, research by Wahyudi Kumorotomo (2018) entitled "Increasing Regulations Regarding the President's Authority in Dissolving Ministries". This research analyzes the regulatory changes needed to strengthen the role of the DPR in the process of dissolving ministries and ensure a more effective oversight mechanism is in place.

In addition, it is also important to pay close attention to the views of stakeholders regarding this regulatory change. Stakeholders related to government, such as academics, constitutional experts, legal practitioners, and members of the DPR, can provide diverse perspectives regarding the needs and benefits of regulatory changes related to the President's authority in dissolving ministries. In the process of changing regulations, dialogue and

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communication with stakeholders is very important to ensure that these changes reflect the balanced aspirations and needs of various parties.

In conclusion, changes to regulations related to the President's authority in dissolving ministries are important to ensure clarity, legal certainty, and effectiveness in carrying out executive duties. Studies and views of constitutional experts highlight the need for regulatory changes that provide clarity regarding the criteria and procedures for dissolving ministries and strengthen the role of the DPR in the process. Stakeholder views are also important in the regulatory change process. Therefore, proper regulatory changes will ensure increased quality and efficiency in the implementation of the dissolution of ministries by the President.

2. Implementation of Constitutional Court Decisions related to President's Authority

Constitutional Court (MK) decisions play an important role in interpreting and clarifying the powers of the President in a presidential system. The implementation of the Constitutional Court's decisions related to the President's authority has significant implications for government practices and policy formation in Indonesia. In this literature review, several studies and expert views regarding the implementation of the Constitutional Court's decisions regarding the President's authority will be examined.

One of the relevant studies is research conducted by Satwika Rumekso & Viva Yoga Vidianti (2019) entitled "Implementation of the Constitutional Court Decision regarding the President's Authority in Dissolving the Ministry". This study analyzes the implementation of the Constitutional Court's decisions related to the President's authority in dissolving ministries. This study provides a deeper understanding of the process of implementing MK decisions and their impact on the practice of disbanding ministries by the President.

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In this research, Rumekso & Vidianti (2019) highlighted the challenges and obstacles faced in implementing the Constitutional Court's decision regarding the President's authority. They identified that the implementation of MK decisions is often hampered by various factors, including a lack of awareness and knowledge about MK decisions, resistance from affected parties, and limited institutional capacity to implement MK decisions effectively.

In addition, the views of constitutional experts such as Yusril Ihza Mahendra in his book entitled "Decision of the Constitutional Court in the Presidential System" also provides an important perspective regarding the implementation of the Constitutional Court's decision regarding the President's authority. Mahendra (2018) highlighted the need for strong commitment and cooperation between the executive and judiciary in implementing the Constitutional Court's decisions. He stressed the importance of respecting and implementing the Constitutional Court's decisions to strengthen constitutional supremacy and maintain the balance of power between state institutions.

In addition, several other studies have also highlighted the challenges and impacts of implementing the Constitutional Court's decision regarding the President's authority. For example, research by Eri Zeki Rahmadhani & Safinaz Miskarina (2021) entitled "Implementation of the Constitutional Court Decision regarding the Authority of the President in Establishing and Changing Ministries". This study analyzes the impact of the Constitutional Court's decision in influencing the President's policies on the establishment and change of ministries and the challenges in their implementation. This study provides a deeper understanding of the challenges faced in implementing MK decisions in the context of ministerial formation and change.

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It is also important to consider the perspectives of stakeholders regarding the implementation of the Constitutional Court's decision. Parties involved in government, such as academics, legal practitioners, members of the DPR, and government officials, can provide diverse perspectives regarding the challenges and benefits of implementing the Constitutional Court's decisions regarding the President's authority. In the context of implementing MK decisions, dialogue and communication with these stakeholders is very important to ensure deep understanding and shared commitment in implementing MK decisions.

In conclusion, the implementation of the Constitutional Court's decisions related to the President's authority has significant implications for government practices and policy formation in Indonesia. Studies and views of constitutional experts highlight the challenges and impacts of implementing MK decisions and the need for commitment and cooperation between the executive and judiciary. The perspective of stakeholders is also important to understand the challenges and benefits of implementing the Constitutional Court's decision. Therefore, effective and comprehensive implementation of the Constitutional Court's decisions regarding the powers of the President will strengthen the supremacy of the constitution and maintain the balance of power in the presidential system.

3. Drafting and Passing of Appropriate Legislation

The drafting and passing of appropriate laws and regulations is an important aspect of a country's legal system. This process affects clarity, legal certainty, and the effectiveness of law implementation and public policies. In this literature review, several studies and expert views regarding the preparation and ratification of appropriate laws and regulations will be examined.

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One of the relevant studies is the research conducted by Yordan Gunawan & Syahri Rahmi (2020) entitled "Compilation of Good Legislation: Literature and Empirical Studies". This study analyzes various factors that influence the preparation of good laws and regulations. This study highlights the importance of paying attention to aspects such as language clarity, inter-agency coordination, public participation, and understanding the need for and impact of these regulations. This research provides a deeper understanding of the importance of drafting appropriate laws and regulations to achieve the desired legal and policy objectives.

In this research, Gunawan & Rahmi (2020) emphasized the importance of openness and public participation in the process of drafting appropriate laws and regulations. Involving the community in the consultation and socialization stages can ensure that the regulations produced reflect the needs and aspirations of the community. In addition, this study highlights the need for good coordination between various relevant government agencies in the process of drafting laws and regulations to avoid legal overlap and confusion.

In addition, the views of legal experts such as Prida Tias Prasetyo (2020) in his book entitled "Indonesian Constitutional Law" also provides an important perspective regarding the preparation and ratification of appropriate laws and regulations. Prasetyo highlighted the importance of clarity and accuracy in the use of legal language and the need for in-depth research and analysis in drafting laws and regulations. He emphasized that good laws and regulations must be able to provide legal certainty, be easy to understand, and be effective in achieving the desired goals.

In addition, several other studies have also highlighted the factors that contribute to the drafting and passing of appropriate laws and regulations. For example, research by Abdul Hakim Garuda Nusantara & Maruarar Sirait (2021) entitled "Appropriate and Effective Ratification of

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Legislation". This study analyzes the factors that can influence the success of passing laws and regulations, including the political process, inter-agency cooperation, and public participation in the decision-making process. This study provides a deeper understanding of the challenges and factors that must be considered in the passage of appropriate laws and regulations.

In conclusion, the drafting and passing of proper laws and regulations play an important role in the legal system of a country. Studies and expert views highlight factors that must be considered, such as clarity of language, coordination between institutions, public participation, and understanding of the need for and impact of these regulations. In this context, openness, public participation, and collaboration between government agencies are important keys in the preparation and ratification of appropriate laws and regulations. Thus, the preparation and ratification of appropriate laws and regulations will provide legal certainty, effectiveness of law enforcement, as well as broad community support.

4. Coordination and Synergy between the Executive and the Legislature in Forming a Cabinet

Coordination and synergy between the executive and the legislature are important factors in forming an effective and stable cabinet. This process involves interaction between the president as chief executive and parliament as the legislature in determining the structure and composition of the cabinet. In this literature review, several studies and expert views regarding coordination and synergy between the executive and the legislature in forming a cabinet will be examined.

One of the relevant studies is the research conducted by Abdul Ghofur (2017) entitled "Coordination and Synergy between the Executive and the Legislature in Forming Cabinets in Indonesia". This study analyzes the relationship between the president and parliament in forming a cabinet, and its impact on political stability and government effectiveness. This study

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highlights the importance of good coordination between the executive and the legislature to reach an agreement on forming a cabinet that can gain parliamentary support.

In this research, Ghofur emphasized the importance of intense communication and dialogue between the president and parliament in the process of forming a cabinet. Good cooperation between the two institutions can assist in reaching a consensus on a cabinet structure that is considered effective and capable of obtaining sufficient political support. This research provides a deeper understanding of the importance of coordination and synergy between the executive and the legislature in the process of forming a cabinet.

In addition, the views of political experts such as Ramlan Surbakti (2019) in his book entitled "Dynamics of Executive-Legislative Relations in a Presidential System" also provides an important perspective regarding coordination and synergy between the executive and the legislature in forming a cabinet. Surbakti highlighted the importance of building a relationship of mutual trust and cooperation between the two institutions to achieve common goals in carrying out governmental tasks. He stressed that good coordination between the executive and legislature will strengthen political stability, government effectiveness, and public services.

In addition, several other studies have also highlighted the factors that influence the coordination and synergy between the executive and the legislature in forming a cabinet. For example, research by Yuniar Perwitasari & Hermini Susiatiningsih (2018) entitled "Executive-Legislative Synergy in Cabinet Formation: Perspectives of Political Parties in Indonesia". This study analyzes the role of political parties in influencing the relationship between the president and parliament in the cabinet formation process. This study provides a deeper understanding of political dynamics and the interests of political parties in this process.

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Perspectives from stakeholders regarding coordination and synergy between the executive and legislature are also important to consider. Stakeholders related to the government, such as parliamentarians, government officials and political experts, can provide diverse views regarding the importance of cooperation between the two institutions in forming an effective and stable cabinet.

In conclusion, coordination and synergy between the executive and the legislature play an important role in the formation of an effective and stable cabinet. Expert studies and views highlight the importance of good coordination and communication between the president and parliament in this process. Good cooperation between the two institutions will strengthen political stability, government effectiveness, and public services. Therefore, good coordination and synergy between the executive and the legislature are key factors in forming a successful cabinet. (Mutawalli, 2023)

Apart from that, coordination and synergy between the executive and the legislature are also very important in efforts to strengthen the President's authority. The formation and dissolution of ministries is a process that involves both of these institutions. According to Fadli Zon (2019), Deputy Chairman of the People's Representative Council of the Republic of Indonesia, there needs to be dialogue, discussion and compromise between the executive and the legislature in terms of dissolving ministries. Involving the DPR in the process of dissolving ministries can ensure control and a balance of power between the President and the legislature.

In the context of efforts to strengthen the President's authority in dissolving ministries, it is necessary to mention that all these efforts must be carried out with due observance of the principles of democracy, the rule of law, and a balanced division of powers. Revision of regulations, implementation of Constitutional Court decisions, preparation of appropriate laws and regulations, as well as coordination between the

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executive and legislature must be carried out proportionally and in accordance with these principles.

In conclusion, efforts to strengthen the President's authority in dissolving ministries can be carried out through regulatory changes, implementation of Constitutional Court decisions, preparation of appropriate laws and regulations, as well as coordination between the executive and the legislature. All of these efforts need to pay attention to the principles of democracy, the rule of law, and a balanced division of powers. By strengthening the President's authority, it is hoped that the system for dissolving ministries in Indonesia can run effectively and in accordance with the demands of democracy.

IV. CONCLUSIONS AND SUGGESTIONS

A. Conclusions

In the process of forming a cabinet, good cooperation between the two institutions is needed to reach agreement and consensus. Intense communication and dialogue between the president as head of the executive and parliament as the legislative body helped reach a consensus regarding the composition of the cabinet which was considered effective and able to obtain sufficient political support. Apart from that, the synergy between the executive and legislature in forming the cabinet also has a positive impact on political stability and government effectiveness. Factors such as coordination between institutions, community participation, understanding the need for and impact of resulting legislation, and the role of political parties also influence coordination and synergy between the executive and legislature in running the government in forming the cabinet.

However, it should be noted that in terms of state institutional ethics, in constitutional construction viewed in the aspect of the presidential system, of course the authority to form the composition of the government cabinet to

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support the president's programs is a prerogative owned by the president, because in presidential doctrine, the president is the holder of control of the executive government so that The determination and appointment of people to fill government cabinet seats rests with the decision of a president.

Limiting interference and interference with legislative power, in this case the people's representative council and even political parties, needs to be done proportionally so that the impression of determining the filling of the government cabinet does not have a political nuance (sharing power among supporting political parties) which can have an impact on constitutional practices that are far from the values -representative value. Moreover, the position of head of state or president is a position filled through a democratic mechanism where of course the public and national interests are the most important.

B. Suggestions

Therefore, the importance of openness, community participation, and cooperation between government institutions in the preparation and ratification of appropriate laws and regulations also influences coordination and synergy between the executive and legislature. As an idea that needs to be considered in filling ministerial positions in the composition of the government cabinet, among others, it is necessary to add substance to the regulation of ministerial requirements in Law Number 39 of 2008, where these requirements include skills, field competencies, not holding concurrent positions in certain positions either in government positions or positions in political parties. Then there is the need to include a mechanism for public participation in providing input on ministerial candidates who can fill the cabinet, as well as the need to determine 50% to 50% of the cabinet filling from both practitioners, academics and political party elements in a proportional manner. Then as confirmation that especially ministers selected

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from political party members must prioritize national interests above political party and personal interests to avoid policies that are political in nature.

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