

Juridical Analysis on Cabinet Structure Changes of Prabowo's Government & The Impact to The New Government

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Abstract. The cabinet structure is one of the important instruments in government, because it determines the pattern of executive work and the implementation of public policy, so that the formation of the cabinet is the president's first step in realizing his vision and mission through several selected people who will be part of his government cabinet. This study aims to analyze the juridical aspects of changes in the cabinet structure of President Prabowo's administration and its impact on governance in Indonesia using normative juridical research methods with a statutory approach. The results show that changes in the cabinet structure by President Prabowo are the prerogative of the President as stipulated in Article 4 paragraph (1) and Article 17 paragraph (2) of the 1945 Constitution of the Republic of Indonesia and Article 15 of Law No. 61 of 2024 concerning Amendments to Law No. 39 of 2008 concerning State Ministries. In terms of impact, changes in the cabinet structure have major implications for governance, especially on the efficiency of governance, where these changes can have a positive impact or even a negative impact depending on the work of each institution in the cabinet formed by President Prabowo.

Keywords: Cabinet; Government; President; Structure.

1. Introduction

The 1945 Constitution of the Republic of Indonesia, Article 1 paragraph (2) states that "Sovereignty is in the hands of the people and shall be exercised according to the Constitution and shall be exercised solely by the People's Consultative Assembly". Looking at the formulation of the article, it can be seen that



Indonesia is one of the countries that has a presidential system of government in a democracy. The presidential system of government is a system of government in which the president, who is elected through general elections, acts as the head of state and head of government (Firdaus Arifin, 2024: 333-358). According to Rod Hague, presidential government consists of four elements, namely: The president elected by the people leads the government and appoints relevant government officials; The president and the legislature have a fixed term of office, cannot overthrow each other (Rendy and Umi, 2023: 47-63) ; cannot overthrow each other; and there is no overlapping status between the executive and legislative bodies (Imam Sukaidi, 2021: 119-128). The current presidential system of government in Indonesia has characteristics, among others (Huna Ni'Matul, 2005: 150):

- 1. The President is the head of state and head of government, and his position is inviolable;
- 2. Fixed term, that the President in exercising his powers for a period of five years without being disturbed by the obligation to provide accountability to the MPR during his term of office;
- **3.** Strong balancing and supervision between state institutions. The relationship between the President and other state institutions is regulated based on a system of checks and balances;
- 4. The existence of impeachment as stipulated in the articles of the 1945 Constitution: all members of the DPR are concurrently members of the MPR; therefore, the DPR can always supervise the actions of the President (right of supervision).

One of the defining characteristics of the theory of presidentialism is that the president has executive authority independent of the legislature (Firdaus Arifin, 2024: 333-358), which results in the absence of a mechanism of accountability of the President to the parliamentary body (Januari Sihotang, et.al., 2024: 124-144) where the Government (President) and parliament have an equal or equally strong position. An important component of this system is the separation of powers, which is intended to maintain the idea of checks and balances and avoid the concentration of power in one place. With a clear separation of powers, it is expected that each branch of government will be able to monitor and balance each other with a clear division between the legislative and executive branches, preventing entities from abusing their powers and upholding the principle of checks and balances. In addition, separation of powers is also done so that each branch of government can oversee and balance each other, limiting abuse of power, if the executive and legislative branches are clearly separated.

As a country with a presidential system of government in a democracy, the people play a major role in decision-making, this is in line with the definition of democracy. Democracy is a system of government in which all people participate



in the decision-making process through representation (Icol Dianto, 2023: 90-107). In a democratic system, the government is of, by and for the people, in accordance with the essential democratic perspective (Nesia, et.al., 2024: 15-35). The essence of a democratic state is to run the government by placing the interests of the people as the main axis (Annisah, et.al., 2022:1-13). In this context, changes in the structure of the government cabinet are one of the important instruments to achieve this goal. The cabinet is a body consisting of state officials elected by the President as head of government, which is an important part of the Executive branch (Reja, et.al., 2020: 90-107). Changes in the cabinet structure not only reflect political dynamics but also serve as a response to the evolving needs of society. Changes to the cabinet structure are a product of the president's prerogative.

In practice, the powers of the President of the Republic of Indonesia are often referred to as "presidential prerogatives" and are defined as absolute presidential powers that cannot be contested by any institution or party. Prerogative rights are also defined as privileges owned by the president to do something without seeking approval from other institutions (Mohammad Mahfud, 2015: 256). Theoretically, prerogative rights are translated as privileges owned by certain institutions (the President) that are independent and absolute, in the sense that they cannot be challenged by other state institutions. The 1945 Constitution (before and after the amendment) and the laws and regulations in Indonesia governing the state administration never state the term presidential prerogative, but this prerogative can be found implicitly in Article 4, paragraph (1), and Article 17, paragraph (2), of the 1945 Constitution. In practice, especially during the New Order era, this right was exercised, for example, in the appointment of ministers, the granting of certain rights (clemency, amnesty, abolition, and rehabilitation), and the granting of certain rights (pardon, amnesty, abolition, and rehabilitation).

The President's prerogative allows the president to freely carry out government actions aimed at the welfare of the community and assist the president in carrying out the functions of his power and as a form of his responsibility to the state (Hendry, et.al., 2022: 728-738), as well as allowing changes in the cabinet structure which is an absolute authority possessed by the president. The president has the absolute authority or privilege to determine the number of personnel and the form of his cabinet (Rizki, 2020: 80-103). The cabinet chosen by the president consists of ministers who help carry out executive functions. The process of selecting these ministers is very important because the ministers selected must have high integrity and competence to carry out their duties effectively. This prerogative also gives the President the flexibility to choose individuals who are considered the most appropriate to occupy strategic positions in the cabinet, so that they can respond effectively to political dynamics and community needs. This is in line with the opinion of Feri Amsari, an expert



on constitutional law who argues that the preparation of the cabinet is the prerogative of the President, which cannot be contested by other parties, including the Vice President. He emphasizes that the decision regarding the composition of the cabinet is entirely in the hands of the president, and this is important to ensure the smoothness and effectiveness of the government. Thus, cabinet changes not only reflect the President's desire to optimize the performance of his administration, but also as a response to the challenges faced by the country, so changes to the cabinet structure by the President-elect are inevitable. Changes in the cabinet structure of a new government are inevitable political dynamics. Every change of leadership is often accompanied by adjustments to the cabinet structure, with the hope of improving the effectiveness and efficiency of governance.

Research conducted by Annisah Putri and friends, discusses the phenomenon of government restructuring using the Indonesian presidential system as the main axis. Where this research provides information about the cabinet reshuffle carried out by President Jokowi during his tenure as President of Indonesia, as a step to improve government performance (Annisah, et.al.,2022:1-13).

In addition, there is also research conducted by Josua Satria Collins which discusses the development of the concept of Minister in Indonesia as a result of changes in the existing constitution. Where in this study also discussed the composition of the existing cabinet in Indonesia (Josua, 2020: 26-46). Meanwhile, this research more specifically discusses the changes in the cabinet structure made by President Prabowo, so this research has significant differences from the two previous studies.

This study aims to find out the juridical aspects of the changes to the cabinet structure made by President Prabowo Subianto and the impact of the changes to the cabinet structure on governance.

2. Research Methods

The research method used in this research is the normative juridical research method. Normative juridical is an approach that is carried out based on primary legal materials by examining theories, concepts, legal principles, and legislation related to this research (Amanda, et.al., 2024: 1-10). The approach is carried out using a statutory approach, namely examining laws and regulations related to the preparation of the cabinet in Indonesia, namely Law No. 61 of 2024 concerning Amendments to Law No. 39 of 2008 concerning the Ministry of State and the 1945 Constitution. The statutory approach is conducted because this research analyzes the problem in terms of statutory law (statute approach) applicable in Indonesia. The data collection techniques used in this research include literature study and document review. The collected legal materials are



analyzed descriptively and qualitatively by interpreting, describing, and compiling systematically and logically in accordance with the research objectives (Lufti, 2023: 316-334).

3. Results and Discussion

3.1. Juridical Aspects of Changes in Cabinet Structure Made by President Prabowo

The first political task and challenge faced by an elected President at the beginning of his term is the obligation to form a functioning cabinet, including its number and composition. Prabowo Subianto, as the elected President of Indonesia for the 2024-2029 period, of course, also has the duty to form a cabinet that will assist him in carrying out executive functions. After being officially inaugurated as President of the Republic of Indonesia, Prabowo Subianto immediately announced the composition of the cabinet of the government of the Republic of Indonesia for the 2024-2029 period, which was named the "Red White Cabinet.". The announcement was made on Sunday evening, October 20, 2024, at the Merdeka Palace, Jakarta. The Red White Cabinet has a significant increase in the number of ministries compared to the Working Cabinet and the Advanced Indonesia Cabinet under President Joko Widodo, which only have 34 ministries, while the Merah Putih Cabinet has 111 members consisting of 48 ministers, 7 minister-level officials, and 56 deputy ministers. This is the highest number since the Dwikora II Cabinet in 1966.

The significant increase in the number of cabinet members in the Merah Putih Cabinet structure made it the second largest cabinet in the history of Indonesian government, after the Dwikora II cabinet formed by President Soekarno. This is, of course, not a problem as long as the changes that occur are in accordance with applicable legal provisions, which are not contrary to the 1945 Constitution and Law No. 61 of 2024 concerning Amendments to Law No. 39 of 2008 concerning State Ministries. These two regulations are the legal basis for the formation of the President's cabinet in Indonesia.

The 1945 Constitution places the position of the president in a very important position in the Indonesian constitutional structure (Mahesa, 2020: 98-117). This can be seen from the President's two important functions, namely the function as head of state and the function of the President as head of government (Chrisdianto,2022: 1-14). This is in accordance with the Indonesian government system, where in the presidential system, the President is the center of power because of his position as a dual executive (Zainal Arifin and Kardiansyah Afkara, 2022:68-83), a President holds the main control and plays an important role in the government of a country (Mahesa, 2020: 98-117).



As the head of state who occupies an important position in the Indonesian constitutional structure, the President has constitutional rights commonly referred to as prerogative rights that are special (privilege) and are closely attached to the President. This prerogative right is not explicitly regulated in the 1945 Constitution but can be found implicitly in the provisions of Article 4, paragraph (1), which reads, "The President of the Republic of Indonesia holds the power of government according to the Law," and Article 17, paragraph (2), of the 1945 Constitution, which reads, "The ministers are appointed and dismissed by the President.". In this context, the President is the head of executive power in the state who has full authority in forming and restructuring the cabinet in accordance with government needs. The President has the authority to appoint and form ministers in his cabinet, who will help the President exercise government power (Harry Setya and Andri Yanto, 2021: 130-153). So the formation of the cabinet is the absolute authority of the President, which means that the President is free to determine the number of cabinet members during his term of office.

In its formation, the preparation of the cabinet must be in accordance with Law No. 61 of 2024 concerning Amendments to Law No. 39 of 2008 concerning State Ministries as the legal basis for the formation of State Ministries in Indonesia. This law regulates the maximum number of ministries and provides guidelines regarding the formation, merger, or abolition of ministries. The provisions for the preparation of the number of ministries can be found in the provisions of Article 15 of Law No. 61 of 2024 Concerning the Amendment to Law No. 39 of 2008 Concerning the Ministry of State, which reads: "The total number of Ministries established as referred to in Article 12, Article 13, and Article 14 shall be determined in accordance with the needs of government administration by the President". This article provides confirmation that the President as the organizer of government can form Ministries in accordance with the President's policy which must still pay attention to the harmony of government affairs between ministries and consider the provisions of Article 12, Article 13, and Article 14 of Law Number 39 of 2008 concerning State Ministries.

With this provision, there is no longer a limitation on the number of ministries formed by the President as the old provision contained in Article 15 of Law Number 39 of 2008 Concerning State Ministries, in other words, this Article provides flexibility to the President in compiling and managing ministries in accordance with the needs of governance which must still consider the principles of legal certainty, professionalism, and public interest. In addition to being guided by the 1945 Constitution and Law No. 61 of 2024 on Amendments to Law No. 39 of 2008 on State Ministries, changes to the cabinet structure must be outlined in a Presidential Regulation that establishes new ministries, their duties and functions. This can be found in President Prabowo Subianto's administration,



where President Prabowo Subianto has established Presidential Regulation No. 139 of 2024 on the Arrangement of Duties and Functions of State Ministries in the Red and White Cabinet for the 2024-2029 Period, the President issued a Presidential Regulation that contains details of the duties, functions, and organization of the new ministries. This Perpres becomes the operational legal basis for the newly established or changed ministries.

Based on the elaboration of the provisions of Article 4 paragraph (1), Article 7 paragraph (2) of the 1945 Constitution and Law No. 61 of 2024 on the Amendment to Law No. 39 of 2008 on State Ministries above, the formation of the Red and White Cabinet by President Prabowo Subianto is in line with the provisions of the applicable laws and regulations. This means that the process of forming this cabinet did not deviate from the established legal rules. In addition, the Red and White Cabinet was formed with professionalism and based on the prerogatives of the President. The President ensures that the people chosen to fill the positions in the cabinet have the background, experience, and abilities that are in accordance with the tasks of the ministries they will run so that the changes in the cabinet structure that occur can improve services to the community, strengthen governance, and promote the welfare of the people. Selection of the cabinet structure in the Merah Putih Cabinet. Looking further, each person selected to fill the ranks of the Red and White Cabinet formed by President Subianto has an educational background, experience, and abilities that are in line with the tasks of the ministries they will carry out, for example Prof. Yusril Ihza Mahendra, as Coordinating Minister for Law, Human Rights, Immigration and Corrections and Corrections and Prof. Otto Hasibuan, as Deputy Coordinating Minister for Law, Human Rights, Immigration and Corrections. Both of them have a legal education and have had a good track record in the field of law, so the selection of Prof. Yusril Ihza Mahendra and Prof. Otto Hasibuan is the right choice to fill the ranks of the Red and White Cabinet.

Overall, the changes to the cabinet structure by President Prabowo have a strong juridical basis because the changes made refer to Article 4, paragraph (1), and Article 17, paragraph (2), of the 1945 Constitution and Article 15 of Law No. 61 of 2024 concerning Amendments to Law No. 39 of 2008 concerning State Ministries. The changes fulfill the existing juridical aspects, namely in accordance with the legal basis for the formation and change of ministries in Indonesia and supported by formal regulations, namely presidential regulations governing the implementation of new ministries, their duties, and their functions.

3.2. The Impact of Cabinet Structure Changes on Governance

The changes in the cabinet structure that took place during President Prabowo Subianto's administration signaled the beginning of a new era of governance. Of



course, every change that occurs must have an impact on governance in Indonesia, both in the form of positive and negative impacts. Impact can simply be defined as influence or effect. Impact can also be defined as the result given by law to a legal event or action of a legal subject (Marwan Mas, 2003: 39). In this context, the word impact means the influence that arises as a result of the changes in the structure of the Red and White Cabinet formed by President Prabowo Subianto that affect governance in Indonesia.

Meanwhile, governance is an old concept derived from early democratic political theory that discusses the relationship between the ruler and the people. In the 19th century, Woodrow Wilson, former President of the United States and Professor of Political Science at Princeton University, defined governance as "a government that properly and successfully carries out a policy with due regard for efficiency and with the least expenditure of cost and effort". Governance refers to the way governments manage resources, formulate policies and make decisions to achieve inclusive, equitable and sustainable development goals. The concept encompasses basic principles aimed at ensuring good, transparent and accountable governance. Thus, governance is defined as a multidimensional concept consisting of political, economic and socio-cultural variables that determine whether public policies made by the government can achieve the targeted goals and improve people's welfare.

President Prabowo's cabinet structure changes have a significant impact on governance. This happened because in President Prabowo Subianto's cabinet, there were many additions to the cabinet that did not exist during President Joko Widodo's administration, in other words, there was a fattening of the cabinet during the administration of the current President-elect. There are at least five things that are different in the Red and White Cabinet formed by President Prabowo Subianto, namely:

There are seven Coordinating Ministers in the Red and White Cabinet

- 1. Budi Gunawan as Coordinating Minister for Politics and Security.
- 2. Yusril Ihza Mahendra as Coordinating Minister for Legal Affairs, Human Rights, Immigration and Corrections.
- 3. Golkar Party Chairman Airlangga Hartarto as Coordinating Minister for Economic Affairs.
- 4. Pratikno as Coordinating Minister for Human Development and Culture.
- 5. Democratic Party Chairman Agus Harimurti Yudhoyono as Coordinating Minister for Infrastructure and Regional Development.
- 6. Chairman of the National Awakening Party (PKB) Abdul Muhaimin Iskandar as Coordinating Minister for Community Empowerment.
- 7. Chairman of the National Mandate Party (PAN) Zulkifli Hasan as Coordinating Minister for Food.



Of the total number of Coordinating Ministers in the Red and White Cabinet, four are new coordinating ministries, namely the Coordinating Ministry for Law, Human Rights, Immigration and Corrections; the Coordinating Ministry for Infrastructure and Regional Development; the Coordinating Ministry for Community Empowerment; and the Coordinating Ministry for Food.

Every Ministry Has a Deputy Minister

The second difference in the Prabowo era is that each ministry has a deputy minister (wamen). Together with the minister who oversees them, there are 48 ministries. There are 56 deputy ministers in President Prabowo's announced Red and White Cabinet. This number has more than tripled when compared to the cabinet of his predecessor, Jokowi. For the record, there were three Deputy Ministers in the Working Cabinet and eighteen Deputy Ministers in the Advanced Indonesia Cabinet at the time.

Three Ministries Have Three Deputy Ministers

President Prabowo's cabinet is also unique in that it has three ministries that each have three deputy ministers. First, Sri Mulyani will be supported as Minister by three deputy ministers in the Ministry of Finance. They are Anggito Abimanyu, Suahasil Nazara, and Thomas Djiwandono. Second, M. Anis Matta, Arrmanatha Nasir, and Arif Havas Oegroseno are the three deputy ministers in the Ministry of Foreign Affairs who will support Sugiono in his role as minister. Third, Kartika Wirjoatmodjo, Aminuddin Ma'ruf, and Dony Oskaria are the three deputy ministers at the Ministry of SOEs who will support Erick Thohir in his role as minister.

Envoys and Special Advisors

Furthermore, in the Prabowo - Gibran era, history was made by having envoys and special advisors, of which there were seven each, making a total of 14 people. The new position of Special Envoy is regulated in Presidential Regulation Number 137 of 2024 concerning Special Advisors to the President, Special Envoys to the President, Special Staff to the President, and Special Staff to the Vice President. Both Special Advisors and Special Envoys work to carry out certain mandates from the president beyond the tasks already carried out by the organizational structure in ministries and government agencies. The purpose of establishing special envoys and advisors is to streamline the President's duties.

Establishing Three New Agencies

Finally, the Prabowo-Gibran administration established three new agencies, namely the Nusantara Anagata Power Investment Management Agency, the



Poverty Alleviation Acceleration Agency, and the Development Control and Special Investigation Agency.

The five changes that occurred in the Red and White Cabinet certainly attracted attention. These changes can have both positive and negative impacts on governance in Indonesia, especially on the efficiency of governance. If the execution in the field is in accordance with the initial reason for the formation of the cabinet, "creating a strong government that will unite our multicultural society and diverse political interests", then there will be a clearer focus on the tasks of each ministry so that government performance can be more optimal and the aspired state goals can be realized. In addition, if every state organizer in the Red and White Cabinet is able to carry out their duties as stipulated in Presidential Regulation Number 139 of 2024, this will be a strategic step to increase the capacity and performance of the government, where government performance will be far more optimal than the previous government.

On the other hand, an increase in the burden on the state budget is inevitable as a result of the fattening of the cabinet, such as ministerial salaries, staff, facilities, and administrative costs as well as the construction of new infrastructure for the four new coordinating ministries. This may reduce efficiency in the management of state resources. In addition, cross-ministerial coordination can become more complicated and time-consuming, which can slow down the agility of the government, as a result of the increasing number of ministries involved, the creation of several new agencies is also feared to cause overlapping powers between one agency and another in practice in the field. A public policy observer from the University of Indonesia, Lina Mifthahul Jannah, argues that this fat cabinet can prolong and complicate the flow of bureaucracy, and trigger overlapping authority. The fat cabinet is contrary to the spirit of bureaucratic reform. Meanwhile, bureaucracy is one of the aspects inhibiting Indonesia's development according to Indonesian President Susilo Bambang Yudhoyono.

In addition to impacting the efficiency of governance, the changes in the cabinet structure also have an impact on transparency and accountability. With the new cabinet structure, the government has the opportunity to increase transparency through re-evaluating the functions and performance of ministries, as well as to increase supervision of government programs that require more specific supervision, such as the free nutritious meal program which involves many parties in its implementation and a fairly large program budget, so that supervision is needed in its implementation to avoid misuse of funds by irresponsible individuals. On the other hand, with a larger structure, oversight of the entire ministry may become more difficult, especially if there are discrepancies in financial or performance reporting.



The significant changes made to the Red and White Cabinet by President Prabowo Subianto have two different impacts on governance. These changes can have a positive impact on governance if their implementation can run in accordance with the objectives to be achieved, namely to build a strong government, so that these changes can be a great opportunity to improve governance in Indonesia, to be more transparent, responsive and can provide a sense of justice for the wider community. However, this change can also have a negative impact on governance, if each state administrator in the Red and White Cabinet does not carry out their duties optimally, so that the objectives of the addition of a number of members of the Red and White Cabinet cannot be achieved. This is certainly one of the challenges in Indonesian governance, because if this change does not contribute to the effectiveness of governance, it will hinder the realization of good and clean governance, which is an instrument to solve various governance problems faced (Agustinus, 2022:119-128) by Indonesia at this time. Therefore, it is necessary to closely monitor the implementation of cabinet policies and periodically evaluate their impact on governance.

4. Conclusion

Changes to the cabinet structure by President Prabowo Subianto are his prerogative as head of state as stipulated in Article 4 paragraph (1) and Article 17 paragraph (2) of the 1945 Constitution of the Republic of Indonesia and Article 15 of Law No. 61 of 2024 on Amendments to Law No. 39 of 2008 on State Ministries, where these changes have been further regulated in Presidential Regulation No. 139 of 2024. Changes to the cabinet structure have a significant impact on governance. The changes made by President Prabowo Subianto in the Merah Putih Cabinet have two different impacts on governance. This move has the potential to be a good opportunity to improve governance in Indonesia if it is implemented in a way that is aligned with the objectives to be achieved, particularly the development of a strong government. However, the goal of adding more members to the Red and White Cabinet may not be achieved if every state official in the Cabinet does not do their job to the best of their ability. This can also have a negative impact on the government.

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