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President's Prerogative in Cabinet Formation: a Constitutional Review of Bureaucratic Efficiency in the Presidential System

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Article

Article History

Received: Oct 26, 2025;

Reviewed: Nov 11, 2025;

Nov 11, 2025;

Accepted: Dec 19, 2025;

Published: Feb 6, 2026:

DOI:

10.33474/yur.v9i1.24452

Abstrak

Penghapusan batas maksimal 34 kementerian melalui Undang-undang (UU) Nomor 61 Tahun 2024 tentang Perubahan atas Undang-Undang Nomor 39 Tahun 2008 tentang Kementerian Negara menimbulkan persoalan konstitusional dan administratif dalam praktik hak prerogatif Presiden. Penelitian ini bertujuan menganalisis perluasan hak prerogatif Presiden dalam pembentukan kabinet dan menganalisis implikasinya terhadap efektivitas birokrasi, efisiensi fiskal, dan penerapan prinsip good governance dan agile government. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif. Hasil penelitian menunjukkan bahwa pembentukan kabinet besar berpotensi menimbulkan tumpang tindih kewenangan, peningkatan beban fiskal, dan menurunnya koordinasi lintas sektor dan efisiensi kelembagaan. Selain itu, terdapat ketidakseimbangan antara kepentingan politik dan efektivitas birokrasi yang melemahkan prinsip good governance dan agile government. Penelitian ini merekomendasikan penerapan model kabinet ramping dan mekanisme evaluasi kelembagaan yang berkelanjutan untuk menjaga efektivitas, efisiensi, akuntabilitas, dan konsistensi pelaksanaan prinsip konstitusionalisme dalam sistem presidensial Indonesia.

Kata Kunci: Hak Prerogatif Presiden, Pembentukan Kabinet, Efisiensi Birokrasi, Sistem Presidensial

Abstract

The removal of the maximum limit of 34 ministries through Law No. 61 of 2024 raises constitutional and administrative issues in the practice of presidential prerogative rights. This study aims to analyze the expansion of presidential prerogative rights in the formation of the cabinet and analyze its implications for

bureaucratic effectiveness, fiscal efficiency, and the application of the principles of *good governance* and *agile government*. This study employs a normative legal method, incorporating legislative, conceptual, and comparative approaches. The results show that forming a large cabinet could lead to overlapping authorities, increased fiscal burdens, and reduced cross-sector coordination and institutional efficiency. In addition, an imbalance between political interests and bureaucratic effectiveness weakens the principles of good governance and agile government. This study recommends implementing a lean cabinet model and a sustainable institutional evaluation mechanism to maintain the effectiveness, efficiency, accountability, and consistency of constitutional principles in Indonesia's presidential system.

Keywords: Presidential Prerogative, Cabinet Formation, Bureaucratic Efficiency, Presidential System

INTRODUCTION

The institutional structure of the state is a fundamental pillar in the architecture of the Indonesian constitution, which is based on the principle of separation of powers.¹ Legally, the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) places the president as the center of executive power, with state ministers assisting in exercising his governmental powers.² Philosophically, the existence of ministers as assistants to the president in a cabinet is a manifestation of the presidential system of government, in which their appointment and dismissal are the prerogative of the president. Following the

Reform of the 1945 Constitution of the Republic of Indonesia, an additional provision states that the establishment, change, and dissolution of state ministries are regulated by Article 17 paragraph (4) of the 1945 Constitution.³ This regulation serves as a mechanism of checks and balances, ensuring that the President cannot arbitrarily change the composition of the cabinet, while also maintaining the efficiency of government in a strong presidential system.⁴

Existing literature, such as research by Ahmad Siboy, thoroughly examines how prerogative rights are distorted by multiparty

¹ Odang Suparman, "Konsep Lembaga Negara Indonesia dalam Perspektif Teori Trias Politica berdasarkan Prinsip Checks and Balances System," *AHKAM* 2, no. 1 (March 2023): 60, <https://doi.org/10.58578/ahkam.v2i1.898>.

² Jacoba F. X. Kelbulan, Saartje Sarah Alfons, and Hendry John Piris, "Hak Prerogatif Presiden Dalam Pengangkatan Menteri," *TATOHI: Jurnal Ilmu Hukum* 2, no. 7 (September 2022): 729, <https://doi.org/10.47268/tatohi.v2i7.1134>.

³ Krisyando Kelmaskosu and Umbu Rauta, "Kekuasaan Presiden dalam Pembentukan Kabinet menurut Sistem Presidensial," *Jurnal USM Law Review* 8, no. 1 (March 2025): 147, <https://doi.org/10.26623/julr.v8i1.11739>.

⁴ Sulkiah, "Pelaksanaan Hak Prerogatif Presiden dalam Penyusunan Kabinet Berdasarkan Pasal 17 UUD 1945 Amandemen Suatu Tinjauan Sistem Ketatanegaraan Indonesia," *Nurani Hukum* 2, no. 1 (May 2020): 44, <https://doi.org/10.51825/nhk.v2i1.8169>.

political accommodation, leading to ministerial appointments that reflect political compromise rather than functional needs.⁵ This is reinforced by a study by Isnawati et al., which highlights the shift in the meaning of prerogative from constitutional authority to an instrument of coalition negotiation.⁶ Furthermore, research by Firdaus Arifin shows that the amendment to the 1945 Constitution, despite strengthening the oversight of the House of Representatives, has also led to political fragmentation that hinders the effectiveness of governance.⁷ Although rich in political analysis and institutional dynamics, a clear research gap is the lack of analysis of quantitative aspects, namely the impact of changes in the number of ministries themselves as a legal and state administration issue. Therefore, this study offers something new by investigating the conflict between the legal justification that legitime flexibility in the number of ministries and the fundamental principles of good governance.

The urgency of this research lies in the conceptual contradiction between the constitutional goal of strengthening an adaptive presidential system and the risk of wasting state resources due to an overly large cabinet, as a result of the enactment of Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning State Ministries (hereinafter referred to as Law Number 61 of 2024), which removed the maximum limit of 34 ministries in Law No. 39 of 2008. This policy directly opens the door to the formation of a cabinet on a scale never before seen in the Reformation era, which was realized through the Red and White Cabinet with 49 ministers and 56 deputy ministers.⁸ Amidst the agenda of bureaucratic reform and demands for fiscal efficiency, the expansion of the ministerial structure has the potential to cause overlapping authorities, slow coordination, and a bloated state budget.⁹ This phenomenon raises a crucial question: to what extent can the President's flexibility in forming a

⁵ Ahmad Siboy, "Desain Jalan Tengah Penggunaan Hak Prerogatif Presiden dalam Penyusunan Kabinet," *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara* 1, no. 1 (December 2023): 949–74, <https://doi.org/10.55292/Injmxw22>.

⁶ Isnawati Isnawati et al., "The Indonesian President's Prerogative Rights in the Appointment of Ministers After the Amendment to the 1945 Constitution," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 10, no. 2 (2023): 254–74, <https://doi.org/10.22304/pjih.v10n2.a6>.

⁷ Firdaus Arifin, "Pembentukan Kabinet dalam Sistem Pemerintahan Presidensial di Indonesia: Studi Komparasi UUD 1945 Sebelum dan Setelah Perubahan," *Lex Renaissance* 9, no. 2 (December 2024): 333–58, <https://doi.org/10.20885/JLR.vol9.iss2.art5>.

⁸ Tya Eka Yulianti, *Daftar Lengkap Menteri Kabinet Prabowo Terbaru 2025 Setelah 3 Kali Reshuffle*, September 22, 2025, <https://www.detik.com/jabar/jabar-gaskeun/d-8123641/daftar-lengkap-menteri-kabinet-prabowo-terbaru-2025-setelah-3-kali-reshuffle>, accessed on September 30, 2025.

⁹ Humad Irfan Muzakki, "Reformasi Pengaturan Jalan Kementerian di Indonesia (Studi Analisis Politik Hukum Undang-Undang Nomor 61 Tahun 2024 Tentang Perubahan Atas Undang-Undang Nomor 39 Tahun 2008 Tentang Kementerian Negara)" (Skripsi, Universitas Islam Negeri Profesor Kiai Haji Saifuddin Zuhri, 2025).

“bloated” cabinet be justified without sacrificing the principles of efficiency, effectiveness, and accountability in government administration? Therefore, this study has both academic and practical urgency to reassess the balance between political stability and bureaucratic effectiveness.

The primary focus of this study is on the legal issue arising from the conflict between the expansion of the president's prerogative in determining the size of the cabinet and the constitutional mandate to create an effective and efficient government following the enactment of Law No. 61 of 2024. On the one hand, flexibility in the number of ministries can be seen as strengthening an adaptive presidential system; on the other hand, it has the potential to undermine the principles of efficiency and effectiveness that are central to bureaucratic reform. The fundamental questions of this study are how the legal legitimacy of increasing the number of ministries fits within the context of an efficient presidential system and what the legal and administrative implications are for cross-sector coordination and the effective use of the state budget. This study examines the extent to which the expansion of the cabinet impacts the principles of good governance and agile government, which are modern benchmarks for adaptive, transparent, and efficient governance.

The type of legal research used in this study is doctrinal research, namely, research

that aims to analyze and interpret the applicable positive legal norms related to the president's prerogative in forming a cabinet. There are two approaches used in this study: a statutory approach and a conceptual approach. The use of these two approaches aims to provide an analysis that is not only based on written legal norms but also on a theoretical framework and comparative perspective, so that the research results are more objective, critical, and relevant in formulating policy recommendations. The primary legal sources used in this study are the provisions of the 1945 Constitution of the Republic of Indonesia and related laws and regulations, specifically Law Number 39 of 2008 and Law Number 61 of 2024, while the sources of legal materials in this study were obtained from academic literature, such as legal journals and law books, as well as trusted media sources that highlight this issue. The procedure for collecting legal materials in this study uses a literature study method, which is analyzed descriptively and analytically.

This study has two main interrelated objectives. First, to conduct an in-depth analysis of the legal justification behind the discourse and realization of the addition of ministries, and to examine its consistency with the agenda of reform and bureaucratic efficiency that has been announced. This analysis will include an evaluation of the legal basis and constitutional considerations used to legitimize the expansion of the cabinet.

Second, this study aims to critically examine the implications of a large cabinet (oversized cabinet) on the principle of efficient use of the state budget and the effectiveness of coordination mechanisms between government institutions. By achieving these two objectives, the study is expected to make a substantial academic contribution to the ideal design of the cabinet structure in an effective and efficient Indonesian presidential system.

RESULT AND DISCUSSION

Presidential Prerogative in Indonesia's Presidential System of Government

Indonesia is one of the countries that adheres to a presidential system of government.¹⁰ The main feature of this system lies in the position of the President, who not only acts as the head of government but also serves as the head of state.¹¹ In a presidential system, the President is elected directly by the people and is accountable to them, and is given broad authority to form and manage the government independently. This authority,

known as the President's prerogative, is one of the distinctive features and main instruments of executive power in this system.¹²

Conceptually, prerogative rights are understood as exclusive powers that are special, independent, and absolute, the exercise of which does not require consideration or legitimacy from other state institutions.¹³ Etymologically, the term “prerogative” comes from the Latin *praerogativa*, meaning “the first to give a vote,” and *praerogare*, meaning “to be asked first.”¹⁴ Thus, semantically and juridically, prerogative reflects a special right directly attached to the office of the President as a consequence of the presidential power structure.

John Locke, in his work *Two Treatises of Government*, explains that prerogative rights are special powers granted to rulers to act at their discretion in the public interest, without always having to comply with written laws, and in certain circumstances may even conflict with positive law.¹⁵ According to

¹⁰ Aziz Fahri Nasution, Prawira Aziz Nasution, and Tomi Mandala Putra Nasution, “Efektivitas Sistem Pemerintahan Presidensial Di Indonesia,” *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 1, no. 2 (June 2022): 17, <https://doi.org/10.52005/rechten.v1i2.42>.

¹¹ Jimly Asshiddiqie, *Perkembangan dan Konsolidasi Lembaga Negara Pasca Reformasi*, (Jakarta: Konstitusi Press, 2006), 127.

¹² Muhamad Habibullah Ar et al., “Kewenangan dan Tanggung Jawab Pemerintah Dalam Hukum Tatanegara,” *Hutanasyah: Jurnal Hukum Tata Negara* 3, no. 2 (February 2025): 85, <https://doi.org/10.37092/hutanasyah.v3i2.1004>.

¹³ Mahesa Rannie, “Hak Prerogatif Presiden di Indonesia Pasca Perubahan UUD 1945,” *Simbur Cahaya* 27, no. 2 (January 2021): 112, <https://doi.org/10.28946/sc.v27i2.1040>.

¹⁴ Mario Agritama S W Madjid, “Politik Hukum Pembatasan Hak Prerogatif Presiden dalam Pembentukan Kementerian Berdasarkan Undang-Undang Kementerian Negara,” *Constitution Journal* 1, no. 2 (December 2022): 175, <https://doi.org/10.35719/constitution.v1i2.31>.

¹⁵ Chrisdianto Eko Purnomo, “Refleksi Kekuasaan Konstitusional Presiden Republik Indonesia,” *Journal Kompilasi Hukum* 7, no. 1 (June 2022): 5, <https://doi.org/10.29303/jkh.v7i1.92>.

Locke, the complexity of governance issues cannot be fully regulated by written law. Therefore, a residual and flexible policy space is needed so that leaders can make quick and effective decisions when the law is inadequate to respond to the needs of society. Locke's view, as quoted by Andryan, emphasizes the prerogative function as a constitutional tool that allows the government to act outside positive law, but still within the limits of public interest.¹⁶

The Indonesian Constitution explicitly affirms the position of the President as the holder of the highest power in the executive branch.¹⁷ This is stated in Article 4, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that "the President of the Republic of Indonesia holds governmental power in accordance with the Constitution." This provision affirms that governmental power is synonymous with executive power. Given the broad scope of executive power, the President is assisted by ministers as stipulated in Article 17, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that "State Ministers shall assist the President." Furthermore, Article 17 paragraph (2) emphasizes that "the Ministers shall be appointed and dismissed by the President." The appointment and dismissal of

ministers is a manifestation of the President's absolute prerogative, as it is carried out without requiring the approval or consideration of other institutions.

The explanation of Law No. 39 of 2008 on State Ministries emphasizes that Article 17 of the 1945 Constitution of the Republic of Indonesia grants the President constitutional authority to establish, change, and dissolve ministries. However, this authority is not unlimited. Therefore, legislation is necessary to ensure a systematic, transparent, and accountable mechanism in the preparation and structuring of ministries. These regulations are not intended to limit or reduce the President's prerogative but rather serve as a normative instrument to ensure the effective exercise of this authority within the framework of good governance. Thus, Law No. 39 of 2008 serves as a legal instrument that balances the President's prerogative rights with the need for legal certainty, bureaucratic efficiency, and the principle of constitutional accountability in a presidential system of government.

The authority granted by the Constitution and regulated by law enables the President to realize the government's vision and mission, while ensuring full autonomy in

¹⁶ Andryan, "Pergeseran Kekuasaan Prerogatif Presiden dalam Sistem Presidensial Pasca Amandemen UUD 1945," *Buletin Konstitusi* 4, no. 23 (2023): 51, <https://doi.org/10.30596/konstitusi.v4i2.17602>.

¹⁷ Mohammad Ahsanul Khuluqi and Muwahid, "Sejarah Sistem Pemerintahan dan Kekuasaan Eksekutif di Indonesia," *Al-Qanun Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 26, no. 2 (January 2024): 178, <https://doi.org/10.15642/alqanun.2023.26.2.167-180>.

determining the cabinet's composition.¹⁸ Therefore, ministers appointed by the President are guaranteed to be individuals with competence, integrity, and professionalism, aligning with the duties of their respective ministries. Within the framework of the presidential system, the President has full authority to appoint and dismiss cabinet members based on objective assessments and considerations of their performance and suitability for the direction of government policy.¹⁹ This power is exclusive and final, as it is a direct manifestation of the President's prerogative rights guaranteed by the Constitution. Thus, intervention by other institutions in the exercise of this authority is not justified, given that the President's prerogative is an essential element of the principle of executive independence in the Indonesian constitutional system.

Historical Dynamics of Cabinet Size in Indonesia from Independence to the Reformation Era

The history of Indonesian state administration shows that the presidential cabinet system has been consistently maintained since independence, with no less

than forty-one cabinet changes recorded since 1945.²⁰ Since the establishment of the republic, the size and structure of the Indonesian cabinet have undergone continuous changes, reflecting the political dynamics and administrative needs of each period of government. During the early days of President Soekarno's leadership, the size of the cabinet was moderate, as seen in the Presidential Cabinet, which consisted of nineteen ministries.²¹ However, in subsequent periods, there were significant fluctuations: the Sjahrir I Cabinet had sixteen ministries, the Sjahrir II Cabinet increased to twenty-four, the Hatta I Cabinet had sixteen, while the Emergency Cabinet had only eleven. Similarly, the Sjarifuddin I and II Cabinets had a similar composition with around thirty-one to thirty-two ministries. At the same time, the Hatta I and II Cabinets were relatively stable with between sixteen and seventeen ministries. The Emergency Cabinet of the Republic of Indonesia (PDRI) under Sjafruddin Prawiranegara consisted of only eleven ministries, reflecting the emergency at that time. After the recognition of the sovereignty of the Republic of the United States of Indonesia (RIS) in 1949, the cabinet

¹⁸ Khairi Ardiansyah and Septrian Azeri, "Kewenangan Presiden dalam Membentuk Kabinet Menteri Menurut Undang-Undang NRI Tahun 1945 dan Undang-Undang No. 38 Tahun 2008 Tentang Kementerian Negara," *Causa: Jurnal Hukum Dan Kewarganegaraan* 3, no. 12 (2024): 4, <https://doi.org/10.3783/causa.v3i12.3391>.

¹⁹ Sultan Sorik et al., "Problematisasi Pengisian Jabatan Menteri Yang Membidangi Birokrasi di Indonesia," *Jurnal Konstitusi dan Demokrasi* 2, no. 1 (June 2022): 89, <https://doi.org/10.7454/JKD.v2i1.1205>.

²⁰ Andryan, "Hak Prerogatif Presiden dalam Pembentukan Kabinet Multi Partai melalui Prinsip Fixed Executive System."

²¹ Sekretaris Kabinet, *Kabinet Presidensial*, accessed September 23, 2025, <https://setkab.go.id/kabinet-presidensial/>, accessed on September 23, 2025.

structure was readjusted to seventeen ministries. During the Republic of Indonesia (Yogyakarta) under the leadership of Susanto and Halim, the number of ministries decreased to nine to thirteen.

Entering the era of parliamentary democracy, when the position of Prime Minister acted as head of the cabinet, the composition of the cabinet changed more frequently.²² The Natsir Cabinet consisted of sixteen ministries, the Sukiman–Suwirjo Cabinet had seventeen, while the Ali Sastroamidjojo I and II Cabinets each had twenty-two ministries. This pattern shows that cabinets during the liberal democracy era were relatively lean, but often short-lived due to political instability and weak party coalitions. The Djuanda Cabinet, known as the Kabinet Karya (Working Cabinet), marked an important transition phase towards the Guided Democracy system, with twenty-six ministries. During the Guided Democracy period (1959–1966), the size of the cabinet reached its peak in Indonesian history. The Third and Fourth Working Cabinets consisted of fifty-six and sixty-one ministries, respectively. At the same time, the First Dwikora Cabinet even reached ninety

departments, the highest number in the history of Indonesian cabinet formation. This expansion reflected the high level of political accommodation and President Soekarno's efforts to consolidate power. The Dwikora II and III Cabinets then saw a decline in the number of ministries to around eighty-six and twenty-six, followed by the leaner Ampera I and II Cabinets with a range of twenty-three to twenty-eight ministries. During this period, Soekarno also led the cabinet with the fewest members, namely the Susanto Cabinet, which only had nine departments.²³

The reign of President Suharto marked an era of stabilization and rationalization of the cabinet structure through the Development Cabinet model. The Development Cabinet I (1968–1973) consisted of twenty-five members, while the Development Cabinet II (1973–1978) had twenty-one ministries. This number increased in the Development Cabinet V and VI, each of which had forty-one officials. The Development Cabinet VII (1998) was the last cabinet during the New Order era, consisting of thirty-seven members.²⁴ This period was marked by a relatively stable cabinet term, aligned with the presidential term, and the

²² Yuli Ernawati, "Kondisi Sosial Politik Indonesia pada Masa Pemerintahan Kabinet Burhanuddin Harahap 1955-1956," *Risalah* 3, no. 10 (2016): 5.

²³ Devi Rahmawati, *Menimbang Kabinet Gemuk: Optimalisasi Atau Beban Anggaran?*, November 6, 2024, <https://validnews.id/opini/menimbang-kabinet-gemuk-optimalisasi-atau-beban-anggaran>, accessed on September 20, 2025.

²⁴ Firdaus Arifin, "Pembentukan Kabinet dalam Sistem Pemerintahan Presidensil di Indonesia: Studi Komparasi UUD 1945 Sebelum dan Setelah Perubahan," *Lex Renaissance* 9, no. 2 (December 2024): 336, <https://doi.org/10.20885/JLR.vol9.iss2.art5>.

implementation of a centralized and bureaucratic system of government.

The Reformation Era, which began after President Soeharto's resignation on May 21, 1998, was marked by significant changes in Indonesia's political system and governance.²⁵ President B. J. Habibie formed the Reformation Development Cabinet (1998–1999) with thirty-nine ministries. Subsequently, President Abdurrahman Wahid formed the National Unity Cabinet (1999–2001) with thirty-seven ministries, followed by President Megawati Soekarnoputri with the Gotong Royong Cabinet (2001–2004) consisting of thirty-three ministries the leanest cabinet of the Reform era. The administration of President Susilo Bambang Yudhoyono (SBY) then presented two consecutive cabinets, namely the United Indonesia Cabinet I (2004–2009) and the United Indonesia Cabinet II (2009–2014), each consisting of thirty-four ministries, in accordance with the provisions of Article 15 of Law Number 39 of 2008 concerning State Ministries, which sets a maximum limit of thirty-four ministries. President Joko Widodo continued this pattern through the Working Cabinet (2014–2019) and the Advanced Indonesia Cabinet (2019–2024), which also maintained the number of thirty-four ministries and several ministerial-level officials.

A fundamental change occurred with the passing of Law No. 61 of 2024 on Amendments to Law No. 39 of 2008. The revision to Article 15 removed the provision on the maximum number of ministries. It replaced the clause stating that “the President shall determine the total number of ministries according to the needs of the administration.” This new provision gives the President the discretion to increase the number of ministries based on political and administrative considerations. As a result, the Red and White Cabinet under the leadership of President Prabowo Subianto became the largest cabinet in Indonesian history, with a total of forty-nine ministries and fifty-six deputy ministers.

Overall, this historical journey shows that the size of the Indonesian cabinet is dynamic and directly correlates with the political system and orientation of the government in each period. During periods of crisis or political transition, the number of ministries tends to increase as a form of compromise and accommodation of power. In contrast, during periods of bureaucratic stability, the cabinet tends to be leaner, with an emphasis on administrative efficiency and professionalism. This evolution confirms that the design of the cabinet structure not only reflects the technocratic needs of the government, but also reflects the dynamics of

²⁵ Ujang Hermansyah and Raihan Sauki Faznur, “Akhir Era Orde Baru dan Awal Reformasi di Indonesia,” *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora* 2, no. 2 (2025): 7-8.

power and political configuration inherent in Indonesia's presidential system.

The Dialectic of Coalition Accommodation and Functional Efficiency in the Presidential Cabinet Structure

The formation of political party coalitions is an almost inevitable consequence of Indonesian constitutional practice, given the design of the presidential system as regulated by law. Political accommodation within coalitions often has direct implications for the number of ministries required. This reflects the fact that the determination of the cabinet structure is not based solely on administrative and functional considerations but is also influenced by political calculations between the parties that make up the government.

In this context, ministries often function as instruments of power distribution and political representation, used to maintain coalition stability, strengthen the government's legitimacy, and ensure political support in parliament. This pattern provides the advantage of creating a balance of interests between parties and ensuring the continuity of a stable government. However, the dominance of political considerations in forming the cabinet has the potential to increase the number of ministries, create

overlapping authority between bureaucratic structures, and lead to a decline in the effectiveness of public administration.

Within the constitutional framework, the 1945 Constitution of the Republic of Indonesia positions political parties as the main instruments of public participation and democratic governance.²⁶ Therefore, the revision of Law No. 39 of 2008 on State Ministries, which initially limited the number of ministries to a maximum of thirty-four, has become an important issue in the national political dynamic. The proposed removal of this limit so that the president's authority entirely determines the number of ministries is seen as a strategic move laden with political considerations. Politically, this revision is interpreted as a form of accommodation to the interests of large coalitions such as the Koalisi Indonesia Maju (KIM),²⁷ which encompasses various political parties in the new administration.

Removing the limit on the number of ministries gives the president greater flexibility to expand the cabinet's composition as a strategy to embrace more parties, maintain political stability, and strengthen parliamentary support. However, this move has sparked serious debate from the

²⁶ Muh Farhan Arfandy and A Rafika Maharani, "Penguatan Peran Partai Politik di Indonesia melalui Perbaikan Kaderisasi dan Sistem Partai Politik," *Majalah Hukum Nasional* 54, no. 1 (2024): 85, <https://doi.org/10.33331/mhn.v54i1.374>.

²⁷ Dody Wijaya and Aditya Perdana, "Pencalonan Pilkada Jakarta 2024: Dominasi Koalisi Besar Partai Politik dan Pengaruhnya terhadap Partisipasi Pemilih," *Jurnal Tata Kelola Pemilu Indonesia* 6, no. 2 (May 2025): 165, <https://doi.org/10.46874/h72ddc90>.

perspective of constitutional law and the principles of good governance. On the one hand, this flexibility can increase political effectiveness by strengthening the coalition base and preventing intra-parliamentary conflict. On the other hand, excessive cabinet expansion has the potential to sacrifice the principles of efficiency, effectiveness, and professionalism in the bureaucracy. In Indonesian political practice, the formation of a cabinet is determined not only by administrative needs but also by political considerations to maintain balance between coalition parties. In this context, ministerial positions are often used as instruments for distributing power among the parties that formed the coalition and those that joined after the general election. The larger the coalition, the higher the chance that a political party will obtain ministerial positions, making the cabinet often perceived as an arena for power-sharing arrangements. Although this strategy is effective in maintaining political stability and ensuring legislative support, the formation of an excessive cabinet can lead to bureaucratic inefficiency, overlapping institutional functions, and a reduced focus on public service and effective governance.

The debate over the ideal number of ministries has always been a balancing act between the functional needs of the government and the interests of political accommodation. From a technocratic point of view, the addition of ministries is seen as an

adaptive response to the complexity of modern governance, especially in dealing with cross-sectoral issues such as sustainable development, digital transformation, and strengthening strategic sectors. In this context, the expansion of ministries is considered capable of improving cross-sectoral coordination and expanding the reach of public policy. However, in Indonesian political practice, the more dominant factor is coalition accommodation. The presidential system, which is implemented within a multiparty framework, requires the president to build political consensus through compromise with supporting parties. As a result, the design of the cabinet often reflects the pattern of coalition power sharing rather than considerations of administrative efficiency.

The formation of the cabinet in Indonesian constitutional practice not only reflects the effectiveness of the bureaucracy but also has political significance as an instrument of power stabilization. The addition of ministries as a form of political accommodation has implications for an increased risk of overlapping authorities, weakened inter-agency coordination, and a swelling institutional budget that can erode the allocation of priority public programs. This condition can ultimately lengthen the bureaucratic chain and reduce government responsiveness. Nevertheless, from a practical perspective, this step is often seen as a

pragmatic strategy. The formation of new work units can accelerate the realization of the president's political promises and enhance the effectiveness of policy implementation in areas requiring special institutional focus. Thus, the dynamics of cabinet formation in Indonesia's presidential system are a manifestation of the dialectic between political rationality and administrative efficiency, in which considerations of power stability often dominate over the principles of bureaucratic rationality.

The Challenge of a Large Cabinet: Analysis of Bureaucratic Performance from the Perspective of Good Governance and Agile Governance

The main challenge for a cabinet with many ministries is inter-agency coordination. Contemporary governments are required to implement cross-sector programs that involve more than one ministry. For example, efforts to reduce stunting require contributions from ministries in the fields of health, education, sanitation, social affairs, and other related sectors. Reality shows that with only 34 ministries, coordination often encounters obstacles, so if the number of ministries

increases to 48, the potential for obstacles will be even greater. This condition fundamentally contradicts the core principles of good governance, which require effectiveness and efficiency to build public trust and improve the quality of public services.²⁸ The risks that arise, such as overlapping authorities, the formation of silos between ministries, and slow implementation of decisions, manifest the weakening of these principles due to an increasingly complex bureaucratic structure.²⁹

The phenomenon of overlapping authority between ministries and the complexity of programs handled by more than one ministry can be seen, for example, in Indonesia's stunting reduction program, which involves not only the Ministry of Health but also the National Population and Family Planning Agency (BKKBN), the Ministry of Social Affairs, and the Ministry of Home Affairs. Inefficiencies from overlapping authority between the Ministry of Health and BKKBN in implementing stunting reduction programs and providing nutritious food, as highlighted by House of Representatives member Nurhadi, have led to suboptimal program outcomes despite the budget's absorption.³⁰ This statement illustrates a

²⁸ Muhamad Darmawan et al., "Efisiensi Anggaran dan Dampaknya Terhadap Praktik Good Governance di Kementerian Dalam Negeri dalam Era Reformasi Birokrasi," *Journal of Social Contemplativa* 3, no. 1 (February 2025): 14, <https://doi.org/10.61183/jsc.v3i1.88>.

²⁹ Roisa Nur Hanifah, Ratna Affifah Fatin, and Niken Ayu Melani, "Overlapping Powers in Merah Putih Cabinet: Case of Presidential Special Representative," *Journal of Transformative Governance and Social Justice* 3, no. 1 (2025): 14, <https://doi.org/10.26905/j-tragos.v3i1.15217>.

³⁰ Nurhadi Soroti Tumpang Tindih Kewenangan Dalam Program Penurunan Stunting, September 4, 2025, <https://www.nasdemdpri.id/berita/nurhadi-soroti-tumpang-tindih-kewenangan-dalam-program-penurunan-stunting>, accessed on September 19, 2025.

classic coordination problem, namely a situation where unclear boundaries of responsibility lead to program duplication or negligence. From a good governance perspective, this situation reflects a failure to uphold the principle of accountability. Public officials are required to be accountable for every policy and principle of optimal resource utilization to ensure that each program is oriented towards tangible results for the community.

The Indonesian government structure has a mechanism to address coordination issues, namely through the Coordinating Ministry.³¹ The Coordinating Ministry is designed as an instrument to uphold the principles of good governance, particularly in realizing consensus and the effectiveness of cross-sectoral policies. However, its effectiveness in bridging the growing number of ministries is questionable. Although theoretically functioning to synchronize and coordinate. In practice, the Kemenko often lacks strong executive authority and depends on the political will of the technical ministries under it. This weakens its role as an enforcer of the government's strategic vision, which is one of the pillars of good governance.

The increase in the number of ministries directly impacts the increased workload of the coordinating ministries.³² A Kemenko that coordinates ten technical ministries faces far more complex challenges than one that coordinates five ministries. In this situation, the Kemenko risks becoming an additional layer of bureaucracy that slows down the government, contradicting the principle of agile government, which emphasizes simplifying bureaucratic design and continuous improvement. The formation of new Kemenko in the Red and White Cabinet, which has led to overlapping authorities at the coordinator level, has actually distanced the bureaucracy from the ideal of agile and adaptive governance.

Good governance and agile government are two complementary approaches to achieving ideal public administration. Good governance provides a transparent, accountable, ethical, and procedural foundation.³³ Meanwhile, agile government offers mechanisms for adaptation, innovation, and efficiency to keep the bureaucracy relevant. However, a bloated cabinet is inherently slow and rigid, eroding both principles. Cross-sector policies require

³¹ Renaldo Lutu, Saryono Yohanes, and Hernimus Ratu Udju, "Kedudukan Hukum Menteri Triumvirat dalam Sistem Ketatanegaraan Republik Indonesia," *Hakim: Jurnal Ilmu Hukum Dan Sosial* 5, no. 5 (May 2024): 191, <https://doi.org/10.51903/hakim.v2i2.1750>.

³² Ali Imran Nasution et al., "Relevansi Peran Kementerian Koordinator dalam Sistem Presidensial: Studi Komparatif dan Rekomendasi Kebijakan Untuk Sistem Pemerintahan Indonesia," *Perspektif Hukum* 25, no. 1 (June 2025): 154, <https://doi.org/10.30649/ph.v25i1.351>.

³³ Sri Yulianty Mozin et al., "Penerapan Prinsip Good Governance Sebagai Upaya Menghindari Patologi Birokrasi Menuju Birokrasi yang Efisien," *Sosial Simbiosis : Jurnal Integrasi Ilmu Sosial Dan Politik* 2, no. 2 (May 2025): 238, <https://doi.org/10.62383/sosial.v2i2.1738>.

approval from more parties, making the decision-making process convoluted and time-consuming, which is the antithesis of agile government that emphasizes flexibility and responsiveness.

Another consequence of a large cabinet is an increase in the number of veto players within the executive branch. Each minister tends to defend their domain of authority, causing ministries to become bogged down in prolonged negotiations rather than working together synergistically. This situation not only slows down policy-making at the central level but also has the potential to create systemic gridlock, hindering the effectiveness of governance. The reality at the start of the 2024 Cabinet, where coordination is still taking shape and the division of ministerial clusters is unclear, shows how a prolonged transition phase can reduce effectiveness and delay the realization of business-driven policies, a key element in agile government.

The role of the Coordinating Ministry is crucial in this large structure; its success determines the government's effectiveness, while its failure will prove that a large cabinet is counterproductive. This coordination challenge is not new; the cabinet with 34 ministries in the 2014 and 2019 periods also often faced similar obstacles, even in national priority projects. With the addition of 49

ministries, the complexity has increased exponentially. The government's responsiveness to crises can measure its effectiveness, a key pillar of good governance.³⁴ Suppose the handling of the food crisis is delayed due to the tug-of-war between the relevant ministries. In that case, it demonstrates that the expansion of the structure has reduced the government's agility and ability to adapt quickly, as required by the principles of agile government.³⁵ Similarly, the implementation of strategic projects such as the National Capital (IKN) will be a real benchmark of whether the bureaucracy can move efficiently or is hampered by its own structure.

Based on the above, inter-agency coordination is a traditional weak point in the Indonesian bureaucracy, even in an era of a cabinet with 34 ministries. This condition has the potential to worsen significantly in a bloated cabinet structure, unless there is a fundamental breakthrough in the working mechanism. Increasing the number of institutions is a simple step, but building effective collaboration is a far more complex challenge. Therefore, the application of sound governance principles is crucial, as it requires not only collaboration but also the integration of a solid, transparent, and accountable governance framework to balance

³⁴ Surya Kurniadi, "Perwujudan Good Governance pada Pelayanan Publik melalui Aplikasi Peduli Lindungi," *UNES Law Review* 6, no. 2 (December 2023): 6012, <https://doi.org/10.31933/unesrev.v6i2>.

³⁵ Mansurali Anifa et al., "Systematic Review of Literature on Agile Approach," *NMIMS Management Review* 32, no. 2 (2024): 100, <https://doi.org/10.1177/09711023241272294>.

institutional expansion. Without a strong foundation of good governance and agile government working mechanisms, a bloated cabinet will not only increase the burden of coordination but also hinder effective decision-making. However, it will also systematically trigger overlapping authorities, threaten the effectiveness of the government's priority programs, and ultimately erode public trust.

The Implications of a Large Cabinet on Budget Efficiency from the Perspective of Good Governance and Agile Government

One of the most apparent impacts of forming a large cabinet is an increase in the burden on the State Budget. The addition of ministries directly increases bureaucratic spending, including on personnel, goods, and capital, which risks eroding the fiscal space for productive public spending. This condition fundamentally contradicts the principle of good governance, which demands effectiveness and efficiency in the management of public resources for the greatest prosperity of the people.³⁶

The structure of Indonesia's State Budget consists of spending on personnel,

goods, capital, and social programs. In the 2025 state budget, the allocation for personnel and goods expenditure reaches around 32% of total central government expenditure.³⁷ Secretary General of the Indonesian Forum for Budget Transparency (Fitra), Misbah Hasan, estimates that adding ministries from 34 to 48 could increase personnel expenditure by 20-30%, potentially adding more than IDR 100 trillion to the budget.³⁸ This swelling of the bureaucratic budget is a warning sign for the principle of good governance, particularly concerning accountability and transparency in the use of public funds. Every rupiah transferred to the bureaucracy means a reduction in the allocation for direct services to the community.

Reviewing the state budget allocations during each presidential era over the past two decades, there has been a shift in budget allocation priorities between administrations. The Surabaya administration was known for its large subsidy allocations, while the portion of capital expenditure for infrastructure was relatively minor. In contrast, President Joko Widodo's administration significantly cut subsidies and reallocated them to capital expenditure, which resulted in a surge in

³⁶ Firdaus Arifin et al., "Restructuring of State Ministry Authority: Fostering Efficiency Based on Lean Governance Principles," *Substantive Justice International Journal of Law* 7, no. 2 (December 2024): 99, <https://doi.org/10.56087/substantivejustice.v7i2.294>.

³⁷ Siti Masitoh, *RAPBN 2025: Belanja Barang & Modal Turun, Sedangkan Pengawai Naik, Ini Kata Kemenkeu*, August 19, 2024, <https://nasional.kontan.co.id/news/rapbn-2025-belanja-barang-modal-turun-sedangkan-pengawai-naik-ini-kata-kemenkeu>, accessed on September 20, 2025.

³⁸ Khoirul Rifai, *Kabinet Merah Putih, Kabinet Jumbo dengan Anggaran Super*, October 25, 2024, <https://jangkara.id/trending-issue-analysis/kabinet-merah-putih-kabinet-jumbo-dengan-anggaran-super/>, accessed on September 18, 2025.

infrastructure development.³⁹ Meanwhile, the formation of a large cabinet during President Prabowo's era, despite rampant bureaucratic inefficiency, will actually reverse this trend. Each new ministry requires a budget allocation for all components of bureaucratic spending, including salaries for ministers, deputy ministers, and all echelon officials, expert staff, and thousands of new civil servants; goods spending for the procurement of offices, official vehicles, and other operational costs; and capital spending for the construction of new ministry buildings.

The potential inefficiency of a bloated cabinet stems not only from the addition of institutions but also from the duplication of functions, resulting in double waste.⁴⁰ With 49 ministries, the risk of program and budget overlap becomes even greater, especially if integrated planning is not balanced. This situation distances the government from the framework of an agile government, which emphasizes simplifying bureaucratic design and adopting a systematic and adaptive approach to achieve optimal results. An increase in unproductive bureaucratic spending will ultimately reduce the fiscal

space for transfers to the regions, even though the regions are at the forefront of public services.

Ideally, the ratio of bureaucratic spending to public spending should be kept to a minimum, in line with the principle of effectiveness in Law No. 39 of 2008. Within the framework of good governance, effectiveness must be balanced with efficiency in resource management,⁴¹ which means that every additional budgetary burden must produce greater output (cost-effective). Meanwhile, agile government demands continuous refinement through data-based evaluation.⁴² Therefore, evaluating the cabinet's performance in 2026 through program achievement indicators and spending ratios will be crucial in determining whether this bloated structure should be maintained or corrected to achieve agile and accountable governance.

In conclusion, the government must ensure that bureaucratic spending does not absorb the development budget, as this will reduce the overall quality of state spending. The expansion of the bureaucracy without a corresponding increase in productivity will

³⁹ Dhini Rizky Prasedyawati and Nining I Soesilo, "Pengaruh Pembiayaan dalam Era Presiden Jokowi dan SBY pada Tahun 2010-2019 terhadap Pemerataan Peningkatan Pembangunan Jalan di Indonesia," *Jurnal Kebijakan Ekonomi* 17, no. 2 (June 2022): 79, <https://doi.org/10.21002/jke.2022.06>.

⁴⁰ Lachlan Robb, Trent Candy, and Felicity Deane, "Regulatory Overlap: A Systematic Quantitative Literature Review," *Regulation & Governance* 17, no. 4 (October 2023): 1131, <https://doi.org/10.1111/rego.12504>.

⁴¹ Zuwinda Herika Putri, Lutfi Fahrul Rizal, and Aji Saptaji, "Analisis Perubahan Struktur dan Pengisian Jabatan Kementerian dalam Kabinet Merah Putih Prabowo-Gibran menurut Konsep Ahlul Halli Wal Aqdi," *Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 5 (June 2025): 4061, <https://doi.org/10.38035/jihhp.v5i5.5064>.

⁴² Erwing Yanto and Qamal Qamal, "Agile Governance sebagai Strategi Peningkatan Kinerja Mall Pelayanan Publik: Studi Literatur," *Indonesian Journal of Intellectual Publication* 5, no. 2 (March 2025): 124, <https://doi.org/10.51577/ijipublication.v5i2.658>.

trap the country in stagnation, where future investments are neglected. This condition not only threatens economic growth and national competitiveness but also betrays the mandate of good governance to achieve a responsive government oriented towards the public interest. Without integrating the principles of efficiency from good governance and agility from agile government, a bloated cabinet risks becoming a fiscal burden that hinders the nation's progress.

CONCLUSION

In practice, the expansion of the President's prerogative in determining the number of ministries not only impacts the political configuration but also affects the effectiveness of the bureaucracy and governance. The formation of a cabinet with 49 ministries and 56 deputy ministers shows that political accommodation often dominates over considerations of functional rationality. This condition creates an imbalance between political needs and bureaucratic efficiency, ultimately reducing the quality of cross-sectoral coordination, increasing sectoral egos, and slowing down the strategic decision-making process. This study shows that expanding prerogatives without clear legal corridors can lead to significant administrative and fiscal consequences, necessitating a normative evaluation of the limits and mechanisms for controlling executive power.

From the perspective of good governance and agile government, an overly large cabinet structure does not align with the principles of efficiency, effectiveness, and adaptability in modern bureaucracy. The novelty of this research lies in shifting the focus of analysis from merely the politicization of ministerial positions to a normative-empirical study of the quantitative and structural impacts of cabinet expansion as a fundamental issue in state administrative law. These findings emphasize the conceptual and practical urgency of reformulating the institutional limits of the President's prerogative, as excessive cabinet formation has the potential to cause systemic inefficiency, increase the fiscal burden, and erode public trust in the government. Thus, this study not only expands the discourse on constitutional law regarding presidential prerogatives but also scientifically contributes to formulating a normative foundation for forming a cabinet that balances political flexibility and administrative efficiency, in accordance with the constitution's mandate and the principles of good governance.

SUGGESTION

Based on the results and conclusions of the study, it is recommended that the formation and structuring of ministries follow the principle of *form follows function*. This means that institutional design should be based on an objective analysis of

functional needs, rather than being the result of political pressure or coalition compromises. The formation of each new ministry must be accompanied by an open and data-based academic paper in order to comply with the principle of *evidence-based policymaking*.

The government also needs to adopt a lean and integrated cabinet model, prioritizing the merger of institutions with overlapping functions to reduce duplication of authority, strengthen cross-sector coordination, and streamline the use of the state budget. In addition, strengthening the role and authority of the Coordinating Ministry is crucial for it to function effectively as a cross-sectoral policy controller and possess real administrative power. The ministry performance evaluation mechanism needs to be implemented independently and transparently, so that it can be used as a basis for dissolving or merging institutions that are ineffective and irrelevant to national development priorities.

The ideal executive institutional model for Indonesia is not the largest in terms of number, but the most fiscally efficient, functionally effective, and adaptive to the challenges of modern governance. The quality of governance is reflected not in the number of ministries but in the cabinet's ability to produce coordinated policies that have a tangible impact on the welfare of the people. Therefore, a balance between political flexibility and institutional efficiency must be maintained to ensure that the President's

prerogative remains within constitutional boundaries and aligns with the principles of good governance and agile government oriented towards public performance.

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