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IMPLICATIONS OF CHANGES TO STATE MINISTRIES LAW ON GOVERNMENT STRUCTURE

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Abstract

The Draft Law amending Law No. 39 of 2008 on State Ministries during the 7th Plenary Session of the I Period for the 2024-2025 Session on September 19, 2024 has been approved. Key changes include the removal of the explanation in Article 10 of the State Ministries Law, the revision of Article 15, which specifically limits the number of ministries to 34, and the addition of monitoring and reviewing the law in the closing provisions. This article discusses the implications of these changes on the future structure of the government. The revision aims to facilitate the president in organizing state ministries to achieve good governance. However, this law must be implemented carefully to avoid expanding bureaucracy and increasing the state budget. Through its oversight function, Commission II of the DPR RI needs to ensure that these changes result in an effective and efficient ministry structure that supports the successful implementation of public policies and enhances public welfare.

Introduction

The DPR RI has approved the Draft Law amending Law No. 39 of 2008 on State Ministries during the 7th Plenary Session of the I Period for the 2024–2025 Session on September 19, 2024. The idea for revising the State Ministries Law emerged during the 2023–2024 session, specifically in the fifth sitting period of the DPR, when the Legislative Committee of the DPR RI held a Plenary Meeting. During the discussions, the State Ministries Draft Law included 30 Problem Inventory Lists (DIMs), consisting of 23 fixed DIMs, 4 DIMs with substantive changes, and 3 DIMs with editorial changes. On May 16, 2024, Legislative Committee finalized the

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draft revision of the on State Ministries Law, focusing on three main points.

First, the explanation in Article 10 of the State Ministries Law is deleted. Second, the revision of Article 15, which specifically regulates the number of ministries, capped it at 34. Third, monitoring and reviewing the law in the closing provisions is added. The revision also introduced several new articles, including Article 6A, which addresses the formation of separate ministries, and Article 9A, which grants the president the authority to change organizational elements based on government needs. Additionally, Article 25 now governs the functional relationship between ministries and institutions (Jo, 2024). This paper discusses the implications of these changes to the State Ministries Law on the future structure of the government.

State Ministries in Government

State ministries are government institutions that report directly to the president. The ministries are the backbones for operating government machinery in a presidential system. Each ministry has a primary task of implementing government policies and programs in specific areas, and it is required to contribute to the country's growth and development. Over time, the structure and organization of ministries have transformed, including mergers, separations, name changes, and dissolutions, some of which are temporary while others are permanent. The number of ministries in each cabinet may vary, but according to Law No. 39 of 2008 on State Ministries, the maximum number of ministries is capped at 34.

In addition to serving public interests, the number of ministries is expected to comply with decentralized government regulations and principles. Decentralization allows regions to make decisions, formulate policies, and manage resources according to local needs and conditions.

As the country's challenges and problems evolve, there is a growing need to adapt the government structure to be more responsive and effective. One form of this adaptation is adding state ministries, considered a strategic step to enhance the government's capacity and performance.

The Vice Chair of the Legislative Committee of the DPR RI, Achmad Baidowi, stated that the decision to add ministries is influenced by changing political and social dynamics and the need to improve coordination, allocate resources more efficiently, and implement policies more effectively. Revising the State Ministries Law is the legal basis for the government's future addition or reduction of ministry nomenclature (Khalida, 2024).

The revised State Ministries Law aims to make it easier for the president to structure state ministries, ensuring that government governance is good, democratic, and effective (Akbar, 2024). Some substantial changes include deleting the explanation in Article 10 of the State Ministries Law, which previously allowed the president to appoint ministers and deputy ministers when a workload required special handling. Additionally, Article 15, which previously specified the number of ministries, now allows the president to determine the number of ministries based on the effectiveness of government organization. The revision also includes new provisions for monitoring and reviewing the law in the closing provisions.

The revision adds several new articles, including Article 6A, which concerns the formation of separate ministries. Potential fields for separate ministries include religion, law, finance, security, and education. Other fields include energy, labor, national development planning, housing, and sports. Furthermore, Article 9A grants the president the authority to modify organizational elements based on government needs. There is also an additional paragraph and changes to Article 25, which governs the functional relationship between ministries and institutions (Jo, 2024).

According to constitutional law expert Ferry Amsari from Andalas University, the ratification of the law suggests that political parties may be attempting to pressure the future president to expand the number of ministries in line with their political interests, which may not be healthy for the new government's cabinet ("UU Kementerian Negara," 2024).

Implications of Implementing the Revision of the State Ministries Law

Revising the State Ministries Law grants the president full freedom to increase the number of state ministries and reorganize them according to the government's needs. The Minister of State Apparatus Empowerment and Bureaucratic Reform (PANRB), Abdullah Azwar Anas, stated that this revision would support efforts to improve the Indonesian government's system. While expanding the cabinet involves political and legal processes, if the cabinet is carefully designed, the government can function more efficiently and responsively. Improved coordination among an increased number of ministries is expected to enhance public services, leading to more effective policies that address both domestic and global challenges ("Pemerintah dan DPR," 2024).

Removing the restrictions on the number of ministries will give the president greater flexibility in determining the necessary ministries, allowing them to align with the government's strategic needs and vision mission. However, increasing state ministries will have broad implications, particularly for Indonesia's development and economy. The addition of ministries will require additional funding, which could impact the stability of state finances.

Another crucial aspect is legal certainty and policy consistency in shaping the investment climate. Investors are likely to feel more secure when laws and regulations are clear and consistent. When the government implements policies stably and consistently, investors can plan long-term investments more confidently. Conversely, unexpected policy or regulatory changes can introduce additional risks, potentially reducing investor interest. Therefore, to enhance Indonesia's investment appeal, it is essential to strengthen legal certainty and policy consistency, creating a stable and predictable investment environment. This will attract more investors and ultimately support the country's economic growth.

Another implication of the revision is the potential increase in commissions within the DPR RI to align with the increased number of ministries. According to Vice Speaker of the DPR RI, Lodewijk F. Paulus, the House's rules (Tatib) require that at least 50 members fill each commission. If the number of ministries increases, the number of commission members may become insufficient when the number of government partners increases (Dwi, 2024). Consequently, the addition of ministries may necessitate changes to the DPR RI's Tatib to accommodate the increase in the number of commissions within the House.

Conclusion

The revision of the State Ministries Law will take effect for the 2024–2029 government. The changes, which remove the restrictions on the maximum number of ministries, are intended to give the president greater flexibility in adding and organizing ministries according to the government's needs. This increase in the number of ministries is expected to enhance effectiveness and coordination in addressing the country's various challenges.

Commission II of the DPR RI, through its oversight function, needs to continue gathering public aspirations and overseeing how the changes in the State Ministries Law will shape an effective and efficient ministry structure that supports the successful implementation of public policies and the community's welfare. Periodic evaluations of the performance of newly formed ministries will be an important step for Commission II of the DPR RI to assess their effectiveness in carrying out their duties and functions and their impact on public policy.

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