



## **Critical Thinking on the Limitation of Political Functions in Indonesia**

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### **Abstract**

*Ministers or other officials who concurrently hold public and political functions have become a central issue in constitutional studies. Excessive power will make people have the potential to cause abuse of power. This research has a specific objective to analyze and examine the arrangements regarding the limitation of political functions. Methodologically, this research is normative legal research or library research using statutory and conceptual approaches. Data and information obtained through library materials, such as books, journals, and laws and regulations related to research issues. In this research, it is found that some commissioners and directors of state companies or private companies and even ministers or state ministries are involved in concurrent functions that have the potential for abuse of power, and are contrary to Law Number 25 of 2009 concerning Public Services, Law Number 19 of 2003 concerning BUMN, Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition and Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties. This article is a critique of officials who are involved in concurrent functions as well as providing alternative strengthening in the limitation of functions.*

**Keywords:** *Critical Thinking, Limitative Regulation of Position, Dual Position, Abuse of Power.*

### **Abstrak**

Menteri atau pejabat lainnya yang merangkap jabatan dalam jabatan publik dan jabatan politik menjadi isu sentral dalam kajian ketatanegaraan. Kekuasaan berlebih akan membuat orang berpotensi untuk menimbulkan *abuse of power* atau penyalahgunaan kekuasaan. Penelitian ini memiliki tujuan khusus untuk menganalisis dan mengkaji pengaturan tentang limitasi jabatan politik. Secara metodologis, penelitian ini adalah penelitian hukum normatif atau penelitian kepustakaan (*library research*) dengan menggunakan pendekatan perundang-undangan dan konseptual. Data dan informasi yang diperoleh melalui bahan-bahan kepustakaan, seperti buku, jurnal, dan peraturan perundang-undangan yang berkaitan dengan permasalahan penelitian. Dalam penelitian ini ditemukan bahwa, beberapa komisaris dan direksi perusahaan negara atau perusahaan swasta sampai bahkan menteri atau Kementerian negara terlibat dalam rangkap jabatan yang berpotensi terjadi penyalahgunaan kekuasaan, serta bertentangan dengan Undang-Undang Nomor 25 Tahun 2009 tentang Pelayanan Publik, Undang-Undang Nomor 19 Tahun 2003 tentang BUMN, Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak

Sehat dan Undang-Undang Nomor 2 Tahun 2011 tentang Perubahan atas Undang-Undang Nomor 2 Tahun 2008 tentang Partai Politik. Artikel ini merupakan kritik terhadap pejabat yang terlibat dalam rangkap jabatan sekaligus memberikan alternatif penguatan dalam limitasi jabatan.

**Kata Kunci** : Pemikiran Kritis, Pengaturan Limitasi Jabatan, Rangkap Jabatan, Penyalahgunaan Kekuasaan.

## Introduction

Indonesia is a country formed based on law (*rechstaat*). Therefore, all actions taken by the government, law enforcement and the community must be in accordance with existing regulations (Siregar et al., 2021). Indonesian legal politics must also be oriented towards the ideals of a rule of law based on the principles of democracy and social justice in a unified Indonesian society as stated in the preamble to the 1945 Constitution. The formulation of the elements of a rule of law cannot be separated from philosophy. and socio-political conditions, within the country individual citizens as *primus inter pares* (first among equals) in national life (Indonesia Corruption Watch, 2021) (Ahmad Mukri Aji, 2019). One of the characteristics of a rule of law is the separation or distribution of the powers of state administrators (Lailam et al., 2024). So the state's power must be limited to protect the rights of each individual so that significant results can be seen in their protection (Muhamad Rifaldi Kelana, 2022).

The polemic regarding multiple functions or positions in the constitutional practice of the Republic of Indonesia is still a topic that is continuously debated. It doesn't just stop at the issue of not having many laws and regulations governing office limitations, but also concerns moral ethics and bureaucratic culture in the government administration process (Lailam et al., 2024). This is because it has implications for changes in work culture and has the potential for conflicts of interest that encourage criminal acts of corruption within institutions (Wahyudi et al., 2023) (Kurniawan et al., 2019). In his adage, Lord Action explains that, power tends to corrupt, but absolute power corrupt absolutely, which means that if power tends to be misused, unlimited power will definitely be misused (Charity, 2016).

Having multiple positions is contrary to the theory of power because giving excessive power has the potential to cause the person in power to take actions beyond their limits, which can result in abuse of power or abuse of power. The phenomenon that occurs in the Indonesian constitutional system in the second volume of the United Indonesia Cabinet (Kabinet Indonesia Bersatu) is the appointment of ministers from the general chairmen of political parties. It is feared that the implications that will arise from the appointment of ministers from the general chairman of a political

party will not be able to distinguish between public interests as a minister and political interests as the general chairman of a political party (Siregar et al., 2021).

The rules for holding multiple positions are regulated in article 23 of the State Ministries Law, which explains that a minister is prohibited from holding multiple positions as:

- a. Other national officials in accordance with statutory regulations;
- b. Commissioners or directors in state companies or private companies; or
- c. Leaders of organizations funded from the State Revenue and Expenditure Budget and/or Regional Revenue and Expenditure Budget.

The provisions above clearly stipulate that the minister should focus on being responsible for his responsibilities as a minister without holding concurrent positions in political parties or other positions (UU No. 39 Tahun 2008). Furthermore, it is regulated in article 34 of Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties which relates to sources of funds that it is expressly stated in this provision that political parties receive sources of funds financed by the APBN/APBD (National Budget/Regional Government Budget) (UU No. 2 Tahun 2008). The meaning in this case is that political parties are organizations financed by the state, so that the provisions prohibiting multiple positions contained in article 23 letter (c) of the State Ministry Law have been fulfilled. So, implicitly, even though article 23 letter (c) does not explain explicitly that the head of the organization in question is a political party, one of the leaders of the organization is a political party. Because one of the sources of political party funds is the APBN/APBD.

Ministers who hold concurrent positions as chairman of political parties should not be allowed because they have very important positions in government. Because ministers have the task of assisting the President in running his government, public office awareness is needed in his duties, not political office awareness. The government's role is very much needed in regulating conflicts of interest caused by multiple positions. Basically there are many regulations governing multiple positions as previously explained, but in reality there are still many practices of multiple positions that occur. This is what then makes the author interested in studying in more depth the limitations of political functions.

Based on this background description, the author formulates several problems. First, what are the legal arrangements or configurations regarding political office limitations? Second, what are the implications of holding multiple positions? Third, what are the alternatives for strengthening limitations on political positions?

## **Research Methods**

The research method used by the author is normative legal research or library research. Normative legal research is legal research based on the rules and norms of statutory regulations. The main source used in this research uses legal materials which contain normative rules. The data and information obtained are library materials such as books or laws and regulations related to research problems. The approach methods used are the statutory approach and the conceptual approach. The statutory approach is an approach taken by examining statutory regulations relating to research problems. The conceptual approach is a type of approach that provides an analytical perspective on solving a problem in legal research by looking at the background concepts (Andjelina Panggabean et al., 2023).

## **Result and Discussion**

### **History of Political Department Limitation**

In terms of terminology, limitation means restriction (Halimatu Sholihah et al., 2024), whereas political functions are the positions that are earned in the political process (Arini, 2022). So, limitations on political functions are restrictions on positions held by individuals or in another sense, multiple positions. Indonesia has had historical experience of holding multiple positions of power. The history of ABRI's dual function is a reflection of its dual position of power. This happened during the New Order era where ABRI (Indonesian National Army) or now called TNI not only handled matters relating to state defense and security, but at that time ABRI/TNI could also move in the socio-political sector. This happened when Soeharto was elected President through TAP MPRS No. XLIV/MPRS/1968, at that time the military began to enter the socio-political realm persuasively, then this was added to by the issuance of Law Number 20 of 1982 concerning Basic Provisions for the Defense and Security of the Republic of Indonesia, which then became a complement to the legal basis for ABRI's dual function. As President, Soeharto appointed a number of TNI members to fill MPR, DPR and executive positions. The existence of this dual function certainly robs civilians of their right to fill positions in government because the opportunity has been closed by ABRI/TNI (Huda, 2014).

At first the dual position had a good purpose. However, slowly the dual position with the dual function of ABRI led to dis-power and mal-power which led to abuse of power. As a result, ABRI's function should prioritize national defense and security to maintain the stability of the country's national security, but in practice they prioritize socio-political forces, which has implications for one of the positions not being carried out optimally and leading to new problems. The resignation of Soeharto as

President, who then entered the reform period, abolished the policy regarding the dual function of ABRI. This is an ideal step to restore the main responsibility of the TNI as well as a preventive measure against abuse of power (Huda, 2014).

It cannot be denied that giving excessive power has the potential to give rise to acts of corruption. Corruption that benefits oneself or a few people is certainly detrimental to the country (Lundgren & Wieslander, 2024). So in this case it is necessary to limit power or limit political positions to prevent the existence of multiple positions in the Indonesian constitutional system. Lord Acton in his theory of power explains the importance of limiting power to prevent abuse of power. Moreover, if strategic public positions which should be filled by people who are professional, organic, and have no inclination towards anything, are then filled by heads of political parties who have the potential to take political action.

### **Configuration of Political Functions Limitation Laws**

#### **a. Definition of Political Functions**

The term political office actually only became known after reform, this emerged because many positions came from the power of political parties. Even though political positions actually existed during the New Order era, they were characterized by the existence of political parties and groups. However, in carrying out his position as President, Soeharto did not like being assisted by political parties in his government so that in his government he was only assisted by one group, namely Golongan Karya (Golkar). So, all political positions occupied by the Karya Group at that time were called state officials. According to Bagir Manan, the term political official is substantially different from the term public official, because public positions are not always filled through a general election process or like the process of selecting officials through a political process. However, through appointment with certain models and procedures that have been determined (Charity, 2016).

In Law Number 28 of 1999 concerning the Administration of a State Free from Corruption, Collusion and Nepotism, the term "state official/national functionary" is defined as a state official who carries out the functions of the executive, legislative, judiciary and other officials whose main functions and duties are related to with state administration in accordance with statutory regulations (Undang Undang Republik Indonesia Nomor 28 Tahun 1999 Tentang Penyelenggara Negara Yang Bersih Dan Bebas Dari Korupsi, Kolusi Dan Nepotisme, 1999). Another definition is also contained in Law Number 99 concerning Amendments to Law Number 8 of 1974 concerning Personnel Principles. Article 1 paragraph

(4) states that a "state official" is the head of the highest/highest state institution as intended in the constitution and the election of state officials is determined based on law (Tentang Pokok-Pokok Kepegawaian, 1974).

b. Regulation on Limitation of Political Positions

Limitation on political functions are actually expressly prohibited in the provisions of article 23 of Law Number 39 of 2008 concerning State Ministries. This provision explicitly refers to the prohibition on holding concurrent ministerial positions, which is the content of the article:

1. Other state officials in accordance with statutory regulations;
2. Commissioners or directors in state companies or private companies;
3. Chairman of organizations funded from the APBN/APBD.

The regulation of limitations on political positions in Law Number 39 of 2008 concerning State Ministries as a preventive measure to protect the state from abuse of power. In the context of ministerial positions, the appointment of ministers is the prerogative of the President and these appointments should be used as well as possible. When someone appointed still holds a position as a state official, political official or government official, they should be advised to resign first. The function of this resignation is actually to avoid discussion among the public. In article 1 paragraph (3) it is stated that Indonesia is a country of law, to enforce this the President can set an example so that all actions are in accordance with existing laws or regulations. In this case the author tries to embody the provisions regarding limitations on political positions, namely article 23 of Law no. 39 of 2008 concerning State Ministries. In point (a), the writing is firm and there are no misinterpretations in the meaning.

1) Limitation of Ministerial Positions as Commissioners or Directors in State Companies or Private Companies.

Article 23 letter (b) of Law Number 39 of 2008 concerning State Ministries states that ministers are prohibited from serving as commissioners or directors in state companies or private companies. It is known that the commissioner is a company organ whose task is to carry out general and/or specific supervision in accordance with the articles of association and provide advice to the directors. The board of directors is a company organ that has full authority and responsibility for the management of the company for the interests of the company, in accordance with the aims and objectives of the company and represents the company, both inside and outside the court in accordance with the provisions of the articles of association (Undang - Undang No. 40 Tahun 2007 Tentang Perseroan Terbatas).

The positions of commissioners and directors, if understood through Law Number 40 of 2007 concerning Limited Liability Companies, are important positions in a company, because the role of both is the leadership of the company. The commissioners are the supervisory board as well as the advisory board and the directors are responsible for all company operations.

Article 23 letter (b) explains that ministers are prohibited from holding concurrent positions as commissioners or directors in state companies or private companies. This Ministry Law was created as a measure to limit positions, especially political positions, to avoid conflicts of interest from holding multiple positions. Ministers, ministries or public officials are officials who run the government with programs that have been designed. If this happens to hold multiple positions then the implication is that there will be a conflict of interest which will result in not being optimal and unprofessional in work which should be oriented towards the public interest.

The Ombudsman's findings at the end of 2020 were that at least 18 people who were previously on Jokowi's team in the 2019 Presidential Election were appointed as commissioners at BUMN, and several of them held concurrent positions as public officials. Several ministry officials who hold concurrent positions as commissioners are Deputy Minister of Finance Suhasil Nazara who holds concurrent positions as Deputy Main Commissioner of PT. PLN, Deputy Minister of BUMN Kartika Wirjoatmodjo as Main Commissioner of Bank BRI and once served as Main Commissioner of Bank Mandiri, and former Deputy Minister of BUMN Budi Gunadi Sadikin, who once served as Deputy President Commissioner of PT. Pertamina. Currently, Budi Gunadi Sadikin now serves as Minister of Health of the Republic of Indonesia and after being appointed as minister, his position is as President Commissioner of PT. Pertamina was replaced by Pahala Mansury. There are also those outside of ministerial positions, the Chancellor of the University of Indonesia Ari Kuncoro was appointed as Commissioner of Bank Rakyat Indonesia in July 2021, before finally resigning (Indonesia Corruption Watch, 2021).

The phenomenon of having multiple positions tends to potentially conflict with article 17 and article 1 paragraph (5) of Law Number 25 of 2009 concerning Public Services, article 33 of Law Number 19 of 2003 concerning BUMN (state-owned company), and Article 26 of Law Number 5 of 1999 concerning Prohibition of Monopoly Practices and Unfair Business Competition. The bad practice of holding multiple positions has the potential to give rise to conflicts of interest and has a record of defects in integrity and must be ended immediately (Anggono et al., 2023) (Partain, 2022).

2) Limitation of the Minister's Position as Chairman of an Organization financed from the APBD and/or APBN.

The position limitation in the sentence "chairman of organizations funded from the APBN and/or APBD" has the implied meaning that all kinds of organizations funded by the APBN/APBD cannot hold concurrent positions in ministries. Article 34 of Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties states that one of the sources of funding for political parties comes from the APBN/APBD, so with this provision political officials should not hold concurrent positions in ministries. If someone who is appointed as an official in a ministry or public official comes from the general chairman of a political party or joins a political party then the logical consequence is that he must resign from one of those positions. This aims to avoid abuse of power which can give rise to conflicts of interest.

Along the way, many ministers were taken from political parties or heads of political parties. Some of them are the general chairman of the National Mandate Party Zulkifli Hasan who was appointed Minister of Trade, the general chairman of the Golkar Party Airlangga Hartarto who was appointed Minister of Industry, the general chairman of the Gerindra Party Prabowo Subianto who was appointed Minister of Defense, and the general chairman of the United Development Party (PPP) Suharso Monorfa was appointed Minister of National Development Planning or Head of Bappenas (Indonesian Ministry of National Development Planning) (Muhid, 2023).

There needs to be confirmation of the rules for limiting positions, especially those from political parties. This is done to anticipate misuse of meaning, and so that problems do not arise in the future. So there is a need for a re-concept regarding position limitation regulations in the state administration of the Republic of Indonesia.

### **Implications of Concurrent Positions**

Several implications occur if the rules and enforcement regarding limitations on political office are weak:

- a) Concurrent positions of ministers or other public officials from political parties tend to be misused. For example, when the official uses state facilities on a working visit to an area. Of course, this raises the question of whether his visit was as a minister (public official) or as a political official (political party). If the visit is in the context of carrying out duties as a public official, it is necessary to separate



interests and limit oneself to acting as a political official in the area he is visiting.

- b) Ministerial (public) positions are used as political bargaining (Wagner & Hartevelde, 2024). Bargaining, lobbying and negotiating are inappropriate actions. Appointments to public positions such as ministers should be carried out in accordance with their commitment, responsibilities and abilities tailored to the needs of each public position (Bäck et al., 2023). However, what has happened has even become part of the political climate in Indonesia is a proposal from a political party that nominates and wins the elected presidential and vice presidential candidates. This is a political consequence of the presidential threshold which requires presidential and vice presidential candidates to have a high percentage and meet the requirements of the presidential threshold itself (Alexander Will, 2023). As a result, if ministers (public officials) are elected based on likes or dislikes based on proposals from the supporting party that wins the political contest without looking at the competence of the person appointed, there is potential for abuse of power and the institution they lead will not function optimally.
- c) Concurrent ministerial (public) positions with political parties will also be vulnerable to misuse to realize party goals. Parties and public positions actually have their own goals, so in this case it is feared that there will be political will from the party through public positions. For example, when taking a stance to pass a law, there is concern that there will be a tendency towards party interests so that the principle in making it is whether it is profitable or not for the political party itself. Of course, this has experienced a dysfunction in the purpose of making the law. Laws are no longer made for the benefit of all groups, but only for the benefit of certain groups.
- d) Holding concurrent positions also tends to involve acts of KKN (Collusion, Corruption and Nepotism). It is feared that having one or more members or general chairs of political parties in public positions such as ministers will give rise to negative coordination resulting in collusion. It is feared that there will be unethical coordination and cooperation among the government by taking advantage of their positions so that this collusion will have a negative impact on the running of the government. Apart from collusion, there is also concern that corruption will occur because they assume that their position in public office is a machine for drawing money for political parties, so that there are advantages for political parties if there are cadres in public office. Nepotism is also present in this dual position concern. Those who hold office tend to choose their family or close relatives to fill structural public positions

without considering their competence. Of course, this will result in related institutions or agencies not running optimally in their operations.

### **Alternative to Strengthening Limitations on Political Positions**

#### **a. Application of the Merit System in Position Arrangement**

The merit system is a concept in human resource management that makes qualifications, competencies and performance the main considerations in employee planning, recruitment, payroll, development, promotion, retention, discipline and retirement (Imbrani & Setiawan, 2023). The latest ASN (Civil Servant) Law stipulates that ASN management policies must be based on qualifications, competencies and performance which are applied fairly regardless of political background, race, religion, and must be carried out without discrimination (Undang-Undang Nomor 20 Tahun 2023 Tentang Aparatur Sipil Negara). The existence of regulations stating this seems to be a criticism of the proliferation of KKN practices within the bureaucracy. Therefore, the merit system is a breakthrough result of the bureaucratic reform program which was once the President's ideals to create a bureaucracy that is neutral and capable of serving the community and freeing the country from the practice of corruption and corruption (Kuswara & Mayasari, 2023)(Bøggild & Jensen, 2024).

The merit system can be used in the recruitment of public officials to obtain officials who meet the specifications and capacities according to their respective duties. When the merit system works, the agency or ministry can work optimally because it is filled with professional and capable people. Even with a recommendation system by one of the parties winning the election for president and vice president, it can be avoided by using this merit system. Because by using this system what should be done is to increase the number of candidates who come from a good track record, are intellectual, have responsibility for their position, and have commitment (Sary et al., 2024)(Winata & Aditya, 2019).

The challenge in using this system is that there is a presidential government system which requires the president to be both head of state and government, of course using this merit recruitment system is quite difficult. In ministerial positions, the president has authority based on article 17 paragraph (2) of the 1945 Constitution; the right to appoint and dismiss his ministers. In using the merit system, the president must be able to limit his own authority and needs to position himself as a president who is responsible for the government and the country, for the sake of running the government optimally. So when you get a recommendation from the party, you must act firmly by following the prescribed recruitment procedures (Siregar et al., 2021). Including in selecting the general chairman

of a political party to become a minister, considerations must be made so as not to conflict with article 23 letter (c) of Law no. 39 of 2008 concerning State Ministries states that when nominating for minister he must resign from his position as general chairman of a political party. If you do not resign, it will be legally null and void, because you have violated the agreed terms.

If a merit system is implemented in the recruitment process for political positions, then the capacity and ability to fill the *a quo* position will be filled appropriately according to the required qualifications. This system is also a form of preventive action in corruption because it uses track record identification. A track record functions as a medium to determine a person's possibility of repeating past actions in the future, and a track record is one of the basic considerations in the merit system.

#### b. Affirmation Through Regulation

Affirmation in a regulation is really needed, its function is to provide clarity in a law, so that it does not have multiple interpretations which could potentially reduce the meaning of the law itself (Yeung & Bygrave, 2022) (Hinterleitner et al., 2024). Regulations regarding limitations on political positions, in this case ministers, are contained in article 23 of Law no. 39 of 2008 concerning State Ministries must be stated clearly, firmly and completely in its writing. The article states that "ministers are prohibited from holding concurrent positions as: a) other state officials in accordance with statutory regulations; b) commissioners or directors in state companies or private companies; or c) the head of an organization funded from the National Budget and/or Regional Government Budget.

It is necessary to re-conceptualize to emphasize the meaning of the *a quo* article, so that later there will be no further legal ambiguity in its meaning. The re-concept referred to here is by making changes to the sound of the article and/or adding articles that emphasize the object without eliminating the abstract nature of the law itself. There are several options in the context of re-conceptualizing regulations regarding political office limitations. First, there needs to be an addition to the political party leadership clause in article 23 letter (c) of Law no. 39 of 2008, thereby forming a clause to become "leaders of political parties and/or leaders of organizations funded from the state budget and/or regional revenue budget". The presence of the phrase "leader of a political party" in the clause emphasizes the state's commitment to upholding professionalism and capability in the public office it holds, so that there is no longer any misinterpretation of the sound of the article. The conjunction "and/or" has the meaning that it can be treated as "and" can also be treated as "or", and the slash has the meaning of optional (Narabahasa, 2021).

Second, the author also has an option in article 23 letter (c) of Law no. 39 of 2008 concerning State Ministries by adding the sentence "including political parties" to it. So the clause reads, "leaders of organizations financed

by the APBN and/or APBD, including political parties." The word "including" has the meaning: included, counted, included (Badan Pengembangan dan Pembinaan Bahasa). Meanwhile, political parties are organizations that are national in nature and are formed by a group of Indonesian citizens voluntarily based on the same will and ideals to fight for and defend the political interests of members, society, nation and state, as well as maintaining the integrity of the Republic of Indonesia based on Pancasila (National Ideology) and the 1945 Constitution (Undang-Undang Nomor 2 Tahun 2008 Tentang Partai Politik, 2008). The addition of this sentence is intended to emphasize that political parties are also included because they are funded by the APBN/APBD so they have the same legal consequences.

Third, by adding article 24 which emphasizes the existence of legal sanctions in Law Number 39 of 2008 concerning State Ministries. As for the optional clause in article 24, this is, "any person who carries out an action as intended in article 23, is null and void by law". The addition of this article aims to emphasize to ministers who hold concurrent positions that what is stated in article 23 has legal consequences and is canceled by law. So when a political party leader is appointed as minister, he must resign from his position as general chairman of that political party. The meaning of "everyone" in this clause is repressive and preventive. First, everyone who was a minister was then appointed to become the leader of a political party. Second, every person who becomes the leader of a political party is then appointed as a minister. So there are legal consequences for anyone who does this.

## **Conclusion**

Regulations regarding limitations on political positions are fundamental in order to protect the state from abuse of power. Existing regulations must act firmly against officials who hold multiple positions. Article 23 of Law Number 39 of 2008 concerning State Ministries regulates position limitations, that ministerial officials are prohibited from holding concurrent positions as other state officials in accordance with statutory regulations, as commissioners or directors in state companies or private companies, as heads of organizations, which is financed by the National Budget/Regional Government Budget. However, to this day many officials hold multiple positions, even though it is clearly prohibited in the *a quo* law. Not a small number of ministers also serve as heads of political parties, even though this is prohibited in Article 23 of Law no. 39 of 2008 because it has the potential to give rise to policies or political interests that have an impact on abuse of power.

A merit system is needed in recruiting positions and a reconceptualization in setting position limitations. The merit system itself is a position recruitment system that considers qualifications, capacity, knowledge, track record, and so on in order to support a professional attitude at work so that the potential for political action can be avoided because there has been a commitment from the start. This system is also a form of anticipatory action towards the behavior of officials who have potential bad interests through their track record, because through a track record there is a possibility that someone will return to previous actions.

Re-conceptualization through regulations is also needed to strengthen position limitations, so as not to give rise to multiple interpretations of existing regulations, clear and firm regulations are needed. There needs to be a change to the clause in article 32 letter (c) of Law no. 39 of 2008 by referring to the sentence "leaders of political parties and/or leaders of organizations funded by the APBN/APBD" or "leaders of organizations funded by the APBN/APBD including political parties". The addition of this clause emphasizes that political party leaders cannot hold concurrent positions as ministers. Apart from that, additional articles are also needed to provide legal consequences and confirmation if someone does this. The addition to this article is in article 24 which reads, "any person who carries out an action as referred to in article 23, is null and void by law". This means that whoever is the leader of a political party who is also a minister, he must resign from his position as party leader, likewise, when a minister is elected to become the leader of a political party, his previous position as minister must resign. This is a legal consequence for being objective and professional at work.

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