

Constitutional Analysis of the Prohibition of Dual Positions for Deputy Ministers in Indonesia

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Abstrak

Fenomena rangkap jabatan Wakil Menteri sebagai komisaris atau dewan pengawas pada Badan Usaha Milik Negara (BUMN) menyingkap persoalan serius dalam praktik ketatanegaraan Indonesia, yakni ketidaksinkronan antara norma hukum dan perilaku politik. Berbagai peraturan perundang-undangan seperti Undang-Undang Nomor 39 Tahun 2008 tentang Kementerian Negara, Undang-Undang Nomor 25 Tahun 2009 tentang Pelayanan Publik, dan Undang-Undang Nomor 19 Tahun 2003 tentang BUMN, secara tegas dan imperatif melarang pejabat publik, termasuk Wakil Menteri, merangkap jabatan yang berpotensi menimbulkan konflik kepentingan. Ketentuan ini diperkuat melalui Putusan Mahkamah Konstitusi Nomor 79/PUU-IX/2011 dan Nomor 80/PUU-XVII/2019 yang menegaskan bahwa Wakil Menteri merupakan bagian dari kabinet pemerintahan, sehingga tunduk pada larangan rangkap jabatan sebagaimana berlaku bagi Menteri. Penelitian ini menggunakan pendekatan yuridis normatif dengan analisis perundang-undangan, konseptual, dan kasus untuk mengkaji kejelasan norma larangan rangkap jabatan serta arah reformasi hukum yang diperlukan. Hasil penelitian menegaskan bahwa larangan rangkap jabatan bersifat mengikat dan wajib ditegakkan sesuai amanat undang-undang dan putusan Mahkamah Konstitusi. Selain itu ada kecenderungan krisis konstitusi yang terjadi di pemerintahan. Oleh karena itu, diperlukan pembaruan regulasi yang mempertegas larangan tersebut pada tingkat undang-undang serta membatasi kewenangan eksekutif dalam menetapkan jabatan publik melalui peraturan presiden. Reformasi ini menjadi langkah strategis untuk memulihkan integritas sistem ketatanegaraan, memperkuat akuntabilitas pejabat publik, dan menegakkan prinsip konstitusionalisme dalam penyelenggaraan pemerintahan

Kata Kunci: *Rangkap jabatan, Reformasi regulasi, Krisis konstitusi.*

Abstract

The phenomenon of Deputy Ministers holding concurrent positions as commissioners or supervisory board members in State-Owned Enterprises (SOEs) reveals a serious problem in Indonesian constitutional practice, namely the lack of synchronization between legal norms and political behavior. Various laws and regulations, such as Law No. 39 of 2008 on State Ministries, Law No. 25 of 2009 on Public Services, and Law No. 19 of 2003 on SOEs, explicitly and imperatively prohibit public officials, including Deputy Ministers, from holding positions that have the potential to cause conflicts of interest. This provision is reinforced by Constitutional Court Decisions No. 79/PUU-IX/2011 and No. 80/PUU-XVII/2019,

which confirm that Deputy Ministers are part of the government cabinet and are therefore subject to the same restrictions on concurrent positions as Ministers. This study uses a normative juridical approach with legislative, conceptual, and case analysis to examine the clarity of the norm prohibiting concurrent positions and the direction of legal reform needed. The results of the study confirm that the prohibition on holding multiple positions is binding and must be enforced in accordance with the mandate of the law and the decision of the Constitutional Court. In addition, there is a tendency for a constitutional crisis to occur in the government. Therefore, regulatory reforms are needed to reinforce this prohibition at the legislative level and limit the executive's authority in determining public positions.

Keywords: Dual roles, Regulatory reform, Constitutional crisis.

1. Introduction

The phenomenon of Deputy Ministers holding concurrent positions as commissioners or members of the Supervisory Board Badan Usaha Milik Negara (BUMN) resurfaced at the beginning of President Prabowo Subianto's administration in 2025. This situation has sparked serious controversy because it has the potential to cause conflicts of interest in the government.

Tabel 1. Concurrent Position as Deputy Minister in the Prabowo-Gibran Administration.
(Transparency International Indonesia, n.d.)

State-Owned Enterprises Group	Deputy Minister's Name	Deputy Minister position	Position of Commissioner
Superholding BP Danantara	Donny Oskaria	Deputy Minister of State-Owned Enterprises	Board Pengurus Danantara
PT Pertamina (Persero) & Subholding (6 Wamen)	Todotua Pasaribu	Deputy Minister Investment & Downstreaming (BKPM)	Deputy Chief Commissioner of Pertamina
	Stella Christie	Deputy Minister of Higher Education, Science & Technology	Commissioner of Pertamina Hulu Energi
	M. Qodari	Deputy Head of PCO	Commissioner of Pertamina Hulu Energi
PT Telkom Indonesia & Subholding (6 Wamen)	Ferry Juliantono	Deputy Minister of Cooperatives	Commissioner of Pertamina Patra Niaga
	Arif Havas Oegroseno	Deputy Minister of Foreign Affairs	Commissioner of Pertamina International Shipping
	Dante Saksono	Deputy Minister of Health	Commissioner of Pertamina Bina Medika
PT Telkom Indonesia & Subholding (6 Wamen)	Angga Raka Prabowo	Deputy Minister of Communication & Digital	President Commissioner of Telkom

	Ossy Dermawan	Deputy Minister of Agrarian Affairs & Spatial Planning/National Land Agency	Commissioner of Telkom
	Silmy Karim	Deputy Minister of Immigration & Corrections	Commissioner of Telkom
	Diaz Hendropriyono	Deputy Minister of Environment	President Commissioner of Telkomsel
	Ahmad Riza Patria	Deputy Minister of Villages & PDT	Commissioner of Telkomsel
	Ratu Isyana Bagoes Oka	Deputy Minister of Population & Family Planning	Commissioner of Mitratel
PT PLN (Persero) & Subholding (4 Wamen)	Suahasil Nazara	Deputy Minister of Finance	Commissioner of PLN
	Aminuddin Ma'ruf	Deputy Minister of State-Owned Enterprises	Commissioner of PLN
	Bambang Eko Suhariyanto	Deputy Minister of State Secretary	Commissioner of PLN
	Taufik Hidayat	Deputy Minister of Youth & Sports	Commissioner of PLN Energi Primer Indonesia
PT Pupuk Indonesia (Persero) (2 Wamen)	Sudaryono	Deputy Minister of Agriculture	President Commissioner of Pupuk Indonesia
	Immanuel Ebenezer Gerungan	Deputy Minister of Manpower	Commissioner of Pupuk Indonesia
PT Garuda Indonesia & Anak Usaha (2 Wamen)	Giring Ganesha	Deputy Minister of Culture	Commissioner of GMF Aero Asia
	Veronica Tan	Deputy Minister of Women's Empowerment and Child Protection	Commissioner of Citilink
Sektor Perbankan (3 Wamen)	details not yet complete	–	Commissioner at BRI, Mandiri, or BNI (details not yet complete)

Processed from data provided by Transparency International Indonesia.

Law Number 19 of 2003 concerning State-Owned Enterprises (Badan Usaha Milik Negara) has prohibited the holding of multiple positions as commissioner (Republik Indonesia, 2003, Pasal 33 huruf a). The prohibition of concurrent positions is regulated not only in the law, but also in derivative regulations. Government Regulation (PP) Number 45 of 2005 concerning the management and supervision of state-owned enterprises in Article 21 paragraph (1) explicitly prohibits members of the board of directors and board of commissioners from holding concurrent positions. In fact, if a violation occurs, the term of

office in question is considered to have ended automatically since the concurrent position occurred. Furthermore, Minister of State-Owned Enterprises Regulation No. 02/MBU/2015 concerning Requirements and Procedures for the Appointment and Dismissal of Members of the Board of Commissioners and Supervisory Board of State-Owned Enterprises stipulates the requirements and procedures for appointment. However, this regulation was later revised through Minister of State-Owned Enterprises Regulation No. 10/MBU/2020. The revision drew criticism because it opened up room for exceptions, namely allowing dual positions as long as a certain attendance percentage was met.

Law No. 25 of 2009 on Public Services also imposes restrictions on public officials. Article 17(a) explicitly prohibits public service officials from holding concurrent positions in business organizations, in order to prevent conflicts of interest. (Wijayanti dkk., 2025) Law No. 39 of 2008 on State Ministries also stipulates that a minister may not concurrently hold another position as a state official (Article 23 letter a). Furthermore, Article 24 paragraph (2) letter d states that violation of this provision may be grounds for dismissal by the president. (Tombeng, 2021)

In Constitutional Court Decision Number 79/PUU-IX/2011, the Court explicitly stated that Deputy Ministers are members of the government cabinet, not career officials. (Chasanah & Negara, T.T.) Furthermore, through Constitutional Court Decision Number 80/PUU-XVII/2019, the Court reaffirmed the principle of prohibiting public officials, including those within the scope of ministries, from holding multiple positions. This ruling reinforces the principle that officials who are part of the cabinet, whether Ministers or Deputy Ministers, are prohibited from holding concurrent positions as commissioners or Supervisory Board members in State-Owned Enterprises (SOEs). (Chasanah & Negara, t.t.)

The main problem lies in the view of the government and state officials who still insist on interpreting that deputy ministers are not state officials. This view clearly contradicts the spirit of the constitution, the principle of checks and balances, and the doctrine of the rule of law, which requires every public office to be subject to constitutional provisions and constitutional court decisions. Therefore, this study emphasizes the urgency of regulatory reform that explicitly classifies deputy ministers as state officials, along with strict prohibitions on holding multiple positions and effective enforcement mechanisms, in order to ensure constitutional compliance, prevent conflicts of interest, and strengthen the accountability of state administration.

2. Method

This study uses a normative juridical approach, which is a legal study that examines the norms, principles, and principles of positive law that regulate the position and prohibition of dual positions for public officials, especially Deputy Ministers. The research focuses on studying legislation, Constitutional Court decisions, and academic literature relevant to the issues of constitutionalism and regulatory reform in Indonesia.

3. Discussion

Specifically, there are two main sub-points to be discussed. First, an analysis of the differences and similarities between Ministers and Deputy Ministers according to the Law, to confirm the position, authority, and responsibilities of each position so as not to cause overlapping functions or legal issues in the administration of government. Second, a description of the constitutional crisis and its reform agenda. This section aims to examine the phenomenon of disharmony between constitutional practices and applicable constitutional principles, while also offering steps for legal reform.

3.1. The Position of Ministers and Deputy Ministers According to the Law

The state institutions as stipulated in the constitution reflect the dialectic between the principles of separation of powers and distribution of powers that are unique to Indonesia, where the President holds the dual role of head of state and head of government (Pangaribuan dkk., 2023). the function of the President together with the state ministries as the head of government (Liu, 2022), while high state institutions such as the MPR, DPR, DPD, MA, MK, BPK, Police, and KPK carry out their functions within the framework of the head of state (Prindle, 1991). The institutional structure of the state is not only designed to run the government, but also to ensure oversight, justice, and accountability in the Indonesian constitutional system. All of these functions are regulated in the constitution and its derivative regulations, but the constitution remains at the top (Setiadi, 2019).

Philosophically, the existence of state ministries and the President's authority to form and regulate them are rooted in the principle of popular sovereignty (Beckman, 2021). As affirmed in the Preamble to the 1945 Constitution. People's sovereignty is realized through a presidential system of government, in which the President is not only the highest executive authority, but also the representative of the people who must administer the government in order to achieve the objectives of the state (Lessig & Sunstein, 1994). As stated in the fourth paragraph of the Preamble to the 1945 Constitution, Article 4(1) of the 1945 Constitution explicitly states that "the President of the Republic of Indonesia shall hold governmental power in accordance with the Constitution," which confirms that the President's authority is a constitutional mandate and not an absolute prerogative (Thomas, 2000). Within this framework, ministries serve as auxiliary organs to the President, functioning to ensure that the administration of government runs effectively, efficiently, and in accordance with the principles of the rule of law (Gusman, 2024).

Article 17 of the Constitution stipulates that the President shall be assisted by ministers of state who are appointed and dismissed directly by the President (Zein, 2024). Each minister is responsible for specific affairs within the government, and therefore has specific authority and responsibilities in their respective fields. This is further elaborated in Law No. 39 of 2008 on State Ministries (Law 39/2008), which stipulates that the President leads the ministries and forms them according to the needs of state administration Pasal 1 ayat (2), with a maximum limit of 34 ministries (Indonesia, 2008).

The organizational structure of the ministry places the Minister as the leader, assisted by the secretary general, directorates/deputies as implementers, inspectorates as supervisors, agencies/centers as

supporters, and task implementers in the regions or overseas representatives as needed. For certain workloads, the President may appoint deputy ministers as additional assistants who report directly to the relevant minister (Indonesia, 2008).

The formation of ministries is carried out by the President with the stipulation that certain ministries, such as foreign affairs, home affairs, and defense, cannot be changed or dissolved., While other ministries may be established, changed, or dissolved with due regard to efficiency, effectiveness, continuity, and consideration of the House of Representatives when necessary. Ministers are appointed by the President and must meet the requirements of citizenship, loyalty to Pancasila and the 1945 Constitution, physical and mental health, integrity, and a clean legal record. Ministers are prohibited from holding certain positions concurrently in order to uphold the principle of good governance. And may be dismissed by the President for various reasons, including violation of the law, inability to perform duties, or violation of the prohibition on holding multiple positions (Indonesia, 2008).

On October 15, 2024, a revision was made to Law Number 61 of 2024 concerning Amendments to Law Number 39 of 2008 concerning State Ministries, changing several provisions, including those related to the number of ministers and the status of deputy ministers. The provision regarding Deputy Ministers (Article 10A of the amendment) was deleted. The following are some of the changes;

Tabel 2. Revision of the Law on State Ministries

Change	Content/Provision	Legal Implications
Article 6A	Pembentukan The establishment of a new ministry may be carried out based on sub-affairs or detailed governmental affairs that remain related to Article 5 paragraphs 1–3.	Provides flexibility for the President to establish ministries adaptively without waiting for amendments to the parent law.
Article 9A	The President may modify organizational elements of ministries that are already regulated in implementing laws according to governmental needs.	Recognizes the dynamic nature of ministerial organizations; changes to organizational elements do not require amendments to formal legislation.
Deletion of the elucidation of Article 10 & amendment of Article 15	The number of ministries is entirely determined by the President according to the needs of governmental administration.	Provides structural flexibility in cabinet formation.
Chapter VI & Article 25	Affirms the functional relationship of ministries with non-ministerial government agencies, non-structural	Clarifies mechanisms of coordination, synergy, and accountability

	bodies, and other government institutions; these bodies are accountable to the President through the coordinating minister.	among governmental institutions.
Article II	The Government and Parliament must review the implementation of the Law no later than two years; changes in organizational elements invalidate previous provisions.	Ensures adaptation and compliance with principles of good governance; organizational updates to ministries become legally valid.

Both laws, namely Law No. 39 of 2008 on State Ministries and its amendments and implementing regulations, continue to emphasize the prohibition of ministers holding multiple positions. Ministers are prohibited from holding concurrent positions as other state officials in accordance with laws and regulations, commissioners or directors of state-owned or private companies, as well as leaders of organizations funded by the State Budget (APBN) or Regional Budget (APBD)(Indonesia, 2008) Although changes and restructuring of ministries through amendment laws and Presidential Regulations provide flexibility in the structure of ministries, the principle of prohibiting dual positions is maintained to ensure ministerial accountability, prevent conflicts of interest, and guarantee the principle of good governance in the administration of government. In addition to these various regulations, there is also Presidential Regulation No. 139 of 2024 concerning the Restructuring of the Duties and Functions of State Ministries in the 2024-2029 Advanced Indonesia Cabinet, which confirms the position of state ministries in Article 2 paragraph (1), stating that "Ministries are government agencies that handle specific matters in government to assist the President in administering state affairs. Furthermore, Article 3 emphasizes the functions of state ministries, namely to formulate, determine, and implement policies in specific areas in accordance with their main duties. The position of state ministries remains normative as assistants to the President in running the government based on the 1945 Constitution of the Republic of Indonesia. This regulation does not discuss dual positions. Although changes and restructuring of ministries through amendment laws and Presidential Regulations provide flexibility in the structure of ministries, the principle of prohibiting dual positions is maintained to ensure ministerial accountability, prevent conflicts of interest, and guarantee the principle of good governance in the administration of government.

The provisions regarding deputy ministers are regulated in Presidential Regulation No. 60 of 2012 concerning Deputy Ministers. Deputy Ministers are subordinate to and directly responsible to the Minister (Ramadian & Iswandi, 2022). and has the scope of duties to assist the Minister in leading the implementation of the ministry's tasks, including the formulation and/or implementation of ministry policies (Article 2 paragraph 2 letter a) and coordination of the achievement of strategic policies across echelon I organizational units (Article 2 paragraph 2 letter b). The Deputy Minister's duties include assisting the Minister in decision-making, implementing work programs and performance contracts, providing recommendations and considerations (Article 3 letters a-c), controlling and monitoring the implementation of tasks, assessing and determining job appointments, controlling bureaucratic reform (Article 3 letters d-f), as well as representing the Minister or chairing meetings as assigned, carrying out other duties from the Minister, and special duties from the President (Article 3 letters g-i). Deputy Ministers are appointed and

dismissed by the President (Article 4 paragraph 1) with a term of office ending simultaneously with the President's term of office (Article 4 paragraph 2). The financial rights and facilities of Deputy Ministers are under the Minister but above echelon I (Article 5), and Deputy Ministers may come from civil servants or non-civil servants (Article 6). Civil servants appointed as Deputy Ministers are temporarily dismissed from their organic positions without losing their civil servant status (Article 7), and Deputy Ministers who resign or whose term of office ends are not granted pension or severance pay as Deputy Ministers (Article 8).

Presidential Regulation No. 134 of 2014, which amended Presidential Regulation No. 60 of 2012, stipulates that Deputy Ministers are entitled to a pension after their term of office ends as a form of appreciation for their duties and responsibilities, while maintaining the prohibition on holding multiple positions. Subsequently, Presidential Regulation No. 77/2021 amended Article 8 by providing a maximum award of IDR 580,454,000 per term of office and adding Articles 8A-8D, which regulate the calculation formula based on the length of service, provisions for former Deputy Ministers, awards to heirs, and the payment mechanism by the Minister of Finance.

Referring to several regulations that have been outlined, the existence of Ministers and Deputy Ministers has been legally recognized in the constitutional system (Jamaludin Ghafur, 2020, hlm. 65). Both are appointed and dismissed by the President, thus having strong formal legitimacy. However, upon closer examination, the position of Deputy Minister should not be understood merely as an "additional assistant," but rather as an integral part of the mechanism for sharing the Minister's workload. Thus, the ratio legis prohibiting Ministers from holding multiple positions should also apply to Deputy Ministers, as the functions of both are closely related to the effectiveness of government administration.

Normatively, the prohibition on ministers holding multiple positions is intended to ensure the focus, dedication, and accountability of high-ranking state officials in carrying out their public duties (Wirakusuma & Husodo, t.t.) A minister oversees a broad and strategic field, requiring a deputy minister to assist in carrying out technical functions. Therefore, if deputy ministers are allowed to hold other positions, such as commissioner of a state-owned enterprise, this creates legal inconsistency and has the potential to reduce their independence and effectiveness in carrying out their duties. This is in line with the principle of good governance (Aguilera & Cuervo-Cazurra, 2009). which demands efficiency, effectiveness, transparency, and accountability, so that Deputy Ministers must focus on carrying out their public duties without being distracted by other interests. In addition, the prohibition on holding multiple positions is also based on the principle of Conflict of Interest Prevention (Chandranegara & Cahyawati, 2023). which prevents abuse of authority and potential conflicts of interest when a public official holds more than one strategic position. In addition, the position of Deputy Minister as a direct assistant to the Minister requires the application of the principles of Loyalty and Subordination in Public Office, because full loyalty can only be guaranteed if the Deputy Minister is not bound to another position. Therefore, these three principles strengthen the argument that the prohibition on holding multiple positions that applies to Ministers must also be applied consistently to Deputy Ministers for the sake of effective governance (Haqqullah & Muni, 2025).

Law No. 25 of 2009 on Public Services and Law No. 19 of 2003 on State-Owned Enterprises also explicitly regulate the prohibition of concurrent positions to avoid conflicts of interest and ensure transparency in governance (Harris, 2023). If this prohibition applies to public officials and state-owned

enterprise executives, then the same principle should also apply to deputy ministers. Ignoring this would mean allowing regulatory inconsistencies that could potentially weaken the principle of good governance.

Within the framework of the rule of law, every public official, including deputy ministers, should be subject to the principles of accountability, integrity, and non-conflict of interest. Allowing dual positions in public or strategic positions in state-owned enterprises is a form of normative deviation that weakens the rule of law. Therefore, legal reform and strengthened enforcement of regulations are needed so that the position of Deputy Minister does not become a loophole for dual positions and abuse of authority.

3.2. Constitutional Crisis

A constitutional crisis is understood as a situation in which the basic norms that form the foundation of statehood no longer function effectively as guidelines for political and legal behavior. The constitution, which should be the highest law, becomes delegitimized due to violations, manipulation, or neglect by actors in power (Dimitrijevic, 2016). This phenomenon arises when there is a conflict between the text of the constitution and the political practices that are carried out. A number of studies mention that constitutional crises stem from the weak legitimacy of state institutions and the practice of conflicts of interest among public officials (Tarigan, 2024). Bruce Ackerman (1991), in his theory on constitutional moments, emphasizes that the legitimacy of the constitution must be continually renewed through the compliance of the political elite and the acceptance of the people (Klarman, 1991). However, when public officials place greater emphasis on personal or group interests, there is a shift in the function of the constitution from a binding instrument to a tool for justifying power. This crisis is exacerbated by the emergence of dual positions and abuse of authority, which often mark the failure of checks and balances in modern constitutional systems.

Within the framework of constitutional supremacy, such non-compliance gives rise to legal delegitimization and encourages political practices that are inconsistent with the spirit of constitutional democracy. Therefore, the root of the constitutional crisis can be traced to the behavior patterns of the state elite, who treat the constitution as a mere symbol rather than a substantive guideline for the management of power. Non-compliance with the constitution reflects a tangible crisis of legitimacy and a deviation from the principle of the rule of law. The theory of constitutional compliance asserts that constitutional stability can only be maintained if political actors are strongly committed to obeying the highest rules. However, in practice, non-compliance often occurs systematically through the disregard of court decisions, the manipulation of legal norms, or the regulation of officials' authority that is not in line with the provisions of the law. This non-compliance not only weakens the authority of the constitution, but also creates a bad precedent that broadens tolerance for law violations among the political elite. As a result, the constitutional crisis deepens because the highest norm loses its binding force, which should be absolute for every state administrator.

In the current practice of governance, a serious phenomenon has emerged in which more than half of the Deputy Ministers (Wamen) in the Red and White Cabinet also serve as commissioners of state-owned enterprises (BUMN), a condition that has attracted sharp criticism from the public and legal scholars. Kompas notes that as of mid-July 2025, 30 of the 56 Deputy Ministers serve as commissioners of SOEs, which has the potential to undermine meritocracy, trigger conflicts of interest, and burden SOEs financially without improving performance. This practice violates clear regulations prohibiting dual positions and violates the

mandate of Constitutional Court Decision No. 80/PUU-XVII/2019, as well as laws regulating the prohibition of public officials holding positions in business companies, as stipulated in Law No. 1/2025 on SOEs and Law No. 25/2009 on Public Services. The impact is not only a matter of unprofessionalism, but also weakens institutions where the institutional structure is damaged by political interests and non-compliance with the law, reflecting a disregard for the rule of law that should be the pillar of state administration.

Legal reform is a fundamental step to overcome the constitutional crisis marked by non-compliance with the basic norms of the state. This reform includes regulatory updates, institutional restructuring, and strengthening oversight mechanisms so that the constitution is truly used as the highest reference in state practices. Many cases show that legal products are often politicized for short-term interests, resulting in rules that are inconsistent with constitutional principles. Therefore, lawmaking must be directed towards integrating constitutional norms into the legislative system without any room for political manipulation.

Regulatory reform in state administration is not only intended to simplify rules, but also to limit the power of the government so that it remains constitutional. Currently, regulatory practices in Indonesia show a tendency toward normative hyper-presidentialism, in which the President and the executive branch often rely on Presidential Regulations (Perpres) to regulate various fields, including the position of Deputy Minister. This mechanism poses a democratic problem, because Perpres do not involve legislative participation and are prone to being used to justify policies that ignore constitutional principles.

In the context of dual positions held by Deputy Ministers, regulations that are only governed by Presidential Regulations have the potential to create legal uncertainty. If the prohibition of dual positions is not explicitly stated in the law, the government can use loopholes in Presidential Regulations to allow the practice of dual positions to continue. Therefore, regulatory reform must focus on three key points:

1. Strengthening the hierarchy of legal norms: strategic provisions such as the prohibition of dual positions for Deputy Ministers should be placed at the level of law, not merely Presidential Regulations.
2. Limiting executive authority: the scope of Presidential Regulations needs to be limited to technical implementation, not to the regulation of public office principles that concern constitutional design.
3. Affirming constitutional supremacy and checks and balances: every regulation of public office must be tested against constitutional standards, so that there are no more political practices that disregard the law and morality simply because they are not explicitly stated in the text.

In conclusion, the issue of deputy ministers holding multiple positions shows that state administration practices often leave a gap between the spirit of the constitution and political reality. Regulatory reform is urgently needed to prevent government power from expanding unchecked, especially through presidential regulations that are prone to unilateral use. By ensuring clear, transparent, and accountable restrictions, the state can uphold the prohibition on dual positions and prevent it from being sidelined simply because there is no explicit formulation in the legal text. This effort is important not only to correct inappropriate practices, but also to restore the spirit of state administration to the path of constitutional and democratic justice.

4. Conclusion

Based on the results of an analysis of various laws and regulations and Constitutional Court decisions, it can be concluded that the prohibition of dual positions for public officials, including Deputy Ministers, is clearly regulated in the Indonesian legal system. Every state official is prohibited from holding dual positions that have the potential to cause conflicts of interest. This provision is reinforced by Constitutional Court Decisions No. 79/PUU-IX/2011 and No. 80/PUU-XVII/2019, which place Deputy Ministers as part of the government cabinet, thereby subjecting them to the same prohibition on holding multiple positions as applies to Ministers. The fact that the practice of holding multiple positions continues indicates a discrepancy between legal norms and political behavior, reflecting a constitutional crisis and weak enforcement of the principle of the rule of law. Therefore, firm and consistent regulatory reform is needed to confirm the status of Deputy Ministers as state officials who are prohibited from holding multiple positions, accompanied by restrictions on the executive's authority in the use of presidential regulations so that they are not abused politically. With legal reforms and strong political commitment, Indonesia can emerge from its constitutional crisis and move towards more accountable, integrity-based governance founded on the principles of constitutionalism.

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