



## The Changes Impact on State Ministries Nomenclature Toward National Development Progress

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ARTICLE INFO	ABSTRACT
<p><b>Keywords:</b> Nomenclature, State Ministries, National Development</p> <p><b>How to cite:</b> Nasution, Ali Imran (2021) The Changes Impact on State Ministries Nomenclature Toward National Development Progress. <i>Veteran Law Review</i>. 4(2). 94 – 108.</p> <p><b>Received:</b> 2021-07-21 <b>Revised:</b> 2021-09-21 <b>Accepted:</b> 2021-10-22</p>	<p>National development as one of many efforts to constitute Indonesia government ideals. As the head of government, President of Republic of Indonesia has fully responsible to carry out national development program. To exercise his duty, President will be assisted by ministries who capable and professional on their field. Nonetheless, the already formed ministry oftentimes have gone through nomenclature changes as well as at the beginning of forming or during its Presidential running period. State ministry nomenclature changes can be done by merging or split the ministry. Primarily, it needs consideration of House of Representative to change a ministry nomenclature, while for dismissal proceed needs to be approved by House of Representative. This study aims to understand the regulation of changing ministries nomenclature and how it will affect national development. The methodology uses in this study is normative research by statutory and conceptual approach. The results indicate that the timing of changing ministry's nomenclature raises ambiguity. Changes in ministries nomenclature amidst of President's leadership have affected on ministry's work programs implementation that have been prepared by prior ministries.</p>

### 1. Introduction

The duties of the Indonesian state government are explicitly stated in the fourth paragraph of the preamble to the 1945 Constitution (UUD 1945). The preamble contents in the 1945 Constitution have never changed, both before and after the amendment. The establishment of the Indonesian state government aims to protect the entire Indonesian nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life being, and to participate in implementing world order based on independence, eternal peace and social justice.<sup>1</sup> The Indonesian government is a state organ that is given the duty and authority to achieve these ideals. Generally in the theory of state, two terms of government are distinguished in a broad and narrow means. Government as broad mean are all state institutions, whether legislative, executive, and judicial which exercising state government affairs. Whereas in a narrow means only the executive agency that is given the task of government or implementing the law.

<sup>1</sup> Paragraph 4 Preamble The 1945 Constitution of the Republic of Indonesia.

Executive institutions in Indonesia are carried out by a President who holds government power.<sup>2</sup> In carrying out his duties the President is assisted by one Vice President. Furthermore, in carrying out his duties the President is assisted by ministers of state who are appointed and dismissed by the President. This practice is marked as presidential system of government in Indonesia which is contained in the 1945 Constitution of the Republic of Indonesia. President shall establish the state ministries formation within 14 (fourteen) working days after the President takes the oath/promise. At the same time, the President also appointed people who would occupy ministerial positions in these formed state ministries. Not infrequently, in one period of leadership, a certain President will make changes to the nomenclature of ministries that do not refer to the former President.

The changing the nomenclature of the form of state ministries was further affirmed by the enactment of Law 39 of 2008 concerning State Ministries. The Law on State Ministries also regulates the number of state ministries that can be formed within President's cabinet, it is a maximum of 34 (thirty-four) including the minister of state and the coordinating minister. The formation of state ministries referring to the Law on State Ministries was first performed in the 2nd period of President Soesilo Bambang Yoedoyono (2009-2014). Through the Decree of the President of the Republic of Indonesia Number 84/P Year 2009 the form of the United Indonesia Cabinet II (2009-2014) was established with 34 ministries. The State Minister for Women's Empowerment and Child Protection is one form of ministry with a new nomenclature, which in the first period the President SBY used the nomenclature as of the Ministry of Women's Empowerment.<sup>3</sup> Meanwhile, in the middle of the second period of SBY's leadership, there was a reshuffle as well as functions addition in two ministries so that the name of the institution changed. The two ministries are the Ministry of National Education which changed to the Ministry of Education and Culture and the Ministry of Culture and Tourism changed to the Ministry of Tourism and Creative Economy.<sup>4</sup>

On the President Jokowi leadership era (2014-2019) there was a change in the nomenclature and the dismissal some of the ministries when forming state ministry. For example, the Coordinating Ministry for People's Welfare was dissolved and formed two new coordinating ministries, namely the Coordinating Ministry for Maritime Affairs and the Coordinating Ministry for Human Development and Culture.<sup>5</sup> The Ministry of Research and Technology was merged with the Directorate General of Higher Education (Ditjen Dikti) of the Ministry of Education and Culture so that it became the Ministry of Research, Technology and Higher Education. In this first period,

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<sup>2</sup> Article 4 The 1945 Constitution of the Republic of Indonesia.

<sup>3</sup> Article 1 Presidential Regulation of the Republic of Indonesia Number 47 of 2009 concerning the Establishment and Organization of State Ministries.

<sup>4</sup> Article 1 Presidential Regulation of the Republic of Indonesia Number 77 of 2011 concerning the Second Amendment to Presidential Regulation Number 47 of 2009 concerning the Establishment and Organization of State Ministries.

<sup>5</sup> Article 1 Numbers 3 and 4 Presidential Regulation of the Republic of Indonesia Number 7 of 2015 concerning Organization of State Ministries.

President Jokowi did not change and dissolve ministries in the middle of the administration. Furthermore, the formation of the ministry in President Jokowi's second period (2019-2024) did not involve dissolving the ministry, but only changing the nomenclature of the ministry. For example, the Coordinating Ministry for Maritime Affairs has widened its jobs for investment so that it has changed to the Coordinating Ministry for Maritime Affairs and Investments. The Directorate General of Higher Education at the Ministry of Research, Technology and Higher Education was returned to the Ministry of Education and Culture so that the Ministry of Research, Technology and Higher Education was changed to the Ministry of Research and Technology. Meanwhile, the Ministry of Education and Culture did not change the nomenclature even though Dikti had been returned to the Ministry of Education and Culture.

In the second term of President Jokowi, there was the formation of a new ministry amid the administration. Because the number of ministries is limited to 34, resulting in two ministries being merged into one ministry first, then a new ministry is formed. In this case, again, the Ministry of Education and Culture and the Ministry of Research and Technology are the victim of the dismantling (change due to merging and separation) of ministry nomenclature. The two ministries were merged into the Ministry of Education, Culture, Research, and Technology (Kemendikbud Ristek). President formed a new ministry from the previous one in the form of a ministerial-level state institution under the name of the Investment Coordinating Board to become the Ministry of Investment/Investment Coordinating Board. With the case of dismantling ministries in the middle of the President's leadership period, it will certainly have an impact on the course of government. As when the ministry was first formed, each ministry has prepared a Ministry Strategic Plan (Renstra K) for five (5) years period referring to the RPJMN made by President. Considering possibility thread between national development and nomenclature changing in the middle of the President's leadership period, on the other hand, this paper will analyze: First, how are the arrangements for changing the nomenclature of ministries as a result of merging and separating existing ministries? Second, what is the impact of changing the nomenclature of state ministries on national development?

## **2. Method**

This study is normative legal research that uses a statutory and conceptual approach. In normative legal research, the data used is secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials.<sup>6</sup> The approach to legislation is done by reviewing all laws and regulations related to the legal issues as mentioned. Meanwhile, the

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<sup>6</sup> Soekanto, S., & Mamudji, Sri. (2006). *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*. (pp. 12-13). PT. RajaGrafindo Persada.

conceptual approach departs from the theories and doctrines by scholars that recognized by legal science.<sup>7</sup>

### 3. Main Heading of the Analysis or Results

The modern state purpose is to achieve the people's welfare.<sup>8</sup> In accordance with the initial theory of the agreement, the people gave up some of their rights to be regulated with the aim of prospering.<sup>9</sup> The characteristics of Indonesia as a modern state can be found in paragraph 4 of the 1945 Constitution preamble, which is to protect the entire Indonesian nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life, and participate in implementing world order based on freedom, lasting peace and social justice. To achieve the ideals of the State, a guideline is needed to use as a reference to formulate national development. Prior to Reformation era, Indonesia's development was pointed from the Outline of State Policy (GBHN) as a compass for national development program. The development model through the GBHN was officially replaced by National Development Planning System (SPPN) after the enactment of Law Number 25 of 2004 concerning the National Development Planning System. The legal product of the GBHN is established by the People's Consultative Assembly (MPR) as Decree of the People's Consultative Assembly (TAP MPR), while the legal product of the SPPN is in the form of as general regulation. The description of SPPN produces the National Long-Term Development Plan (RPJPN), the National Medium-Term Development Plan (RPJPMN), and the Annual Development Plan. Making of the RPJPN embodied on Law No. 17 of 2007 concerning 2005-2025 Long Term National Development Plan. The RPJPN consisting the goal elucidation of government establishing of Indonesia as stated in the 1945 Constitution Preamble of the Republic Indonesia, in formed of country vision, mission and direction of national development. The RPJPN document is valid for a period of 20 (twenty) years starting from 2005 to 2025. To implement the RPJPN for 20 years, the President prepares the RPJMN as a Presidential Regulation which is carried out periodically every 5 years starting from the RPJMN 2005-2009, RPJMN 2010- 2014, RPJMN 2015-2019, and RPJMN 2020-2024. The National Medium-Term Development Plan is explaining President's vision, mission, and programs which guided by the RPJPN. By the implementation period of the RPJMN every 5 years, it is hoped the continuity of national development will occur to the next President period of leadership.

According to the 1945 Constitution of the Republic Indonesia, the President acts as head of state and as head of government. In this case, the President of the Republic of Indonesia holds the power of government according to the Constitution. As the chief executive who control the government, the President is assisted by capable ministers to his administration. Despite the status of Minister as an assistant to the president, this position is as high as a

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<sup>7</sup> Mahmud, P. M. (2019). *Penelitian Hukum*. (pp. 132). Prenada Media Group.

<sup>8</sup> Huda, N. (2013). *Ilmu Negara*. (pp. 2). Rajawali Pers.

<sup>9</sup> Utrecht, E. (1962). *Pengantar Hukum Administrasi Negara*. (pp. 9). Ichtiar.

government leader in the executive era. That being said, the Minister is basically the Head of Government in the actual case in the field of their respective government duties.<sup>10</sup> Therefore, National RPJM is a detailed of President's vision, mission, and programs which is guided to the National RPJP, contains a National development strategy, general policies, Ministries/Agency and inter-Ministerial/Agency, regional and cross-regional, inter-ministerial, regional and cross-regional, frameworks economy macro which includes a comprehensive view including the direction of fiscal policy in a work plan of a regulatory framework and an indicative funding framework.<sup>11</sup> This means that law-making of National RPJM there shall at least Ministry and cross-Ministerial programs. The following ministry shall prepare a Renstra K for a 5-year period which is an elucidation of the RPJMN. The step to preparing the Strategic Plan K begin as follow:

1. Collecting the evaluation of the developing implementation in all sectors due to their duties and authorities and people's aspirations.
2. People's aspirations obtained through printed media, electronic media, official forums, and/or accountable aspirational room.
3. Prepare the Ministry's Technocratic draft in the last year of RPJMN implementation.
4. Coordinate with Regional Governments to identify duties distribution in National Goals due to Strategic Plan of Ministries/Agencies in their respective fields.
5. The Ministry of Planning submits the Technocratic RPJMN to the Ministries/Agencies as improving material for Technocratic K/L Strategic Plan.
6. Adjustment of Technocratic Design K/L Strategic Plan by referring to the initial draft of RPJMN.
7. The initial draft of RPJMN contains vision, mission, goals, and Priority Programs by elected President.
8. Ministries/Institutions hand over K/L Strategic Plan draft to the Ministry of Planning in the last years of the previous RPJMN as a material for review.
9. The Ministry of Planning and the Ministries/Agencies hold two parties meeting to review the draft K/L Strategic Plan.

In the National Development Planning System, the Strategic Plan K document bear a very strategic position. Renstra K as an elucidation of the RPJMN, where in making of the Strategic Plan K must be guided by the RPJMN. The Strategic Plan K is also used as a guide for drafting the Ministry Work Plan (Renja K). The organized Renja K document will be used for a reference by the Ministry as an organization/agency using the budget in the making of Work Plan and Budget (RKAK). Furthermore, the arranged RKAK by the Ministry is used as input in the making of the Draft State Revenue and Expenditure Budget (RAPBN) before it is established to be the State Revenue

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<sup>10</sup> Asshiddiqie, J. (2006). *Perkembangan dan Konsolidasi Lembaga Negara Pasca Reformasi*. (pp. 173-174) Sekretariat Jenderal Mahkamah Konstitusi Republik Indonesia.

<sup>11</sup> Article 4 paragraph (2) Law of the Republic of Indonesia Number 25 of 2004 concerning the National Development Planning System.



and Expenditure Budget (APBN) along with approval by the House of Representatives. The RKAK document will then be used as input for arrangement by Ministry's Development Performance Report, the Ministry's Budget Performance Report, and the Ministry's Organizational Performance Report.

The contents contained in the Renja K document such as policies, programs, and development activities, whether implemented directly by the government or achieved by encouraging people participation. After the Renja K document is arranged, the ministry will exercise policies, programs, and activities to implement national development. In fact, the program that has been arranged in Strategic Plan K is hard to achieve due to changes in policy from the President. As instance, President change ministerial nomenclature due to splitting or merger of ministries in the middle of the President's leadership period.

### **3.1. State Ministry Change Arrangement**

Prior of the 1945 Constitution amendment, President had the prerogative right to establish, amend, and dissolve ministries. After the fourth amendment, there were provisions in the Constitution limiting the formation, amendment and dissolution of state ministries must be regulated by law. According to Jimly Asshiddiqie, the triggering matters for Article 17 Paragraph (4) of the 1945 Constitution which requires the formation, amendment, and dissolution of state ministries shall regulated by law because of President Abdurrahman Wahid's policy which dissolved the Department of Information and the Department of Social Affairs, then formed and changed ministry organizations and other non-departmental institutions without any prudent planning and preparation which resulted many difficulties for former employees or other matters related to the dissolution and organizational changes of the departments and non-departments concerned.<sup>12</sup>

According to the elucidation of Law no. 39 of 2008 concerning the Ministry of State, regulations regarding state ministries are not approached by giving particular name to each state ministry. However, this law approached government affairs that must be performed thoroughly to achieve state goals. These government affairs are affairs explicitly stated in the 1945 Constitution, government affairs whose scope is stated in the 1945 Constitution, and government affairs in matters to sharpening, coordinating, and synchronizing government programs. Based on government scope mentioned above, state ministries divided into 4 group. *First*, carrying out its function to synchronize and coordinate ministerial affairs as Coordinating Ministry. Coordinating Ministry as direct extension of President to manage ministries and other state institutions for issuing and exercising policies so as to avoid discord by other institutions, and also to make sure the issued policy

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<sup>12</sup> Asshiddiqie, J. *Op., Cit.* (pp. 178).

keeping in line with government's vision and mission.<sup>13</sup> On the other hand, there would raise a problem by an absence between Coordinating Ministry and ministries.<sup>14</sup> *Second*, controlling government affairs which its nomenclature has clearly stated in Constitution 1945 called Ministries Group I. *Third*, carrying out government affairs which its scope mentioned on Constitution 1945 called Ministries Group II. *Fourth*, carrying out government affairs to improving, coordinating, and integrating government programs called Ministry Group III.<sup>15</sup>

In carrying out these affairs, it does not mean that one affair must be performed by only particular state ministry. However, one state ministry can performed more than one business in accordance by duties assigned from President.<sup>16</sup> Politically establishing government and coordinating on a major scale country management, so ministers shall firmly cooperate with one another under Presidential leadership period.<sup>17</sup> The State Ministry is formed within 14 (fourteen) working days after the President took vow/pledge with 34 maximum numbers of ministries.<sup>18</sup> As a comparison, the number of state ministries since Indonesia's independence until the enactment of Law Number 39 of 2008 concerning State Ministries has a number of different ministries, ranging from at least 21 ministries to a maximum 132 ministries. Table below will explain the detail number of state ministries since Indonesia's independence up to present, with a note only on the Presidential system.<sup>19</sup>

**Table 1.** Indonesian Government Cabinet in the Presidential Government System

No	Cabinet Name	Period	Cabinet Leader	Cabinet Member
1	Presidensial	02.09.1945 - 14.11.1945	Soekarno	21
2	Kerja I	10.07.1959 - 18.02.1960	Soekarno	33
3	Kerja II	18.02.1960 - 06.03.1962	Soekarno	40
4	Kerja III	06.03.1962 - 13.11.1963	Soekarno	60
5	Kerja IV	13.11.1963 - 27.08.1964	Soekarno	66
6	Dwikora I	27.08.1964 - 22.02.1966	Soekarno	110

<sup>13</sup> Indarja, T.A., & Saraswati, R. (2016). The Position of the Coordinating Minister in the Indonesian Constitutional System According to Law Number 39 of 2008 concerning States Ministries. *Diponegoro Law Journal*. (pp. 14).

<sup>14</sup> Wantu, F.M., & Wijaya, A. (2019). Coordination and Synchronization Mechanism of State Ministries: A Practice Towards and Effective Cabinet. *Al-Ahkam*. (pp. 75).

<sup>15</sup> Article 2 Presidential Regulation of the Republic of Indonesia Number 68 of 2019 concerning the Organization of State Ministries.

<sup>16</sup> Elucidation of Law of the Republic of Indonesia Number 39 of 2008 concerning State Ministries.

<sup>17</sup> Gunawan, W. (2018). Power and Mechanism for Appointment of Ministers in the Presidential System in Indonesia. *Juris-Diction Law Journal*. (pp. 349).

<sup>18</sup> Articles 15 and 16 Law of the Republic of Indonesia Number 39 of 2008 concerning State Ministries.

<sup>19</sup> Setkab.go.id. (2021). *Kabinet Pemerintahan Indonesia*.

7	Dwikora II	22.02.1966 – 28.03.1966	Soekarno	132
8	Dwikora III	28.03.1966 – 25.07.1966	Soekarno	79
9	Ampera I	25.07.1966 – 17.10.1967	Soeharto	31
10	Ampera II	17.10.1967 – 06.06.1968	Soeharto	24
11	Pembangunan I	06.06.1968 – 28.03.1973	Soeharto	24
12	Pembangunan II	28.03.1973 – 29.03.1978	Soeharto	24
13	Pembangunan III	29.03.1978 – 19.03.1983	Soeharto	32
14	Pembangunan IV	19.03.1983 – 23.03.1988	Soeharto	42
15	Pembangunan V	23.03.1988 – 17.03.1993	Soeharto	44
16	Pembangunan VI	17.03.1993 – 14.03.1998	Soeharto	43
17	Pembangunan VII	14.03.1998 – 21.05.1998	Soeharto	38
18	Reformasi Pembangunan	21.05.1998 – 20.10.1999	B.J. Habibie	37
19	Persatuan Nasional	26.10.1999 – 09.08.2001	Abd. Wahid	36
20	Gotong Royong	09.08.2001 – 20.10.2004	Megawati S	33
21	Indonesia Bersatu I	21.10.2004 – 20.10.2009	SBY	34
22	Indonesia Bersatu II	22.10.2009 – 20.10.2014	SBY	34*
23	Kerja	27.10.2014 – 20.10.2019	Joko Widodo	34*
24	Indonesia Maju	23.10.2019 – Sekarang	Joko Widodo	34*

\*) The period of enactment of Law No. 39 of 2008 concerning State Ministries.

The Law on State Ministries also gives President authority to change the nomenclature of ministries because of splitting and merger and can dissolve ministries by complied the specified conditions. There are exceptions for 3 ministries that cannot be changed and dissolved, that are the Ministry of Foreign Affairs, the Ministry of Home Affairs, and the Ministry of Defense.<sup>20</sup> Besides these 3 ministries, President can dissolve a ministry by requesting consideration from the House of Representatives (DPR), except the Ministry addressing religious, legal, financial and security affairs must be approved by DPR.<sup>21</sup> Practically, DPR giving consideration tends to be ignored because legally it has no binding power by its nature. It means, the party who will appoint the official (executive) has the freedom whether to use consideration or simply ignore it.<sup>22</sup> Whereas DPR has authority to giving approval can be defined as a consent or an effort by DPR to accept. Granting approval

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<sup>20</sup> Articles 17 and 20 Law of the Republic of Indonesia Number 39 of 2008 concerning State Ministries.

<sup>21</sup> Articles 21 Law of the Republic of Indonesia Number 39 of 2008 concerning State Ministries.

<sup>22</sup> Susanto, M., Prasetianingsih, R., & Sungkar, L. (2018). House of Representatives' Power in Appointing State Officials under Indonesian Constitutional System. *Jurnal Penelitian Hukum De Jure*. (pp. 29).



indicates DPR as a higher institution than the institution requesting approval because DPR could allowed to object those request.<sup>23</sup>

The consideration by DPR in changing the ministry is given within 7 working days from request by President received. If within 7 working days DPR has not submitted its considerations, then it could assume that DPR have given its considerations.<sup>24</sup> This consideration necessity by DPR is intended so that the Government can carefully take into account the policy to merging and splitting ministries because it involves financing issues that must be right on target. Changes in ministries nomenclature have an impact on budget policies, ministry programs, efficiency and effectiveness, scope of duties and workloads proportionality, sustainability, congeniality, and integration of task implementation. This needs to be anticipated by the President because the formation of a new ministry will have an impact to duties distribution in DPR commissions as government work partners.

Furthermore, regarding the dissolution of the ministry requires DPR consideration and approval. Ministries dealing with government affairs whose scope is stated in the 1945 Constitution may be dissolved by the President with the consideration by DPR, except those ministries addressing religious, legal, financial and security affairs demands DPR approval. Interestingly, there is no stipulated time written in the State Ministry Law for DPR to give consideration and approval to dissolving a ministry requested by the President. Furthermore, it turns out that there is no norm regulates at what time President could change or dissolve ministries. According to Prof. Yusril Ihza Mahendra, President does not need to ask for consideration from DPR to form his cabinet, even if there is a change of ministry names. President would ask for consideration from DPR if changes to the cabinet nomenclature are happened amidst administration or in a situation where the ministry has already been formed.<sup>25</sup>

Yusril's viewpoint implies that the moment for ministries nomenclature changing can be done at the beginning of the President's administration and in the middle of the President's leadership. As an example, at the beginning of President Jokowi period 2014-2019, ministries formation had done by changed its nomenclature and dismissed the ministry. Coordinating Ministry for People Welfare had dismissed and added two new coordinating ministries namely Coordinating Ministry of Maritime and Coordinating Ministry for Human Development and Cultural Affairs. Nomenclature alteration amidst Presidential running period can be seen on merged of Ministry of Research and Technology with Ministry of Education and Culture became Ministry of Education, Cultural, Research, and Technology. Its alteration occurred on second period of President Jokowi leadership 2019-2024.

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<sup>23</sup> *Ibid*, (pp. 30).

<sup>24</sup> Article 19 paragraphs (2) and (3) Law of the Republic of Indonesia Number 39 of 2008 concerning State Ministries.

<sup>25</sup> Kompas.com. (2014). *Nama Kementerian Berubah, Kabinet Jokowi Harus Tunggu Pertimbangan DPR?*

Due to unclear timing of nomenclature changing and ministries dismissal, it is not impossible that in the future President will act carelessly in changing state ministries nomenclature that may directly affected government administration. In the rule of law concept, the actions of authority must be based on law, not based on the power or will of the authority alone. It purposes to limit the power of the authority and aims to protect people behalf, securing peoples human rights from arbitrary and careless actions.<sup>26</sup>

### **3.2 Impact of Changes in the State Ministries Nomenclature on the National Development Implementation**

The Indonesian government is finalizing 2020–2024 National Medium-Term Development Plan (RPJMN) as the Covid-19 pandemic begins globally spreading. The RPJMN is set forth in Presidential Regulation Number 18 of 2020 concerning the 2020-2024 Medium-Term Development Plan which enforced on February 14, 2020. The document which uses as a guideline for central and regional governments in 5 years period development planning was first assigned when Indonesia did not yet have Covid-19 case records, so that all estimations and goals based on normal conditions. In 2020-2024 period, Indonesia has major goals planned to achieve to higher grade as one of the middle-income countries and accelerating to move out from middle-income country trap. Besides, Indonesia is also adjusting national development to reduce regional disparities, both between Java and outside Java, as well as between the western and eastern regions of Indonesia, reckoning that poorer areas (outside Java and the eastern region) have great potential that been left unhandled. In this period also Government plans to construct a new candidate for the National Capital City (NCP) to replace Jakarta located in East Kalimantan Province.<sup>27</sup>

The State Ministries as an executive agency assists President in exercising government authority shall working up a Strategic Plan K and Renja K which refers to the 2020-2024 RPJMN. Nevertheless, the ministry's program will face problems when the ministries that formed at the beginning of period to have deconstructed (changes due to mergers and separations) amidst President's leadership. As the fourth globally populous country, Indonesian human resources shall be optimally empowered through education so that could optimally utilize natural resources as much as possible to contribute for national economic growth. Having said that, educational level in Indonesia is still categorized as low, particularly people who get higher education.<sup>28</sup> It is caused by ineffective optimalization of human resources by ministry who always be busy with their internal matters despite their main duty and task to empowering civilized nation. For instance, merging Kemendikbud with Kemenristek into Kemendikbud Ristek will certainly

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<sup>26</sup> Huijbers, T. (1982). *Filsafat Hukum dalam Lintasan Sejarah* (pp. 8). Kanisius.

<sup>27</sup> Muhyiddin, M. (2020). Covid-19, New Normal, dan Perencanaan Pembangunan di Indonesia. *The Indonesian Journal of Development Planning*. (pp. 248).

<sup>28</sup> Dhiya, A., & Kathya, M. (2021). Endogenous Growth Theory: The Impact of Government Expenditures in Education and Health on the Economy. *Jurnal Anggaran dan Keuangan Negara Indonesia*. (pp. 21).

increasing workloads to newly formed ministry. Besides, Ministry of Education and Culture undertook early childhood education, basic, secondary, vocational, higher education, culture, and character building beforehand. Increasing research and technology duties makes the Ministry of Education and Culture will potentially be ineffective because it manages too many policies matters and high likely make Ministry of Education and Research and Technology and BRIN overlapping roles. As the result, in case it would go halfway, or might even fall apart.<sup>29</sup>

At the beginning Ministry of Research formed in 1962 under the name Ministry of State for National Research Affairs, education and research affairs were managed by two different ministries. According to Daoud Joesoef Mendikbud (1978-1983), universities do handle research, but its essential goal is not to produce something "ready to use" in any field of life, but to make people have a scientific spirit because it is this spirit that moves people to continue improving the organization of knowledge such a way as to conquer hidden potentials in nature and human interaction.<sup>30</sup> For example, a neighboring country known as a science giant in Southeast Asia, Singapore, successfully manages education and research policies through two different institutions. In Europe there is the UK which also directs research policies in line with industrial development – especially energy, under the Department of Business, Energy, and Industrial Strategy. In contrast to the UK, such as Germany and Russia, which merging research and education functions, as recently decided by the Indonesian government by merged Ministry of Education and Culture, Research and Technology. It should be underlined that Germany were done so to strengthen sustainability between research production from universities and its development in industry. Particularly, Germany is well-known countries with the highest research production, where their research power as nationally dominated by non-university research institutions.<sup>31</sup>

The problems in sight, that will be faced by the new merged ministries are restructuring organization and work procedures, ministry employees and officials, administration mailing and archives, drafting official documents, and increasing APBN amount. Restructuring ministry organization, such executive directorate will definitely have changes by customized number limited by the law. The Directorate General consists of Directorate General Secretary and limit to at most 5 (five) Directorates.<sup>32</sup> Before being merged into the Ministry of Education and Culture, the number of Directorate Generals at the Ministry of Education and Culture has already reach 5 directorates.<sup>33</sup> As a result of the merger, it will certainly be downsizing and

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<sup>29</sup> Katadata.co.id. (2021). *Banyak Masalah pada Peleburan Kemenristek dan Kemendikbud*.

<sup>30</sup> KOMPAS. (2014). *Misi Perguruan Tinggi Kita*.

<sup>31</sup> Theconversation.com. (2021). *Dilema peleburan Kemendikbud-Ristek: bagaimana negara lain mengatur pendidikan dan riset nasional?*

<sup>32</sup> Article 16 paragraph (2) Presidential Regulation of the Republic of Indonesia Number 68 of 2019 concerning the Organization of State Ministries.

<sup>33</sup> Article 81 Regulation of the Minister of Education and Culture of the Republic of Indonesia Number 9 of 2020 concerning Amendments to Regulation of the Minister of

expanding certain directorates which would increase workloads. After organization restructuring and work procedures are formed in the new ministry, the following matters need to be done is to place employees and officials based on their qualifications and competencies. Administrative arrangements for correspondence, archives, and drafting officials' documents are also shall be done from the central to regional.

Regarding APBN, the new ministry shall work up to new buildings procurement as well as its, new officials transport and other needs, newly changed offices, document attributes (letterheads and stamps), and official website. This definitely requires a large amount of funding that would be charged to APBN, whereas it could be allocated to achieving other programs related national development. Merging purpose should be aimed to strengthening, yet it appears to be weakening ministry's function cause it is too busy organizing institutions bureaucracy instead. Furthermore, it found out an anomaly concerning APBN number for Ministry of Education and Culture and the Ministry of Research and Technology before and after being merged into Ministry of Education and Culture and Research and Technology. The Ministry of Education and Culture's APBN for 2021 fiscal year before amounted to Rp 81.534 T, while the Ministry of Research and Technology's State Expenditure Budget amounted to Rp 1.873 T.<sup>34</sup> If added, the total amount of APBN of those two ministries counted as Rp 83.407 T. In fact, 2022 budget for Kemendikbud-Ristek only sums up Rp 73,08 T, reduced Rp 8 T compared to 2021 budget. As Minister Nadiem Makarim said once, reduction was caused by national pandemic there happened to cut budget efficiency as hybrid.<sup>35</sup> How is it possible for two ministries had merged into one new ministry conversely undergoing an APBN allocation cut.

Thus, nomenclature alteration of state ministries either has done in the beginning of formation or in amidst of Presidential running period would directly affect to national development. National development programs could interfere by reason of newly established ministry that firstly must sort out its administration affair and regulation, state financial burden, and to keeping in line with its Renstra K that has been arranged by old ministry that must functioned as sustainable development plan. Alterating ministry nomenclature in the amidst of Presidential running period can also be said as cutting off sustainable development plan pace. Sustainable development in concept could only be assured by sufficient regulation as well as the regulation shall be exercised the national development agenda for the sake of people welfare.<sup>36</sup>

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<sup>34</sup> Kementerian Keuangan Republik Indonesia. (2020). *Lampiran I Data Pokok APBN Tahun 2016-2021 dalam Buku II Nota Keuangan Beserta Anggaran Pendapatan Belanja Negara Tahun Anggaran 2021*. (pp. 6). Kemenkeu RI.

<sup>35</sup> Detik.com. (2021). *Anggaran Dikbud-Ristek 2022 Turun Dibanding 2021, Nadiem Ibaratkan Hybrid*.

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#### **4. Conclusion**

Regulation in change state ministries nomenclature still creates uncertainty regarding the right moment to processing ministries change. As mandate from the Law on State Ministries which requires consideration from DPR to merging or splitting as its process to change ministries nomenclature. It has not yet rigidly regulated whether changing ministries nomenclature since President takes the vow/pledge also requires DPR's consideration. By merging ministries, it will certainly increase the newly formed ministries' workload. On the contrary, by splitting ministries will affecting on the distribution of government affairs in ministries that have been splitted. The number of ministries limited at most 34, practically will caused President to merge more frequent than splitting ministries.

Changes in ministries nomenclature amidst President's leadership period have directly affected on national development, where the prior ministry has prepared work programs based on Renstra K and RPJMN made by the President. The program had to dissolved into the merged ministry. Even worse, the newly merged ministry was unable to accommodate prior ministry's programs due to the lack of APBN allocation. Therefore, it is necessary to pay attention the time rules for changing ministries nomenclature. Better to changes ministries nomenclature should not be performed amidst President's leadership periods. If there are government affairs need to be managed specifically and immediately, the best step to do is to form a Non-Ministerial Government Institution. Thus, government affairs that need to be managed specifically can be resolved without having to sacrifice the already formed ministries.

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