

Zaken Cabinet Map and Presidential Prerogative in the Perspective of Multiparty Presidential System in Indonesia



Benediktus Hestu Ciptu Handoyo¹, Giovanni Battista Maheswara²

¹Faculty of Law, Atma Jaya Yogyakarta University, Special Region of Yogyakarta, Indonesia

²Faculty of Law, Satya Wacana Christian University, Salatiga, Central Java, Indonesia

ABSTRACT: Constitutionally, the system of government chosen by the Indonesian people is a presidential system with a multiparty system. This system of government makes the President shackled by political parties when he wants to arrange the cabinet, which is his prerogative. This article will discuss the problem of how the zaken cabinet map of the multiparty presidential system in the perspective of scientific expertise or scientific approach/expertise approach can be implemented side by side with the interests of coalition political parties in Indonesia. By using normative juridical analysis, it is concluded that the zaken cabinet map of the multiparty presidential system in the perspective of scientific expertise or scientific approach/expertise approach can be implemented side by side with the interest of coalition political parties in Indonesia with minimum ratio of 32,35% (Thirty-two point thirty-five percent) filled by experts/professionals and the rest can be left to the political parties supporting the president / vice president as a manifestation of “political rewards”

KEYWORDS: Presidency, Multiparty, Zaken Cabinet

I. INTRODUCTION

A. Background

The existence of the Cabinet in the perspective of the presidential system, whether is multiparty or limited party, still has the same essence, namely it's role as an assistant to the president in organizing national government affairs. Therefore, its existence is clearly very dependent on the president who appointed or dismissed the Cabinet because it is chosen by the president as an empirical manifestation of the president prerogative. Academically, this is the case. Therefore, if academic study is presented, there is no relevance between academic studies and studies related to practical political interest. The point to this narrative is that the composition of cabinet personnel in the presidential system academically depends on the full rights of the president contained in the prerogative. Because the prerogative is nothing but a right owned by certain institutions that are independent and absolute in the sense that they cannot be contested by other institutions (Hestu, 2015).

This prerogative right is generally owned by the head of state such as the president in certain fields stated in the constitution so that it becomes a constitutional authority. Mahfud MD argued that presidential prerogative is a privilege owned by the president to do something without asking for the approval of the other institutions. It is intended that the functions and roles of government are stretched so wide that they can take actions that can build the welfare of the community. The main task of the government in developing the welfare of the community is not only to implement the law. That why for this reason, in the concept of a modern legal state today there is an authority called *freies ermessen*. This authority let the government to interfere or intervene in various community activities to build the welfare of the community. Thus, the government is required to be active. It is in the field of government that the implication of *freies ermessen* is characterized by the existence of prerogative (Constitutional Court Decisions No. 22/PUU-XII/2015).

In the *welfare state*, aka the welfare state or also often interpreted as a material law state, the state's function in addition to maintaining and implementing the law within the framework of social order and therefore called the “night watchman state” (*Nachtwachterstaat*) is also responsible -if we can say obligatory- to improve the welfare of the lives of its citizens. Therefore, in welfare state with its various terms, it acts more as a *public servant* (*public services*) to fulfill all the needs of citizens in order to achieve the general welfare of citizens. With this concept, the state will be *interventionist*, meaning that the state will always be present and take part in every movement and step of society with the excuse of improving public welfare (Giddens, 1998). That is why a special thing in the context of prerogative right which is equated by Mahfud MD as *freies ermessen* is important. Because in that right, the President is given discretion in regulating and managing government affairs, including determining his assistants in the Cabinet. In the context of a *welfare state* that emphasizes the aspect of *public services*, the president is given the freedom to

Zaken Cabinet Map and Presidential Prerogative in the Perspective of Multiparty Presidential System in Indonesia

act in order to achieve public welfare as envisioned by the constitution. And this is clearly stipulated in Paragraph IV of the Preamble of the Indonesian Constitution, which is certainly known by scholars of Constitutional Law.

The prerogative rights that President have been indeed rights granted by the constitution to the president as head of state and head of government to carry out all affairs of state government. Therefore, this privilege called prerogative rights provides flexibility for the president to translate his wishes to implement constitutional order, laws, and fulfillment of public welfare, including in determining the personnel of his assistants who are member of the cabinet. So, academically the prerogative cannot be contested because of the rights guaranteed by the Constitution. Meanwhile, in empirical reality, especially in the scope of practical political interpretation, The President's prerogative can be challenged for reasons of political interests, such as when the presidential system is implemented in a multiparty perspective. Why is this so? The answer is in a multiparty presidential system, presidential candidates will clearly be nominated by political parties (even interpreted as party "officers") or a combination of political parties before the general election begins. This rationality has a constitutional of political parties before the general election begins. This rationality has a constitutional basis in the provisions of Article 6A of the 1945 Constitution of the Republic of Indonesia, which states that the candidates for President and Vice President are proposed by a political party or a coalition of political parties participating in the general election before the general election.

This constitutional provision, whether implied or explicit, clearly instructs that in the nomination of the president and vice president -especially in the Unitary State of the Republic of Indonesia- the concept of coalition should be used when the party system is multiparty. Unless a political party already has the strength of the majority of the *Presidential Threshold* as required by law. This is the essence of the provisions of the article and the issue of the *Presidential Threshold* which has caused political and constitutional Court as a form of *open legal policy* translation of the provisions of Article 6A of the 1945 Constitution of the Republic of Indonesia. When The President and Presidential candidates are put forward by a coalition of political parties, the interests of the coalition will dominate, and this will inevitably affect the "disturbance" of the president's prerogatives when the presidential candidate put forward by a coalition of political parties wins the "people's party" of direct presidential elections. Why is this so? The answer is suspecting that political parties are essentially formed to fight for the interests of the members is juridically correct. This is clearly seen in the concept of *legisprudence* as stated in Article 1 Number 1 of Law No. 2 of 2008 concerning Political Parties as amended by Law No. 2 of 2011 concerning Political Parties which states:

"A Political Party is a national organization formed by a group of Indonesian citizens voluntarily on the basis of a common will and ideals to fight for and ***defend the political interest of the members***, the community, the nation and the state, and to maintain the integrity of the Unitary State of The Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia". (Bold italics: Author)

This provision shows once again that it is true that normatively juridically positivistic the existence of political parties is intended to first and foremost fight for and defend the interests of members, although later in the formulation of further understanding it is embellished with "society, nation and state" and so on. In the author's opinion, the addition of these phrases is only formalistic and does not have a real implementative meaning.

Thus, based on the understanding of political parties, whether independently or in coalition, the interests related to members certainly come to the forefront and it is not impossible if there are transactional interests when the proposed presidential and vice-presidential candidates win the presidential election contest. Therefore, in the context of cabinetmaking, transactional democracy such as "cow trade" between the president and political parties or a coalition of political parties becomes an important consideration and even dominates. The President's freedom in determining his assistants in the cabinet is certainly disturbed. That is why it will be difficult when the president wants to use his prerogative in determining the cabinet because of the pragmatic political interests of the political party or coalition of political parties supporting the president.

The formation of the cabinet carried out by the President as a prerogative right is essentially intended to assist the president in the implementation of state government affairs. In connection with state government affairs, there are 3 (three) main clusters, namely regarding Article 4 paragraph (2) of Law No. 39 of 2008 concerning the Ministry of State:

1. Government affairs whose Ministry nomenclature is expressly mentioned in the 1945 Constitution of the Republic of Indonesia;
2. The scope of which is referred to in the 1945 Constitution of the Republic of Indonesia; and
3. Government affairs in order to sharpen, coordinate and synchronize government programs.

These government affairs certainly require the perspective of expertise and professionalism in managing and regulating each. In short, it is not just a "sharing" of power in the perspective of practical politics in arranging the cabinet, but of course it must also consider the scientific approach, expertise, or *scientific approach/expertise approach* in determining who are competent figures to be placed in the cabinet to help the president in managing and managing these government affairs. Therefore, the appointment of a Minister with a zaken cabinet perspective is important and must also be considered by the President in exercising his prerogative alongside the will and/or interests of the political parties or a coalition of political parties supporting the President.

Zaken Cabinet is essentially a cabinet that is filled and/or led by professional figures who have the capacity of expertise in their respective fields, and therefore in various terms zaken cabinet is often also referred to as a cabinet of experts. The

Zaken Cabinet Map and Presidential Prerogative in the Perspective of Multiparty Presidential System in Indonesia

professionalism of these figures is generally assessed from the scientific aspects of their expertise, considering that the word "professional" comes from the word "profession" which means that it shows a scope of work that is adjusted to the aspects of expertise specifications. Thus, if the president in determining the cabinet is based on his prerogative, then of course he must also consider aspects of special expertise adjacent to government affairs. So, it is not merely a political approach to accommodate the interests of the party or coalition of parties that has endorsed him.

B. Problem Formulation

Starting from the above background, the problem raised in this article is how the zaken cabinet map of the multiparty presidential system in the perspective of scientific expertise or *scientific approach/expertise approach* can be implemented side by side with the interests of coalition political parties in Indonesia?

II. DISSCUSSION

A. Multiparty Presidential System, Presidential Prerogative, and the Philosophy of Government Affairs

Implementing democracy through a presidential system of government is often compared to implementing it through a parliamentary system of government. One of the questions asked is which is more democratic between the presidential and parliamentary systems of government? The comparison reflects the view of democracy in the perspective of government instruments, as in relation to this CF. Strong argues that "a system of government in which the majority of the rule grown members of the political community participate through a method of representation which secures that the government is ultimately responsible for its actions to that majority". Whereas democracy can have various meanings (Strong,2008). The comparative question above can certainly be answered simply that if seen from the way the head of government is determined, the presidential system is considered more democratic than the parliamentary system because the head of government, in this case the president, is directly elected by the people, in other words, the people can directly choose who they want as their leader. This method is certainly not known in the parliamentary system, because in the parliamentary system the head of government is clearly elected by the parliament, mainly from the majority party in the parliament. However, when viewed from the aspect of government accountability, the parliamentary system can be considered more democratic, because there is a mechanism of accountability of the head of government to the parliament as the representation of the people, even the parliament can impose a vote of no confidence in the head of government and this will certainly result in the head of government, aka the executive, falling politically. Meanwhile, in the presidential system, there is no such mechanism for the accountability of the head of government.

Democracy is certainly not only interpreted in the context of the instruments of the government system as mentioned above, because there are still many understandings of the phenomenon of constitutional and political life that can be referred to as democracy. In this regard, Henry B. Mayo argues:

"A democratic political system is one in which public policy is determined on the basis of a majority by representatives effectively supervised by the people in periodic elections based on the principle of political equality and held in an atmosphere of guaranteed political freedom (Budiardjo,2015)"

The above opinion shows a similarity with Schumpeter's view, which suggests another theory of democracy through the democratic method approach. According to him, another theory of democracy or democratic method is an institutional procedure for reaching political decisions in which individuals gain the power to make decisions through competitive struggles to obtain popular votes (Huntington,1997).

Referring to the above view, it shows again a variety of democracy, namely as a political system in the context of a political decision-making mechanism, aka public policy, which emphasizes the will of the majority who represent the people. Furthermore, Henry B. Mayo also argues that democracy can also be a set of values that live in society, these values are:

1. Resolve dispute peacefully and institutionalized (Budiardjo, 2015);
2. Ensure the peaceful implementation of change in a changing society;
3. Limiting the use of force to a minimum;
4. Recognize and take diversity for granted; and
5. Guarantees the establishment of justice.

Starting from the values of the life of a democratic society as stated by Henry B. Mayo, in the context of resolving disputes peacefully and institutionalized, the decision-making process becomes a matter of lifestyle (values) which is also a dimension of democracy. This means that in every society there are disputes of opinion and interest, which in a democracy are considered natural to fight for. These disputes must be resolved through open negotiation and dialog to reach compromise, consensus, or consensus. This is the essence of democracy as a paradigm of modern social life today, although implementing these values has been difficult in countries that have just implemented democracy after years of oligarchic centralist authoritarianism.

Samuel P Huntington argues that in order to define democracy, it is necessary to pay attention to 5 (five) main issues, namely:

1. Defining democracy based solely on the electoral aspect is a minimalist way of defining it;

Zaken Cabinet Map and Presidential Prerogative in the Perspective of Multiparty Presidential System in Indonesia

2. The definition of democracy implies the limitation of power...
3. Defining democracy is not necessarily linked to the issue of the stability or fragility of a democratic political system, meaning that the stability and fragility of a political system is not necessarily seen from a comparison between democratic and non-democratic political systems.
4. Defining democracy is done by dichotomizing democratic political systems with non-democratic political systems, meaning that when analysts formulate a definition of democracy, they compare it with the characteristics of non-democratic political systems.
5. Defining a democratic political system is done by looking at the negative features of a non-democratic political system. This method is like the fourth method above, except that to formulate democracy, analysts use the term authoritarian while pointing out its negative characteristics such as the penetration of government control over people's activities and mass communication, a single party system or even no party, and limited and irresponsible political pluralism. (Huntington, 1997)

The description as stated by Huntington shows once again that democracy does not only refer to the system and/or instrument in the administration of government. Democracy also means the attitude, accountability, and responsibility of the entire life of society, nation, and state in the context of emphasizing the interests of the people, which is non-discriminatory, as the backbone of the origin and ultimate goal in the common life. Democracy is broader than a system of government. Democracy is the people who are the alpha and omega (aka the beginning and the end) of all activities in the life of society, nation, and state. Democracy is democracy that no longer needs to use various frills that sometimes marginalize the true meaning of democracy.

As we all know, the presidential system is a republican system of government in which the executive power is elected through general elections and is separate from the legislative power which is also elected through general elections. In general, the characteristics of the presidential system are (Maswadi, 2009):

1. The head of state and head of government is the president;
2. The president is elected by general election;
3. There is a clear separation of powers between the executive and legislative branches;
4. The president cannot dissolve the parliament, nor can the parliament overthrow the president unless there is a serious violation of the law committed by the president through the mechanism of impeachment.
5. Constitutional supremacy applies, with the executive government accountable to the constitution;
6. The executive is directly accountable to the sovereign people;
7. The President is not elected by parliament; and
8. The cabinet is elected and appointed by the president, not accountable to parliament but to the president.

Based on the characteristics of the presidential system, the position of the President in the presidential system if it is associated with the relationship between the executive and the legislature is positioned strongly and cannot be politically influenced by the parliament in the administration of state government. Such a position is also attached to the prerogative in determining his assistants who will occupy cabinet positions in the administration of government (Reja Fahlevi and Darul Huda, 2020).

As we all know, a cabinet that is organized based on expertise and professionalism is called a zaken cabinet. Therefore, if a zaken cabinet is implemented in a multiparty presidential system, it must meet several ideal requirements. To the best of the author's knowledge, these ideal requirements include:

1. The party system is a simple multiparty system (Suprato, 2021). The simplicity of the multiparty system needs to be used because in the opposite logic, a complex multiparty system will make it difficult to form a zaken cabinet considering that political parties have different interests and views. Therefore, in the perspective of the coalition of political parties "supporting" the President and Vice President, the political interests of the coalition members will be more complex, so that the President has difficulty in forming a cabinet in accordance with his perspective to apply prerogatives. As noted by Mainwaring, Cheibub, Gunther, Linz, and Lijphart, one of the problems of the presidential democratic system is when it is combined with a multiparty system. Not only is presidentialism and a multiparty system a difficult combination, but it also opens opportunities for paralysis or deadlock in executive-legislative relations which then have an impact on the instability of presidential democracy. Ironically, this is exactly what happened in post-Soeharto Indonesia, where the presidential system took place alongside the multiparty system (Haris, 2014). This is certainly different if a simple multiparty system is used because the interests of the political parties in coalition are not too high in complexity, and therefore the president is still able to exercise his prerogative in arranging the zaken cabinet. The issue is what is the size of a simple multiparty? The answer is of course very normative and depends on each person's hermeneutic perception. Nevertheless, according to the author, simple multiparty is nothing but a party system in which more than two parties but not more than five are expected to participate in general elections. It could even be seven or nine political parties. This view is certainly of very low theoretical and methodological accuracy. However, it does not matter because this article does not specifically discuss the complex multiparty or simple multiparty system, but rather discusses the zaken cabinet map that can be formed in a multiparty presidential system in Indonesia.

Zaken Cabinet Map and Presidential Prerogative in the Perspective of Multiparty Presidential System in Indonesia

2. The strength of the President's legitimacy as head of state and head of government. In a presidential system where the president is directly elected by the people, it will show the level of legitimacy. The assumption that can be given is that the higher the representation and/or electability of the president certainly has a positive correlation with the legitimacy of the president. Therefore, the strength of the president's legitimacy allows the president to arrange the cabinet in line with his prerogative by emphasizing the zaken cabinet model.
3. Zaken cabinets require independent and qualified experts who do not come from a particular political party. Thus, an independent selection process and determination of experts is necessary. Transparent, objective, and impartial selection is necessary in order to find candidates who can be selected by the president based on expertise to determine the zaken cabinet. In Indonesia's contemporary democracy, it must be recognized that the independence of experts has only recently been questioned. This is because many experts, experts or intellectuals have lost their independence because they have begun to "play" in pragmatic political life. To borrow from Julien Benda, not a few experts, experts and intellectuals have been trapped in the practice of Intellectual Treason by "throwing" themselves into political activities that increasingly do not show the clarity of ideas. Instead, many only use the concepts of academic theory as a basis for "smoothing" political goals with pragmatic interests. This is the woe of the intellectual condition in the era of democracy that is being studied in this country.
4. There is synergy between political parties and the cabinet. Although the zaken cabinet is formed through the recruitment of experts/professionals who are qualified to be independent and have a high level of scientific maturity, synergy with the political parties supporting the president is still needed to ensure the successful implementation of government affairs. Therefore, there must be awareness from political parties to support government policies taken by the zaken cabinet. The question is, can this be done? The answer depends on the maturity of political parties in democratic life in the constitutional system.

The idealism of a zaken cabinet in a multiparty presidential system with the above conceptual criteria requires political awareness and democratic intelligence among political parties. Therefore, the academic conceptions presented are not necessarily acceptable among political parties considering that to achieve political awareness and democratic intelligence in a country that is just learning democracy like this Republic certainly still requires intellectual enlightenment for the human resources of political parties.

Therefore, in relation to the requirements, it is necessary to understand that in determining the cabinet as the prerogative of the president, in addition to accommodating the pragmatic interests of the president's supporting coalition political parties, of course it is necessary to understand how the affairs of state government must also be placed in the perspective of a *scientific approach / expert approach*. This is because considering and deciding that the affairs of the state government are not merely a matter of society but there are also scientific aspects that contain epistemological, ontological, and axiological elements. The epistemological element in government affairs is related to the nature, sources, methodologies, and limits of knowledge contained in government affairs. The ontological aspect in government affairs is nothing but an understanding of the existence, nature, and structure of reality and the relationship between entities in government affairs. Meanwhile, the axiological aspect in government affairs involves consideration of the values that underlie government actions in formulating policies, making decisions, and interacting with society. The three aspects of knowledge in a philosophical perspective show once again that government affairs are not merely concerned with socio-political empirical interests but are very closely related to the scientific fields of government that require expertise. The formulation of each aspect in question will certainly be very lengthy and is not sufficient to be revealed in this paper, because there are limitations on the number of page requirements in the article. Therefore, the various elements will be directly examined in government affairs summarized in the Law on the Ministry of State.

B. Roadmap of Zaken Cabinet on the Implementation of Government Affairs

As has been mentioned repeatedly, what is meant by a zaken cabinet is none other than a cabinet that is organized based on expertise or professionalism based on a scientific approach. This means that the cabinet will be filled by people who have the capacity and capability of certain expertise in accordance with the field of government affairs. Therefore, political personnel who generally have a generalist understanding, not specific specialists, are not a major consideration, aka not included in the category. The formation of a zaken cabinet is difficult and requires an in-depth study, therefore the scientific nature of government affairs related to epistemology, ontology and axiology as mentioned in the previous discussion becomes important. In this regard, the following will try to understand the scientific nature of the government affairs in question so that it becomes a criterion for a zaken cabinet.

In a presidential system of government, the President is mandated to hold the supreme power of government. Supreme power or sovereignty is a concept commonly used as an object in political philosophy and state law. It contains conceptions related to the idea of supreme power associated with the state (Asshiddiqie, 2010). In connection with the supreme power, in the presidential system, the president is directly elected by the people in a presidential election celebration, which means that this is a real form of representation of people's sovereignty in the field of government. After the 1998 reform and then continued with the consolidation of the constitutional system marked by constitutional changes, the presidential system of government became the choice in the implementation of the state organization by determining that the President and Vice President are elected in one pair directly by

Zaken Cabinet Map and Presidential Prerogative in the Perspective of Multiparty Presidential System in Indonesia

the people regarding Article 6A of the Constitution of the Republic of Indonesia, where previously in the old 1945 Constitution it was determined that the President and Vice President were elected by the MPR. The Constitutional Court Decision Number 14/PUU-XI/2013 on General Elections, started a new chapter of organizing general elections in Indonesia, namely the implementation of simultaneous elections for the election of Legislative members and the election of the President and Vice President held simultaneously at a certain time (Wijayanti and Iswandi,2021).

The choice of organizing the state administration using the presidential system of government certainly has the consequence that constitutionally the president is given the prerogative to appoint and dismiss his assistants who are members of the cabinet. This appointment and dismissal in the perspective of state administration theory does not need to seek approval from other branches of power. This is because in the presidential system, the President is the Head of State and at the same time the Head of Government who leads and is responsible for the implementation of executive duties (Widyanta and Dahana, 2020). This kind of theoretical conception, obtains a constitutional basis in Article 17 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which, among other things, states that the president is assisted by state ministers, the ministers are appointed and dismissed by the President, and each Minister is in charge of certain affairs in government, as well as the establishment, change and dissolution of state ministries regulated by law.

This provision implies that the president's prerogative is not to be exercised without limitation. The prerogative must also be guided by laws concerning the establishment, alteration, and dissolution of state ministries. Therefore, regarding the ministries that will be formed by the president as a prerogative right, there are still criteria set out in the law. In addition to the matter of ministries being regulated in law, the use of presidential prerogatives is also influenced by the "politics of rewards" for the support of political parties or a coalition of political parties during the nomination and election of the President and Vice President. This condition causes the prerogative cannot be purely and consequently used as a basis for presidential freedom in determining the cabinet. Then what if the president wants his assistants to be filled by national figures who have special / professional expertise related to government affairs, while the pressure of "merit politics" is also prominent in the context of transactional democracy. The answer to that question can certainly be given by understanding what government affairs should be filled or led by experts and what government affairs are filled by political figures based on "politics of reciprocity". Government affairs that are filled or led by experts are called zaken cabinets or often called business cabinets (Madinier, 2015).

The zaken cabinet road map filled with experts / professionals in their fields has already been formed in the study of Indonesian constitutional history, for example the Natsir Cabinet is referred to as a zaken cabinet because the people who occupy ministerial positions are filled with professionals and experts, including leading economic and financial experts at that time, namely Sjafruddin Prawiranegara as Minister of Finance and Soemitro Djojohadikusumo as Minister of Trade and Industry. This cabinet was considered successful because it could increase the country's foreign exchange at that time against the background of the Korean war which resulted in Indonesian export goods getting a good market in the world, so that the government's ability increased in terms of controlling inflation by liberalizing the import system, as well as relying on substantial improvements to the country's overall economic conditions, even according to Yahya Muhaimin, the Natsir cabinet was the clearest cabinet of economic and development concepts. In this cabinet, the starting point was the formation of the National Drafting Bureau (BPN) which later developed into the National Development Planning Agency (Bappenas) which was very instrumental in Indonesia's development (Dzulfikriddin,2010).

If traced after the collapse of the New Order regime under President Soeharto, at least 6 (six) cabinets were recognized, starting with the Development Reform Cabinet under the leadership of President B.J Habibie, then changed to the National Unity Cabinet under the leadership of President Abdurahman Wahid (Gusdur), followed by the Gotong Royong Cabinet under the leadership of Megawati Soekarno Putri, then continued to the United Indonesia Cabinet Volume 1 (one) under the leadership of Susilo Bambang Yudhoyono, and then continued in volume II after Susilo Bambang Yudhoyono won the presidential election contest, as well as the Working Cabinet under the leadership of President Joko Widodo (Novendri and Fence, 2020). The posture of the Zaken Cabinet roadmap can be illustrated in the table below (Novendri and Fence, 2020):

No.	Cabinet Name	President	Independent professional	politicians	amount	Percentage
1	Development Reform	BJ Habibie	27	9	36 people	75%:25%
2	National Unity	Abdurrahman Wahid	29	25	54 people	53,7%:46,3%
3.	Mutual cooperation	Megawati	17	15	32 people	53,1%:46,9%
4	Indonesia Bersatu I	SBY	19	24	43 people	44,2%:55,8%
5	Indonesia Bersatu II	SBY	25	26	51 0people	49%:51%

Zaken Cabinet Map and Presidential Prerogative in the Perspective of Multiparty Presidential System in Indonesia

6.	Working Cabinet	Joko Widodo	29	23	52 people	55,8%:44,2%
----	-----------------	-------------	----	----	-----------	-------------

If we look more closely at the 6 (six) cabinets above, the nuances of "service politics" are still thick and this is certainly very concerning in the administration of government affairs in the era of governance 5.0 which requires professionalism, speed, and reliable professional ethics. Only BJ Habibie's cabinet was very thick with the Zaken Cabinet. This is good but unfortunately the age of this cabinet is only like "a lifetime". According to the author's view, a cabinet is a group of government officials appointed by the head of state or head of government to assist in making decisions and implementing government policies. Thus, the Cabinet is one of the important components in a democratic system of government. If this view is placed in an institutional context, then the cabinet is nothing but a combination of state ministries that organize government affairs. As mentioned in the previous discussion, Law No. 39 of 2008 concerning the Ministry of State on the State Ministry of Government Affairs is grouped into three clusters. From the clustering of government affairs, it determines whether a government matter will be handled by experts or handed over using the "politics of services", of course, can be studied scientifically through a philosophical approach to knowledge which includes epistemological, ontological, and axiological aspects. Therefore, it can be briefly mapped out some government affairs that can be Zaken Cabinet, namely:

1. Ministry of Finance and Economy: Formed by experts in economics, finance, and economic policy to organize the economic and financial aspects of the country.
2. Ministry of Health: Led by experienced medical and health professionals to organize and manage the healthcare system.
3. Ministry of Education and Research: Managed by academics and education experts to develop education and research policies.
4. Ministry of Energy and Environment: Formed by environmental scientists and energy experts to take care of environmental issues and energy sustainability.
5. Ministry of Technology and Innovation: Led by technology and innovation experts to develop policies related to technology, research, and innovation.
6. Ministry of Infrastructure and Transportation: Managed by civil engineering, transportation, and urban planning experts to manage infrastructure and transportation systems.
7. Ministry of Law and Justice: Led by experts in law and jurisprudence to organize the system of law and justice.
8. Ministry of Trade and Industry: Formed by trade and industry experts to manage policies related to trade, investment, and industrial development.
9. Ministry of Labor and Social Affairs: Managed by experts in labor, social welfare, and social policy.
10. Ministry of Agriculture and Food: Led by agriculture and food security experts to manage agriculture and food security policies.
11. Ministry of Communication and Information Technology: Managed by experts in the fields of information technology, communications, and media.

These Zaken Ministries can of course still expanded to other government affairs in accordance with Law No. 39 of 2008 concerning the Ministry of State.

III. CONCLUSIONS

Based on the description in the discussion above and based on Law No. 39 of 2008 concerning the Ministry of State where it has been emphasized that the number of Ministries is a maximum of 34 (thirty-four) Ministries, it can be concluded that the zaken cabinet map of the multiparty presidential system in the perspective of scientific expertise or scientific approach/expertise approach can be implemented side by side with the interests of coalition political parties in Indonesia with a minimum ratio of 32.35% (thirty-two point thirty-five percent) filled by experts/professionals and the rest can be left to the political parties supporting the president/vice president as a manifestation of "political rewards".

The minimum percentage can certainly still be added, and it really depends on the president's perception in examining government affairs in the perspective of the underlying science. In the Indonesian context, based on the government affairs as referred to in Law No. 39 of 2008 concerning the Ministry of State, the minimum percentage can increase if it is related to the type of government affairs referred to by the Law. In brief, in the context of the Law, government affairs that can be constructed as a Zaken Cabinet are government affairs such as: foreign affairs, defense, religion, law and human rights, security, education, culture, health, finance industry, public works, energy, transportation, plantation, forestry, marine, agriculture, science, technology, land, tourism, state apparatus.

REFERENCES

- 1) Asshiddiqie Jimly, 2010, *Indonesian Constitution and Constitutionalism*, Jakarta: Sinar Grafika.
- 2) Budiardjo Miriam, 2015, *Basics of Political Science*, Jakarta: PT Gramedia Pustaka Utama.
- 3) Dzulfikriddin M, 2010, *Natsir in Indonesian Political History: The Role and Services of Mohammad Natsir in Two*

Indonesian Orders, Bandung: Mizan library.

- 4) Giddens Anthony, 1998, *The Third Way The Third Way of Social Democracy Renewal*, Jakarta:Gramedia.
- 5) Handoyo B. Hestu, 2015, *Indonesian Constitutional Law*, Yogyakarta: Cahaya Atma Pustaka.
- 6) Haris, S. 2014, *Parliamentary Practice of Indonesian Presidential Democracy*, Yogyakarta: Andi Offset.
- 7) Huntington P. Samuel, 1997, *The Third Wave of Democracy*, Jakarta: Grafiti
- 8) Nggilu Novendri M and Fence M, Wantu, 2020, *Treading the Constitutional Path Toward Zaken Cabinet: An Effort to Realize a Constitutionally Qualified Government*, Samudra Keadilan Journal 15, No.1, p.133, <https://doi.org/10.33059/jhsk.v15i1.1653>
- 9) Rauf Maswadi, 2009, and friends, *The Presidential System and the Ideal President*, Yogyakarta: Student Library.
- 10) Remy Madinier, 2015, *Islam and Politics in Indonesia : The Masyumi Party between Democracy and Integralism*, Singapore : National University of Singapore.
- 11) Reja Fahlevi and Darul Huda Mustaqim, 2 April 2020, Collaboration of Zaken Cabinet and Coalition Cabinet in Cabinet Formation, *Scientific Journal of Mimbar Demokrasi* 19 No., p.49, <https://doi.org/10.21009/jimd.v19i02.14939>
- 12) Strong CF, 2008, *Modern Political Constitutions: A Comparative Study of the History and Forms of Constitutions in the World*, Bandung: Nusa Media, 2008.
- 13) Suparto, S, 2021, Implementation of the Presidential Government System with Multi Parties in Indonesia. *SASI*, 27, No. 4, pp. 529. <https://doi.org/10.47268/sasi.v27i4.600>
- 14) Tri Widyanta I Gst Agung Ngurah Gede and Cokorda Dalem Dahana, 2020, *Juridical Consequences of the Presidential Government System on the President's Prerogative Rights in Appointing Ministers According to the 1945 Constitution*, *Journal of Kertha Negara*, 8 No. 6, pp. 28, <https://ojs.unud.ac.id/index.php/Kerthanegara/article/view/60711>
- 15) Wijayanti Septi Nur and Kelik Iswandi, 2021, *The Synergy of the Multiparty Presidency Cabinet during the Covid-19 Pandemic in Indonesia*, *Constitutional Journal* 18, No.2, <https://doi.org/10.31078/jk1829>



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.