



POLITIK HUKUM PENENTUAN JUMLAH KEMENTERIAN NEGARA (STUDI UNDANG-UNDANG KEMENTERIAN NEGARA)

INTISARI

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Perubahan Undang-Undang Kementerian Negara dari UU 39 Tahun 2008 ke UU 61 Tahun 2024 mengubah aturan jumlah kementerian. Awalnya, jumlah kementerian dibatasi maksimal 34 yang termuat pada Pasal 15 UU Kementerian Negara 2008. Namun, UU Kementerian Negara 2024 menyerahkan jumlah kementerian sepenuhnya pada kebutuhan Presiden tanpa batasan jumlah atau angka. Sehingga penelitian ini bertujuan untuk mengetahui apakah tidak dibatasinya jumlah kementerian negara sesuai dengan Pasal 17 Ayat (4) UUD NRI 1945, menganalisis politik hukum dibalik penghapusan batas jumlah kementerian di UU 2024.

Jenis penelitian yakni penelitian normatif dengan pendekatan perundang-undangan, pendekatan konseptual dan historis. Sumber data penelitian berasal dari data sekunder yang meliputi bahan hukum primer, sekunder, dan tersier, serta data pendukung diperoleh dari narasumber. Selanjutnya, data yang telah terkumpul dianalisis secara kualitatif.

Hasil penelitian ini adalah : Pertama, berdasarkan pendekatan *original intent* dari dokumen sidang BPUPKI dan PPKI, serta Risalah Pembahasan Amandemen UUD 1945, menunjukkan tidak adanya pembatasan jumlah kementerian negara dalam UU Kementerian Negara 2024 tidak sesuai dengan UUD Pasal 17 Ayat (4), para perumus UUD 1945 dan MPR menginginkan adanya pembatasan jumlah kementerian negara, bahkan dalam amandemen UUD 1945 semangat yang dibangun untuk mengurangi kekuasaan Presiden yang terlalu besar sehingga perlu adanya *check and balances*. Kedua, Perubahan UU Kementerian Negara 2024 bertujuan menjaga stabilitas politik, stabilitas ekonomi, serta efektivitas dan efisiensi, demi mendukung tujuan tersebut DPR mengubah ketentuan Pasal 15 mengenai pembatasan jumlah kementerian menjadi tidak terbatas. Proses perubahannya diwarnai dinamika politik mulai dari pengkonsolidasian partai politik, strategi politik kartel, adanya relasi Presiden Jokowi dengan Presiden terpilih Prabowo. Akibatnya, ketika proses pembahasan di DPR terjadi ketidakseimbangan antara pendukung yang setuju membatasi dengan yang tidak membatasi serta corak produk hukumnya konservatif. Selain itu, perubahan UU Kementerian Negara tidak semata-mata untuk efektivitas dan efisiensi, akan tetapi sebagai balas jasa kepada partai politik yang mendukung koalisi Prabowo-Gibran.

Kata Kunci: Politik Hukum, Undang-Undang Kementerian Negara, Jumlah Kementerian Negara.

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**LEGAL POLITICS OF DETERMINING THE NUMBER OF STATE
MINISTRIES**
(Study of the State Ministry Law)

ABSTRACT

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The amendment of the State Ministry Law from Law No. 39 of 2008 to Law No. 61 of 2024 changed the rules regarding the number of ministries. Initially, the number of ministries was limited to a maximum of 34, as stipulated in Article 15 of the 2008 State Ministry Law. However, the 2024 State Ministry Law leaves the number of ministries entirely up to the President's needs, without any restrictions on the number or figures. Therefore, this study aims to determine whether the removal of the limit on the number of ministries aligns with Article 17 Paragraph (4) of the 1945 Constitution of the Republic of Indonesia, and to analyze the legal policy behind the removal of the limit on the number of ministries in the 2024 Law.

The type of research is normative research using a legal approach, a conceptual approach, and a historical approach. The research data sources are secondary data, including primary, secondary, and tertiary legal materials, as well as supporting data obtained from informants. Furthermore, the collected data are analyzed qualitatively.

The results of this research are as follows: First, based on the original intent approach of the BPUPKI and PPKI meeting documents, as well as the Minutes of the Discussion on the Amendment to the 1945 Constitution, it shows that the absence of a limit on the number of state ministries in the 2024 State Ministry Law is inconsistent with Article 17 Paragraph (4) of the Constitution. The drafters of the 1945 Constitution and the MPR intended to impose a limit on the number of state ministries, even in the amendments to the 1945 Constitution, the spirit was to reduce the excessive power of the President, thereby necessitating checks and balances. Second, the amendment to the 2024 State Ministry Law aims to maintain political stability, economic stability, as well as effectiveness and efficiency. To support these objectives, the House of Representatives amended Article 15 regarding the limitation on the number of ministries to an unlimited number. The amendment process was marked by political dynamics, including the consolidation of political parties, political cartel strategies, and the relationship between President Jokowi and the elected President Prabowo. As a result, during the deliberation process in the DPR, there was an imbalance between supporters who favored limiting the number of ministries and those who did not, and the legal product had a conservative character. Additionally, the amendment to the State Ministry Law was not solely for effectiveness and efficiency but also as a favor to political parties supporting the Prabowo-Gibran coalition.

Keywords: Legal Politics, State Ministry Law, Number of State Ministries

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