

## **THE REFORMATION OF APPOINTMENT SYSTEM THE HEAD OF INDEPENDENT AGENCIES IN INDONESIA**

**Fenny Tria Yunita<sup>1</sup>, Joko Setiono<sup>2</sup>**

### **ABSTRACT**

This study aims to identify and analyze the rationalization of the role of DPR (first chamber of Indonesian legislative branch) that dominate on appointment system the head of independent agencies in Indonesia. In addition, it is also attempt to initiate an ideal appointment system design for the independent agencies in the context of Indonesia.

The research method used in this study is a normative legal research with interview proceeds, conducted through literature or secondary data. The data consists of primary legal materials, secondary and tertiary. This study also uses several approaches like statute approach, conceptual approach, historical approach, case approach and comparative approach.

The growth of democracy regime on the whole countries has demand the birth of a new various agencies to shift the role of the government on wholly sectors. This agency has known as independent agency (LNI) which has been grow up increasingly in Indonesia. In essentially, this agency was designed more independent to avoid any intervence from another power branch, that can counteract the performance and independence of the head's agency. However, this independence has not entirely manifested, because the appointment system of their head or chairman still dominated by certain authority, this is legislative branch in specifically DPR. Based on the teoritical and practice studies, the hegemony of DPR on LNI's appointment system was started by amandement of the Indonesian constitution (UUD NRI 1945) that give some legitimation for legislation power of DPR increasingly. Finally, DPR can be unimpedly expand it's function and controlling LNI by arrange fit and proper test over head's appointment. In the large of another country, congress generally has no right or power to select or appoint the candidate of the head's LNI, but rather to confirm, approve or give any concent on presidential appointment. This unbalance LNI's appointment system is clearly could undermine checks and balances system between legislative-executive-LNI, and definitely ruins the independent principle itself. In virtue of that crucial and complicated fact, the author was propose few concept to reform appointment system the head of independent agencies that more equal, impartial, and independent for future.

**Key Words: Independent Agencies, Appointment System, Recruitment and Selection**

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<sup>1</sup> Student of the Master of Legal Science, Universitas Gadjah Mada, Yogyakarta.

<sup>2</sup> Law Faculty Lecturer of Universitas Gadjah Mada, Yogyakarta.

## REFORMASI SISTEM PENGISIAN JABATAN PIMPINAN LEMBAGA NEGARA INDEPENDEN DI INDONESIA

Fenny Tria Yunita<sup>3</sup>, Joko Setiono<sup>4</sup>

### INTISARI

Penelitian ini bertujuan untuk mengetahui alasan serta rasionalisasi terhadap peran DPR yang begitu besar dan dominan dalam sistem pengisian jabatan pimpinan Lembaga Negara Independen (LNI) di Indonesia. Disamping itu, tesis ini juga bertujuan untuk menemukan format ideal guna mereformasi sistem pengisian jabatan pimpinan LNI di Indonesia.

Metode yang digunakan dalam penelitian hukum ini adalah penelitian hukum normatif yang didukung dengan wawancara. Data penelitian berupa data sekunder yang terdiri atas bahan hukum primer, sekunder dan tersier. Penelitian ini juga menggunakan beberapa pendekatan seperti pendekatan undang-undang, konseptual, historis, kasus dan perbandingan.

Perkembangan kehidupan demokrasi di setiap negara menuntut lahirnya berbagai lembaga baru yang independen, untuk menggantikan peran pemerintah dalam segala bidang. Lembaga ini dikenal sebagai Lembaga Negara Independen (LNI) yang kini juga berkembang pesat di Indonesia. Secara prinsipil lembaga ini didesain independen untuk menutup segala bentuk intervensi dari cabang kekuasaan lain yang akan mengganggu idealita kerja LNI dan para pimpinannya. Sayangnya desain independensi belum sepenuhnya terwujud sebab sistem pengisian jabatannya masih didominasi satu cabang kekuasaan tertentu, yakni legislatif, khususnya DPR. Berdasarkan kajian secara teoritis maupun praktis, dominasi DPR dalam sistem pengisian jabatan pimpinan LNI di Indonesia bermula dari amandemen konstitusi yang semakin menguatkan peran DPR sebagai pembentuk undang-undang, yang pada akhirnya DPR dapat mengontrol LNI dan memperluas fungsinya untuk memilih dan menguji akseptabilitas publik pimpinan LNI melalui *fit and proper test*. Dalam konsep independensi di berbagai negara, sejatinya DPR tidak memiliki kewenangan untuk memilih, melainkan hanya menyetujui pengangkatan pimpinan LNI. Sistem pengisian jabatan ini dapat mengganggu *checks and balances* antara legislatif-eksekutif-LNI, serta bertentangan dengan prinsip independensi itu sendiri. Berkaca pada hal ini, penulis menawarkan beberapa konsep guna mereformasi sistem pengisian jabatan pimpinan LNI yang lebih seimbang dan independen.

**Kata Kunci:** Lembaga Negara Independen, Pengisian Jabatan, Rekrutmen dan Seleksi.

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<sup>3</sup> Mahasiswa Magister Ilmu Hukum, Program Pascasarjana, Fakultas Hukum Universitas Gadjah Mada, Yogyakarta. Angkatan 2015, Konsentrasi Hukum Tata Negara, email: [fty000yunita@gmail.com](mailto:fty000yunita@gmail.com)

<sup>4</sup> Dosen Fakultas Hukum, Universitas Gadjah Mada, Yogyakarta.