

Between Shari'ah-Oriented Politics and Modern Bureaucracy: The Case of the Zaken Cabinet in Indonesia

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Abstract: This study aims to examine the legal foundations for the formation of the Zaken Cabinet in Indonesia, investigate its establishment in the post-Reformation era, and analyze the extent of its independence and professionalism. Employing a normative legal research approach, this paper focuses on statutory analysis by utilizing primary legal materials such as legislation, alongside secondary sources including books, journals, and scholarly articles relevant to the research topic. Data were analyzed using content analysis in a narrative form. The findings indicate that the formation of the Zaken Cabinet is grounded in various legal instruments, including MPR Decree No. XI of 1998 on Clean Governance, MPR Decree No. VI of 2001 on National Ethics, Law No. 39 of 2008 in conjunction with Law No. 61 of 2024 on State Ministries, Law No. 20 of 2023 on State Civil Apparatus, and Government Regulation No. 11 of 2017 on Civil Service Management. Although the concept of a Zaken Cabinet—composed of experts, technocrats, and independent professionals—is implicitly acknowledged in these legal texts, its full implementation remains constrained. Indonesia's multiparty political system continues to dominate the ministerial appointment process, resulting in the persistence of spoils-based practices rather than the meritocratic principles mandated by civil service law. As a result, the aspiration for a fully independent and professional cabinet remains a challenge within the current political structure.

Keywords: Zaken Cabinet, Meritocracy in Ministerial Appointments, Normative Legal Analysis

Introduction

The transition from the authoritarian New Order regime under President Soeharto to a more democratic system following the 1998 reform era marked a turning point in Indonesia's political landscape. This shift reflected the public's growing demand for transparent and accountable governance. (Arifin et al., 2020) In particular, the post-reform era saw increased calls for the elimination of corruption, collusion, and nepotism within the government. (Sorik et al., 2022) These demands were primarily directed at the president, urging the prioritization of forming a Zakenkabinet—a cabinet composed of professionals and experts unaffiliated with political parties—to support more efficient and technocratic governance. (Yanto & Nugraha, 2022)

Although the implementation of the Zakenkabinet model began to take shape during the administrations of Presidents Susilo Bambang Yudhoyono and Joko Widodo, it was only partial and still balanced with political considerations. (Wasisto, 2023) The current administration under President Prabowo Subianto, through Presidential Decree No. 133/P of 2024, has been widely promoted as fully

adopting the Zakenkabinet model. However, in practice, not all of the 48 appointed ministers align with the principles of this model. The persistent influence of political loyalty and party interests in ministerial appointments reveals a significant challenge in fully realizing a Zakenkabinet in post-reform Indonesia. Consequently, public perception often views such appointments as political rewards rather than merit-based decisions, undermining trust in the government's commitment to professionalism. (Priandana et al., 2025)

Survey data from the Indonesian Survey Institute (LSI) in 2022 indicated that 70% of respondents believed that ministerial appointments were primarily influenced by political party considerations, suggesting a form of reciprocal favoritism by the president. Furthermore, reports from the Corruption Eradication Commission (KPK) show that 12 ministers were involved in corruption cases between 2018 and 2023, highlighting the risks of politically motivated appointments.

Although prior studies have explored various aspects of the Zakenkabinet, such as the opportunities and challenges of its implementation (Nggilu & Fence M. Wantu, 2020), the impact of political influence on ministerial positions (Sorik et al., 2022), and its alignment with classical Islamic political thought (Adha, 2022), there remains a gap in the literature concerning the foundational legal basis, independence, and professionalism of the Zakenkabinet in post-reform Indonesia. This study, therefore, seeks to address this gap and contribute to the discourse on cabinet reform by offering an evaluative framework to mitigate the persistent dominance of opaque and politically driven ministerial appointments.

Literature Review

Theoretical Framework on the Appointment of State Apparatus

In understanding the appointment of state apparatus, particularly civil servants, two dominant theoretical approaches are often referenced: the merit system and the spoils system. The merit system emphasizes a professional and competency-based approach in appointing civil servants (ASN), focusing on qualifications, performance, fairness, and transparency. This system rejects discrimination based on political affiliation, ethnicity, religion, gender, or other personal characteristics. (Anas et al., 2025; Rakhmawanto, 2018) Historically, the merit system originated in China during the Qin and Han dynasties, where public officials were selected through education, training, and rigorous examination processes. It later influenced administrative reforms in British India, Europe, and the United States. (Ch'ien, 2019)

In Indonesia, the merit system has been formally institutionalized through Law No. 5 of 2014 on State Civil Apparatus (UU ASN), as part of broader bureaucratic reforms aimed at enhancing public sector human resource management. The implementation of this law is intended to ensure that recruitment and promotion are based on merit, while also establishing oversight mechanisms for compliance. (Osliita et al., 2025) By prioritizing merit in the appointment of civil servants – including both permanent (PNS) and contractual (PPPK) employees – the system seeks to reduce nepotism and political interference, thereby fostering fairness, transparency, and public trust in government institutions. (Kalesaran, 2021)

In contrast, the spoils system is a patronage-based approach where appointments are made based on political loyalty and affiliations rather than qualifications or capabilities. Often used as a means of rewarding political supporters, this system prioritizes the interests of political elites over public service delivery. (Muzaki et al., 2021) Political allies are given influential positions as a form of reciprocal benefit, thus entrenching political influence within the bureaucracy. While such a system may offer short-term political advantages, it poses significant risks including abuse of power, corruption, and diminished professionalism in public administration. (Zada et al., 2022) The dominance of external factors over merit in this system often leads to declining bureaucratic performance, which can undermine public services and erode public confidence in the government. As a result, essential public needs may be neglected, and the legitimacy of the government's capacity to deliver quality services is compromised. (Della et al., 2025)

Theory of Government Systems

The term government system is composed of two elements: system and government. The word system originates from the Greek language, denoting a collection of interrelated components that function together as a unified entity, whether in natural or human contexts. It may also be interpreted as an organized structure, method, pattern, or set of governing principles. Meanwhile, the term government, derived from the notion of "command," refers to authoritative directives that are obligatory in nature. (Hidayat, 2023) According to the Kamus Besar Bahasa Indonesia (Indonesian Dictionary), a government system is defined as a network of interrelated elements that together manage the governance of a state. (Suhaimi, 2019) In political theory, the primary focus of government system analysis lies in the division of power and the relationships among state institutions as they exercise sovereign authority for the welfare of the public. (Musonnif et al., 2024)

Jimly Asshiddiqie categorizes government systems into three principal models based on institutional interactions: the presidential system, the parliamentary system, and the mixed or hybrid system. The presidential system centralizes authority in the president, who acts as both the head of state and the head of government. As noted by Asshiddiqie, this system promotes stability in governance but may risk the concentration of excessive power in the executive branch. (Asshiddiqie, 2006) A core characteristic of this system is the separation of powers between the executive and legislative branches, which function independently and possess equal standing. (Sunstein & Vermeule, 2021)

Conversely, the parliamentary system is rooted in the doctrine of parliamentary sovereignty, wherein the legislature holds supreme authority. In this model, political competition is centered on parliamentary representation, as the executive branch is formed by, and remains accountable to, the majority in parliament. (Taufik, 2021) As explained by Bagir Manan, the executive's tenure depends entirely on the legislature's confidence and support. Should a vote of no confidence be passed, the executive is obliged to resign and return the mandate to the head of state—be it a monarch, president, or other constitutional authority.

Ministries in Islamic Political Thought (Wizarah)

The concept of a ministerial system in Islam can be traced back to the time of the Prophet Muhammad (peace be upon him), who appointed trusted companions such as Abu Bakr and Umar to assist him in governance. This practice is illustrated in a hadith narrated by Abu Sa'id Al-Khudri, in which the Prophet stated: "*There is no prophet but that he has two ministers from the inhabitants of the heavens and two ministers from the inhabitants of the earth. My two ministers from the heavens are Jibril and Mikail, and my two ministers from the earth are Abu Bakr and Umar.*" (Reported by Tirmidhi)

According to Imam Al-Mawardi in his seminal work Al-Ahkam al-Sultaniyyah, the term for a ministry in Islamic governance is wizarah, and the person who holds ministerial authority is referred to as a wazir. A wazir is an individual appointed by the head of state to bear significant administrative burdens and serve as a trusted advisor in complex matters of governance and policy. (Al Mawardi, 2020; Yudha et al., 2024) Al-Mawardi classifies wazirs into two distinct categories. The first is the wazir tafwidh, who is granted full authority to make independent decisions aligned with the principles of Sharia and the public interest. This role underscores the importance of wisdom and deep understanding of the sociopolitical context of the time. The second is the wazir tanfidz, whose responsibilities are limited to executing tasks and decisions delegated by the wazir tafwidh. This classification reflects the early Islamic model of governance, which emphasizes accountability, delegation based on competence, and the moral obligation to serve the public good—principles that resonate with modern ideals of meritocracy and professional administration. (Askana Fikriana et al., 2025)

The Zaken Cabinet in Indonesia

The Zaken Cabinet refers to a cabinet composition in which ministers are selected based on their expertise in specific governmental fields and are independent of political party affiliations. This type of cabinet is considered relatively free from political interest interference. (Arief et al., 2020) In legal terminology, a Zaken Cabinet is defined as a cabinet composed of individuals who are experts in their

respective domains, and whose appointments as ministers are not influenced by, or made on behalf of, any political party. (Kurnia Illahi et al., 2024)

Within the Indonesian constitutional framework, the concept of the Zaken Cabinet—also referred to as a business cabinet—is understood as a cabinet comprised of professionals, experts, and technocrats assigned according to their areas of competence. (Busroh & Khairo, 2023) The first implementation of a Zaken Cabinet in Indonesia occurred with the formation of the Amir Syarifuddin I Cabinet (also known as the Emergency Cabinet I) on July 3, 1947, which lasted until November 11, 1947. (Thuý, 2019) The concept was reintroduced with the Mohammad Natsir Cabinet in 1950. Subsequently, the Wilopo Cabinet (1952–1953), established on April 3, 1952, following the dissolution of the United States of Indonesia and dissolved on July 30, 1953, was also identified as a Zaken Cabinet. (Helman, 2024) Another example was the Djuanda Cabinet (1957–1959), which similarly represented the characteristics of a Zaken Cabinet in the Indonesian context. (Salsabil, 2019)

Method

This study employs a library research method combined with a qualitative approach to examine and analyze the appointment of the Kabinet Zaken within Indonesia's post-reform governmental system. The qualitative method is selected due to the research's emphasis on legal and constitutional dimensions, particularly concerning how principles of constitutional law and fiqh siyasah (Islamic political jurisprudence) can be applied in the context of ministerial appointments. This research explores the relevant legal frameworks, actual practices, and the challenges encountered in implementing the Kabinet Zaken model in Indonesia. The study aims to produce descriptive data in written form that reflects the normative and empirical aspects of the issue.

Results and Discussion

The Legal and Historical Foundations of the *Kabinet Zaken* in Indonesia

Although the term Kabinet Zaken is not explicitly mentioned in Indonesian statutory regulations, the essence of its concept—namely, the appointment of ministers based on expertise and professionalism rather than political affiliation—is reflected in several key legal instruments. *First*, People's Consultative Assembly Decree (TAP MPR) No. XI of 1998 on the Administration of a Clean Government Free from Corruption, Collusion, and Nepotism provides a normative foundation for the formation of a Kabinet Zaken. This decree advocates for the prevention of corrupt practices among government officials and promotes the establishment of a cabinet composed of professionals to mitigate the influence of political patronage and nepotism. *Second*, TAP MPR No. VI of 2001 concerning the Ethics of National Life emphasizes the importance of integrity, justice, transparency, and non-discrimination in governance. A cabinet consisting of professionals and technocrats is expected to uphold these ethical principles in public policy and administrative decisions.

Third, Law No. 39 of 2008 on State Ministries, as amended by Law No. 61 of 2024, mandates the President to appoint ministers with integrity, strong moral character, relevant expertise, leadership experience, and the ability to cooperate effectively. Although the term Kabinet Zaken is not directly used, the law aligns with its core principles by encouraging merit-based ministerial appointments. *Fourth*, Law No. 20 of 2023 on State Civil Apparatus further reinforces the merit system within public administration. This legislation requires that the recruitment and promotion of civil servants and government contract employees (PPPK) be grounded in competence and qualifications, not political favoritism—an approach that resonates with the Kabinet Zaken model. *Fifth*, Government Regulation No. 11 of 2017 on the Management of Civil Servants constitutes a significant reform in Indonesia's bureaucratic system. It aims to professionalize the civil service and enhance accountability, which, in turn, supports the efficiency of government and the delivery of public services—an administrative environment conducive to the Kabinet Zaken.

Beyond these legal instruments, the precedent for the Kabinet Zaken in Indonesia is also found in the country's political history. During the presidency of Sukarno, several cabinets were formed that closely resembled the Kabinet Zaken model, including: The First Emergency Cabinet (Kabinet Darurat I), The Natsir Cabinet, The Wilopo Cabinet, and The Djuanda Cabinet. These historical examples provide empirical validation for the feasibility of implementing a technocratic and independent cabinet structure within the Indonesian governmental system.

The Evolution of Kabinet Zaken in Indonesia's Post-Reform Governance System

The formation of the Zaken Cabinet in post-reform Indonesia has undergone significant developments. During the early stages of the reform era, President B.J. Habibie formed the Development Reform Cabinet on May 22, 1998, which marked the first coalition cabinet in this period. Subsequently, President Abdurrahman Wahid through the National Unity Cabinet (1999–2001) and President Megawati Soekarnoputri through the Mutual Cooperation Cabinet (2001–2004) prioritized the appointment of political party cadres to ministerial positions. This illustrates that the concept of the Zaken Cabinet, which had existed during the Old Order, was not revived in the early reform era, although some professionals were also appointed.

A shift began to emerge under President Susilo Bambang Yudhoyono, particularly with the formation of the First United Indonesia Cabinet (2004–2009), which started to adopt the principles of a Zaken Cabinet by appointing several professionals and technocrats. Among them were Sri Mulyani Indrawati as Minister of Finance and Coordinating Minister for the Economy, Hassan Wirajuda as Minister of Foreign Affairs, Juwono Sudarsono as Minister of Defense, Purnomo Yusgiantoro as Minister of Energy and Mineral Resources, Mari Elka Pangestu as Minister of Trade, Anton Apriantono as Minister of Agriculture, Siti Fadilah Supari as Minister of Health, Bambang Sudibyo as Minister of National Education, Kusmayanto Kadiman as Minister of Research and Technology, Paskah Suzetta as Minister of National Development Planning, Sofyan Djalil as Minister of State-Owned Enterprises, Sudi Silalahi as Cabinet Secretary, and Hendarman Supandji as Attorney General.

In his second term, President Yudhoyono formed the Second United Indonesia Cabinet (2009–2014), which continued to include professionals in key positions. These included Djoko Suyanto as Coordinating Minister for Political, Legal, and Security Affairs, Sudi Silalahi as Minister of State Secretary, R. M. Marty Natalegawa as Minister of Foreign Affairs, Purnomo Yusgiantoro as Minister of Defense, Sri Mulyani Indrawati as Minister of Finance, M.S. Hidayat as Minister of Industry, Mari Elka Pangestu as Minister of Trade, Freddy Numberi as Minister of Transportation, Djoko Kirmanto as Minister of Public Works, Endang Rahayu Sedyaningsih as Minister of Health, Mohammad Nuh as Minister of National Education, Suharna Surapranata as Minister of Research and Technology, Linda Amalia Sari as Minister of Women Empowerment and Child Protection, and Armida Alisjahbana as Minister of National Development Planning/Head of Bappenas.

In 2014, President Joko Widodo was elected and formed the Working Cabinet, which partially applied the concept of a Zaken Cabinet. Several appointed ministers came from professional backgrounds, including Tedjo Edhi Purdijatno as Coordinating Minister for Political, Legal, and Security Affairs; Sofyan Djalil as Coordinating Minister for the Economy; Indroyono Soesilo as Coordinating Minister for Maritime Affairs; Pratikno as Minister of State Secretary; Retno Marsudi as Minister of Foreign Affairs; Ryamizard Ryacudu as Minister of Defense; Bambang Brodjonegoro as Minister of Finance; Anies Baswedan as Minister of Education and Culture; Mohamad Nasir as Minister of Research, Technology, and Higher Education; Nila Moeloek as Minister of Health; Sudirman Said as Minister of Energy and Mineral Resources; Basuki Hadimuljono as Minister of Public Works and Public Housing; Ignasius Jonan as Minister of Transportation; Rudiantara as Minister of Communication and Information Technology; Amran Sulaiman as Minister of Agriculture; Susi Pudjiastuti as Minister of Maritime Affairs and Fisheries; Andrinof Chaniago as Minister of National Development Planning/Head of Bappenas; Rini

Soemarno as Minister of State-Owned Enterprises; AAGN Puspayoga as Minister of Cooperatives and Small and Medium Enterprises; Arief Yahya as Minister of Tourism; Yohana Yambise as Minister of Women Empowerment and Child Protection; and Imam Nahrawi as Minister of Youth and Sports.

In his second term (2019–2024), President Jokowi formed the Indonesia Onward Cabinet, which also incorporated several professionals aligned with the Zaken Cabinet concept. These figures included Mahfud MD as Coordinating Minister for Political, Legal, and Security Affairs; Pratikno as Minister of State Secretary; Tito Karnavian as Minister of Home Affairs; Retno Marsudi as Minister of Foreign Affairs; Sri Mulyani Indrawati as Minister of Finance; Nadiem Makarim as Minister of Education and Culture; Budi Gunadi Sadikin as Minister of Health; Arifin Tasrif as Minister of Energy and Mineral Resources; Basuki Hadimuljono as Minister of Public Works and Public Housing; Siti Nurbaya Bakar as Minister of Environment and Forestry; Sofyan Djalil as Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency; Erick Thohir as Minister of State-Owned Enterprises; Teten Masduki as Minister of Cooperatives and SMEs; Wishnutama as Minister of Tourism and Creative Economy; Bambang Brodjonegoro as Minister of Research and Technology; Moeldoko as Chief of Presidential Staff; and S.T. Burhanuddin as Attorney General.

Currently, under the leadership of President Prabowo Subianto, the Red and White Cabinet is being formed with an effort to fully implement the Zaken Cabinet model. Although political parties still play a role, many ministers have been appointed from professional and technocratic backgrounds. These include Budi Gunawan as Coordinating Minister for Political and Security Affairs; Yusril Ihza Mahendra as Coordinating Minister for Law, Human Rights, Immigration, and Corrections; Pratikno as Coordinating Minister for Human Development and Culture; Tito Karnavian as Minister of Home Affairs; Sjafrie Sjamsoeddin as Minister of Defense; Nasaruddin Umar as Minister of Religious Affairs; Natalius Pigai as Minister of Human Rights; Agus Andrianto as Minister of Immigration and Corrections; Sri Mulyani Indrawati as Minister of Finance; Abdul Mu'ti as Minister of Basic and Secondary Education; Satryo Soemantri Brodjonegoro as Minister of Higher Education, Science, and Technology; Budi Gunadi Sadikin as Minister of Health; Yassierli as Minister of Manpower; Budi Santoso as Minister of Trade; Dodi Hanggodo as Minister of Public Works; Dudy Purwagandhi as Minister of Transportation; Andi Amran Sulaiman as Minister of Agriculture; Sakti Wahyu Trenggono as Minister of Marine Affairs and Fisheries; Rini Widayantini as Minister of Administrative and Bureaucratic Reform; Erick Thohir as Minister of State-Owned Enterprises; Hanif Faisol Nurofiq as Minister of Environment; Rosan Roeslani as Minister of Investment/Head of the Investment Coordinating Board; Maman Abdurrahman as Minister of Micro, Small, and Medium Enterprises; and Widiyanti Putri as Minister of Tourism.

In summary, while the adoption of the Zaken Cabinet in Indonesia has progressed incrementally across successive administrations, political realities—particularly the enduring influence of a multi-party system—continue to shape the degree to which technocratic principles can be realized in practice. Consequently, the merit-based selection of ministers remains a partially fulfilled objective, often counterbalanced by political bargaining and coalition maintenance. This highlights the complex interplay between democratic representation and administrative professionalism in Indonesia's post-reform government system.

Challenges to Independence and Professionalism in the Implementation of the Zaken Cabinet in Indonesia

Independence and professionalism serve as two foundational pillars in the conceptualization of the Zaken Cabinet model in Indonesia. However, the practical implementation of these principles continues to encounter significant structural and political obstacles. Empirical data from the Indonesian Survey Institute (Lembaga Survei Indonesia/LSI) in 2022 highlights that approximately 70% of respondents believe that the selection of ministers is still predominantly influenced by political party considerations—specifically as a form of political reward or reciprocity by the elected

president to supporting parties. This perception underscores the persistence of patronage politics in Indonesia's executive appointments.

The lack of adherence to the principles of independence and professional qualifications in ministerial appointments has not only eroded public trust but also contributed to the prevalence of corruption within the cabinet. Data released by Indonesia's Corruption Eradication Commission (Komisi Pemberantasan Korupsi/KPK) between 2018 and 2023 revealed that 12 ministers were formally implicated in corruption-related cases. These findings point to the systemic vulnerabilities within Indonesia's current ministerial selection process, where political loyalty often supersedes meritocratic standards.

This situation reflects a critical deviation from the core objectives of the Zaken Cabinet, which envisions a technocratic, politically neutral executive branch driven by competence, accountability, and ethical governance. Without a robust institutional framework to enforce merit-based appointments, the implementation of the Zaken model remains inconsistent and largely symbolic. These challenges underscore the urgent need for regulatory reform and political will to prioritize technocratic excellence over partisan calculations in the formation of future cabinets.

Conclusion

The concept of the Zaken Cabinet in Indonesia, though not explicitly regulated in statutory law, finds normative support in various legal instruments promoting professionalism, meritocracy, and good governance. Historically rooted and reintroduced in the post-reform era, its implementation has faced significant political challenges, particularly due to the dominance of coalition politics and patronage in ministerial appointments. While efforts have been made to promote independent and expert-based cabinets, the principles of integrity and competence remain inconsistently applied. Strengthening the merit system and minimizing political interference are essential to realizing a truly independent and professional Zaken Cabinet in Indonesia's contemporary governance.

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Conflict of Interest

This article has no conflicts of interest.

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