

IMPLEMENTATION OF THE POLICY OF GRANTING PRESIDENTIAL APPROVAL TO THE DRAFT MINISTERIAL REGULATION/HEADS OF INSTITUTIONS AT THE CABINET SECRETARIAT

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ABSTRACT

One of the functions of the Cabinet Secretariat is to conduct assessments and provide recommendations on the policy plans of Ministries/Institutions in the form of Ministerial/Institutional Regulations that need to be approved by the President. To support this function, Presidential Regulation Number 68 of 2021 concerning the Granting of Approval to the Draft Regulation of Ministers/Heads of Institutions has been stipulated. This research was conducted to determine the implementation of the President's policy of granting approval to the Draft Regulation of Ministers/Heads of Institutions in the Cabinet Secretariat. The research method used is qualitative which will present a detailed picture of a situation. Based on the results of the research, the implementation of the policy of granting Presidential approval to the Draft Regulation of Ministers/Heads of Institutions in the Cabinet Secretariat shows that with the enactment of Presidential Regulation Number 68 of 2021, Ministries/Institutions have involved the Cabinet Secretariat in the discussion stage of harmonization of the Draft Regulation of Ministers/Heads of Institutions. With the existence of Presidential Regulation Number 68 of 2021 pressuring Ministries/Institutions to submit applications before establishing Ministerial/Institutional Heads, this needs to be done so that the prepared Ministerial Regulations/Heads of Institutions will also be more in line with the President's policies and directives. However, in its implementation, the policy of granting presidential approval to the draft Regulation of Ministers/Heads of Institutions in the Cabinet Secretariat still has several problems such as the absence of clear sanctions in the implementation of granting approval of the policy plans of Ministries/Institutions in the form of Ministerial/Institutional Regulations. Furthermore, the Standard Operating Procedures (SOP) have not been established. In addition, it is related to the Information System for Monitoring the Draft Regulation of Ministers/Heads of Institutions (Sippermen) which has not been running optimally, because this system is still *segmented* and not disseminated so that it cannot be accessed by other Ministries/Institutions.

Keywords: Implementation, Policy, Regulation of Ministers/Heads of Institutions

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INTRODUCTION

In order to increase the effectiveness of providing technical, administrative, analytical, and thinking support to the President and Vice President in the administration of government, Presidential Regulation Number 55 of 2020 concerning the Cabinet Secretariat has been stipulated. The Cabinet Secretariat is a government institution that is subordinate to and directly responsible to the President and has the task of providing cabinet management support to the President and Vice President in the administration of government (Sadhana & Prasojo, 2022). Based on Article 3 of Presidential Regulation Number 55 of 2020, one of the functions of the Cabinet Secretariat is to review and provide recommendations on policy plans of Ministries/Institutions in the form of Ministerial Regulations/Heads of Institutions that need to obtain the approval of the President (Safarina & Darmojo, 2023). This function is a new task and function carried out by the Cabinet Secretariat in the 2020-2024 RPJMN. This new function authorizes the Cabinet Secretariat to review the Draft Regulation of Ministers/Heads of Institutions that have an impact on the public, as well as prepare recommendations to the

President regarding approval or rejection of the Draft Regulation of Ministers/Heads of Institutions. This is an important role of the Cabinet Secretariat in providing support to the President to ensure that Ministers/Heads of Institutions Regulations that concern the people's livelihood or are strategic in line with the President's direction. The President can find out the extent of the policies issued by the Ministers/Heads of Institutions and prevent Ministers/Heads of Institutions from being in line with the President's directives. To support this function, Presidential Regulation Number 68 of 2021 concerning the Granting of Approval to the Draft Regulation of Ministers/Heads of Institutions has been stipulated (Bertelli & Grose, 2007).

The enactment of Presidential Regulation Number 68 of 2021 considers that in order to harmonize the movement of government administration and maintain the direction of national development policies, the President as the holder of the highest power must know every policy that will be determined by ministers/heads of institutions. In order to produce regulations of ministers/heads of institutions that are of quality, harmonious, non-sectoral, and do not hinder the activities of the community and the business world, a mechanism is needed to grant Presidential Approval to policies that will be determined by ministers/heads of institutions in the form of Ministers/Heads of Institutions Regulations. In addition, the granting of Presidential Approval to the Draft Regulation of Ministers/Heads of Institutions is also intended to minimize problems in the implementation of the regulation. The President's approval is defined as the President's instructions or directives, whether given orally or in writing or given decisions in cabinet sessions/limited meetings. In the Presidential Regulation, it is emphasized that before the Presidential Approval is requested, the Draft Regulation of Ministers/Heads of Institutions has gone through harmonization, rounding, and consolidation of conception coordinated by ministers or heads of institutions in charge of government affairs in the field of the formation of laws and regulations (Number, 12 C.E.). It is also mentioned that every Draft Regulation of Ministers/Heads of Institutions that will be determined by the Ministers/Heads of Institutions must obtain the approval of the President which has the following criteria: 1) have a wide impact on people's lives; 2) strategic, which affects the President's priority programs, Government targets set in the National Medium-Term Development Plan and Government Work Plan, defense and security, and state finance; and 3) cross-sector or cross-ministries/institutions.

Implementation is a stage in the public policy process as an effort to realize the goals to be achieved (Bond & Gebo, 2014). Policy is a product that is prepared, designed, and made by the legislature together with the executive as a policy actor, which is then implemented by government officials as policy implementers in an effort to achieve a number of goals that have been previously set as the essence of a policy product. The results of the implementation of the policy have an impact on the interests of the government and the interests of the community (the public) (Kadji, 2015). In policy implementation, it is influenced by the type of policy, (J. E. Anderson, 2011) in his book entitled *Public Policy Making* it is stated that one type of policy is constituent policy involving the composition or make up of government.

In practice, the implementation of Presidential Regulation Number 68 of 2021 on the Deputy for Human Development and Culture in terms of assessing and providing recommendations on policy plans of Ministries/Institutions in the form of Ministerial/Institutional Regulations that need to be approved by the President still faces obstacles or problems, so that the expected goals are not optimal. One of them is that there is

still a Draft Regulation of Ministers/Heads of Institutions that is stipulated without the approval of the President, and does not involve the Cabinet Secretariat in the discussion because it is considered to add to the bureaucracy of the preparation of the Draft Regulation of Ministers/Heads of Institutions. From this description, the author is interested in discussing the implementation of the policy of granting approval to the Draft Regulation of Ministers/Heads of Institutions at the Deputy for Human Development and Culture of the Cabinet Secretariat.

Public Policy

William Jenkins defined public policy as a set of interrelated decisions taken by a political actor or group of actors regarding the choice of goals and ways to achieve them in a given situation where those decisions are in principle within the power of those actors to achieve them (Howlett, 2009). From some of the definitions that have been explained above, public policy can be understood as something that refers to the actions of public actors, is an interrelated decision, public policy is made deliberately to achieve a goal equipped with various instruments, and its creation through a dynamic process involving actors in it.

Policy Stages

A policy made by the government has gone through various processes or through several policy stages. The policy-making process is understood as a series of political activities consisting of several stages (Boswell & Rodrigues, 2016), namely: 1) Problem identification and agenda preparation; 2) Formulation; 3) Adoption of policies; 4) Implementation; and 5) Evaluation (with the possibility of reformulation) (Knill & Toseun, 2012). Dunn (2018) sees that each phase in the policy cycle is interrelated with each other, can move forward and backward, and does not have a clear limit on when a process begins or ends. In the policy cycle, individuals, interest groups of institutions, or ministries are involved in the policy cycle through cooperation, competence, and conflict. One form of the cycle will involve policy adaptation, where a loop moves backwards to the previous phase. Another form is policy succession, where a new policy is built on top of the previous policy or old policy, and policy termination which can be interpreted as the end of a policy or program, or on the other hand can also be interpreted as the beginning of a new cycle. The cycles that occur in policy-making can occur in parallel, with several different groups developing their own policy alternatives at the same time (Dunn, 2018). In some cases, a policy is adopted first and justified through the preparation of an agenda, where problems are identified and formulated to be in accordance with the policy that has been made.

Policy Implementation

The implementation stage of the policy process is critical to the effectiveness of any public policy reform. During the implementation phase, the implementers are the "frontline bureaucrats" (Lipsky, 1980). The procedures followed by frontline bureaucrats to implement policies, their discretion over their work, and the opposition or support that policies have among public employees can significantly affect the success or failure of legislation (M. J. Anderson et al., 2006). The implementation problems approach was introduced by Edward III (Edward, 1984), which formulated four factors that are the main conditions for the success of the implementation process, namely communication, resources, bureaucratic or implementer attitudes, and organizational structure, including bureaucratic workflows.

METHOD

The research approach used is qualitative. (Neuman, 2007) In his book entitled *Social Research Method*, he explained that qualitative methods are able to present a detailed picture of a situation and/or social setting. Meanwhile, Jane Ritche and Jane Lewis (2003) in their book entitled *Qualitative Research Practice: A Guide for Social Science Students and Researchers* stated that qualitative research has more ability to explain social reality in depth, and this research is also more oriented towards theory development (Creswell & Creswell, 2017). In its development, policymakers need a large number of facts, so this method is used to help in policymaking. Through this qualitative method, it is hoped that researchers can explore in detail the implementation of the recommendation function carried out by the Cabinet Secretariat (Coal, 2017). The data collection technique used by the researcher to obtain various data needed in the study is by using the method of interviews with informants and literature studies. The data collection process will produce primary data and secondary data. Primary data was obtained by conducting in-depth interviews with several informants. Meanwhile, the literature study in this study is by collecting relevant documents, data, and information regarding the implementation of the policy of approving the Draft Regulation of Ministers/Heads of Institutions.

RESULTS AND DISCUSSION

The assessment and provision of recommendations on the policy plans of Ministries/Institutions in the form of Ministerial/Institutional Regulations that need to obtain the approval of the President are stipulated in Presidential Regulation Number 68 of 2021 concerning the Granting of Presidential Approval to the Draft Regulation of Ministers/Heads of Institutions. The enactment of Presidential Regulation Number 68 of 2021 considers that in order to harmonize the movement of government administration and maintain the direction of national development policies, the President as the holder of the highest government power must know every policy that will be determined by the Minister/Head of Institution. In order to produce a Regulation of Ministers/Heads of Institutions that are of quality, harmonious, non-sectoral, and do not hinder the activities of the community and the business world, a mechanism is needed to grant Presidential Approval to policies that will be determined by Ministers/Heads of Institutions in the form of Ministers/Heads of Institutions Regulations. In addition, the President's approval of the Ministerial Draft.

In Presidential Regulation Number 68 of 2021, it is stated that Ministers/Heads of Institutions are required to obtain the approval of the President before stipulating the Draft Regulation of Ministers/Heads of Institutions. The President's approval is defined as the President's instructions or directives, whether given orally or in writing or given decisions in cabinet sessions/limited meetings. In the Presidential Regulation, it is emphasized that before the Presidential Approval is requested, the Draft Regulation of Ministers/Heads of Institutions has gone through harmonization, rounding, and consolidation of conceptions coordinated by the Ministers/Heads of Institutions that carry out government affairs in the field of the formation of laws and regulations. It is also mentioned that every Draft Regulation of Ministers/Heads of Institutions that will be determined by the Ministers/Heads of Institutions must obtain the approval of the President which has the following criteria: 1) have a wide impact on people's lives; 2) strategic, i.e. affecting the President's priority programs, Government targets set out in the National Medium-Term Development Plan and Government

Work Plan, defense and security, and state finance; and 3) cross-sector or cross-ministries/institutions. The assessment and provision of recommendations on the policy plans of Ministries/Institutions in the form of Ministerial Regulations/Institutional Regulations that need to obtain Presidential Approval are carried out through the following mechanisms:

1. Prior to the request for Presidential Approval, the Institutional Regulation had gone through harmonization, rounding, and consolidation of conception coordinated by the minister or head of the institution in charge of government affairs in the field of the formation of laws and regulations.
2. After going through the stages as intended, the initiator then submits a written request to the President. The application must be accompanied by a text explaining the urgency and main points of regulation as well as a certificate of completion of the harmonization, rounding, and consolidation of conception from the minister or head of the institution that carries out government affairs in the field of the formation of laws and regulations.
3. Based on the request submitted by the initiator as intended, the Cabinet Secretariat submits a recommendation for approval to the President.
4. The President's approval can be in the form of a decision to approve the Institutional Budget, rejection of the Institutional Budget, or other policy directions submitted in writing by the Cabinet Secretary.
5. The next stage, the RPerka/RPerka of the Institution that has received the President's Approval is then determined by the initiator and promulgated in the State Gazette of the Republic of Indonesia.
6. Ministers/heads of institutions that have been promulgated in the State Gazette of the Republic of Indonesia must be disseminated to ministries/institutions, local governments, and the community.

In the organizational structure, the Cabinet Secretariat has 4 (four) substance deputies who have the task of analyzing, studying, and recommending the policy plans of Ministries/Institutions on Ministerial/Institutional Regulations that require the approval of the President, namely the Deputy for Political, Legal, and Security Affairs, the Deputy for Economic Affairs, the Deputy for Human Development and Culture, and the Deputy for Maritime Affairs and Investment. The Deputy of Substance is based on the nomenclature approach of the Coordinating Ministry which oversees all technical Ministries/Institutions in accordance with their fields, so that it can be an illustration that in providing recommendations on the plans of Ministries/Institutions on the Regulation of Ministers/Heads of Institutions has been accommodated in the organizational structure in the Cabinet Secretariat (Kurniawan & Solomon, 2021). Assessment and recommendation of Ministries/Institutions Policy plans in the form of Ministerial/Institutional Heads of Regulations that need to obtain Presidential Approval.

One of the stages in the public policy process is the implementation or implementation of policies which is an effort to realize the goals to be achieved. Policy is a product that is prepared, designed, and made by the legislature together with the executive as a policy actor, which is then implemented by government officials as policy implementers in an effort to achieve a number of goals that have been previously set as the essence of a policy product. The results of the implementation of the policy have an impact on the interests of the government and the interests of the community (the public) (Kadji, 2015). In the implementation of policies

influenced by the type of policy, Anderson (2015) in his book entitled Public Policy Making stated that one type of policy is constituent policy involving the composition or make up of government.

The policy of granting approval for Ministries/Institutions' policy plans in the form of Ministerial/Institutional Heads of Regulations has been implemented since the enactment of Presidential Regulation Number 68 of 2021. Prior to the issuance of Presidential Regulation Number 68 of 2021, Ministries/Institutions were still resistant to providing recommendations on Ministries/Institutions' policy plans in the form of Ministerial Regulations/Heads of Institutions, but currently the Cabinet Secretariat has been involved in the discussion stage of the Harmonization of the Draft Ministerial Regulation. Based on the results of an interview with the Assistant Deputy for Domestic Government with Presidential Regulation Number 68 of 2021 pressuring Ministries/Institutions to submit applications before establishing Ministerial/Institutional Regulations, for the Ministries/Institutions themselves, the Ministerial Regulations/Heads of Institutions that are prepared will also be more in line with the President's policies and directives. In the administrative process of granting presidential approval, the Head of the Legal Bureau of the Ministry of Education, Culture, Research and Technology gave the view that the Cabinet Secretariat implemented Presidential Regulation Number 68 of 2021 well. The Cabinet Secretariat is also committed to implementing administrative procedures in processing and issuing the President's approval of the Draft Regulation of the Minister of Education, Culture, Research and Technology that we propose to require the approval of the President. Based on data from the 2022 Cabinet Secretariat's Draft Ministerial/Institutional Regulation Draft Information System (Sippermen), the number of proposals submitted by Ministries/Institutions that submitted approval to the Draft Ministerial/Institutional Regulation amounted to 937 proposals, of which 287 were not in accordance with the criteria and the number of approved Draft Ministers/Heads of Institutions amounted to 640. The following is complete data on the recommendations of the Ministerial/Headed Institution Regulation in each substance deputy and its follow-up:

Table 1. Recommendations for Ministerial Regulations/Heads of Institutions for the Substance and Follow-up of Institutions for Deputy Sectors

It	Deputy Field	Number of Proposals	In Process	Not meeting the criteria	Returned	Approved
1.	Politics, Law, and Security	340	0	170	0	170
2.	Economy	260	0	1	0	259
3.	Human Development and Culture	250	12	113	1	134
4.	Maritime and Investment	77	3	0	0	74
Total		937	19	287	1	640

Source: Sippermen, 2022

Based on the results of an interview with the Assistant Deputy for Domestic Government of the Cabinet Secretariat, it is known that recommendations for the President's approval are not always available every month because the harmonization process cannot be ensured to be completed in one harmonization meeting, there is even a Draft Ministerial Regulation that has not been completed in one year because there has been no agreement in the preparation of the substance of the Draft Ministerial Regulation/Head of Institution. In addition, not all Draft

Ministerial Regulations must be submitted to the Cabinet Secretariat. In the harmonization meeting, the Cabinet Secretariat will provide views related to the Draft Ministerial Regulation/Head of Institution, if the Cabinet Secretariat considers the Draft Regulation of Ministers/Heads of Institutions does not meet the criteria in Presidential Regulation Number 68 of 2021, Ministries/Institutions do not need to submit their Draft Ministerial Regulation to the Cabinet Secretariat. The same thing was also conveyed by the Head of the Legal Bureau of the Ministry of Education, Culture, Research and Technology who said that not all Draft Regulations of the Minister of Education, Culture, Research and Technology were submitted to the Cabinet Secretariat to get recommendations, if based on the results of the harmonization meeting of the Cabinet Secretariat expressed the view that the Draft Ministerial Regulation in question requires the approval of the President, then the Draft Ministerial Regulation will be submitted to the Cabinet Secretariat for approval by the President.

In the implementation of the policy of providing recommendations on the policy plans of Ministries/Institutions in the form of Ministerial/Institutional Regulations, it is not spared from the problems and obstacles faced. Although Presidential Regulation Number 68 of 2021 has been determined, there is still a Draft Ministerial Regulation that has been stipulated but does not involve the Cabinet Secretariat in its discussion. Based on the results of the interview, it is known that there is still a Draft Regulation of Ministers/Heads of Institutions that does not involve the Cabinet Secretariat. In addition, it was conveyed that there are no regulatory sanctions related to violations that occur in the implementation of the policy of giving recommendations for the President's approval, but if there is a Draft Regulation of Ministers/Heads of Institutions that does not involve the Cabinet Secretariat, a reprimand is still given through a letter as a form of warning while maintaining relations with Ministries/Institutions. Another problem is the lack of a Standard Operating Procedure (SOP) as mandated in Article 11 of Presidential Regulation Number 68 of 2021 which states that "further provisions regarding the implementation of this Presidential Regulation are regulated by the Cabinet Secretary Regulation". Based on the results of an interview with the Assistant Deputy for Domestic Government, the SOP has not yet been prepared, but it was conveyed that the SOP will soon be established to be used as a guideline in providing recommendations for the President's approval. SOPs are guidelines used to ensure that the operational activities of an organization or company run smoothly (Sailendra, 2015a) (Sailendra, 2015b) Therefore, SOPs are very necessary as a standardization of the way employees complete work, especially in the policy of providing recommendations for the President's approval. In addition, other problems and obstacles related to Sippermen. Sippermen is an information system to monitor the Draft Ministerial Regulation that requires the approval of the President. The Assistant Deputy for Domestic Government said that the current Sippermen is not running optimally, because this system is still segmented and not disseminated. Currently, the Sippermen is still in tabulation form, the approval of the Ministerial Regulation should be made in the information system.

CONCLUSION

Based on the results of the research, the implementation of the policy of granting Presidential approval to the Draft Regulation of Ministers/Heads of Institutions in the Cabinet Secretariat shows that with the enactment of Presidential Regulation Number 68 of 2021,

Ministries/Institutions have involved the Cabinet Secretariat in the discussion stage of harmonization of the Draft Regulation of Ministers/Heads of Institutions. With the existence of Presidential Regulation Number 68 of 2021 pressuring Ministries/Institutions to submit applications before establishing Ministerial/Institutional Regulations, for the Ministries/Institutions themselves, the Ministerial Regulations/Heads of Institutions that are prepared will also be more in line with the President's policies and directives. However, in its implementation, the policy of granting presidential approval to the draft Regulation of Ministers/Heads of Institutions in the Cabinet Secretariat still has several problems, so it is still necessary to make improvements such as the provision of clear sanctions in the implementation of granting approval of the policy plan of Ministries/Institutions in the form of Ministers/Heads of Institutions Regulations, this needs to be considered for enforcement considering that there is still a Draft Regulation of Ministers/Heads Institutions that do not involve the Cabinet Secretariat. Furthermore, it is necessary to immediately establish SOPs in granting Presidential approval for Ministries/Institutions policy plans in the form of Ministerial/Institutional Heads Regulations as standardization in the policy of granting Presidential approval. In addition, related to the information system to monitor the Draft Ministerial Regulation that requires the approval of the President, it needs to be refined and more optimized to be more user-friendly and open to other Ministries/Institutions so as to facilitate the process of granting Presidential approval for the policy plan of Ministries/Institutions in the form of Ministerial Regulations/Heads of Institutions.

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