The background of the cover is a photograph of a classical building facade with several tall, fluted columns. The image is in a warm, sepia-toned color palette. The text is overlaid on white rectangular boxes.

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## **POSITION OF THE PRESIDENTIAL STAFF OFFICE IN THE INDONESIAN STATE ADMINISTRATION SYSTEM**

**Mella Rosdiyana & Mesraini**

# POSITION OF THE PRESIDENTIAL STAFF OFFICE IN THE INDONESIAN STATE ADMINISTRATION SYSTEM\*

Mella Rosdiyana,<sup>1</sup> Mesraini<sup>2</sup>

Universitas Islam Negeri Syarif Hidayatullah Jakarta

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## **Abstract**

*The primary concern of this study is the position of the Presidential Staff Office in the Indonesian constitutional system following the publication of Presidential Regulation Number 26 of 2015 pertaining to the Presidential Staff Office. Articles 1 through 4 of Presidential Regulation Number 26 of 2015 describe the mission of the Presidential Staff Office as an increase in the seamless supervision of national priority projects and the organizers of presidential political communication, in addition to the management of strategic concerns. This study employs normative legal scholarship. The findings of this study indicate that the position of the Presidential Staff Office (KSP) is a category of state organs that are auxiliary or supporting (auxiliary organ state) from the implementation instruments of the main state institutions (main organ state/constitutional organ) with a hierarchical structure of group/third tier state institutions where resources the authority of the regulator/establishment based on the law or a Presidential Decree.*

**Keywords:** *Auxiliary organ state; Presidential Staff Office; Presidential Auxiliary Institution*

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<sup>1</sup> **Mella Rosdiyana** is a student in Faculty of Sharia and Law. Universitas Islam Negeri Syarif Hidayatullah Jakarta.

<sup>2</sup> **Mesraini** is a lecturer in Faculty of Sharia and Law. Universitas Islam Negeri Syarif Hidayatullah Jakarta.

## A. INTRODUCTION

The president as the holder of executive power as the executor who runs the law with the aim of realizing the welfare state. Therefore, the President is assisted by ministers who are elected and appointed by the President (Article 17 of the 1945 Constitution). The implementation of executive power must be supported by the ease of exercising power. Without this facility, especially to respond to all possibilities, obstacles or obstacles, and challenges faced by the government, it will probably be considered slow and not serious. On the other hand, the government in exercising executive power is encouraged to be more sensitive, anticipatory and responsive.

Joko Widodo-Jusuf Kalla (Jokowi-JK) was the head of government for the 2014-2019 period, which was mandated by the people through democracy and carrying out a common goal called the Nawacita (Nine Hopes) program. Nawacita is a priority agenda to continue the spirit of struggle from Soekarno, known as Trisakti. While trisakti is defined as politically sovereign, independent in the economy, and has a personality in culture and legal beliefs. So Jokowi-JK includes the program as "Mental Revolution." ([Harian Kompas.com](http://www.hariankompas.com))

The government is not absent by building clean, effective, democratic, and reliable governance; build Indonesia from the periphery by strengthening regions and villages within the Unitary State; reject the weak state by reforming the system and law enforcement to be free of corruption, dignified, and trustworthy. Improving the quality of education, health, and work of the Indonesian people; increasing people's productivity and competitiveness in the international market; achieving economic independence by mobilizing strategic sectors of the domestic economy; reshaping the nation's character by prioritizing civic education in the national education curriculum (<http://kpu.go.id>).

In order to make the administration of government power more efficient, the President is granted the authority to

establish organizations or organs to help with the myriad and intricate responsibilities that fall under his purview. The Jokowi administration's initiative to issue Presidential Regulation of the Republic of Indonesia Number 26 of 2015 concerning the Presidential Staff Office (KSP) was motivated by a desire to speed up national development, but was hindered by the application of very rigid normative, procedural, and bureaucratic principles in state administration (Soetami, 2005: 98). Therefore, it is acknowledged that the principle of 'frijs ermissen' or discretion allows officials of state administration or state administration to freely and independently develop and set their own 'beleid-regels' (policy rules) or regulations made for internal needs (internal regulation) in the context of carrying out the duties of positions imposed by legal regul (Marbun; Mahfud MD, 2000: 9).

Improve national priority initiatives, presidential political communication, and strategic issue management as a non-structural entity directly subordinate to and accountable to the president (articles 1 to 4 of the Presidential Regulation of the Republic of Indonesia Number 26 of 2015 concerning the Office of the Presidential Staff). As KSP is a newly formed body, Indonesian government power has been assumed. KSP's organizational power under the president and vice president (non-structural). The Presidential Staff Office is part of the executive environment, together with the Ministry of State Secretary (Kemsetneg), Cabinet Secretary (Setkab), and the Cabinet Secretary (KSP).

All three entities share same organizational goals and responsibilities in serving the president. According to Article 2 of Presidential Regulation Number 24 of 2015 concerning the Ministry of State Secretariat (Perpres Number 24 of 2015), the Ministry of State Secretariat is responsible for assisting the President and Vice President in the organization of state government through the provision of technical and administrative support, as well as analysis of government affairs, in the field of state secretariat. According to Article 2 of

Presidential Regulation No. 25 of 2015 on the Cabinet Secretariat, the Cabinet Secretariat is responsible for assisting the President and Vice President with the management of the cabinet and the administration of government.

Article 2 of Presidential Regulation Number 26 of 2015 describes the primary function of KSP, which is to assist the President and Vice President with the control of national priority programs, political communication, and management of strategic issues. Grammatically speaking, the task formulations of the three institutions appear distinct. Nonetheless, if the material can be linked between KSP, Kemsetneg, and Seskab. In further analysis of the institution, the conflict between these three institutions in carrying out the role of aiding the president will become apparent. In accordance with the preamble of Presidential Decree Number 25 of 2015, the Cabinet Secretariat was established with the goal of enhancing the effectiveness of providing staff support, analysis, and ideas to the President and Vice President in their administration of the government.

KSP as stated in Article 3 of the Presidential Regulation of the Republic of Indonesia Number 26 of 2015 concerning the Office of the Presidential Staff explains the functions including: (a) control in order to ensure that national priority programs are implemented in accordance with the vision and mission of the President; (b) comprehensive problem solving on national priority programs which in their implementation experience obstacles; (c) accelerate the implementation of national priority programs; (d) monitoring progress towards the implementation of national priority programs; (e) management of strategic issues; (f) management of political communication strategies and information dissemination; (g) delivery of data analysis and strategic information in order to support the decision-making process; (h) administration of the Presidential Staff Office; and (i) carrying out other functions assigned by the President.

From the KSP function, it degrades the Cabinet Secretariat which has the following functions: (a). formulation and analysis of government policy plans and programs in the fields of politics, law, security, economy, human development, culture, and maritime affairs; (b). preparing opinions or views in the context of administering government in the fields of politics, law, security, economy, human development, culture, and maritime affairs; (c). supervising the implementation of government policies and programs in the fields of politics, law, security, economy, human development, culture, and maritime affairs; (d). granting approval to the Minister of State Secretary on the application for an initiative permit for the preparation of draft laws and regulations and on the substance of the draft laws and regulations; e) preparation, administration, organization, and management of cabinet meetings, meetings or meetings chaired and/or attended by the President and/or Vice President; preparation of manuscripts for the President and/or Vice President; implementation of translation and development of functional translator positions; implementation of public relations and protocol; (f) providing technical and administrative support for the appointment, transfer, and dismissal in and from positions or ranks of state civil servants within the Cabinet Secretariat; (g) providing support for services and administration of planning, finance, and management of state property which are the responsibility of the Cabinet Secretariat, facilitation of education and training, provision of facilities and infrastructure, as well as other services and administrative functions; and (h) providing support for other services and administrative functions; (h). collecting, processing, and providing support for data and information in the context of policy making and operational management of the cabinet, as well as providing facilities and infrastructure for the development of information technology within the Cabinet Secretariat; (i). supervising the implementation of duties within the Cabinet Secretariat; and (j). implementation of other functions assigned by the President and/or Vice President.

Considering the duties and functions of the KSP which are so large and influential in the presidential institution. This not only has the potential to disrupt the coordination system and even disputes over authority between state institutions. The scope of the KSP's duties and functions has indirectly shifted the position of the ministers. On the other hand, the authority in controlling and evaluating programs owned by the vice president shifted indirectly under the control or coordination of the KSP. Likewise, Vice President Jusuf Kalla (JK) who has several times had different attitudes and opinions regarding the nomination of Commissioner General (Komjen) Budi Gunawan to become the Chief of the Indonesian National Police, the issue of criminalizing the leader of the Corruption Eradication Commission, as well as granting remissions to those convicted of corruption (<http://www.tempo.com>). Differences of opinion regarding the unclear authority to be exercised by the Vice President briefly surfaced when the Vice President questioned the establishment of the Presidential Staff Office. The Vice President felt very disappointed because he was given the authority that should be exercised by the Vice President to Luhut Binsar Pandjaitan.

Based on the explanation above, the researcher tries to research it into a scientific paper entitled "The Position of the Presidential Staff Office in the Indonesian Constitutional System."

## **B. METHODS**

This study uses qualitative methods with the type of research used falls into the category of normative legal research, namely research methods carried out by examining library materials or secondary data. This study focuses on examining the position of the Presidential Staff Office in the constitutional system in Indonesia after the issuance of Presidential Regulation Number 26 of 2015 concerning the Presidential Staff Office.

This study's data gathering was accomplished via library research employing a statutory methodology to investigate the applicable law and have binding legal authority. Primary legal resources consist of statutory rules, official records, or treatises on the creation of law, as well as judicial judgements (Soekanto; Mamudji, 2015: 13).

## C. RESULTS AND DISCUSSION

### 1. The Position of the Presidential Staff Office in the State Administration System in Indonesia

The implementation of executive power must be supported by the ease of exercising power. Without this facility, especially to respond to all possibilities, obstacles or obstacles, and challenges faced by the government, it will probably be considered slow and not serious. On the other hand, the government in exercising executive power is encouraged to be more sensitive, anticipatory and responsive.

Even if he is assisted by a vice president and several ministries, the President has the authority to construct institutions or agencies to improve the administration of government power. This is because the President's responsibilities are so numerous and complex. On this basis, the President issued Presidential Regulation of the Republic of Indonesia Number 26 of 2015 concerning the Office of the Presidential Staff (KSP) to further improve the smooth control of national priority programs and the organizers of presidential political communication as well as the management of strategic issues as a non-structural institution directly accountable to and funded by the president (APBN).

Thus, researchers describe the constitutional system in Indonesia in terms of its function, which regulates the position of KSP as a category of auxiliary/supportive state organs (auxiliary state organs) distinct from the implementation instruments of the principal state institutions (principal organ state/constitutional organs). Article 2 of Presidential Regulation



number 26 of 2015 defines the tasks of the Presidential Staff Office, which include assisting the President and Vice President in implementing control of national priority programs, political communication, and strategic problem control.

In carrying out the responsibilities outlined in Article 2, the Presidential Staff Office organizes control of national priority programs to ensure that programs are implemented in accordance with the President's vision and mission, provides assistance for accelerating the implementation of national priority programs and strategic issues, and monitors and evaluates the implementation of national priority programs and strategic issues. Comprehensive problem solving of national priority programs whose implementation is hindered, management of communication strategies within the Presidential institution, management of political communication strategies and information dissemination, delivery of data analysis and strategic information to support the decision-making process, implementation of the administration of the Presidential Staff Office, and the performance of other functions are the responsibilities of the Presidential Staff Office.

Considering the functions performed by the Office of the Presidential Staff, its authority and influence are enormous. In line with Miriam Budiardjo's definition of power, power is the ability of a person or group to affect the conduct of another person or group so that it conforms to the wishes and aims of the person who possesses the power (Budiardjo, 1989: 35). According to academics, based on the aforementioned definition, the Presidential Staff Office is the primary entity with the authority to carry out and guarantee programs are implemented in accordance with the President's vision and goal, as well as overcoming any impediments to program implementation. In addition, the presidential staff office manages political communication and strategic concerns based on the president's tenure of office and agenda.

The existence of KSP as a non-structural entity in the constitutional system of Indonesia leads the researcher to conclude that it belongs to the third group/tier of state institutions whose source of authority is the regulator/establishment under the law or a presidential order. This means that its legal existence is founded only on the policies of the president ([Asshiddiqie, 2006: 108](#)). This is also in line with the basic position of the establishment of the KSP based on Presidential Regulation Number 26 of 2015. Where the Presidential Regulation is the President's authority to regulate so that government administration can run.

So that the existence of the Presidential Regulation in the hierarchy of laws and regulations in Indonesia is viewed as an attribution of Article 4, paragraph 1, of the 1945 Constitution, which states, "The President of the Republic of Indonesia holds the ability to rule." As A Hamid S. Attamimi also noted in his dissertation regarding the concept of holding government power, this means that the President has the authority to determine and control (*regelende bevoegheid*) ([Attamimi, 1990: 186-187](#)). In accordance with Article 1 point 6 of Law No. 12 of 2011 on the Establishment of Legislations (Law No. 12), Presidential Regulations are laws and regulations enacted by the President to carry out directives of higher legislation or in the exercise of executive authority.

In accordance with this, according to A. Hamid S. Attamimi, the Perpres can be derived from a higher regulation that delegated to it, namely the Government Regulation, and can also be derived from the attributive authority of Article 4 paragraph (1) of the 1945 Constitution delegation (delegated legislation) the scope of the material is definite. Therefore, the post of the Presidential Staff Office is a presidential attribution choice based on Article 4 paragraph (1) of the 1945 Constitution, which does not govern the job's length and scope. The sole limitation is the President's ability to administer state government. This Presidential Regulation on the attribution of Article 4.1.1 is referred to as the "Independent Presidential

Regulation." So we can conclude that the Presidential Staff Office is a delegation, meaning that it is the transfer of authority to make decisions by government officials to the other party/official appointed by the delegate. With the word submission, this means a transfer of authority from the one who gave the delegation to the one who received the delegation. The assignment of responsibility for the responsibilities of the Presidential Staff Office as state auxiliary organs to the position of president is intended to increase the efficiency and effectiveness of government administration, development management, and public services that have an internal purpose of administering the provisions of Laws and Government Regulations and do not conflict with the hierarchy of the preceding regulations.

## **2. The Effectiveness of the Presidential Staff Office as an Auxiliary Institution to the President**

In order to improve the efficiency and effectiveness of government administration, development management, and public services that serve the internal purpose of administering the provisions of laws and government regulations and do not conflict with the hierarchy of the regulations above, namely the 1945 Constitution, TAP MPR, UU/Perppu, and PP, the position of president has been granted co-administration responsibilities. Presidential Regulations can be enacted as delegated legislation thanks to the president's attributive authority as head of state, as stated in Article 4 paragraph (1) of the 1945 Constitution. The Presidential Regulation is meant to carry out the provisions of the Constitution of 1945, the Decree of the People's Consultative Assembly, the Law/Government Regulation, or the Government Regulation in Lieu of Law, all of which are delegated to the presidency by the Constitution. Presidential Regulations, being a form of delegation regulation, are thus more broadly applicable than Government Regulations, which are limited to the implementation of legislation in the administration of government.

The formation of state institutions in the democratic era experienced rapid development. The establishment of the Presidential Staff Office as a delegation regulation from this Presidential Regulation stipulates this type of institution as a state auxiliary organ. More fully, the establishment of state institutions in Indonesia is based on five important things (<http://www.djpp.depkmham.go.id>). First, widespread suspicion and actual evidence of deeply ingrained corruption have undermined the authority of current institutions. Second, the fact that governmental institutions are not totally free from the control of a single entity. Third, internal and external factors have undermined the capacity of current state institutions to complete the necessary work for a successful democratic transition. Fourth, some countries are under pressure from the international community to establish new institutions outside of the government; these are sometimes referred to as "independent state institutions" or "supervisory agencies," and they are seen as essential given the need to fix the current system. Fifth, the influence of international institutions to form these institutions as a prerequisite for a new era towards democratization. Therefore, as a democracy and a state of law, the establishment of auxiliary/supporting state institutions must have a strong foundation and a clear paradigm. Thus, its existence can bring benefits to the public interest in general as well as to the arrangement of the state administration system in particular.

According to studies, the responsibilities and roles of the Presidential Staff Office are already in the Ministry of State Secretariat (Kemsekneg) and the Cabinet Secretariat, hence it is wasteful for the State to establish a separate institution for them (Setkab). Thursday agreed with Margarito and indicated that the Ministry of Secretariat and the Secretariat of the District would both be affected by the existence of the Presidential Staff Office. To create state institutions whose major tasks are comparable to other state institutions is a waste of state funds ([CNN Indonesia](#)). The Presidential Staff Office has the same resources and financial entitlements as ministers, as outlined in

Presidential Regulation Number 26 of 2015. The Ministry of State Secretary (Kemsetneg), the Cabinet Secretary (Setkab), and the Presidential Staff Office are all immediately subordinate to the President and Vice President (KSP). There is some overlap between the three organizations in terms of their primary responsibilities and the way they are structured.

According to Article 2 of Presidential Regulation Number 24 of 2015 concerning the Ministry of State Secretariat, the Ministry of State Secretariat is responsible for providing technical and administrative support and analysis of government affairs in the field of state secretariat to aid the President and Vice President in administering state government (Perpres No. 24 of 2015).

According to Article 2 of Presidential Regulation No. 25 of 2015 regarding the Cabinet Secretariat (Perpres No. 25), the Regency Secretariat is responsible for assisting the President and Vice President with cabinet management (Article 2 of the Presidential Regulation Number 25 of 2015). Meanwhile, Presidential Regulation No. 83 of 2019 supersedes Presidential Regulation No. 26 of 2015 regarding the Presidential Staff Office, with the latter's primary responsibility now being to assist the President and Vice President with the management of strategic issues, political communication with the public, and the oversight of the nation's most pressing programs. It is true that the three institutions' task formulations appear different from a grammatical perspective; yet, a closer examination of KSP and SETKAB reveals a conflict between the two. The Cabinet Secretariat was established in accordance with the preamble of Presidential Regulation Number 25 of 2015, with the goal of improving the efficiency with which staff support, analysis, and thoughts are provided to the President and Vice President in the running of government.

Furthermore, in carrying out its duties and authorities, the Regency Secretariat has several functions as regulated in Article 3 of Presidential Decree Number 25 of 2015, including:

- a. Formulation and analysis of government policy plans and programs in the fields of politics, law, security, economy, human development, culture, and maritime affairs;
- b. Preparation of opinions or views in the context of administering government in the fields of politics, law, security, economy, human development, culture, and maritime affairs;
- c. Supervision of the implementation of government policies and programs in the fields of politics, law, security, economy, human development, culture, and maritime affairs;
- d. Granting approval to the Minister of State Secretary on the application for an initiative permit for the preparation of draft laws and regulations and on the substance of the draft laws and regulations;
- e. Preparation, administration, organization and management of cabinet meetings, meetings or meetings chaired and/or attended by the President and/or Vice President, preparation of manuscripts for the President and/or Vice President, implementation of translation and development of functional positions of translators, and implementation of public relations and protocols;
- f. Providing technical and administrative support for the appointment, transfer, and dismissal in and from positions or ranks of state civil servants within the Cabinet Secretariat;
- g. Providing service and administrative support for planning, finance, and management of state property which are the responsibility of the Cabinet Secretariat, facilitation of education and training, provision of facilities and infrastructure, as well as other services and administration within the Cabinet Secretariat;
- h. Collecting, processing, and providing support for data and information in the context of policy making and cabinet operational management, as well as providing

facilities and infrastructure for the development of information technology within the Cabinet Secretariat;

- i. Supervision of the implementation of tasks within the Cabinet Secretariat;
- j. Implementation of other functions assigned by the President and/or Vice President.

Meanwhile, based on the preamble to Presidential Regulation Number 26 of 2015 concerning KSP; The purpose of the establishment of the KSP is to improve the smooth control of national priority programs, the implementation of presidential political communications, and the management of strategic issues. To carry out these duties and powers, KSP has several functions as regulated in Article 3 of Presidential Regulation Number 26 of 2015, including:

- a. Control in order to ensure that national priority programs are implemented in accordance with the vision and mission of the President;
- b. Comprehensive problem solving on national priority programs which in their implementation experience obstacles;
- c. Acceleration of implementation of national priority programs;
- d. Monitoring progress on the implementation of national priority programs;
- e. Management of strategic issues;
- f. Management of political communication strategies and information dissemination;
- g. Submission of data analysis and strategic information in order to support the decision-making process;
- h. Implementation of the administration of the Presidential Staff Office; and
- i. Implementation of other functions assigned by the President.

It is clear that the substance of the duties and functions of the two institutions with tasks as regulated by Presidential Regulation Number 25 of 2015 is actually capable of controlling

programs, whether related to priority or non-priority programs. It is clear that the overlapping authority of KSP and SETKAB is evident. Although the establishment of the Presidential Staff Office according to the author is in accordance with the concept of forming state institutions as auxiliary organs (auxiliary organs state). And the President's goal of establishing the Presidential Staff Office is to simplify the way the president works and speed up the president's duties and functions so that the problems faced are handled more quickly. It is not appropriate that overlapping powers can be ruled out. Because the accountability of power is a constitutional imperative. According to Ridwan HR, in the perspective of public law, the existence of this authority gives rise to accountability, in line with the general principle that there is no authority without accountability.

The use of that power then by officials within the state institutions must be held accountable in accordance with what is mandated in the constitution. Therefore, the understanding of constitutionalism clearly requires the implementation of these powers to be accounted for, so that in the system of power sharing in the presidential government system in Indonesia the principle that every power must be accounted for based on constitutionalism (Bachtiar, 2016). Therefore, every government action must be based on the law. Without the basic authority given by an applicable statutory regulation, then all kinds of government officials will not have the authority to influence or change the state or legal position of the citizens. The purpose of the legality principle is to provide protection to members of the public from government actions. Given the development of the concept of the rule of law combined with the welfare state. The government is required to play an active role and not only provide protection, but also assume the responsibility of realizing social justice and general welfare.

The researcher also agrees with Ni'matul Huda's writing which explains that aspects of the quality of state institutions/organs in the era of democracy in Indonesia, in



their formation, must reflect the following principles: (Huda, 2005: 67)

- 1) Principles of Constitutionalism; constitutionalism is an idea that requires that the powers of existing leaders and government bodies be limited. These restrictions can be strengthened so that they become a permanent mechanism. Thus, the establishment of auxiliary/supporting state institutions is emphasized to strengthen the principles of constitutionalism so that the basic rights of citizens are increasingly guaranteed.
- 2) The principle of checks and balances; this principle is a mechanism of mutual control between institutions as the spirit of development and development of democracy. Which departs from the basic framework of the 1945 Constitution of the Republic of Indonesia in creating the mechanism.
- 3) The principle of integrity; the formation of a state institution cannot be done partially, but must be linked to its existence with other existing institutions. Thus, the formation of non-integral state institutions may result in overlapping of existing inter-institutional authorities, resulting in ineffective governance.
- 4) The principle of benefit to society; Basically, the establishment of state institutions is aimed at fulfilling the welfare of its citizens and guaranteeing the basic rights of citizens as regulated in the constitution. Therefore, the administration of government and its formation must refer to the principles of good governance, namely by carrying out the public interest and the good of society as a whole while maintaining the rights of individual citizens.

When examining the components that contribute to a law's success, it becomes clear that several factors must be taken into account (Ali, 2009: 328).

- a) Knowledge of the substance (content) of legislation.

- b) Ways to acquire this knowledge.
- c) Institutions related to the scope of legislation in the community.
- d) How is the process of the birth of a legislation, which should not be born in a hurry for instant (momentary) interests, which is termed by Gunnar Myrdall as sweep legislation, which has poor quality and is not in accordance with the needs of the community.

So, according to Achmad Ali, the factors that significantly influence the efficacy of a law are the professional and optimal application of the duties, authorities, and functions of law enforcers, both in explaining the tasks entrusted to them and in executing the law (Ali, 2009). Meanwhile, Soerjono Soekanto uses a benchmark of effectiveness in law enforcement on five things, namely: (Soekanto, 2007)

First: Legal Factors. The law functions for justice, certainty and expediency. In the practice of administering law in the field, there are times when there is a conflict between legal certainty and justice. Legal certainty is concrete in nature, while justice is abstract, so that in the formation of the KSP as an auxiliary institution to the President, the certainty and benefits have been fulfilled. (Soekanto, 2007)

Second: Law Enforcement Factor. In the functioning of the law, the mentality or personality of law enforcement officers plays an important role, if the regulations are good, but the quality of the officers is not good, there is a problem. So far, there is a strong tendency among the public to interpret the law as an officer or law enforcer, meaning that the law is identified with the real behavior of officers or law enforcement. Unfortunately, in carrying out its authority, problems often arise because of attitudes or treatments that are seen as exceeding the authority or other actions that are considered to undermine the image and authority of law enforcement. This is due to the low quality of the law enforcement officers (Soekanto, 2007). This is also according to the researcher, if it is measured on the effectiveness of KSP as a presidential assistant

institution, it is considered to exceed the limits of authority between other institutions such as SETKAB and KEMSEKNEG.

Third: Factors of Supporting Facilities or Facilities. Factors supporting facilities or facilities include software and hardware. According to Soerjono Soekanto, law enforcers cannot work properly if they are not equipped with proportional vehicles and communication tools. Therefore, facilities or facilities have a very important role in law enforcement. Without these facilities or facilities, it will not be possible for law enforcers to harmonize their supposed roles with their actual roles. In the establishment of the KSP as an assistant institution to the President, its position is equivalent to that of the Minister and is provided with facilities and facilities that are financed by the State Budget (APBN).

Fourth: Community Factors. Law enforcement comes from the community and aims to achieve peace in society. Every citizen or group has more or less legal awareness. The problem that arises is the level of legal compliance, namely high, moderate, or less legal compliance. The degree of community legal compliance with the law is one indicator of the functioning of the law concerned. The formation of the KSP as an auxiliary institution to the President which aims to organize government and accelerate national issues for social purposes, according to the researcher, is too fat government institutions, causing too much coordination between institutions in the executive field.

Fifth: Cultural Factors. Culture basically includes the values that underlie the applicable law, which values are abstract conceptions of what is considered good (so that it is obeyed) and what is considered bad (so that it is avoided). Thus, Indonesian culture is the basis or the basis for applicable customary law. Besides that, there is also written law (law), which is formed by certain groups in society who have the power and authority to do so. The statutory law must be able to reflect the values that form the basis of customary law, so that the statutory law can apply actively. Based on the Presidential

Regulation number 26 of 2015 concerning the Presidential Staff Office, it has reflected the existing culture, meaning that it is in accordance with the rules based on the constitution (Soekanto, 2007).

Thus, based on the described theory of legal effectiveness, the researcher concludes that the establishment of the Presidential Staff Office as an auxiliary agency to the President is deemed ineffective because it does not meet the benchmark for effectiveness in law enforcement proposed by Soerjono Soekanto using the criterion of the proportion of crimes solved. In accordance with the notion proposed by Roscoe Pound, the Office of the Presidential Staff must operate as an instrument of change and a tool of social engineering while supporting government administrators (Law as a tool of social engineering and social control).

#### **D. CONCLUSION**

After reviewing the research and debate presented in each subsection, the researcher draws the following conclusion: The Indonesian Constitution designates the Presidential Staff Office (KSP) as a subsidiary (subordinate) state organ, distinct from the primary (primary) state institutions and their respective instruments of implementation. Article 2 of Presidential Regulation (Perpres) Number 26 of 2015 details the role of KSP, which is to assist the President and Vice President with the implementation of control over national priority programs, political communication, and strategic issue management. In the hierarchy of state organs in Indonesia, the existence of the KSP is a non-structural institution. So it is included in the third group/tier state institution where the source of authority is from the regulator/establishment under the law or based on Article 4 paragraph (1) of the 1945 Presidential Attribution Decree (Perpres Mandiri). This is also in line with the establishment of the KSP based on Presidential Decree No. 26 of 2015. Where (Perpres) is the authority of the President to regulate that the administration of government can

run based on Article 1 paragraph (6) of Law Number 12 of 2011 concerning the Establishment of Legislation.

The effectiveness of the Presidential Staff Office as the President's auxiliary organ state in administering the government, there is overlap in authority and function. The Presidential Staff Office has the same facilities and financial rights as ministers, organizationally there are several organizations that are directly under the President and Vice President, such as the Ministry of State Secretary (Kemsetneg), Cabinet Secretary (Setkab), and the Presidential Staff Office (KSP). The three institutions have main tasks and organizational functions that are related to each other. So that the existence of KSP with other institutions whose main tasks overlap with each other is a waste of the state budget and create an effective and efficient system of state administration. Then the benchmarks described by Soerjono Soekanto of effectiveness in law enforcement include legal factors; law enforcement factor; factors of supporting facilities or facilities; community factors; and cultural factors. This is in line with the theory put forward by Roscoe Pound that the Office of the Presidential Staff in assisting the administration of government must be a tool of reform and a tool of social engineering (Law as a tool of social engineering and social control).

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