

Political Configuration in The Revision of Law No. 19 Of 2006 Concerning the Presidential Advisory Council Based on the 1945 NRI Constitution

Fauziah As Syafi'ah¹, Fifiana Wisnaeni²

^{1,2} Master of Law, Faculty of Law, Universitas Diponegoro

ABSTRACT: The revision of Law Number 19 of 2006 concerning the Presidential Advisory Council (Wantimpres) has given rise to a number of dynamics in the Indonesian political and constitutional system. Significant changes, including the renaming of Wantimpres to the Supreme Advisory Council (DPA) and increasing its status to be on par with other state institutions, have raised debates regarding the suitability of this revision with the principles of constitutionalism. In addition, the full discretion given to the president in determining the number of DPA members is feared to weaken the mechanism of limiting power. This study aims to examine the implications of these changes on the constitutional structure and distribution of power in the Indonesian presidential system. Using the juridical-normative method and a conceptual approach to the principle of the rule of law, the results of the study indicate that this revision has the potential to weaken the checks and balances mechanism and open up space for the politicization of the institution. Although there are claims of strengthening the strategic role of the presidential advisory institution, the new structure of the DPA is considered to lead to the consolidation of executive power and ignores the principles of public participation and accountability. Therefore, a strict monitoring mechanism and community involvement in the legislative process are needed to ensure that institutional reform remains based on the spirit of democracy and constitutionalism.

KEYWORDS: Revision of Law, Presidential Advisory Council, Supreme Advisory Council, Constitutionalism, Political, Configuration, Democracy

I. INTRODUCTION

Every country stands with a specific purpose that is closely related to its history, including the Republic of Indonesia. The purpose of the founding of this country is stated in the opening of the 1945 Constitution, especially in paragraph 4, which covers four main aspects:

1. Protecting the entire nation and the blood of Indonesia
2. Advancing the general welfare
3. Enlightening the life of the nation
4. Play a role in creating world order based on freedom, eternal peace, and social justice.

These four goals require efforts from the government and society to be realized, not just writing on paper. To achieve these goals, the role of the government is vital, including through the Presidential Advisory Council (Wantimpres), whose main task is to provide advice and considerations to the President. However, the revision of Law No. 19 of 2006 concerning Wantimpres raises several constitutional problems that must be analyzed further.

SA country generally requires government apparatus to carry out state duties in realizing the ideals and goals of the state. The existence and progress of a country depend on the state administrators, which are none other than the government under the leadership of the head of state or President. In carrying out his duties, the President of the Republic of Indonesia has the authority as both head of state and head of government. This is in accordance with Article 4 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that "The President of the Republic of Indonesia holds governmental power according to the Constitution." The governmental power in question is executive authority in running the wheels of state government (Tamrin & Ihya, 2010).

Article 16 of the 1945 Constitution of the Republic of Indonesia explains that "The President forms an advisory council tasked with providing advice and considerations to the president, the provisions of which are stipulated by law." This was then implemented through Law Number 19 of 2006 concerning the Presidential Advisory Council.

Based on the legal basis of Article 16 of the 1945 Constitution of the Republic of Indonesia, in 2007, President Susilo Bambang Yudhoyono determined the name change from the Supreme Advisory Council (DPA) to the Presidential Advisory Council (Wantimpres), as stipulated in Law Number 19 of 2006.

Political Configuration in The Revision of Law No. 19 Of 2006 Concerning the Presidential Advisory Council Based on the 1945 NRI Constitution

Wantimpres functions as a government institution tasked with providing advice and input to the president in accordance with the mandate of Article 16 of the 1945 Constitution (Fahrudin, n.d).

The revision of Law No. 19 of 2006 concerning the Presidential Advisory Council (Wantimpres) has raised concerns that the changes could conflict with the fundamental goals of the state as stated in the fourth paragraph of the Preamble to the 1945 Constitution. One aspect that has sparked controversy in this revision is the change in name from Wantimpres to the Supreme Advisory Council (DPA) and the change in its position, which is now on par with other state institutions. This change raises the question of whether this revision is solely aimed at strengthening the position of the institution or as a political move that has the potential to create a "sharing of power". If this revision only serves certain political interests, this clearly conflicts with the state's goal of advancing public welfare and creating social justice.

In addition, the changes that give the president full discretion in determining the number of DPA members without clear limitations, raise concerns about the potential for abuse of power. A democratic system based on the principles of constitutionalism and the rule of law requires limitations on power, including in the appointment of state officials. If this discretion is not controlled, the state's goal of protecting the entire nation and improving the nation's life could be disrupted by decisions that prioritize short-term political interests.

Changes in the 1945 Constitution of the Republic of Indonesia have changed the mindset in the Indonesian constitutional system. This also affects the institutional structure of the state. The paradigm shift brings changes to the structure, position, and authority of each state institution, especially those regulated in the 1945 Constitution of the Republic of Indonesia. In the course of the dynamics of the state, various state institutions were formed based on the 1945 Constitution of the Republic of Indonesia, laws, and regulations below it, in order to support the achievement of state goals.

The amendments to the 1945 Constitution of the Republic of Indonesia (UUD NRI) carried out after the New Order had a very important purpose, one of which was to reduce the capacity of the President's authority, which at that time was considered very large. In the New Order era, the President held very strong control over the running of the government and the state, which led to an unhealthy concentration of power. With this change, it is hoped that a more balanced and democratic system of government will be created, where the President's power is no longer too dominant and there is a clearer division of authority between state institutions.

In addition to limiting the President's authority, the amendment to the 1945 Constitution of the Republic of Indonesia also played an important role in the restructuring of several state institutions, including the Supreme Advisory Council (DPA). Before the amendment, the DPA was a high state institution that had a strategic role in providing advice to the President. However, after the amendment, the DPA was no longer a high state institution, but was transformed into an organ under the executive power. With a new name, the Presidential Advisory Council, this institution now functions more as an advisor to the President, no longer as an institution that has high power at the state level.

The revision of the Wantimpres Law needs to be analyzed critically to ensure that the steps taken do not sacrifice the integrity of the government system that aims to realize the nation's ideals. Reform of the Wantimpres institution should aim to improve the quality of strategic decision-making for the benefit of the nation, not to expand executive power that could weaken the oversight and check and balance mechanisms in the state.

II. FORMULATION OF THE PROBLEM

From the background that the author has described above, the formulation of the problems that will be studied in this research include:

1. How are the Regulations Changed in the Revised Law No. 19 of 2006 Concerning the Presidential Advisory Council?
2. What is the Political Configuration in the Revision of Law No. 19 of 2006 concerning the Presidential Advisory Council? must be in 11 pt Regular font. Author affiliation must be in 10 pt Italic. Email address must be in 9 pt Courier Regular font.

III. DISSCUSSION

A. Changes to the Regulations in the Revised Law No. 19 of 2006 Concerning the Presidential Advisory Council

The revision of Law No. 19 of 2006 concerning the Presidential Advisory Council (Wantimpres) resulted in a number of significant changes in the regulation of this institution, especially regarding its position and authority. One of the main changes seen in the revision is the change of name from the Presidential Advisory Council (Wantimpres) to the Supreme Advisory Council (DPA) as stipulated in Article 1. This new name reflects the increased status of this institution, which raises questions about the suitability of the change in nomenclature with the state system after the amendment to the 1945 Constitution, in which the DPA was abolished. This revision indicates an effort to revive the role of a more independent institution, although the justification for this change is still being debated (Kumalasari, 2024).

Another fundamental change is the regulation in Article 2, which states that the Supreme Advisory Council (DPA) now has an equal standing with other state institutions. Previously, Wantimpres was only under the president and functioned as an advisory

Political Configuration in The Revision of Law No. 19 Of 2006 Concerning the Presidential Advisory Council Based on the 1945 NRI Constitution

body.

The elevation of this status raises concerns about the potential for overlapping authority between the DPA and other state institutions. On the other hand, supporters of this revision argue that the increase in status aims to strengthen the strategic role of this institution in providing advice and input to the president in making important decisions.

One of the most controversial articles is Article 7, which gives the president full authority to determine the number of DPA members. In the previous law, the number of Wantimpres members had been clearly determined, namely eight people. However, the revised law leaves it entirely up to the president to determine how many members are needed. Criticism of this article came from constitutional law experts who considered that the discretion given was too broad, contrary to the principle of limiting power in a state of law as regulated by the 1945 Constitution. This flexibility without limitations is feared to open up space for an unhealthy division of power, especially if this decision is used to accommodate certain political interests.

Furthermore, there is an addition in Article 9 paragraph (4) which states that DPA members now have the status of state officials. This change shows an increase in the formality and legitimacy of the role of DPA members, but also raises debate about the potential for conflicts of interest, especially considering that this additional article has implications for the privileges of DPA members as state officials. This is also reinforced by Article 12 paragraph (1), which allows community organizations and political parties to hold concurrent positions as DPA members. This provision raises concerns that the institution will become a place for sharing power, rather than focusing on broader national interests (Rahayu, 2024).

The pros and cons of this revision have raised concerns among political observers, who see that this change could lead to efforts to accommodate certain political interests within the DPA. Political observer Adi Prayitno, for example, reminded that this change should not be a tool to benefit certain political groups, especially considering the speed of the revision which only required one day of discussion before being ratified at the DPR plenary meeting. Other criticisms came from constitutional law experts such as Susi Dwi Harijanti, who highlighted that this revision violates the principle of constitutionalism.

However, some parties consider that changing the number of DPA members is not the main issue, but what is more important is the quality of the members who occupy the position. Former Chief Justice of the Constitutional Court, Jimly Asshiddiqie, argued that what is more relevant is the strategic expertise and experience of the members, which must be adjusted to the needs of the president in various important fields, such as the economy and national security. Jimly also emphasized that the ideal number of members is nine, although flexibility in this number is allowed by law.

Chapter	Previous Content (Law No. 19 of 2006)	Changes in the Revision of Law No. 19 of 2006	Impact	Direction of Political Configuration
article 1	Name of institution: Presidential Advisory Council (Wantimpres)	The name was changed to the Supreme Advisory Council (DPA)	Reviving institutions that were abolished after the amendment to the 1945 Constitution	Attempts to strengthen the symbolic institution; potential for politicization of the institution
Article 2	Wantimpres is under the President	A is on par with other state institutions	Can cause overlapping authority	Indications of a shift towards a centralistic and elitist political configuration
Article 7	The number of Wantimpres members is determined (8 people)	The President is given full discretion to determine the number of members	Eliminating restrictions on power, prone to legislative hijacking	Reflection of a political configuration that tends to be authoritarian and less democratic
Article 9 Paragraph (4)	not explicitly mention member status	A members are referred to as state officials	Increases formal legitimacy, but creates conflicts of interest	The direction of political configuration shows the strengthening of the status of the political elite.
Article 12 Paragraph (1)	Not allowing dual positions	Allows members to come from mass organizations/political parties	Potential for "power sharing" and conflicts of interest	Indicates a pragmatic and patronage-based political configuration

Political Configuration in The Revision of Law No. 19 Of 2006 Concerning the Presidential Advisory Council Based on the 1945 NRI Constitution

B. Political Configuration in the Revision of Law No. 19 of 2006 Concerning the Presidential Advisory Council

The political configuration in the revision of Law No. 19 of 2006 concerning the Presidential Advisory Council can be understood as a reflection of the dynamics of power that exist in Indonesia, especially in the context of the relationship between the president and other institutions, including society.

The political configuration in the revision of Law Number 19 of 2006 concerning the Presidential Advisory Council (Wantimpres) reflects the complex and diverse political dynamics in Indonesia, especially in the context of changes in the political order after the reform era. This revision is not only a manifestation of the need to update legal instruments to be in line with the times, but also reflects the tug-of-war of interests of various parties within the framework of democracy that continues to develop (Mahendra, 202).

Historically, the Presidential Advisory Council was formed as a non-structural institution tasked with providing advice and considerations to the president in running the government. However, in practice, the Presidential Advisory Council is often considered less than optimal in providing strategic contributions to national decision-making. This criticism is one of the driving forces behind the revision of this law, which aims to strengthen the role of the Presidential Advisory Council in the Indonesian political system (Asshiddiqie, 2021).

The revision of this law cannot be separated from the influence of the ongoing political configuration, where the government, political parties, and civil society have different views regarding the urgency and direction of change. On the one hand, there is an interest in increasing the efficiency and effectiveness of Wantimpres so that it can become a strategic partner for the president, especially in facing the challenges of globalization, economic dynamics, and geopolitical tensions (Sukma, 2022). On the other hand, there are concerns that strengthening Wantimpres could potentially create an institution that is too elitist, isolated from the people, or even becomes a tool for certain politics (Zuhro, 2019).

In the discussion of this revision, the main issues that emerged included the composition of Wantimpres members, the appointment mechanism, the scope of duties, and the transparency and accountability of the institution. One important point is regarding the criteria for Wantimpres members who must reflect the diversity of professional backgrounds, expertise, and community representation. This has become a heated debate, considering that the political configuration in parliament and government is often influenced by the coalition of parties supporting the government who try to include people who have political closeness (Fitriani, 2023).

In addition, this revision also highlights the importance of clarifying the limits of Wantimpres' authority so that it does not overlap with the functions of ministries or other state institutions. Several parties have proposed that Wantimpres focus on long-term strategic issues that are cross-sectoral, such as climate change, digital transformation, and strengthening national competitiveness. In this case, strengthening Wantimpres' function can be a strategic step to provide data-based input and in-depth analysis to the president, while encouraging more measured decision-making (Susanti, 2024).

However, the biggest challenge in this revision is how to ensure that the process remains in line with democratic principles. Public involvement in the discussion of the revision of this law is very important to ensure that Wantimpres truly represents the public interest, not just an extension of the political elite. Transparency in the legislative process, both through public consultation and the dissemination of comprehensive information, is key to avoiding the emergence of distrust or disbelief in this institution (Gumay, 2023).

Overall, the revision of Law Number 19 of 2006 concerning the Presidential Advisory Council is a reflection of the dynamics of Indonesian politics that continue to develop. This is an important moment to reorganize the role of the Presidential Advisory Council to be more relevant to today's challenges, while also answering the aspirations of the people who want a more responsive, transparent, and accountable government. By considering the existing political configuration, this revision must be directed at strengthening the democratic system, improving the quality of public policy, and creating better governance for the benefit of the nation and state (Harun, 2020).

One of the most striking aspects of this revision is the change in the nomenclature of the Wantimpres to the Supreme Advisory Council (DPA) and the change in its position which is now on par with other state institutions, such as the People's Representative Council (DPR) and the People's Consultative Assembly (MPR). This step raises questions about the real purpose of the change, whether to strengthen the independence of the Wantimpres in providing advice or to increase the political influence of the executive in state decision-making (Kumalasari, 2024). In addition, the change in the structure of DPA members, which now gives the President full authority to determine the number and composition of its members, without any clear limitations, adds to the controversy surrounding the potential for abuse of power for short-term political interests (Rahayu, 2024).

This vision is also seen as a response to demands to create a more democratic and open system of government. With the flexibility in the number of members and the granting of state official status to DPA members, it is hoped that DPA can be more effective in carrying out its role as an institution that provides relevant strategic considerations for the President in making important state decisions. However, this change must be balanced with a strict oversight mechanism to ensure that DPA continues to function in accordance with the constitutional objectives of the state, namely to realize general welfare and social justice, and

Political Configuration in The Revision of Law No. 19 Of 2006 Concerning the Presidential Advisory Council Based on the 1945 NRI Constitution

maintain a balance of power between state institutions (Isra, 2022).

The political configuration in the revision of Law No. 19 of 2006 concerning the Presidential Advisory Council is heading towards authoritarian politics, although it has not yet reached its extreme form. One strong indication of the authoritarian tendency is the granting of full authority to the president in determining the number and composition of members of the Supreme Advisory Council (DPA), without limitations or adequate control mechanisms from other institutions. This creates ample space for the president to fill the institution based on his own political interests. In addition, the permission for political party members to serve as DPA members reinforces concerns that this institution could be used as an instrument of power, rather than as a forum for independent and objective advice.

The change in the position of the DPA to be on par with other state institutions has created a blurring of roles and potential overlap, but has instead been left open, which has the potential to increase the dominance of executive power. This is a typical pattern in an authoritarian system, namely the expansion of power under the pretext of strengthening institutions, but without strict public supervision and accountability (Diamond, 2008).

However, not all elements in the revision of Law No. 19 of 2006 concerning the Presidential Advisory Council support the conclusion that the system has become authoritarian as a whole. There are hopes and calls for transparency, public participation, and strengthening the principles of constitutionalism and democracy. This shows that the Indonesian political system is still open to internal correction, public debate, and checks and balances mechanisms that are completely impossible to find in a totalitarian system.

IV. CONCLUSION

Changes to the Regulations in the Revised Law No. 19 of 2006 Concerning the Presidential Advisory Council include several crucial aspects that have the potential to conflict with the state objectives stated in the 1945 Constitution. The change of the name Wantimpres to the Supreme Advisory Council (DPA) in Article 1, which was removed after the amendment to the 1945 Constitution, raises questions regarding its suitability with the state system, especially considering the status of the DPA which is now on par with other state institutions (Article 2). The president's authority to determine the number of DPA members without limitation in Article 7, as well as the granting of state official status to DPA members in Article 9 paragraph (4), ignores the principle of limiting power that should be maintained in a state based on law.

The revision of Law No. 19 of 2006 which changed Wantimpres to the Supreme Advisory Council (DPA) shows a tendency to strengthen the president's power without adequate supervision. This raises unhealthy political risks, because the DPA can be used as a political tool, not an independent advisory institution. Although not yet fully authoritarian, the direction of this revision shows a decline from the principles of transparent and accountable democracy.

Based on these conclusions, it is important for the government to conduct a comprehensive evaluation of the Revision of Law No. 19 of 2006 concerning the Presidential Advisory Council.

1. The government must thoroughly evaluate the Revision of Law No. 19 of 2006 concerning the Presidential Advisory Council, taking into account the long-term impacts of the changes that have been implemented. The government needs to ensure that any regulatory changes do not only focus on short-term political interests, but also support the principles of constitutionalism contained in the 1945 Constitution.
2. The government and the DPR need to limit the president's authority in appointing DPA members by setting strict criteria and transparent selection mechanisms, such as involving the DPR or public testing. Without clear control, the DPA risks becoming a political tool, not an independent advisory institution. This revision must also guarantee public participation and openness of information so that the process is democratic. With strong oversight and public involvement, the DPA can become a strategic and accountable institution, not just expanding executive power.

REFERENCES

- 1) Asshiddiqie, J. (2021). *Konstitusi dan Konstitusionalisme Indonesia*. Jakarta: Konstitusi Press, hlm. 135.
- 2) Fitriani. (2023). Reformasi Lembaga Kepresidenan dan Tantangannya. *Jurnal Hukum & Politik*, 13(1), 45.
- 3) Gumay, H. N. (2023). Urgensi Partisipasi Publik dalam Proses Legislasi. *Forum Demokrasi*, 8(3), 112.
- 4) Kumalasanti, R. (2024). *Tinjauan Kritis terhadap Revisi UU Wantimpres: Analisis Kedudukan dan Kewenangan Baru Dewan Pertimbangan Agung*. Jakarta: Pusat Studi Hukum dan Konstitusi.
- 5) Kumalasanti, SR. & Martiar, NAD. (2024). "Hidupkan Kembali DPA Perlemah Sistem Presidensial." *Kompas*, 13 Juli 2024: 2.
- 6) Kumalasanti, SR. & Martiar, NAD. (2024). "Menelisik Usulan Hidupkan Lagi DPA." *Kompas*, 12 Juli 2024: 2.
- 7) Kumalasanti, SR. & Martiar, NAD. (2024). "Usulkan DPA, DPR Diduga Memiliki Agenda Tertentu." *Kompas*, 11 Juli 2024: 3.
- 8) Mahendra, Y.I. (2020). *Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945*, Jakarta: Genta Press, hlm. 211.

Political Configuration in The Revision of Law No. 19 Of 2006 Concerning the Presidential Advisory Council Based on the 1945 NRI Constitution

- 9) Prayudi, & Uly Ngesti Pratiwi. (2024). "Wacana Kembalinya Dewan Pertimbangan Agung dalam RUU Wantimpres". Jurnal Info Singkat: Kajian Singkat Terhadap Isu Aktual dan Strategis, Vol. XVI, No. 15/I/Pusaka.
- 10) Rahayu, K.Y. (2024). "Mungkinkah 'The Presidents Club' Ala Prabowo Terwujud?" Kompas, 6 Mei 2024: 2.
- 11) Rahayu, N. (2024). Politik Hukum dalam Revisi Undang-Undang Dewan Pertimbangan Presiden. Bandung: Jurnal Hukum dan Politik Nasional, Vol. 18 No. 2.
- 12) Rahayu, N. (2024). Politik Hukum dalam Revisi UU Dewan Pertimbangan Presiden, Jurnal Hukum dan Politik Nasional, Vol. 18 No. 2.
- 13) Sujarwoko, D. (2024). "Motif di Balik Pembentukan Dewan Pertimbangan Agung." Tempo, 15-28 Juli 2024: 28.
- 14) Sukma, R. (2022). "Peran Strategis Lembaga Penasihat Presiden di Era Globalisasi", Jurnal Politik dan Pemerintahan, 10(2), 97.
- 15) Susanti, Bivitri. (2024). Membedah Revisi UU Lembaga Negara: Fungsi, Arah, dan Dampaknya. Jakarta. Pusat Studi Hukum Nasional, hlm. 89.
- 16) Susanto. (2024). "Hentikan Normalisasi Pembajakan Legislasi". Media Indonesia, 22 Juli 2024: 4.
- 17) Tamrin, A., & Ihya, H. H. (2010). Hukum Tata Negara. Jakarta
- 18) Zuhro, S. (2019). Demokrasi di Tengah Elitisme Politik. Yogyakarta: Pustaka Pelajar.



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.