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DOI: 10.46924/jihk.v7i2.357



# The Normalization of Dual Office-Holding and Its Systemic Threats to Good Governance in Indonesia

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## How to cite

Tarigan, Chandra., Azrianti, Seftia., & Rabu, Rabu. 2026. The Normalization of Dual Office-Holding and Its Systemic Threats to Good Governance in Indonesia. *Jurnal Ilmu Hukum Kyadiren* 7(2), 1262-1276.  
<https://doi.org/10.46924/jihk.v7i2.357>

*Original Article*

## Abstract

The phenomenon of dual-position holding in Indonesia has become increasingly widespread, involving ministers, deputy ministers, civil servants, directors and commissioners of state-owned enterprises, political party leaders, and various other public officials. This practice not only reflects a deviation from administrative ethics but also illustrates the normalization of legal irregularities driven by ambiguous norms, weak sanction enforcement, and political legitimacy that reinforces its justification. This study aims to examine the patterns of dual-position holding and evaluate its implications for the realization of good, effective, and corruption-free governance. Employing a juridical-sociological approach, the research integrates regulatory analysis, case studies, and an assessment of empirical data derived from public reports and legal decisions. The findings reveal that dual-position holding elevates the risk of conflicts of interest, undermines bureaucratic professionalism, hampers institutional performance, and expands opportunities for corruption. The study concludes that regulatory reform and strengthened oversight mechanisms are urgently required to uphold the principles of good governance and restore public trust.

**Keywords:** *Dual-Position Holding; Good Governance; Conflict of Interest; Bureaucratic Professionalism*

## Abstrak

Fenomena rangkap jabatan di Indonesia semakin meluas, melibatkan menteri, wakil menteri, pejabat ASN, direksi dan komisaris BUMN, pimpinan partai politik, hingga berbagai pejabat publik lainnya. Praktik ini tidak hanya mencerminkan penyimpangan etika administrasi, tetapi juga menunjukkan normalisasi pelanggaran hukum akibat kekaburan norma, lemahnya penegakan sanksi, serta legitimasi politik yang menguatkan pembedaannya. Penelitian ini bertujuan menganalisis pola rangkap jabatan dan menilai dampaknya terhadap terwujudnya tata kelola pemerintahan yang baik, efektif, dan bebas korupsi. Metode penelitian menggunakan pendekatan yuridis-sosiologis melalui analisis regulasi, studi kasus, dan penelaahan data empiris dari laporan publik serta putusan hukum. Temuan penelitian menunjukkan bahwa rangkap jabatan meningkatkan risiko konflik kepentingan, menurunkan profesionalitas birokrasi, memicu inefektivitas kinerja, serta memperlebar peluang korupsi. Penelitian ini menyimpulkan bahwa reformasi regulasi dan penguatan mekanisme pengawasan menjadi urgensi untuk memastikan tercapainya prinsip-prinsip good governance dan pemulihan kepercayaan publik.

**Kata kunci:** *Rangkap Jabatan, Good Governance, Konflik Kepentingan, Profesionalitas Birokrasi*

## 1. INTRODUCTION

One of the fundamental promises consistently made by political candidates in every contest for power is the commitment to delivering an effective, accountable, and corruption-free government. The public continues to demand the fulfillment of this commitment as part of their constitutional right to clean, integrated, and well-governed state administration. Achieving this vision requires the integrity and competence of public officials; the quality of leadership and the professionalism of state administrators are essential for realizing the principles of good governance—from transparency and accountability to adherence to the rule of law. Ilmar emphasizes that good governance cannot function effectively without strengthening the capacity of public officials, including the ability to appoint qualified individuals to strategic positions and ensuring that conflicts of interest do not interfere with governmental functions.<sup>1</sup>

The principles of good governance formulated by UNDP, the World Bank, and the UN Human Rights Council (UNCHR) place accountability, transparency, effectiveness, responsiveness, and compliance with the law as the core foundations of state administration. These principles are increasingly challenged by the widespread practice of dual office-holding among public officials across various levels—from ministers and deputy ministers to state-owned enterprise (SOE) executives, political party officials, leaders of national sports organizations, and even civil servants serving concurrently as commissioners in SOEs. This phenomenon reflects a paradox between the ideals of professional public governance and the political-practical realities that allow, or even enable, the concentration of power in a single individual.

The debate surrounding the legality of dual office-holding has gained greater prominence in recent years, particularly following revelations that dozens of deputy ministers simultaneously served as commissioners of SOEs. This situation prompted several parties to file a judicial review of Article 23(b) of Law No. 39 of 2008 on State Ministries, which was deemed insufficiently explicit in prohibiting dual office-holding by deputy ministers. Constitutional Court Decision No. 128/PUU-XXIII/2025 marked a significant milestone by affirming that both ministers and deputy ministers are prohibited from concurrently holding positions as state officials, commissioners or directors of state-owned or private enterprises, or leaders of organizations funded by the national or regional budget (APBN/APBD). This ruling subsequently served as the basis for amendments to the 2025 State-Owned Enterprises Law, which explicitly incorporated provisions prohibiting concurrent positions within the governance structure of SOEs.

However, the issue of dual office-holding extends far beyond ministerial-level officials. It has become a persistent and embedded pattern within Indonesia's political

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<sup>1</sup> Aminuddin Ilmar, *Hukum Tata Pemerintahan*, 1st ed. (Jakarta: Predanamedia Group, 2014).

and bureaucratic system. Many ministers continue to serve simultaneously as chairpersons or core administrators of political parties. Active military and police officers are appointed as SOE commissioners on the grounds of “professional expertise,” and civil servants frequently occupy concurrent structural positions in public and semi-public institutions. These practices indicate that dual office-holding is not merely a consequence of normative gaps but rather a manifestation of power relations, political interests, and bureaucratic cultures that are not fully aligned with the principles of good governance.

The issue of dual office-holding in the Indonesian government continues to attract scholarly attention due to its direct implications for governance quality, the integrity of public officials, and the effectiveness of state administration. Previous studies show that dual office-holding is not solely a technical-administrative concern, but part of a broader structural problem within Indonesia’s political and bureaucratic landscape. Theoretically, it contradicts the basic principles of good governance, which emphasize professionalism, accountability, transparency, and the avoidance of conflicts of interest.<sup>2</sup> Consequently, academic discussions on this topic are often situated within the framework of good governance and administrative law.

Research by Damayanti et al. demonstrates that violations of dual office-holding prohibitions—especially at the ministerial and equivalent levels—continue to occur despite the normative provisions of Article 23 of Law No. 39 of 2008. Their study, employing a sociological legal approach, highlights how Indonesia’s political power structure often deviates from established legal norms. These findings reveal a significant gap between formal regulatory frameworks and political practices shaped by elite interests. Furthermore, public responses to dual office-holding are generally negative, viewing the practice as an abuse of power that undermines the principle of accountability.<sup>3</sup>

In line with these findings, Putra argue that the problem of dual-position holding is not solely the result of limited legal regulations, but is also embedded in Indonesia’s bureaucratic culture, which has yet to fully internalize the ethics of good governance. They assert that the practice of holding concurrent positions has become a socially legitimized political-cultural trend, despite its inconsistency with the general principles of good governance (AUPB). Drawing on Weber’s bureaucratic theory and the concept

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<sup>2</sup> Sahya Anggara, *Ilmu Administrasi Negara: Kajian Konsep, Teori, Dan Fakta Dalam Upaya Menciptakan Good Governance*, 1st ed. (Bandung: Pustaka Setia, 2012).

<sup>3</sup> Sri Damayanti et al., “Ketika Kekuasaan Melawan Batas: Polemik Sosial- Politik Dalam Larangan Menteri Rangkap Jabatan,” *Hukum Dinamika Ekselensia* 7, no. 1 (2025): 174–88, <https://journalversa.com/s/index.php/hde/article/view/1432>.

of “benefit,” their study emphasizes that dual-position holding produces more harm than advantages for public administration.<sup>4</sup>

Earlier research, such as that conducted by Charity, highlights that the issue of dual office-holding is part of the broader dynamics of incomplete bureaucratic reform. She argues that the absence of comprehensive regulations has created wide interpretive space for public officials to retain concurrent positions under the pretext of “no explicit prohibition.” From a public ethics perspective, she further emphasizes that state officials should uphold a culture of shame and high moral standards, regardless of unclear or incomplete legal norms.<sup>5</sup>

A recent study by Saputra et al. links dual office-holding to governance practices in state-owned enterprises (SOEs) within the framework of Good Corporate Governance (GCG). Their findings reveal that the interplay between political and economic interests in SOEs produces deeply rooted conflicts of interest. Inconsistencies in regulatory enforcement further complicate efforts to address violations of dual-position prohibitions. They conclude that the consistent application of GCG principles is essential to prevent abuses of authority.<sup>6</sup>

Similarly, Arini found that even in the absence of explicit prohibitions in many regulations, dual office-holding still heightens the risk of conflicts of interest and diminishes the quality of administrative decision-making. She underscores the importance of bureaucratic ethics, integrity, and the moral conduct of public officials as foundational elements of a rule-of-law-based system. Her findings demonstrate that the problem of dual office-holding cannot be resolved solely through normative legal instruments but requires a transformation of organizational structures and bureaucratic culture.<sup>7</sup>

Ardiansya and Sanjaya specifically examine dual office-holding among ministers who simultaneously serve in leadership roles within political parties. Their study reveals that existing regulations continue to contain vague norms, particularly regarding the permissible limits of holding concurrent positions within party structures. These findings reinforce the argument that weaknesses in regulatory design facilitate dual

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<sup>4</sup> Muhammad Saad Suryadi Putra, “Analisis Peraturan Perundang-Undangan Tentang Rangkap Jabatan Di Indonesia” (Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2023), <https://etd.uinsyahada.ac.id/11006/>.

<sup>5</sup> May Lim Charity, “Ironi Praktik Rangkap Jabatan Dalam Sistem Ketatanegaraan Indonesia,” *Jurnal Legislasi Indonesia* 13, no. 1 (2016): 1–10, <https://doi.org/10.54629/jli.v13i1.81>.

<sup>6</sup> Ahmad Arya Saputra et al., “Analisis Regulasi Larangan Rangkap Jabatan Dalam Pemerintahan Indonesia Sebagai Dukungan Penerapan Good Corporate Governance,” *Jurnal Ilmiah Wabana Pendidikan* 10, no. 14 (2024): 61–76, <https://jurnal.peneliti.net/index.php/JIWP/article/view/7614>.

<sup>7</sup> Dita Rosalia Arini, “Pengaturan Terhadap Rangkap Jabatan Sebagai Menteri Sekaligus Pemimpin Daerah Dalam Pandangan Politik Hukum Indonesia,” *Jurnal Syntax Imperatif: Jurnal Ilmu Sosial Dan Pendidikan* 3, no. 2 (2022): 80–89, <https://doi.org/10.36418/syntax-imperatif.v3i2.156>.

office-holding, ultimately impairing executive functions and weakening the principle of neutrality in state administration.<sup>8</sup>

The issue of neutrality is further highlighted in research by Robuwan et al., which demonstrates that regulatory ambiguity and political intervention are key factors undermining the enforcement of neutrality among civil servants. Although their study does not focus exclusively on dual office-holding, the findings are relevant because they reflect similar patterns: weak enforcement of administrative law, political elite intervention, and insufficient ethical and professional awareness within the bureaucracy.<sup>9</sup>

Research by Yani confirms that normative ambiguities in Law No. 61 of 2024 have created legal uncertainty regarding the prohibition of dual-position holding by ministers within political parties. The study underscores that ministerial dual office-holding as political party administrators significantly affects governmental stability and undermines public trust. Their analytical framework situates dual office-holding as both a constitutional law issue and a governance issue.<sup>10</sup>

Meanwhile, Perbawa and Najicha examine the obstacles to bureaucratic reform in achieving good governance and emphasize that structural and cultural transformations occur slowly. Although their study does not directly address dual office-holding, the findings are highly relevant for understanding how inefficient bureaucratic structures and weak organizational cultures create opportunities for deviant practices, including concurrent positions.<sup>11</sup>

Although numerous studies have examined dual office-holding from legal, bureaucratic, ethical, and good governance perspectives, no prior research has simultaneously analyzed the widespread patterns of dual office-holding across multiple levels of government, the process of normalizing legal violations, and the implications of these practices for good governance following Constitutional Court Decision No. 128/PUU-XXIII/2025 and the revision of the 2025 State-Owned Enterprises Law. Previous studies have also not explored how dual office-holding functions as a politically legitimized exercise of power. Accordingly, this study provides an original

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<sup>8</sup> Ariyanto Ardiansya and Arya Sanjaya, "Dinamika Politik Hukum Ketatanegaraan Indonesia Dalam Rangkap Jabatan Politis (Menteri)," *Journal Scientific of Mandalika* 6, no. 4 (2025): 1073–87, <https://doi.org/10.36312/10.36312/vol6iss4pp1073-1087>.

<sup>9</sup> Rahmat Robuwan, Rio Armanda Agustian, and Donis Daviska, "Implikasi Hukum Administrasi Negara Terhadap Netralitas Aparatur Sipil Negara," *Jurnal Fakta Hukum* 4, no. 1 (2025): 21–28, <https://doi.org/10.58819/jfh.v4i1.181>.

<sup>10</sup> Fitri Yani, "Dampak Rangkap Jabatan Menteri Kabinet Dan Pengurus Partai Politik Terhadap Stabilitas Pemerintahan Di Indonesia" (Universitas Islam Negeri Syarif Hidayatullah, 2025), [https://repository.uinjkt.ac.id/dspace/bitstream/123456789/86860/1/11210453000046\\_Fitri\\_Yani\\_validasi.pdf](https://repository.uinjkt.ac.id/dspace/bitstream/123456789/86860/1/11210453000046_Fitri_Yani_validasi.pdf).

<sup>11</sup> I Ketut Sukawati Lanang Putra Perbawa and Fatma Ulfatun Najicha, "Tantangan Reformasi Birokrasi Dalam Mewujudkan Good Governance Berbasis Partisipasi Masyarakat," *Jurnal Discretie* 3, no. 3 (2022): 170–81, <https://doi.org/10.20961/jd.v3i3.90765>.

contribution by offering a holistic, normative-critical analysis based on the most recent legal developments. Against this backdrop, the objectives of this study are to:

- 1) Comprehensively examine the forms and patterns of the widespread phenomenon of dual office-holding in Indonesia, including practices involving ministers, deputy ministers, civil servants, state-owned enterprise officials, political organization leaders, and other public officials.
- 2) Analyze dual office-holding as a manifestation of the normalization of legal violations by evaluating how ambiguous legal norms, weak sanction enforcement, and political legitimacy reinforce the justification for holding concurrent positions.
- 3) Assess the impact of dual office-holding on the realization of good, effective, and corruption-free governance, particularly in relation to good governance principles, conflicts of interest, bureaucratic professionalism, and public trust.

## 2. RESEARCH METHODOLOGY

This study employs a normative juridical methodology enriched with qualitative analysis to examine the practice of dual office-holding and the normalization of legal violations within governance systems. This approach enables a systematic assessment of laws and regulations, Constitutional Court decisions, administrative law doctrines, and the principles of good governance. The analysis is conducted through three primary approaches: a statute approach to evaluate normative boundaries and regulatory ambiguities related to dual office-holding; a conceptual approach to analyze the concepts of conflict of interest, public office ethics, and the general principles of good governance; and a case approach to examine concrete cases, including Constitutional Court Decision No. 128/PUU-XXIII/2025 and the practice of dual office-holding at ministerial, state-owned enterprise (SOE), civil service (ASN), and Indonesian National Armed Forces (TNI)/Indonesian National Police (Polri) levels. Together, these approaches form a comprehensive analytical framework that integrates norms, theory, and empirical realities.

Research data were collected through an extensive literature review of primary, secondary, and tertiary legal materials, including statutes and regulations, judicial decisions, academic literature, and reports from international institutions. Data collection techniques included legal document analysis, searches within scientific databases, and reviews of public discourse. All data were analyzed using normative-qualitative methods, including legal interpretation, regulatory comparison, and prescriptive analysis aimed at formulating recommendations for governance reform. The validity of the analysis was ensured through source triangulation, doctrinal consistency, and the reinforcement of established legal principles, resulting in findings that are robust, critical, and academically sound.

### 3. RESEARCH RESULT AND DISCUSSION

#### 3.1. Forms, Patterns, and Characteristics of the Widespread Dual Office-Holding Phenomenon in Indonesia

This section examines the forms, patterns, and characteristics of the widespread dual office-holding phenomenon in Indonesia, particularly among public officials such as ministers, deputy ministers, civil servants (ASN), state-owned enterprise (SOE) officials, leaders of political organizations, and active members of the Indonesian National Armed Forces (TNI) and the Indonesian National Police (Polri). Using a juridical-sociological approach and drawing on primary and secondary data, this study seeks to identify the root causes, governance implications, and the relevance of these findings to previous research on conflicts of interest and governance integrity in the public sector.

The analysis demonstrates that dual office-holding in Indonesia is not merely incidental but has evolved into a structural pattern involving a wide range of state actors. The findings of this study reveal four major categories of dual office-holding. First, dual positions among high-level officials—particularly deputy ministers who simultaneously serve as commissioners of SOEs. Public data indicate that at least 30 deputy ministers hold concurrent positions. While the government initially argued that Law No. 39/2008 prohibits only ministers from holding concurrent positions, Constitutional Court Decision No. 128/PUU-XXIII/2025 clarified that the prohibition extends to deputy ministers. This ruling reinforces the conclusion that legal loopholes have been systematically exploited due to ambiguous regulatory language.

Second, dual positions held by ministers who simultaneously occupy leadership roles within political parties, as seen in cases where party chairpersons were appointed as ministers in the Red and White Cabinet. This pattern reflects entrenched political patronage between the executive branch and political parties, which theoretically heightens the risk of conflicts of interest in policy-making, budget allocation, and control over state resources.

Third, dual positions held by state officials who lead strategic sports organizations, exemplified by the Minister of Youth and Sports concurrently serving as the Chair of the Indonesian Football Association (PSSI). The invocation of FIFA's legitimacy to justify this dual role illustrates a practice of normative justification that does not fully align with principles of public ethics or good governance.

Fourth, dual positions involving active TNI and Polri personnel as well as civil servants. Evidence presented during the Constitutional Court proceedings indicates that 4,351 Polri members occupy civilian posts, including more than 1,000 officers holding structural positions in ministries. These practices deviate from the Police Law, which explicitly requires retirement prior to assuming positions outside the police structure. Similarly, active-duty TNI members occupying roles beyond the 14 institutions

authorized by law—including as SOE commissioners—constitute violations of established normative boundaries. Meanwhile, the case involving 39 echelon I–II officials within the Ministry of Finance demonstrates a pattern of civil servants serving concurrently as SOE commissioners, resulting in overlapping duties and potential conflicts of interest in public financial administration.

This study confirms that dual office-holding has become a structural challenge within Indonesia's governance system. The identified patterns highlight that inconsistent regulations and fragmented normative frameworks create legal loopholes that public officials routinely exploit. Political, economic, and patronage-related motivations are the primary drivers sustaining dual office-holding practices. The absence of effective oversight mechanisms enables these practices to persist unchecked. Empirically, dual office-holding is closely associated with diminished accountability and heightened risks of conflicts of interest.

These findings are consistent with previous research highlighting weaknesses in the institutional design of the Indonesian bureaucracy. Earlier studies have emphasized that the concentration of power in a single individual increases the risk of abuse of authority and contributes to performance inefficiencies.<sup>12</sup> Nonetheless, this study offers a novel contribution by presenting more diversified empirical evidence, including the involvement of Indonesian National Armed Forces (TNI) and Indonesian National Police (Polri) personnel in civilian positions, concurrent positions held by civil servants (ASN) and state-owned enterprise (SOE) officials, political–executive dual office-holding, and the post-Constitutional Court dynamics that have not been extensively examined in earlier literature.

The results indicate that the phenomenon of concurrent positions is symptomatic of bureaucratic patrimonialism that remains embedded within Indonesia's administrative system.<sup>13</sup> Regulatory fragmentation reflects a form of legal opportunism, wherein legal loopholes are exploited to legitimize the exercise of power.<sup>14</sup> Dual office-holding undermines the principles of public office independence, administrative accountability, checks and balances, and the integrity of public policymaking.<sup>15</sup> This phenomenon illustrates asymmetrical power relations between state actors and society, where public office is treated as a political and economic resource rather than a public mandate.

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<sup>12</sup> Ardiansya and Sanjaya, “Dinamika Politik Hukum Ketatanegaraan Indonesia Dalam Rangkap Jabatan Politis (Menteri);” Charity, “Ironi Praktik Rangkap Jabatan Dalam Sistem Ketatanegaraan Indonesia.”

<sup>13</sup> Arief Gunawan Wibisono, “Revitalisasi Prinsip-Prinsip Good Governance Dalam Rangka Penyelenggaraan Pemerintahan Yang Baik, Bersih, Dan Bebas Korupsi, Kolusi, Serta Nepotisme,” *Law Reform* 10, no. 1 (2014): 1–10, <https://doi.org/10.14710/jati.%25v.%25i.1-10>.

<sup>14</sup> Muhammad Junaidi, *Ilmu Negara: Sebuah Konstruksi Ideal Negara Hukum*, 1st ed. (Malang: Setara Press, 2016).

<sup>15</sup> Bambang Martin Baru, Rusbiyanti Sripeni, and Retno Iswati, *Membangun Pemerintahan Yang Bersih Melalui Banishing Bureaucracy System*, ed. Nunik Hariyani (Surabaya: Jengala Pustaka Utama, 2021).



This study affirms that dual office-holding in Indonesia is not merely a legal issue, but also a question of institutional design, public officials' integrity, and governmental ethics. Therefore, consistent regulatory alignment across sectors—including the Civil Servant Law, the National Police Law, the Indonesian National Armed Forces Law, the State-Owned Enterprises Law, and the Ministry Law—is required. Equally essential is the establishment of a firm and independent cross-institutional oversight mechanism, strict enforcement of normative boundaries, comprehensive implementation of Constitutional Court decisions, and reform of political culture to reduce patronage networks and limit the concentration of power.

### **3.2. The Practice of Dual Office-Holding in Indonesia as a Form of Normalized Legal Violation**

This section analyzes how the practice of dual office-holding in Indonesia has evolved into a normalized form of legal violation by examining the roles of normative ambiguity, weak sanction enforcement, and political legitimacy in constructing systemic justification for the practice. Using a juridical-sociological approach, this study explores normative data, judicial decisions, governmental practices, and patterns of political justification that emerge within public discourse.

The findings indicate that normative ambiguity is a central factor enabling the continued persistence of dual office-holding without institutional correction. This ambiguity is most evident in Law No. 39/2008 on State Ministries, which prohibits concurrent positions for “ministers” but makes no explicit reference to “deputy ministers.” The government exploited this semantic gap to justify the appointment of deputy ministers as commissioners of state-owned enterprises (SOEs), despite the fact that deputy ministers are state officials appointed and inaugurated directly by the President and possess a scope of authority comparable to that of ministers.

The study also reveals that this normative gap had already been addressed by Constitutional Court Decision No. 80/PUU-XVII/2019, which affirmed that deputy ministers are equivalent in status to ministers; thus, all prohibitions on dual office-holding apply equally to them. However, this constitutional clarification was effectively disregarded by the government, reflecting a broader pattern of non-compliance with Constitutional Court decisions, which are legally final and binding.

The latest Constitutional Court Decision, No. 128/PUU-XXIII/2025, reaffirmed the prohibition on dual office-holding and introduced a two-year transition period. The need for a second judicial correction underscores the failure of regulatory design and governmental implementation in upholding previously established norms.

The data also indicate that justifications for dual office-holding stem not only from legal loopholes but also from politically constructed legitimacy. The government employs two primary forms of justification: procedural legitimacy, relying on narrow

textual interpretation “the law does not mention deputy ministers”, and political-executive legitimacy, framing concurrent positions as necessary for policy coordination or administrative efficiency.

In cases involving deputy ministers who simultaneously serve as SOE commissioners, political justification appears to outweigh legal legitimacy. This political legitimacy is rooted in patronage networks linking executive elites, political parties, and SOEs as strategic economic and political resources. This pattern mirrors practices observed in previous administrations, suggesting a cross-regime continuity that has transformed dual office-holding from an exceptional deviation into a normalized and sustained practice.

Additional findings show that several laws explicitly prohibit dual office-holding, including:

- a) Law No. 25/2009: Civil servants are prohibited from serving as SOE commissioners;
- b) Law No. 28/1999: State officials must avoid conflicts of interest;
- c) Law No. 1/2025 (Amendment to the SOE Law): SOE commissioners are prohibited from holding dual positions when such positions are restricted by law;
- d) Regulation 3/MBU/03/2023: SOE commissioners are prohibited from holding concurrent positions that may create conflicts of interest.

However, nearly all of these provisions remain inconsistently enforced. There is no effective sanction mechanism, no removal from office, and no administrative action taken against officials who violate these prohibitions. This indicates that the regulatory prohibitions function largely as symbolic norms, while their implementation is shaped more by political considerations than by legal certainty.

Based on the overall findings, this study concludes that dual office-holding in Indonesia has become normalized not only because of weak legal frameworks, but also due to repeated political justification. While vague statutory norms function as an initial pretext, the absence of effective sanctions and the predominance of political interests transform legal deviations into routine administrative practice. Moreover, despite the presence of multiple prohibitions in various laws and regulations, the existing power structure effectively renders these norms unenforceable. Finally, even Constitutional Court decisions fail to induce behavioral change within executive institutions, largely due to the absence of an independent and binding oversight mechanism.

Prior research on governance failure, regulatory capture, and conflicts of interest reflects similar dynamics: legal violations become institutionalized practices when they involve political elites and are not counterbalanced by effective accountability mechanisms. Studies on the normalization of rule violations similarly demonstrate that deviations become normalized when they are committed by top authorities, remain

unsanctioned, and are supported by recurring justificatory narratives.<sup>16</sup> This study extends that scholarship by providing empirical evidence specific to the Indonesian context—particularly regarding dual office-holding among ministers, state-owned enterprise executives, civil servants, and other public officials—and by elucidating the relationship between power configurations and dysfunctional normative systems.

This research identifies three primary mechanisms through which the normalization of legal violations occurs: normative ambiguity, which enables manipulative interpretation; the instrumentalization of legal norms by political elites, which produces a false sense of legitimacy; and the absence of sanctions, which fosters the perception that the practice is acceptable. Collectively, these mechanisms illustrate that dual office-holding constitutes one of the clearest examples of institutionalized legal deviance within Indonesian governance.

The findings confirm that dual office-holding is not merely an isolated instance of individual legal misconduct, but rather a systemic pattern that sustains political power through legal opportunism, patronage networks, and overlapping roles among public officials. Regulatory reforms alone—without accompanying reforms to power structures and sanctioning mechanisms—will be insufficient to halt this normalization. Accordingly, fundamental changes are required at the legal, institutional, and political-cultural levels.

### 3.3. Impact of Dual Office-Holding on Good Governance

This study aims to critically assess the impacts of dual office-holding on the realization of effective, professional, and corruption-free good governance. Using a normative–empirical approach, the analysis draws on statutory regulations, constitutional and judicial decisions, case data, and public responses to dual office-holding among public officials, including ministers, deputy ministers, civil servants, state-owned enterprise (SOE) executives, and political party officials. The research specifically examines how dual office-holding influences conflicts of interest, bureaucratic professionalism, institutional effectiveness, and public trust in government.

The findings show that dual office-holding directly contravenes the core principles of good governance—particularly accountability, transparency, effectiveness, and institutional independence. The case of Immanuel Ebenezer (“Noel”), former Deputy Minister of Manpower and Commissioner of PT Pupuk Indonesia, who was arrested by the Corruption Eradication Commission (KPK) for alleged extortion, serves as a strong empirical illustration. Field data indicate that holding two positions simultaneously increases the vulnerability to abuse of authority, especially when an official occupies both decision-making and oversight roles.

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<sup>16</sup> Joseph Raz, “The Justification of Authority,” in *The Morality of Freedom*, ed. Joseph Raz (Oxford: Oxford University Press, 1988), 38–69, <https://doi.org/10.1093/0198248075.003.0003>.

Noel's case further demonstrates that dual office-holding expands access to political and economic resources, thereby increasing the risk of state capture and misconduct. These findings align with governance failure theory, which posits that concentration of authority in a single individual weakens internal control mechanisms within public institutions.

The study also identifies a significant contradiction between the government's rhetorical commitment to promoting effective and corruption-free governance and its tolerance of dual office-holding. President Prabowo, in his state address on 15 August 2025, emphasized that corruption remains a pervasive problem within the bureaucracy and SOEs. However, the continued allowance of dual office-holding among ministers and deputy ministers in his administration reveals political inconsistency, which has contributed to declining public confidence.

The findings further indicate that dual office-holding generates unavoidable conflicts of interest. A noteworthy example is the appointment of the Director General of Taxes as President Commissioner of Bank Tabungan Negara (BTN). In this instance, the Director General simultaneously holds two interrelated roles: tax regulator and corporate supervisor. This duality poses a serious threat to the independence of decision-making. The Civil Service Law No. 5/2014 requires civil servants to avoid conflicts of interest and uphold professionalism, while the SOE Law requires commissioners to act independently. Thus, holding both positions is legally and functionally incompatible with public integrity principles.

Dual office-holding is also shown to undermine bureaucratic professionalism. Officials occupying multiple strategic positions frequently face divided attention, reduced performance, and insufficient internal oversight. Interviews reveal that such officials often struggle to meet the demands of both institutions, resulting in diminished organizational effectiveness.

One of the most consequential findings of this study is the erosion of public trust caused by the normalization of dual office-holding. Public sentiment reflects a strong perception that officials who hold dual roles tend to exploit them for personal or political benefit. This situation reinforces the belief that the government is inconsistent in its anti-corruption efforts, thereby weakening public trust in state institutions.

The erosion of public trust has significantly weakened the government's moral authority. The practice of several political party chairpersons holding concurrent ministerial positions—despite persistent criticism regarding conflicts of interest and heightened corruption risks—reinforces the perception that political power supersedes the public interest. Public demands that officials choose a single position have not been met with any clear policy response.

The findings of this study align with previous research on dual office-holding and governance. Prior studies have demonstrated that dual office-holding heightens agency

problems, undermines oversight independence, and increases opportunities for corruption.<sup>17</sup> However, this study offers a novel contribution by incorporating empirical evidence from Indonesia between 2019 and 2025, including the Noel case and the broader phenomenon of dual office-holding among political officials and state-owned enterprise (SOE) executives.

Furthermore, this study emphasizes that dual office-holding diminishes policy quality due to fragmented priorities among officials.<sup>18</sup> The absence of explicit regulations governing dual office-holding by political party chairpersons is an additional contribution of this study, highlighting a legal gap that has previously received limited scholarly attention.

The impact of dual office-holding is multidimensional. From a good governance perspective, it undermines accountability, independence, and transparency. From a bureaucratic professionalism standpoint, it disrupts work focus and reduces the quality of public service delivery.<sup>19</sup> Moreover, dual office-holding creates conditions that are inherently vulnerable to abuse of power. Ultimately, the most serious consequence manifests in a deepening crisis of public trust.

This study confirms that dual office-holding is not merely an ethical concern but a structural problem within Indonesian governance. As long as this practice continues to be tolerated, the goals of effective and corruption-free governance will remain difficult to achieve. Comprehensive regulatory reforms, independent oversight mechanisms, and political culture transformation are essential to eliminating dual office-holding and strengthening the integrity of government institutions.

#### 4. CONCLUSION

This study aims to examine the increasingly widespread phenomenon of dual-position holding in Indonesia and to assess its implications for the realization of effective, accountable, and corruption-free governance. The findings indicate that dual-position holding occurs not only at the ministerial and deputy ministerial levels, but also among civil servants (ASN), state-owned enterprise (BUMN) executives, political party leaders, and various other public officials. This trend has formed a structural pattern that reflects the normalization of legal violations. Ambiguous norms, weak sanction enforcement, and political legitimacy have been shown to be key drivers that justify this practice while simultaneously weakening the state's accountability system.

The study confirms that dual-position holding heightens the risk of conflicts of interest, undermines bureaucratic professionalism, reduces institutional effectiveness,

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<sup>17</sup> Nicolas Eugster, Oskar Kowalewski, and Piotr Śpiewanowski, "Internal Governance Mechanisms and Corporate Misconduct," *International Review of Financial Analysis* 92 (2024): 1–20, <https://doi.org/10.1016/j.irfa.2024.103109>.

<sup>18</sup> Juniarto Ridwan and Achmad Sodik Sudrajat, *Hukum Administrasi Negara Dan Kebijakan Pelayanan Publik* (Bandung: Nuansa Cendekia, 2020).

<sup>19</sup> Hery Alexander, *Pengantar Hukum Indonesia*, 1st ed. (Yogyakarta: UII Press, 2022).

and creates wider opportunities for corrupt practices, thereby eroding the principles of good governance and diminishing public trust. Empirically, these findings demonstrate that the government's anti-corruption commitments frequently conflict with actual bureaucratic practices and policy choices. The research contributes by highlighting the urgency of regulatory reform and the strengthening of oversight mechanisms related to dual-position holding.

The primary limitations of this study concern data accessibility and the absence of more detailed sectoral differentiation. Accordingly, further research is recommended to conduct comparative analyses across sectors or political regimes and to develop more measurable monitoring frameworks that can serve as a basis for improving governance policies in Indonesia.

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