

## Kedudukan dan kewenangan staf khusus menteri dalam struktur organisasi kementerian negara = Position and authority of ministerial special staff in the organizational structure of the state ministry

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### Abstrak

Penelitian ini dilatarbelakangi dari hadirnya jabatan baru dalam unsur struktur organisasi kementerian negara, berdasarkan Peraturan Presiden Nomor 7 Tahun 2015 tentang Struktur Organisasi Kementerian Negara, yaitu jabatan staf khusus menteri. Staf khusus menteri mempunyai tugas memberikan saran dan pertimbangan kepada menteri sesuai penugasan menteri dan bukan merupakan bidang tugas unsur organisasi kementerian. Luasnya tugas staf khusus menteri tersebut bisa menimbulkan multitafsir, dan bahkan dalam praktiknya staf khusus menteri melakukan tindakan di luar kewenangannya, karena tidak jelasnya tugas staf khusus menteri. Selain itu proses perekrutan staf khusus menteri yang belum diatur juga menimbulkan masalah tersendiri. Selama ini yang direkrut menjadi staf khusus menteri adalah orang-orang terdekat menteri, padahal seharusnya direkrut menggunakan merit system, yaitu sistem mengangkat pegawai dengan kecakapannya, bukan berdasar kedekatan atau hubungan kekeluargaan.

Setelah dilakukan penelitian menggunakan metode yuridis normative dengan pendekatan perundang-undangan, ternyata keberadaan staf khusus menteri selama ini tidak memberikan manfaat yang signifikan bagi birokrasi dan kinerja menteri. Dari segi kepastian hukumnya lemah karena dasar hukumnya hanya ada di peraturan presiden, di sisi lain dari segi kemanfaatan dan keadilannya juga dirasa kurang, karena nyatanya jabatan ini tidak masuk dalam struktur organisasi kementerian dan dengan proses perekrutan yang tidak jelas tapi memperoleh fasilitas setara pegawai Eselon 1b, tentu tidak adil dan menimbulkan pemborosan anggaran. Berdasarkan alasan tersebut urgensi keberadaan staf khusus menteri dirasa tidak begitu penting karena sudah ada staf ahli dalam struktur organisasi kementerian, walaupun mau tetap diadakan maka status kepegawaian harus diperjelas menjadi PPPK agar jelas juga kedudukannya dan kewenangannya dibedakan dengan staf ahli.

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**Position and Authority of Ministerial Special Staff in the Organizational Structure of the State Ministry** This research is motivated by the presence of new positions in the elements of the organizational structure of state ministries, based on Presidential Regulation No. 7 of 2015, namely the position of staff for ministers. The minister's special staff has the task of giving advice and consideration to the minister according to the assignment of ministers and is not an area of duty for the elements of the ministry organization. The extent of the minister's special staff duties can lead to multiple interpretations, and even in practice the minister's special staff takes action outside his authority, because of the unclear task of the minister's special staff. In addition, the unregulated process of recruiting special staff for ministers also creates its own problems. So far, those recruited to become special staff of ministers are the closest people to the minister, even though they should be recruited using a merit system, namely the system of raising employees with their skills, not based on proximity or family relations.

After conducting research using a normative juridical method with a statutory approach, it turns out that the existence of special ministerial staff so far has not provided significant benefits to the bureaucracy and

ministerial performance. In terms of legal certainty it is weak because the legal basis is only in the presidential regulation, on the other hand in terms of benefits and fairness it is also felt lacking, because in fact this position is not included in the ministry's organizational structure and unclear recruitment process but obtains facilities equivalent to Echelon employees 1b, it is certainly not fair and causes budget waste. Based on these reasons, the urgency of the existence of special ministerial staff is not very important because there are already expert staff in the ministry's organizational structure, even if they want to be held, the employment status must be clarified as first aid so that their position is clear and their authority is distinguished from expert staff. Keywords: position, authority, the urgency of the existence of a ministerial staff.