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Analysis of the Position of Special Envoy of the President for the Development of Young Generation and Art Workers in Indonesia Based on Constitutional Law

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Abstract: This study aims to analyze the legal position of the Special Envoy of the President in the field of fostering young people and art workers based on the perspective of Indonesian constitutional law. The existence of the position of Special Envoy of the President in the Indonesian constitutional structure, especially in the context of empowering the younger generation and strengthening the creative industry, raises juridical questions regarding its legal basis, authority, and accountability. Using a normative juridical legal research method with a statutory approach, this research examines Presidential Decree Number 76/M of 2024 which regulates the appointment of special envoys of the President in the 2024-2029 period, as well as the relevance of these regulations within the framework of Indonesian constitutional law. The results show that although the special envoy of the President has a strategic role in supporting the development of young talents and the creative industry sector, the position lacks a clear and specific legal basis, which can lead to problems in terms of accountability and transparency. Therefore, this study recommends the need for the drafting of firmer regulations regarding the position, duties, and authority of special envoys, as well as strengthening supervision and coordination mechanisms with relevant ministries or institutions. This is expected to increase the effectiveness and contribution of special envoys to the progress of the Indonesian nation, especially in the development of the creative economy.

Keyword: Special Envoy of the President, Development of Young Generation, Art Workers, Constitutional Law, Presidential Decree, Creative Economy.

INTRODUCTION

The President has the final decision authority in the appointment of ministerial-level officials (Pokhrel, 2024). In order to realize the vision and mission of national development, the state needs effective instruments to develop various sectors of life, including in fostering the younger generation and the arts sector (Bureaucracy, 2024). The position of “Special Envoy of the President” is quite an interesting phenomenon in the structure of the Indonesian

government. Unlike other ministries or state institutions, special envoys are officials directly appointed by the President to carry out certain tasks outside the functions of existing ministries or institutions (Asshiddiqi, 2019).

In 2024, President Prabowo Subianto appointed Raffi Ahmad, a well-known celebrity and businessman, as the President's special envoy on youth development and arts workers. This appointment reflected the President's effort to involve public figures who have great influence in the entertainment and social media world in the development of human resources, especially the young generation and the arts sector. As a special envoy, Raffi Ahmad is tasked with designing and implementing policies that support the development of creativity and the welfare of arts workers, as well as assisting in the creation of opportunities for young people in this field (Setuninghsih, 2024).

The appointment of these special envoys raises juridical questions about their position and role in Indonesia's Constitutional Structure, especially since these positions often lack a legal basis that explicitly regulates their duties, authority, and limits of responsibility.

During President Prabowo's administration, the Special Envoy for the Development of Young Generation and Art Workers aims to provide strategic support for the development of young talents and the strengthening of the creative industry (Yanwardhana, 2024). The role of this Special Envoy is expected to accelerate the process of empowering the younger generation by providing wider opportunities for them to develop their potential in various fields, especially arts and culture, which not only contribute to social progress, but also have a significant impact on the creative economy, which is now increasingly becoming one of the leading sectors. In this endeavor, the envoy is expected to bridge between the government, society, and the private sector to create an ecosystem that supports creativity and innovation, which in turn will advance the nation at the global level.

The position of the Special Envoy in the Field of Youth Development and Art Workers requires a discussion of whether this role is within the corridor of the President's legitimate authority, as well as how the implementation of the duties of this special envoy within the framework of the Indonesian legal state. This is important because it involves administrative and political functions in the management of public policies that involve the non-structural sector, as well as stakeholders involved in it, such as related ministries, state institutions, and the wider community (Soekanto, 2014).

However, the absence of a clear legal basis for the position of special envoys in the constitutional structure has led to debates about accountability, transparency, and the limits of authority of the position. The absence of regulations that strictly regulate the position and responsibilities of special envoys can have an impact on the effectiveness of their duties and also on the system of checks and balances in government.

Thus, "Juridical Analysis of the Position of the President's Special Envoy in the Field of Development of Young Generation and Art Workers Based on the Perspective of Constitutional Law" in this context only discusses how the Position and Legal Basis of the President's Special Envoy in the Field of Development of Young Generation and Art Workers According to the Perspective of Indonesian Constitutional Law, and how the Duties and Functions of the President's Special Envoy in the Field of Development of Young Generation and Art Workers?

This study aims to analyze the legal position of the President's special envoy in the field of fostering young people and art workers from the perspective of Indonesian constitutional law.

METHOD

The type of research used is normative juridical legal research. The normative research method is a scientific research procedure to find the truth based on legal scientific logic from the normative side (Fajar & Achmad, 2015). The approach method used in this research is the

statutory approach method (Statue approach), which is carried out by examining the provisions of the laws and regulations that apply in the case, namely according to Presidential Decree No. 76 / M of 2024 concerning the Appointment of Presidential Special Envoys for 2024-2029. The data is taken from laws and regulations, legal documents, library books, journals, and internet news sources. By using descriptive or qualitative analysis (Rosidi et al., 2024).

RESULTS AND DISCUSSION

In this section, we will discuss the legal position of the President's special envoy in the field of fostering young people and art workers, as well as the duties and functions of the special envoy from the perspective of Indonesian constitutional law. This discussion will be carried out by referring to existing laws and regulations, as well as analyzing how the role and position of special envoys in the Indonesian constitutional structure.

Legal Position of the President's Special Envoy

The position of the Special Envoy of the President in the context of fostering young people and art workers needs to be seen from several aspects, namely juridical, administrative, and political aspects. In the juridical aspect, the main concern is whether this position has a valid and clear legal basis in the Indonesian constitutional system.

Based on Presidential Decree No. 76/M of 2024 on the Appointment of Special Envoys of the President for 2024-2029, special envoys of the President have a position that is not the same as structural officials in ministries or state institutions. The Presidential Decree gives the President the authority to appoint certain individuals who will carry out special tasks outside the existing government structure. However, it does not elaborate on the limits of authority, responsibilities, and accountability mechanisms of these officials. This creates potential ambiguities in the implementation of the special envoy's duties, especially in relation to the principles of good governance, such as transparency, accountability and public participation.

In the Indonesian constitutional law system, the position of the President's special envoy as part of the government structure has a foundation that can be analyzed from the perspective of Constitutional Law (Asshiddiqi, 2019). From the perspective of Indonesian Constitutional Law, the absence of a strong legal basis for the position of special envoy raises a number of questions about the authority and limits of power possessed by the envoy. According to Article 4 of the 1945 Constitution, (Assabil & Triyatno, 2023) For example, when compared to other equivalent positions, such as ministers or heads of state institutions that have a clear legal basis in relevant laws and regulations, the position of special envoy appears to be more informal and flexible. This can be problematic in terms of accountability and transparency, where there is no clear system to oversee the performance of special envoys.

Duties and Functions of the Presidential Special Envoy

The main task of the President's special envoy in the field of fostering young people and art workers is to provide strategic support for the development of young talents and strengthening the creative industry sector (Hendra & Hidayati, 2023). As an official directly appointed by the President, this special envoy has a very important role in designing policies and strategies that can accelerate the empowerment of the younger generation, especially in the fields of arts and culture (Widiyono, 2019). Based on Presidential Regulation No. 56/2020 which amends Presidential Regulation No. 17/2012 concerning Special Envoys of the President, Special Staff of the President, and Special Staff of the Vice President (hereinafter referred to as Perpres No. 56/2020), the purpose of this regulation is to institutionalize the position of Presidential Special Staff to support the smooth implementation of the President's duties. In accordance with Perpres No. 56/2020, the Special Staff of the President should be assigned to handle areas that have not been covered by other sectoral ministries or institutions (Raseukiy, 2022).

In general, the main functions of these special envoys can be broken down into several points, namely:

- 1) Empowerment of Young Talents: Creating programs that support the development of young people in arts, technology, and creativity. This includes training, skills development, as well as providing facilities that allow young people to express and develop their potential.
- 2) Strengthening the Creative Industry Ecosystem: Establishing partnerships between the government, private sector, and the community in order to create an ecosystem that supports innovation and creativity. This aims to increase the competitiveness of Indonesia's creative industries in the global market.
- 3) Connecting Stakeholders: As a liaison between the government and various related sectors, including ministries that have an interest in the development of the creative sector, private institutions, and arts and cultural communities in Indonesia.
- 4) Increasing Creative Economy Empowerment: By optimizing the potential of arts and culture as part of the creative economy, special envoys are expected to contribute significantly to national economic growth through sectors such as music, film, design, and digital technology.

However, despite the strategic nature of the special envoy's duties and functions, the envoy's role often overlaps with the authority of related agencies or ministries, such as the Ministry of Education, Culture, Research and Technology, or the Ministry of Tourism and Creative Economy (Rahman & Nurcahyani, 2024). This suggests the need for clarity on the boundaries of tasks and functions between special envoys and existing ministries/agencies to avoid overlapping in policies and programs.

Legal Challenges and Issues Faced

The analysis conducted between ministries/state institutions and the Presidential Special Staff shows different results. As explained earlier, Special Staff have financial rights equivalent to state officials at the level of the Attorney General and Ministers, so that the implementation of tasks and other costs related to the President's Special Staff are borne by the state budget (Raseukiy, 2022).

Some of the challenges faced by the President's special envoys in carrying out their duties include:

- 1) Lack of a Firm Legal Basis: As discussed, the position of special envoy of the President does not have a clear enough legal basis, which may raise doubts about its existence within the Indonesian legal framework (Dewanto, 2021). In the absence of regulations that explicitly regulate their authority and responsibilities, these envoys can be seen as lacking legitimacy and clear space for movement in the Indonesian government system.
- 2) Accountability and Transparency: One of the major issues that arises is related to accountability and transparency. Without a clear monitoring mechanism, it is difficult to evaluate the performance of special envoys in carrying out their duties. In a government system based on the principles of good governance, this can be a serious problem that hinders the effectiveness of the policies taken.
- 3) Potential Overlap with Other Ministries/Agencies: Because the duties of special envoys involve many sectors, there are often overlaps with existing policies in other ministries or institutions (Armando, 2023). For example, youth development programs and creative industry development are already part of the policies of the Ministry of Tourism and Creative Economy. Therefore, there needs to be better coordination to avoid wasted resources and unsynergistic policies.

Recommandations

Based on the analysis that has been carried out, there are several recommendations that can be given to improve the position and implementation of the duties of the President's special envoy, among others:

- 1) Formulation of a Clear Legal Basis: A regulation or law is needed that clearly regulates the position, duties, authority, and accountability of the President's special envoy in the field of fostering young people and art workers. With a clear legal basis, the position of this special envoy will be more structured and have strong legitimacy in the Indonesian constitutional system.
- 2) Strengthening Supervision and Accountability Mechanisms: In order for the duties of special envoys to be carried out effectively and transparently, there needs to be a supervisory mechanism that involves various parties, including state institutions that have related authorities. This is important to ensure that the policies taken are not only beneficial for political interests, but also for the progress of the nation.
- 3) Better Coordination with Related Ministries/Agencies: In carrying out their duties, special envoys need to establish better coordination with other ministries or institutions that have similar duties. This is important to create a more integrated policy and avoid duplication of programs that can lead to budget waste.

CONCLUSION

Based on the above discussion, it can be concluded that the position of the President's special envoy in the field of fostering young people and art workers, despite having a strategic role in developing Indonesia's young talents and creative industries, still faces various challenges related to legal basis, authority, and accountability. Therefore, steps are needed to clarify the legal position and improve the supervision mechanism so that this special envoy can carry out its duties effectively and have a positive impact on the progress of the nation.

REFERENCE

- Armando, R. D. (2023). *The Judiciary of the Supreme Court*. Padang: CV Gita Lentera.
- Assabil, Q., & Triyatno, A. (2023). South Korean Cultural Diplomacy & K-Pop at 2021. 4(1), 84, <https://journal.peradaban.ac.id/index.php/jspp/article/view/1401>
- Asshiddiqi, J. (2019). *Indonesian Constitutional Law*. Sinar Grafika, 45.
- Bureaucracy, K. P. (2024). *Vision, Mission of the President and Vice President*. Retrieved from <https://www.menpan.go.id/site/tentang-kami/tentang-kami/visi-misi-presiden-dan-wakil-presiden-ri>
- Dewanto, W. (2021, February 18). FILLING THE POSITION OF PRESIDENTIAL INSTITUTION.
- Fajar, M., & Achmad, Y. (2015). Dualism of Normative & Empirical Legal Research”, 2015, p. 135, accessed on December 4, 2024. Yogyakarta: Student Library.
- Government Regulation No. 137 Year 2024.
- Hendra, J., & Hidayati. (2023). *Monograph STRATEGY OF CREATIVE ECONOMIC DEVELOPMENT OF THE COMMUNITY Toward INDUSTRIAL REVOLUTION 4.0*. Bengkalis-Riau: Dotplus Publisher.
- Presidential Decree No. 76/M Year 2024
- Pokhrel, S. (2024). *Juridical Study of the Role of Ministerial Level Officials in the Indonesian Government System'*, 15.1 (2024). Αγαη.
- Rahman, & Nurcahyani, D. F. (2024). *The Role and Position of the President's Special Staff in the Exercise of Government Power*. Islamic University of Indonesia.
- Raseukiy, S. A. (2022). *A Critique of the Existence of President Jokowi's Millennial Special Staff*. *Padjajaran Law Reviuw*, 2.

- Rosidi, A., Zainuddin, M., & Arifiana, I. (2024). Methods in Normative and Sociological Legal Research (Field Research). *Journal Law and Government*, 2(1), 46
- Setuninghsih, N. (2024, October 22). Raffi Ahmad's duty as the President's Special Envoy. Retrieved from Kompas: https://nasional.kompas.com/read/2024/10/22/14552131/tugas-raffi-ahmad-sebagai-utusan-khusus-presiden?lgn_method=google&google_btn=onetap,
- Soekanto, S. (2014). *Bureaucratic Reform and Government Policy*. Jakarta: Rajawali Press.
- Widiyono, S. (2019). Development of Nationalism of the Young Generation in the Era of Globalization. *Populika*, 7(1), 12-21. <https://doi.org/10.37631/populika.v7i1.24>
- Yanwardhana, E. (2024). Legal! Prabowo Inaugurates 7 Special Envoys of the President. Retrieved from <https://www.cnbcindonesia.com/news/20241022095847-4-581963/sah-prabowo-lantik-7-utusan-khusus-presiden-raffi-ahmad-zita-anjani>
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