

## Accountability of Minister Triumvirate as Acting Presidential Duties in the Situation of President and Vice President in Permanent Obstacle

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### Abstract

In the event of a simultaneous vacancy in the offices of the President and Vice President in Indonesia, Article 8, paragraph (3) of the 1945 Constitution mandates that the presidential duties are temporarily assumed by three ministers: the Minister of Foreign Affairs, the Minister of Home Affairs, and the Minister of Defense, collectively referred to as the triumvirate. In this situation, the triumvirate ministers perform presidential duties on an interim basis, raising the need to understand the scope of their accountability in executing these functions. This study analyzes the legal accountability of the triumvirate as temporary executors of presidential duties, focusing on the limitations of authority and obligations assigned to them. The research employs normative legal methods, utilizing a legislative approach to understand the constitutional basis for the triumvirate in the 1945 Constitution, as well as a conceptual approach to outline the duties and responsibilities of the triumvirate within the context of constitutional law. The findings reveal that the triumvirate holds only limited administrative authority, closely monitored by the House of Representatives (DPR) and other relevant institutions, as Indonesia adheres to a presidential system of government. The accountability of the triumvirate is limited and aimed at ensuring the continuity of government operations until the election of a definitive President and Vice President. This study enhances understanding of high-level official accountability mechanisms in Indonesia's constitutional system during emergencies, highlighting the importance of clear regulations to maintain governmental stability.

Keywords: Accountability, Minister of Triumvirate, Permanent Incapacity.

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### Introduction

The accountability of a ministerial triumvirate as acting presidential authority in the event of a permanent obstacle to the President and Vice President is a vital issue in constitutional law and governance. A triumvirate, in this context, refers to a group of three ministers temporarily appointed to assume the functions of the presidency. The concept has

historical roots, where a coalition of three leaders shared power to ensure stability, and in modern systems, it serves as an emergency mechanism for leadership transitions. In Indonesia's constitutional framework, this mechanism comes into effect when both the President and Vice President are permanently incapacitated, raising complex legal and political questions regarding the legitimacy and accountability of this interim leadership [1].

The formation of a triumvirate reflects the need to ensure continuity of governance during extraordinary circumstances. However, it also introduces challenges regarding the scope and exercise of executive power. In Indonesia, this group is typically composed of the Coordinating Minister for Political, Legal, and Security Affairs, the Coordinating Minister for Economic Affairs, and the Coordinating Minister for Human Development and Culture [2]. These individuals act collectively to fulfill presidential functions until new leadership is established or other constitutional solutions are implemented. However, the collective nature of the triumvirate raises questions about decision-making processes, coordination, and responsibility among the three ministers.

This research will focus on several key issues related to the triumvirate's accountability. One of the main concerns is whether the constitutional framework provides adequate clarity on their authority and responsibilities. Since these ministers hold their positions by virtue of appointment rather than election, questions arise about the extent to which they can exercise presidential power and how their actions are to be monitored and held accountable. Political and legal oversight is crucial to prevent the misuse of power, as well as to maintain public trust and the legitimacy of government operations [3].

Furthermore, the distribution of executive authority among three individuals instead of a single leader presents a unique challenge. Each minister brings expertise from their respective portfolios, but the need for consensus may affect the speed and effectiveness of decision-making. This research will explore whether the current legal framework facilitates efficient decision-making within the triumvirate and how accountability mechanisms such as parliamentary oversight and public scrutiny – ensure that they act responsibly during their tenure.

By analyzing comparative practices from other countries, the study aims to identify best practices in managing leadership transitions involving multiple actors. It will also assess whether Indonesia's current constitutional framework requires reforms to ensure a smooth transfer of power while upholding the principles of democracy and the rule of law. Ultimately, the research seeks to provide recommendations to strengthen the legal foundations and accountability systems that govern the role of a ministerial triumvirate, ensuring that public trust is preserved even during moments of political uncertainty.

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## **Methodology**

This research adopts the normative legal research method as described by Peter Mahmud Marzuki. In his book *Penelitian Hukum* (2005), Marzuki explains that normative legal research aims to analyze law as a system of norms or doctrines [11]. The primary focus of this research is to examine legal regulations, principles, and doctrines related to the execution of presidential duties by the ministerial triumvirate. This method not only

emphasizes the interpretation of legal texts but also seeks normative solutions to the legal issues identified in the study.

According to Marzuki, normative legal research involves analyzing both primary legal materials and secondary legal materials. Primary legal materials include binding legal instruments, such as the 1945 Constitution of the Republic of Indonesia, relevant laws, and government regulations governing the role of ministers. Secondary legal materials consist of books, journals, expert commentaries, and other literature that provide insights to support the analysis. In this research, the normative method is employed to determine the legal foundations and accountability mechanisms for the ministerial triumvirate acting as the interim executive authority [12].

This study also employs two specific approaches outlined by Marzuki: the statute approach and the conceptual approach. The statute approach is used to analyze positive laws, including regulations concerning leadership transitions and the responsibilities of ministers performing presidential duties. This approach helps the research examine how legal frameworks regulate the authority and obligations of the triumvirate and identify any potential gaps or ambiguities in the current system.

In addition, the conceptual approach is utilized to clarify key concepts, such as accountability, executive power, legal responsibility, and emergency governance. This approach aids in developing a deeper understanding of these concepts and how they are applied in Indonesia's legal system. It provides a theoretical framework for evaluating the legitimacy and accountability of the ministerial triumvirate in extraordinary circumstances.

By adopting Marzuki's normative legal research method, this study aims to offer appropriate normative solutions to the issues identified. The research is expected to contribute not only to legal theory but also to practical policy recommendations that will enhance Indonesia's legal framework. This will ensure more effective leadership transitions and improved accountability mechanisms for the ministerial triumvirate during moments of political uncertainty [13]. Data collection in this research relies on library research, involving the study of relevant laws, legal commentaries, academic journals, books, and case studies. This research method is purely doctrinal, aiming to interpret and analyze legal texts systematically. Through this approach, the study seeks to offer recommendations to refine Indonesia's legal framework by comparing it with international practices. The outcome is expected to contribute to the development of legal theory and propose practical reforms for better governance and accountability in times of political uncertainty.

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## **Results and Discussion**

### **Legal Framework of the Ministerial Triumvirate in Indonesia**

The Indonesian legal framework establishes the conditions under which a ministerial triumvirate assumes presidential duties. According to the 1945 Constitution of the Republic

of Indonesia, when both the President and Vice President face permanent incapacitation, a transition mechanism is necessary to ensure continuity in governance. The legal basis for the triumvirate's authority is implied in emergency governance rules, supported by additional regulations and laws governing the role of ministers. However, the absence of explicit constitutional provisions on the triumvirate's operations raises challenges in its interpretation and application [5].

The laws regulating the roles of coordinating ministers outline their responsibilities in specific portfolios. However, when acting as a triumvirate, these ministers assume executive authority beyond their typical administrative duties. This creates a potential overlap of responsibilities, which the legal framework does not fully anticipate. Lack of detailed regulations regarding how the ministers exercise collective power as an interim executive adds complexity, increasing the risk of operational inefficiency and conflict [4].

Further, the absence of clear guidelines on the scope of the triumvirate's authority could lead to ambiguity in decision-making. While the triumvirate must carry out essential presidential duties, such as managing national security and foreign affairs, questions remain about whether it can initiate long-term policies or merely maintain routine governance. These uncertainties necessitate legal reforms to provide clearer boundaries on the extent of the ministers' authority [7].

Oversight and accountability mechanisms within the current legal framework are also limited. While parliamentary oversight is expected, the effectiveness of such supervision depends on the presence of adequate legal tools. Without explicit laws to monitor the triumvirate's decisions, accountability remains vague, which may affect public trust and institutional stability during a political crisis [6].

Comparing Indonesia's framework with international practices highlights a significant gap in the regulation of temporary executive bodies. Some countries have established clear mechanisms for interim leadership, ensuring transparency and legitimacy. These examples suggest that Indonesia's legal system requires codified regulations to prevent power abuses and to maintain continuity in state functions effectively.

Thus, the legal framework for the ministerial triumvirate remains incomplete, requiring more precise provisions to balance power and accountability. Legal clarity is essential to ensure that the triumvirate operates within constitutional boundaries and preserves the legitimacy of the government during crises.

### **Accountability Mechanisms of the Ministerial Triumvirate**

Accountability is a fundamental principle in ensuring that government officials act in the public's interest and within the law. In the context of the ministerial triumvirate, accountability mechanisms are essential to prevent misuse of power. However, the current framework does not adequately address how these ministers, acting collectively, can be held accountable. The challenge lies in establishing whether their accountability is individual or collective when decisions are made jointly [8].

One primary form of accountability is political responsibility. In theory, the triumvirate must answer to the parliament for its actions. However, since the ministers are appointed and not elected, the political legitimacy of their authority is weaker compared to

the President or Vice President. This research identifies the need for enhanced parliamentary oversight to ensure that the triumvirate's decisions reflect public interests.

Article 8, paragraph (3) of the 1945 Constitution of Indonesia provides a legal framework to address the simultaneous vacancy of the offices of the President and Vice President. In such an extraordinary scenario, the Minister of Foreign Affairs, Minister of Home Affairs, and Minister of Defense are collectively appointed to temporarily perform the duties of the presidency.

This provision ensures continuity in governance and prevents a power vacuum that could destabilize the state. However, the joint execution of presidential duties by three ministers introduces challenges, such as coordination in decision-making and the division of responsibilities, which could potentially affect the effectiveness and speed of governance during critical times.

Additionally, the 30-day time limit for the People's Consultative Assembly (MPR) to convene and elect new leaders emphasizes the urgency of re-establishing permanent executive leadership. The candidates for President and Vice President are limited to the top two pairs from the most recent general election, preserving the electoral legitimacy of the new leadership. This mechanism ensures a swift transfer of power while maintaining democratic principles.

The limited timeframe and narrow pool of candidates might constrain the MPR's ability to make well-considered decisions, posing risks of rushed deliberations that could affect the long-term stability of the executive branch. Therefore, while the article provides a necessary legal solution for emergency leadership transitions, its practical implementation requires careful planning to ensure both stability and legitimacy in governance [9].

This study emphasizes the need for legal reforms to introduce codified accountability frameworks specific to the triumvirate. These reforms could include detailed procedures for parliamentary oversight, clear reporting obligations, and mechanisms for judicial review to address any potential disputes or abuses of power.

Ultimately, strengthening accountability mechanisms is vital to ensure that the transitional exercise of executive authority aligns with democratic principles. These mechanisms would prevent the concentration of power within the triumvirate and promote transparency and trust during periods of political uncertainty.

### **Decision-Making, Coordination, and Legal Reforms for the Ministerial Triumvirate**

The operation of a ministerial triumvirate presents distinct challenges, especially in terms of decision-making and coordination. Unlike traditional executive structures led by a single figure, a triumvirate requires consensus among three ministers, which can lead to delays when members hold differing views and priorities. This collective decision-making approach, while intended to distribute authority evenly, can reduce efficiency during emergencies when swift decisions are critical [14].

One key issue lies in the coordination of responsibilities among the ministers. Each minister brings expertise from specific sectors such as political affairs, economic management,

and social welfare but these may not fully align with the duties required of a head of state. As a result, conflicting priorities can emerge, creating obstacles to effective governance. During crises, misaligned objectives could compromise the government's ability to maintain stability and respond decisively.

Another complication is the distribution of authority within the triumvirate. Without a defined hierarchy or clear rules for resolving disagreements, disputes may arise about who should take the lead on critical decisions. This lack of structure risks operational confusion and may hinder the smooth implementation of policies, further challenging the efficiency of interim governance. Establishing clear protocols on authority-sharing is essential to avoid disruption [10].

The need for rapid decision-making during times of political instability further highlights these challenges. Ministers who are used to working within their respective portfolios may struggle to make fast, collective decisions on urgent national issues. To address this, the government could implement regulatory mechanisms that streamline decision-making processes and define specific roles for each minister during their interim leadership. Establishing formal procedures for resolving disputes would ensure smoother coordination.

Comparative analysis with countries like the United States and Germany offers valuable insights. The Presidential Succession Act in the U.S. and Germany's rules for temporary presidential duties provide clarity on power transfer and prevent leadership gaps during crises [15]. These systems demonstrate the importance of codified succession frameworks that delineate responsibilities and maintain public confidence. Indonesia can adopt similar measures to ensure smoother transitions and avoid governance bottlenecks.

In addition to internal coordination, accountability mechanisms must be enhanced. Parliamentary oversight, public reporting, and judicial review should be established to monitor the triumvirate's actions. Regular engagement with the public is also essential to maintain legitimacy. Open communication channels with civil society would ensure that the ministers remain responsive to public expectations, fostering trust and transparency throughout the transition.

In conclusion, strengthening the governance and accountability frameworks of the ministerial triumvirate is crucial to ensure effective leadership transitions. By learning from international best practices and addressing existing gaps in Indonesia's legal framework, the country can develop a more resilient system for managing interim leadership. Clear decision-making protocols, enhanced oversight, and regular public communication will ensure that executive power is exercised responsibly and transparently during periods of political uncertainty.

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## Conclusion

This research highlights the importance of a clear and robust legal framework to regulate the accountability of a ministerial triumvirate acting as interim presidential authority in the event of permanent obstacles to both the President and Vice President. While Indonesia's current constitutional framework allows for emergency leadership by

coordinating ministers, the absence of detailed regulations raises challenges in terms of authority distribution, decision-making, and accountability. The study found that the lack of explicit legal guidelines on the triumvirate's scope of power and responsibility creates potential risks for governance, such as delays in decision-making and limited oversight mechanisms.

To address these challenges, legal reforms are necessary to strengthen Indonesia's governance framework. Clear protocols for the operation and accountability of the ministerial triumvirate must be established, ensuring efficient coordination among ministers and proper mechanisms for parliamentary oversight and public reporting. Drawing from international best practices, Indonesia can introduce measures that align the triumvirate's operations with democratic principles and enhance public trust. These improvements will ensure that interim governance remains effective, transparent, and aligned with the rule of law during times of political uncertainty.

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