

Diplomatic Appointments and Competency Standards in Indonesia: A Siyasa Dauliyah Analysis of Meritocracy and Ambassadorial Selection

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Abstract:

The appointment of ambassadors is crucial to a state's diplomatic effectiveness and representation in international forums. In Indonesia, the appointment of non-career diplomats to strategic ambassadorial positions has raised concerns regarding compliance with meritocratic governance and competency requirements. This study examines whether Indonesia's regulatory framework governing diplomatic appointments adequately ensures diplomatic competence and aligns with the principles of Siyasa Dauliyah. Employing normative legal research, the study uses statutory, conceptual, and comparative approaches to analyze the 1945 Constitution,

Law No. 37 of 1999 on Foreign Relations, Law No. 5 of 2014 on State Civil Apparatus, and Presidential Regulation No. 56 of 2021. The findings reveal that the existing framework grants broad discretion over ambassadorial appointments while lacking measurable, enforceable competency standards. This gap weakens the implementation of merit-based governance and may affect diplomatic effectiveness. Drawing on the principles of *amanah* (trustworthiness), *kifayah* (competence), and *'adalah* (justice), this study proposes an integrated evaluative framework for diplomatic appointments. It argues that legal reform is necessary to establish objective competency benchmarks and transparent selection mechanisms for both career and non-career diplomats.

Keywords: Siyasa Dauliyah, diplomatic appointments, diplomatic competence, Indonesian foreign policy, meritocracy

A. Introduction

The dynamics of interstate relations in the modern international system demonstrate that no country can stand alone without interacting with other nations. Diplomacy serves as the primary instrument through which states pursue their national interests, resolve conflicts, and build cooperative relationships in the international arena. For Indonesia, a country that constitutionally mandates an independent and active foreign policy (*politik luar negeri bebas aktif*), the quality of its diplomats is not merely an administrative concern but a constitutional imperative. However, recurring questions have emerged regarding the extent to which Indonesia's diplomatic presence has effectively served its role in international forums whether in mediating interstate conflicts, advancing multilateral cooperation, or representing Indonesian interests with adequate competence and credibility.

A critical but underexplored dimension of this issue lies in the mechanism by which diplomatic positions are filled. Indonesia's system of appointing diplomats particularly ambassadors and special envoys has long been subject to scrutiny. A significant number of diplomatic appointments, especially at the ambassadorial level, are reportedly made on the basis of political considerations rather than professional merit. Reports from the Ministry of Foreign Affairs and civil society organizations have indicated that non-career diplomats, including political appointees and retired officials, frequently occupy strategic diplomatic posts,

raising concerns about the meritocracy and effectiveness of Indonesia's foreign representation.¹

Perspective of constitutional law (*Hukum Tata Negara*) the regulation of diplomatic appointments is governed primarily by Law Number 37 of 1999 on Foreign Relations and Law Number 43 of 1999 on the Principles of State Civil Apparatus, as well as several Presidential Regulations that govern the appointment of ambassadors. However, these regulatory frameworks have been criticized for their lack of clear competency standards, transparent selection mechanisms, and accountability measures resulting in a system where appointments can be susceptible to political intervention.²

This issue becomes particularly significant when examined through the lens of *Siyasah Dauliyah* the branch of Islamic political jurisprudence that governs relations between states and the conduct of representatives in international affairs. *Siyasah Dauliyah* emphasizes the importance of placing qualified, trustworthy, and capable individuals (*ahlul ikhtiyar*) in positions of authority, particularly those tasked with representing the ummah or the nation in external relations. The principle of *amanah* (trustworthiness) and *kifayah* (competence) in Islamic governance demands that state representatives be selected on the basis of merit and integrity, not political loyalty or personal networks.³

Previous studies have addressed aspects of Indonesian diplomatic policy, foreign relations law, and the role of Islam in Indonesian foreign policy. Scholars such as Rizal Sukma have examined the relationship between Islam and Indonesia's foreign policy orientation, while others have focused on the legal framework governing Indonesian diplomats abroad.⁴ However, limited research has specifically examined the intersection between the regulatory mechanism of diplomatic appointments, its constitutionality under Indonesian state law, and its evaluation through the framework of *Siyasah Dauliyah*. This gap justifies the present study.

¹ Kementerian Luar Negeri RI, *Laporan Kinerja Biro Sumber Daya Manusia Tahun 2024* (Jakarta: Sekretariat Jenderal Kementerian Luar Negeri RI, 2025), 8–9.

² Republik Indonesia, *Undang-Undang Nomor 37 Tahun 1999 tentang Hubungan Luar Negeri*, Pasal 6 ayat (1): "Kewenangan penyelenggaraan Hubungan Luar Negeri dan pelaksanaan Politik Luar Negeri Pemerintah Republik Indonesia berada di tangan Presiden"

³ J. Suyuthi Pulungan, *Fiqh Siyasah: Ajaran, Sejarah dan Pemikiran* (Jakarta: RajaGrafindo Persada, 2002), 45–48.

⁴ Rizal Sukma, *Islam in Indonesian Foreign Policy* (London: Routledge, 2003), 1–10.

This research therefore aims to analyze the regulatory framework governing the filling of diplomatic positions in Indonesia from the perspective of *Siyasah Dauliyah*, and to assess its implications for the competence and effectiveness of Indonesian diplomats in international forums. The central question driving this research is: how does the existing regulatory mechanism for filling diplomatic positions in Indonesia align with the principles of *Siyasah Dauliyah*, and to what extent does this mechanism affect the competence of Indonesian diplomats in international engagement?

This study makes a distinct scholarly contribution by being the first to systematically examine Indonesia's diplomatic appointment framework through the integrated analytical lens of Indonesian constitutional law (*Hukum Tata Negara*) and *Siyasah Dauliyah* simultaneously. Prior studies have addressed these domains separately: scholarship on Indonesian foreign relations law has largely confined itself to positive legal analysis without engaging Islamic governance norms, while studies on *Siyasah Dauliyah* in the Indonesian context have focused predominantly on foreign policy orientation rather than the specific regulatory mechanism of diplomatic appointments. By bridging these two normative frameworks, this study advances a novel argument: that the constitutional principle of meritocracy and the *Siyasah Dauliyah* standards of *amanah*, *kifayah*, and *'adalah* are not merely parallel but mutually reinforcing normative imperatives, and that their integrated application provides a more comprehensive evaluative standard for Indonesia's diplomatic appointment system than either framework alone could supply. This integration constitutes the primary theoretical contribution of the present study and directly responds to the structural gap in existing scholarship.

B. Literature Review

1. *Siyasah Dauliyah* and the Governance of State Representatives

Siyasah Dauliyah is one of three principal branches of *Siyasah Syar'iyah* Islamic political jurisprudence alongside *Siyasah Dusturiyah* (constitutional governance) and *Siyasah Maliyah* (fiscal governance).⁵ *Siyasah Dauliyah* specifically regulates the relationship between an Islamic state and other states, including the conduct of diplomatic affairs, treaties, and the qualifications of those entrusted to represent the state in the international arena. Classical jurists such as Al-Mawardi in *Al-Ahkam Al-Sultaniyyah* and Ibn Khaldun in *Muqaddimah* elaborated extensively on the qualities required

⁵ Muhammad Iqbal, *Fiqh Siyasah: Kontekstualisasi Doktrin Politik Islam* (Jakarta: Gaya Media Pratama, 2001), 13.

of a state's representative: they must possess '*adalah* (justice), *kifayah* (competence), and *amanah* (trustworthiness).⁶

Contemporary scholars such as Muhammad Iqbal in *Fiqh Siyasah: Kontekstualisasi Doktrin Politik Islam* and Pulungan in *Fiqh Siyasah* have contextualized these classical principles within the modern nation-state framework, arguing that the requirement of competence and integrity in state representatives remains universally applicable regardless of whether the state is formally Islamic.⁷ This theoretical foundation provides the normative basis for evaluating Indonesia's diplomatic appointment system against Islamic governance standards.

2. Indonesian Foreign Policy and the Role of Diplomats

Indonesia's foreign policy is constitutionally grounded in Article 11 of the 1945 Constitution and elaborated through Law No. 37 of 1999 on Foreign Relations.⁸ The policy orientation of *bebas aktif* (free and active) formulated by former Vice President Mohammad Hatta has guided Indonesia's international engagement since independence, positioning the country as a non-aligned, constructive player in global affairs. Rizal Sukma's works on Islam and Indonesian foreign policy demonstrate how domestic political Islam has periodically influenced Indonesia's international posture, particularly in multilateral forums such as the Organisation of Islamic Cooperation (OIC).⁹

Despite this active foreign policy orientation, scholars including Hikmahanto Juwana and Mauna have noted persistent structural weaknesses in Indonesia's diplomatic capacity.¹⁰ These include insufficient resources allocated to missions abroad, inconsistent foreign policy priorities across administrations, and crucially the appointment of non-career diplomats to key ambassadorial positions, which disrupts institutional continuity and professional competence within the diplomatic corps.

⁶ Al-Mawardi, *Al-Ahkam Al-Sultaniyyah*, terj. Fadli Bahri (Jakarta: Darul Falah, 2006), 15–17.

⁷ J. Suyuthi Pulungan, *Fiqh Siyasah: Ajaran, Sejarah dan Pemikiran* (Jakarta: RajaGrafindo Persada, 2002), 45–48.

⁸ Republik Indonesia, *Undang-Undang Nomor 37 Tahun 1999 tentang Hubungan Luar Negeri*, Lembaran Negara RI Tahun 1999 Nomor 156.

⁹ Rizal Sukma, *Islam in Indonesian Foreign Policy* (London: Routledge, 2003), 54–57.

¹⁰ Hikmahanto Juwana, *Politik Hukum Undang-Undang Bidang Ekonomi di Indonesia* (Jakarta: Gramedia, 2005), 112.

3. The Problem of Political Appointments in Diplomatic Posts

The practice of appointing non-career diplomats as ambassadors is not unique to Indonesia; it is observed in many democratic states, including the United States.¹¹ However, the extent and criteria of such appointments differ significantly. In Indonesia, the absence of standardized and legally enforceable competency requirements for ambassadorial appointments creates a vacuum that allows politically motivated decisions. *Laporan Kinerja Biro SDM Kementerian Luar Negeri* (2024) documents the management of diplomatic personnel but does not establish transparent criteria distinguishing career from non-career appointments based on measurable competency standards.¹²

Research by Bantarto Bandoro and Yanyan Mochamad Yani has highlighted the correlation between the quality of diplomatic appointments and Indonesia's effectiveness in bilateral and multilateral forums.¹³ Their findings suggest that career diplomats, having undergone structured training through Sekolah Dinas Luar Negeri (Sekdilu), Sisdilu, and Sesparyl, demonstrate significantly higher effectiveness in technical negotiations compared to non-career appointees, who may possess political influence but lack the procedural and legal expertise required for complex international negotiations.

4. Constitutional Framework for Diplomatic Appointments

The legal framework governing diplomatic appointments in Indonesia spans multiple regulatory layers. At the constitutional level, Article 13 of the 1945 Constitution grants the President the authority to appoint and receive ambassadors, subject to consideration from the House of Representatives (DPR).¹⁴ Law No. 37 of 1999 and Law No. 43 of 1999 on State Civil Apparatus further operationalize this authority. Presidential Regulation No. 56 of 2021 on the position and qualifications of Indonesian Representatives

¹¹ Anthony Langlois dan Karim Sadeghi-Boroujerdi, "Diplomatic Appointments and Democratic Accountability," *Diplomacy & Statecraft* 29, no. 2 (2018): 215.

¹² Kementerian Luar Negeri RI, *Laporan Kinerja Biro Sumber Daya Manusia Tahun 2024* (Jakarta: Kemenlu RI, 2024), 22–25.

¹³ Bantarto Bandoro dan Yanyan Mochamad Yani, *Diplomasi Indonesia* (Jakarta: Lembaga Ketahanan Nasional, 2006), 78–81.

¹⁴ Republik Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Pasal 13 ayat (1) dan (2).

Abroad provides the most specific guidance, yet critics argue it lacks enforceable merit-based benchmarks.¹⁵

The constitutional law literature, including works by Jimly Asshiddiqie and Sri Soemantri, emphasizes that presidential prerogatives in appointments must be exercised within the bounds of constitutional norms and good governance principles. When appointments are perceived to be politically motivated, this raises issues of constitutional accountability, separation of powers, and the principle of meritocracy enshrined in broader civil service law. These concerns provide the constitutional law (*Hukum Tata Negara*) framework through which this study evaluates the diplomatic appointment system.

5. Research Gap

While existing scholarship has addressed Indonesian foreign policy, diplomatic training, and Islamic governance principles, a careful review of prior studies reveals three distinct lacunae that the present research seeks to fill. First, studies on Indonesian foreign relations law, including the foundational works of Hikmahanto Juwana and Mauna, have examined the structural weaknesses of Indonesia's diplomatic framework from a positive legal standpoint but have not evaluated the appointment mechanism against Islamic governance norms. Their analyses remain confined to the internal logic of Indonesian constitutional and administrative law, without engaging the normative resources that Siyasa Dauliyah offers as an evaluative framework for a Muslim-majority state.¹⁶

Second, existing scholarship on Siyasa Dauliyah in the Indonesian context, including the works of Pulungan, Iqbal, and Sukma, has focused predominantly on Indonesia's foreign policy orientation, its engagement with the Organisation of Islamic Cooperation, and the broader relationship between political Islam and Indonesian diplomacy. None of these studies has directed analytical attention toward the specific regulatory mechanism by which diplomatic positions are filled, nor has any prior work examined whether the appointment framework satisfies or violates the Siyasa Dauliyah standards of amanah, kifayah, and 'adalah at the regulatory level.

¹⁵ Republik Indonesia, *Peraturan Presiden Nomor 56 Tahun 2021 tentang Perwakilan Republik Indonesia di Luar Negeri*.

¹⁶ Sri Soemantri, *Hukum Tata Negara Indonesia: Pemikiran dan Pandangan* (Bandung: Remaja Rosdakarya, 2014), 142–144.

Third, and most critically, no prior study has attempted to construct an integrated evaluative framework that brings constitutional law and *Siyasah Dauliyah* into direct analytical dialogue for the purpose of assessing Indonesia's diplomatic appointment system. The convergence between the constitutional principle of meritocracy, as elaborated by Jimly Asshiddiqie and Sri Soemantri, and the Islamic governance imperatives of *kifayah* and *'adalah*, as formulated by Al-Mawardi and Ibn Khaldun, represents an underexplored theoretical terrain with significant practical implications for Indonesian foreign policy reform. This study fills that gap by providing the first normative legal analysis that systematically integrates these two frameworks, producing evaluative conclusions and reform recommendations that neither framework alone could generate.

C. Research Methods

This study employs a normative legal research methodology (*penelitian hukum normatif*), which focuses on the systematic analysis of legal norms, principles, and doctrines as the primary objects of inquiry.¹⁷ Normative legal research is appropriate for this study because the central concern is the regulatory adequacy of existing laws and regulations governing diplomatic appointments in Indonesia, evaluated against both constitutional law standards and the normative framework of *Siyasah Dauliyah*. As Soerjono Soekanto and Sri Mamudji explain, normative legal research examines law as a written set of rules and principles that bind the conduct of state institutions, making it the most suitable methodology for studies that seek to evaluate the conformity of existing regulations with higher legal norms and doctrinal standards.¹⁸

Three complementary legal approaches are applied in this study. First, the statutory approach (*pendekatan perundang-undangan*) is used to analyze the hierarchy and substance of relevant legislation, including the 1945 Constitution of the Republic of Indonesia, Law No. 37 of 1999 on Foreign Relations, Law No. 43 of 1999 on State Civil Apparatus, and Presidential Regulation No. 56 of 2021 on Indonesian Representatives Abroad.¹⁹ Second, the conceptual approach (*pendekatan konseptual*) is employed to examine the doctrinal foundations of the study specifically the Islamic governance principles of *amanah* (trustworthiness) and *kifayah* (competence) as elaborated in the classical and contemporary

¹⁷ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2015), 13–14.

¹⁸ Peter Mahmud Marzuki, *Penelitian Hukum*, edisi revisi (Jakarta: Kencana Prenada Media Group, 2011), 35.

¹⁹ Republik Indonesia, *Peraturan Presiden Nomor 56 Tahun 2021 tentang Perwakilan Republik Indonesia di Luar Negeri*.

literature of *Siyasah Dauliyah*, as well as constitutional principles of meritocracy and accountability under Indonesian *Hukum Tata Negara*.²⁰ Third, a comparative approach (*pendekatan komparatif*) is applied to situate Indonesia's diplomatic appointment framework within the context of comparable state practices, enabling an identification of best practices that may inform normative reform recommendations.²¹

The data sources used in this study are classified into three categories following the standard typology of normative legal research. Primary legal materials (*bahan hukum primer*) consist of binding legal instruments, including the 1945 Constitution; Law No. 37 of 1999 on Foreign Relations; Law No. 43 of 1999 on the Principles of State Civil Apparatus; Presidential Regulation No. 56 of 2021 on the Position and Qualifications of Indonesian Representatives Abroad; and Peraturan Menteri Luar Negeri No. 6 Tahun 2021 on the Organizational Structure of the Ministry of Foreign Affairs.²² Secondary legal materials (*bahan hukum sekunder*) include academic scholarship on *Siyasah Dauliyah* and Islamic political jurisprudence, Indonesian constitutional law literature, peer-reviewed journal articles on Indonesian diplomatic policy, and official reports from the Biro Sumber Daya Manusia Kementerian Luar Negeri, including the Laporan Kinerja Biro SDM Tahun 2024.²³ Tertiary legal materials (*bahan hukum tersier*) consist of legal dictionaries, encyclopaedias of Islamic jurisprudence, and relevant databases of Indonesian legislation accessible through the National Legal Documentation and Information Network (JDIH BPK RI).

Data collection is conducted through systematic documentary analysis (*studi kepustakaan*), a method widely recognized in normative legal research as the primary technique for gathering and organizing legal materials. Relevant primary legal texts are accessed through the JDIH BPK RI portal and the official portals of the Ministry of Foreign Affairs (kemlu.go.id and e-ppid.kemlu.go.id). Academic sources are obtained from peer-reviewed journals in Islamic law,

²⁰ Al-Mawardi, *Al-Ahkam Al-Sultaniyyah*, terj. Fadli Bahri (Jakarta: Darul Falah, 2006), 15–17.

²¹ Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2007), 321.

²² Kementerian Luar Negeri RI, *Peraturan Menteri Luar Negeri Nomor 6 Tahun 2021 tentang Organisasi dan Tata Kerja Kementerian Luar Negeri*.

²³ Kementerian Luar Negeri RI, *Laporan Kinerja Biro Sumber Daya Manusia Tahun 2024* (Jakarta: Kemenlu RI, 2024).

constitutional law, and international relations available through Google Scholar, SINTA-indexed journals, and institutional repositories.

Data is analyzed using prescriptive-analytical legal reasoning (*analisis hukum preskriptif-analitis*), which Peter Mahmud Marzuki identifies as the defining characteristic of normative legal scholarship not merely describing what the law is, but evaluating what the law ought to be in light of established legal principles. The existing regulatory framework governing diplomatic appointments is first systematically described and mapped; its adequacy is then evaluated against the normative standards of *Siyasah Dauliyah* particularly the principles of *amanah*, *kifayah*, and *'adalah* as well as constitutional principles of meritocracy and good governance; and, finally, normative recommendations are formulated for strengthening the legal framework. The analysis follows syllogistic legal reasoning, with constitutional and *Siyasah Dauliyah* norms as the major premise (*premis mayor*), the current regulatory framework as the minor premise (*premis minor*), and normative conclusions regarding regulatory adequacy and reform as the logical output.

D. Findings

The regulatory framework governing the filling of diplomatic positions in Indonesia is primarily established through three layers of legal instruments. At the constitutional level, Article 13 of the 1945 Constitution of the Republic of Indonesia grants the President the authority to appoint ambassadors and consuls, as well as to receive foreign ambassadors, with the consideration of the House of Representatives (DPR).²⁴ This constitutional provision, however, does not specify any competency criteria, educational qualifications, or professional experience requirements for individuals appointed to diplomatic posts it merely establishes the procedural mechanism of appointment and legislative oversight

At the statutory level, Law No. 37 of 1999 on Foreign Relations (*Undang-Undang Hubungan Luar Negeri*) provides the principal legal framework for Indonesia's conduct of foreign affairs. Article 19 of the law stipulates that the Head of a Diplomatic Mission must be a Indonesian citizen who is loyal to the Pancasila, the 1945 Constitution, the nation and the state, and possesses the capability and integrity to carry out diplomatic duties.²⁵ The term "capability" (*kemampuan*) is left undefined within the law, with no implementing regulation providing measurable indicators or standardized competency benchmarks against

²⁴ Republik Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Pasal 13 ayat (1), (2), dan (3).

²⁵ Republik Indonesia, *Undang-Undang Nomor 37 Tahun 1999 tentang Hubungan Luar Negeri*, Pasal 19, Lembaran Negara RI Tahun 1999 Nomor 156.

which candidates may be objectively assessed. Law No. 43 of 1999 on State Civil Apparatus, subsequently replaced by Law No. 5 of 2014 on State Civil Apparatus (*Aparatur Sipil Negara*), establishes general principles of meritocracy for civil servants but contains explicit exceptions for positions filled through presidential prerogative, a category under which ambassadorial appointments effectively fall.²⁶

At the regulatory level, Presidential Regulation No. 56 of 2021 on Indonesian Representatives Abroad (*Perwakilan Republik Indonesia di Luar Negeri*) constitutes the most specific instrument governing diplomatic appointments. The regulation classifies Indonesian representatives into career diplomats (*pejabat dinas luar negeri*) and non-career representatives (*pejabat non-karir*), without establishing distinct and enforceable competency standards applicable to each category.²⁷ Peraturan Menteri Luar Negeri No. 6 Tahun 2021 further defines the internal organizational structure of the Ministry of Foreign Affairs, assigning the Biro Sumber Daya Manusia (*Human Resources Bureau*) as the unit responsible for managing the recruitment, placement, and career development of diplomatic personnel.²⁸ The Laporan Kinerja Biro SDM Kementerian Luar Negeri Tahun 2024 documents personnel management activities but does not publish transparent data on the ratio of career to non-career ambassadorial appointments, nor on the competency assessment criteria applied in the selection process.²⁹

Based on data from the ambassador inauguration ceremonies conducted by President Prabowo Subianto throughout 2025, a total of 61 Extraordinary and Plenipotentiary Ambassadors were inaugurated across three separate ceremonies. Of this total, 47 individuals, representing approximately 77%, were career diplomats from the Ministry of Foreign Affairs,³⁰ while the remaining 14, or approximately 23%, came from non-career backgrounds including politicians, retired military officers, a former Constitutional Court justice, an academic, and

²⁶ Republik Indonesia, *Undang-Undang Nomor 5 Tahun 2014 tentang Aparatur Sipil Negara*, Pasal 1 angka 22 dan Pasal 108–109, Lembaran Negara RI Tahun 2014 Nomor 6.

²⁷ Republik Indonesia, *Peraturan Presiden Nomor 56 Tahun 2021 tentang Perwakilan Republik Indonesia di Luar Negeri*, Pasal 4–6.

²⁸ Kementerian Luar Negeri RI, *Peraturan Menteri Luar Negeri Nomor 6 Tahun 2021 tentang Organisasi dan Tata Kerja Kementerian Luar Negeri*, Pasal 35–38.

²⁹ Kementerian Luar Negeri RI, *Laporan Kinerja Biro Sumber Daya Manusia Tahun 2024* (Jakarta: Kemenlu RI, 2024), 22–27.

³⁰ "Presiden Prabowo Lantik 31 Duta Besar, Mayoritas Diplomat Karier," *Kompas.id*, 24 Maret 2025, diakses 6 Mei 2026, <https://www.kompas.id/artikel/en-presiden-prabowo-lantik-31-duta-besar-mayoritas-diplomat-karier>.

a musician.³¹ This data indicates that although the majority of ambassador appointments were made through the career diplomatic track, a significant proportion — nearly one quarter of total appointments — continued to be filled through non-career channels. This pattern reflects a structural gap in the regulatory framework governing diplomatic appointments, as neither Law No. 37 of 1999 on Foreign Relations nor Presidential Regulation No. 56 of 2021 establishes enforceable and measurable competency standards applicable to all ambassador candidates, whether from career or non-career backgrounds. The absence of binding competency standards creates space for appointments potentially driven by political considerations rather than professional merit and capability, thereby underscoring the urgency of regulatory reform to ensure that all Indonesian diplomatic appointments fulfil the constitutional principle of meritocracy and the *Siyasah Dauliyah* standard of *kifayah*.

Table: 1 Composition of Indonesian Ambassador Appointments by Background (2025)

Inauguration Period	Total Ambassadors	Career Diplomat	Non-Career	% Career	% Non-Career
March 2025	31	25	6	80,6%	19,4%
July 2025	24	18	6	75%	25%
December 2025	6	4	2	66,7%	33,3%
Total	61	47	14	77%	23%

Sumber: Tempo.co, Kompas.id 2025³²

Data from the Commission I of the House of Representatives (Komisi I DPR RI) recorded that as of early 2025, at least 12 ambassadorial positions remained vacant, including the critically strategic posts of Indonesian Ambassador to the United States vacant since 2023 and Indonesia's Permanent Representative to the United Nations vacant since 2024.³³ This prolonged vacancy reflects a systemic weakness in the appointment mechanism, wherein the absence of a structured, merit-based selection timeline and mandatory competency evaluation allows strategic diplomatic posts to remain unfilled for extended periods, directly undermining Indonesia's representational capacity in international forums.

³¹ Hasan Nasbi, "Istana Ungkap Alasan Prabowo Pilih Calon Duta Besar Nonkarier Diplomat," *Tempo.co*, 8 Juli 2025, diakses 6 Mei 2026, <https://www.tempo.co/politik/istana-ungkap-alasan-prabowo-pilih-calon-duta-besar-nonkarier-diplomat-1935298>.

³² "Prabowo Lantik Enam Duta Besar, Purnawirawan TNI Jadi Dubes Korut," *Antara News*, 19 Desember 2025, diakses 6 Mei 2026, <https://www.antaraneews.com/berita/5313085/prabowo-lantik-enam-duta-besar-purnawirawan-tni-jadi-dubes-korut>.

³³ Ubay NA, "Posisi Duta Besar Masih Kosong di 12 Negara, DPR Desak Pemerintah Segera Bertindak," *Maklumat.id*, 30 Juni 2025, diakses 05 Mei 2026, <https://maklumat.id/posisi-duta-besar-masih-kosong-di-12-negara-dpr-desak-pemerintah-segera-bertindak/>.

Furthermore, the debate surrounding diplomatic appointments gained significant public attention during the Vice-Presidential Candidate Debate on December 22, 2023, where the practice of appointing non-career figures including retired politicians, senior journalists, academics, and businesspersons as ambassadors was openly acknowledged as a longstanding systemic pattern rather than an exceptional practice.³⁴

From the perspective of *Siyasaḥ Dauliyah*, the qualifications of a state's representative in international affairs are governed by three principal normative standards derived from classical Islamic jurisprudence: *amanah* (trustworthiness and integrity), *kifayah* (professional competence and capability), and *'adalah* (justice and impartiality).³⁵ Al-Mawardi, in *Al-Aḥkam Al-Sultaniyyah*, establishes that those entrusted with representing the state particularly in dealings with foreign parties must satisfy these three criteria simultaneously, as deficiency in any one dimension compromises the legitimacy and effectiveness of the representative's function.³⁶ Ibn Khaldun further argues in *Muqaddimah* that the decline of a state's external influence is often directly traceable to the deterioration in the quality of its representatives, particularly when appointments are driven by political patronage rather than demonstrated competence.³⁷ Mapping these normative standards against Indonesia's existing regulatory framework reveals a structural misalignment: while the criterion of *amanah* is partially addressed through loyalty requirements in Law No. 37 of 1999, the criteria of *kifayah* and *'adalah* find no enforceable legal expression in the current appointment framework.

E. Discussion

The findings of this study reveal a fundamental gap between the normative demands of both Indonesian constitutional law and *Siyasaḥ Dauliyah* on one hand, and the actual regulatory framework governing diplomatic appointments in Indonesia on the other. This gap is not merely technical but structural it reflects a deliberate legislative ambiguity that preserves broad presidential discretion in

³⁴ Komisi Pemilihan Umum RI, *Debat Calon Wakil Presiden Pemilu 2024*, 22 Desember 2023; lihat juga liputan DPR RI melalui emedia.dpr.go.id.

³⁵ J. Suyuthi Pulungan, *Fiqh Siyasaḥ: Ajaran, Sejarah dan Pemikiran* (Jakarta: RajaGrafindo Persada, 2002), 45–48.

³⁶ Al-Mawardi, *Al-Aḥkam Al-Sultaniyyah*, terj. Fadli Bahri (Jakarta: Darul Falah, 2006), 15–17.

³⁷ Ibn Khaldun, *Muqaddimah*, terj. Ahmadie Thoha (Jakarta: Pustaka Firdaus, 2000), 230–232.

ambassadorial appointments at the expense of systemic meritocracy and institutional accountability. From the constitutional law perspective, the absence of enforceable competency standards in the diplomatic appointment framework raises serious concerns regarding the principle of good governance (*asas-asas umum pemerintahan yang baik*), as elaborated in Law No. 30 of 2014 on Government Administration.³⁸ Jimly Asshiddiqie emphasizes that presidential prerogatives, including the power of appointment under Article 13 of the 1945 Constitution, are not absolute but must be exercised in accordance with constitutional norms, including the principles of proportionality, accountability, and merit.³⁹ The current framework, by failing to define "capability" (*kemampuan*) in Law No. 37 of 1999 with measurable and enforceable criteria, effectively renders the meritocracy principle inoperative in the context of diplomatic appointments creating a legal vacuum that enables politically motivated selections to proceed without constitutional challenge.

What emerges from this dual analysis is not merely a parallel between two normative systems, but a convergence that produces a stronger and more comprehensive evaluative standard than either framework could supply independently. The constitutional principle of meritocracy, as elaborated in Law No. 30 of 2014 on Government Administration and the broader good governance doctrine articulated by Jimly Asshiddiqie, establishes the procedural and institutional demand that appointments be made on the basis of demonstrated competence, transparent criteria, and accountable processes. The *Siyasah Dauliyah* principles of *amanah*, *kifayah*, and *'adalah*, as formulated by Al-Mawardi and Ibn Khaldun, supply the substantive ethical and moral dimension that constitutional law alone does not fully articulate: that the representative of a state bears not merely a legal but a religious and ethical obligation to be genuinely qualified, trustworthy, and just in the exercise of their mandate. Together, these two frameworks form an integrated normative standard, which this study terms the Meritocracy-Kifayah Standard, against which Indonesia's diplomatic appointment system must be evaluated. It is precisely because the existing regulatory framework fails to satisfy this integrated standard, both procedurally under constitutional law and substantively under *Siyasah Dauliyah*, that the case for legislative and regulatory reform is not merely technically compelling but normatively urgent. For Indonesia as the world's largest Muslim majority democracy and a constitutionally governed republic, the alignment of its

³⁸ Republik Indonesia, *Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan*, Pasal 10, Lembaran Negara RI Tahun 2014 Nomor 292.

³⁹ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Jakarta: RajaGrafindo Persada, 2013), 305–308.

diplomatic appointment system with the Meritocracy-Kifayah Standard is simultaneously a constitutional obligation and an Islamic governance imperative.

This finding confirms the broader argument advanced by Hikmahanto Juwana that Indonesia's foreign relations law suffers from structural incompleteness provisions are drafted at a level of generality that affords the executive branch excessive discretion, undermining the rule of law in the conduct of foreign policy.⁴⁰ The consequences of this structural incompleteness are empirically observable: the prolonged vacancy of twelve ambassadorial posts, including those to the United States and the United Nations, demonstrates that the absence of a legally mandated, time-bound, and merit-based selection process results in direct and measurable damage to Indonesia's international representational capacity. Indonesia's ability to pursue its constitutionally mandated *bebas aktif* foreign policy is inherently contingent on having qualified, credible, and continuously present representatives in key international posts a condition that the current appointment framework does not structurally guarantee.

From the perspective of *Siyasaḥ Dauliyah*, the implications are equally significant. The classical principle articulated by Al-Mawardi that placing an unqualified individual in a position of state representation constitutes a violation of *amanah* is directly applicable to the context of non-career diplomatic appointments made on the basis of political reward rather than demonstrated competence. Muhammad Iqbal's contemporary contextualization of *Siyasaḥ Dauliyah* within the modern nation-state framework further supports this reading, arguing that Islamic governance norms regarding state representatives are not confined to formally Islamic states but constitute universal standards of political ethics applicable to any Muslim-majority state conducting its affairs in the international arena.⁴¹ Indonesia, as the world's largest Muslim-majority democracy, thus bears a particular normative responsibility both constitutional and Islamic to ensure that its diplomatic representatives satisfy the standards of *kifayah* and *'adalah* in addition to mere political loyalty.

The correlation between the quality of diplomatic appointments and Indonesia's effectiveness in international forums, documented by Bantarto Bandoro and Yanyan Mochamad Yani, provides empirical grounding for what *Siyasaḥ*

⁴⁰ Hikmahanto Juwana, *Politik Hukum Undang-Undang Bidang Ekonomi di Indonesia* (Jakarta: Gramedia, 2005), 112–115.

⁴¹ Muhammad Iqbal, *Fiqh Siyasaḥ: Kontekstualisasi Doktrin Politik Islam* (Jakarta: Gaya Media Pratama, 2001), 167–172.

Dauliyah establishes as a normative imperative.⁴² Career diplomats who have undergone the structured progression of Sekdilu, Sesdilu, and Sesparyl training programs consistently demonstrate superior technical competence in multilateral negotiations, bilateral treaty processes, and consular protection functions that are increasingly central to Indonesia's international profile as a G20 member and ASEAN chair. Non-career appointees, regardless of their domestic political stature, frequently lack this technical foundation, resulting in reduced negotiating effectiveness, slower institutional responsiveness, and weakened continuity in bilateral relationships.⁴³

The theoretical and practical consequences of these findings point toward a clear reform imperative. At the legislative level, Law No. 37 of 1999 requires amendment to incorporate explicit, measurable competency standards for ambassadorial candidates, applicable to both career and non-career appointees. At the regulatory level, Presidential Regulation No. 56 of 2021 must be revised to establish a mandatory, structured, and transparent selection process including competency assessments, psychological evaluations, and DPR fit-and-proper tests with binding rather than merely advisory outcomes. At the institutional level, the Biro SDM Kementerian Luar Negeri must be empowered to publish annual, publicly accessible data on the career-to-non-career ratio of ambassadorial appointments and the competency criteria applied, in accordance with the principles of transparency and public accountability under Law No. 14 of 2008 on Public Information Disclosure (*Keterbukaan Informasi Publik*).⁴⁴ These reforms would bring Indonesia's diplomatic appointment framework into alignment with both the constitutional principles of meritocracy and good governance, and the *Siyasah Dauliyah* imperatives of *amanah*, *kifayah*, and *'adalah* establishing a legal architecture in which the filling of diplomatic positions serves the national interest rather than political accommodation.

F. Conclusion

This study demonstrates that Indonesia's existing regulatory framework governing the filling of diplomatic positions contains a fundamental structural gap: while Article 13 of the 1945 Constitution and Law No. 37 of 1999 on Foreign Relations establish the procedural authority for ambassadorial appointments, neither instrument nor its implementing regulations define enforceable, merit-based competency standards applicable to both career and

⁴² Bantarto Bandoro dan Yanyan Mochamad Yani, *Diplomasi Indonesia* (Jakarta: Lembaga Ketahanan Nasional, 2006), 78–83.

⁴³ *Ibid.*, 85–87.

⁴⁴ Republik Indonesia, *Undang-Undang Nomor 14 Tahun 2008 tentang Keterbukaan Informasi Publik*, Pasal 9, Lembaran Negara RI Tahun 2008 Nomor 61.

non-career diplomatic appointees. This legislative ambiguity has facilitated politically motivated appointments that undermine Indonesia's representational effectiveness in international forums, as evidenced by prolonged vacancies in strategic posts including those to the United States and the United Nations. Evaluated through the framework of Siyasah Dauliyah, the current system fails to satisfy the classical and contemporary normative requirements of *amanah*, *kifayah*, and *'adalah* that Islamic political jurisprudence mandates for state representatives in external affairs. These standards, far from being confined to formally Islamic states, constitute universal principles of political ethics with direct relevance to Indonesia as the world's largest Muslim-majority democracy. Reform is both constitutionally necessary and normatively demanded. At the legislative level, Law No. 37 of 1999 must be amended to incorporate explicit and measurable competency criteria applicable to all diplomatic candidates. At the regulatory level, Presidential Regulation No. 56 of 2021 must be revised to institute a mandatory, transparent, and binding selection process. At the institutional level, the Human Resources Bureau of the Ministry of Foreign Affairs must be required to publicly disclose appointment data and applied competency criteria in accordance with the principles of transparency under Law No. 14 of 2008 on Public Information Disclosure. These reforms would bring Indonesia's diplomatic appointment system into alignment with both the constitutional rule of law and the enduring governance principles of Siyasah Dauliyah.

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