

# Legal Review Regarding Appointment of Ambassador in Indonesia Based on Gender Equality

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## ABSTRACT

The purpose of conducting this research is to find out how the position of the President in Indonesia is and the mechanism for appointing Ambassadors of the Republic of Indonesia, where the majority still appoint men only. For this reason, it is appropriate for women's groups so that gender equality occurs. This type of research is normative with a statutory and conceptual approach. While the specification of the research is analytical descriptive, namely explaining the problem according to the research title. Primary data is in the form of the 1945 Constitution and secondary material is in the form of books, journals, electronic news, laws and regulations and legal expert opinions as well as writings related to research titles. The President in appointing the Indonesian Ambassador must pay attention to the considerations of the People's Representative Council. The position of the President in Indonesia and the mechanism for appointing the Ambassador of the Republic of Indonesia based on gender equality with the consideration of the DPR is very necessary in the interest of cooperation between countries. Therefore, it is suggested that the government be more assertive and clarify the provisions governing the position and accountability mechanism of a president as the head of state in appointing an Indonesian Ambassador in accordance with the system of government adopted by the Indonesian state which provides equal opportunities to all prospective ambassadors, both male and female, serve in any area regardless of the conditions. And it is necessary to hold a procedure for appointing an Indonesian Ambassador to ensure transparency over the prospective Ambassadors who are placed to have sufficient capacity and capability to realize the national interests of all Indonesian people regardless of gender while on duty and work regardless of the territory occupied.

## ABSTRAK

Tujuan dilakukannya penelitian adalah untuk mengetahui bagaimana kedudukan Presiden di Indonesia dan mekanisme dalam pengangkatan Duta Besar Republik Indonesia yang secara mayoritas masih mengangkat dari kelompok pria saja. Untuk itu sudah selayaknya dari kelompok wanita juga sehingga terjadi kesetaraan gender. Jenis Penelitian ini adalah normatif dengan pendekatan perundang-undangan dan konseptual. Sedangkan spesifikasi penelitian adalah deskriptif analitis yaitu menjelaskan tentang permasalahan sesuai dengan judul penelitian. Data primer berupa UUD Tahun 1945 dan bahan sekunder berupa buku-buku, jurnal-jurnal, berita elektronik, peraturan perundang-undangan pendapat ahli hukum maupun tulisan-tulisan yang berhubungan dengan judul penelitian. Presiden dalam mengangkat Duta Besar Indonesia harus memperhatikan pertimbangan dari Dewan Perwakilan Rakyat. Kedudukan Presiden di Indonesia dan mekanisme dalam pengangkatan Duta Besar Republik Indonesia berdasarkan kesetaraan gender dengan pertimbangan DPR sangat diperlukan demi kepentingan kerjasama antar negara. Oleh karenanya, disarankan agar pemerintah lebih mempertegas dan memperjelas ketentuan yang mengatur mengenai kedudukan dan mekanisme pertanggungjawaban seorang presiden sebagai kepala negara dalam mengangkat Duta Besar Indonesia sebagaimana system pemerintahan yang dianut negara Indonesia dimana memberikan kesempatan yang sama pada calon duta besar baik lelaki atau wanita bertugas di wilayah apapun kondisinya. Dan perlunya diadakan prosedur pengangkatan Duta Besar Indonesia untuk menjamin keterbukaan atas calon Duta Besar yang ditempatkan memiliki kapasitas dan kapabilitas yang cukup untuk mewujudkan kepentingan nasional seluruh rakyat Indonesia tanpa membedakan gender saat bertugas dan bekerja tanpa melihat wilayah yang diduduki.

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## I. INTRODUCTION

In a position as head of state, the president has constitutional rights which are commonly referred to as prerogatives contained in the 1945 Constitution, article 13 point 1 and 2. (Johansyah, 2018), However, with the changes to the 1945 Constitution at 18 August 2000 as second amandement, over time it has produced fundamental and quite large changes regarding presidential powers. Starting from the first change, the target of change is the power of the president because this problem is considered to give birth to an undemocratic government.

Globally, the number of female ambassadors is only 15% of the total ambassadors worldwide. Women ambassadors are also sent to less strategic countries. In addition, women ambassadors are also stationed in countries with a high level of security and gender equality. One implication is that it is difficult for women to reach the top positions as ambassadors. In the Indonesian context, the implication is that women are limited to only occupying ambassadorial positions in countries that have low strategic value and have a high level of security and gender equality. (Prajuli, 2022)

If Indonesia is consistent in integrating a gender perspective into foreign policy country, gender bias barriers must continue to be addressed. Of course, this reform will take a long time because changing the patriarchal perspective that has been institutionalized for years is not easy. Consistency and persistence are the keys to achieving the intended change. Women ambassadors are not stationed in major power countries such as the United States, China, Russia, Germany and the United Kingdom. From total 175 ambassadors appointed since 2015 till 2021, only 20 female ambassadors, that's meant 12,7% (Prajuli, 2022)

The majority of female Ambassadors are only stationed in peaceful countries. This means that there has not been gender equality, whether because women are considered weak or unable to act like an Ambassador with a male gender. For this reason, the author wants this journal to raise gender equality to become the Ambassador of Indonesia. Both men and women must be placed in countries whose conditions can be handled by the ambassadors who are elected, whether in that country there is conflict or war even though it doesn't have to be a male gender ambassador, but women also have the opportunity to build politics that builds between nations in superpower countries , in order to establish gender equality.

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## II. RESEARCH METHODE

The type of research in this paper is normative with a statutory and conceptual approach. While the specification of the research is analytical descriptive, namely explaining the problem according to the research title. The data used is secondary data which consists of primary legal material in the form of The Constitution of the Republic of Indonesia 1945 and secondary legal materials in the form of books, journals, electronic news, laws and regulations, court decisions and opinions of legal experts and writings related to the research title. The data analysis method is carried out by collecting data through a review of library materials or secondary data which includes primary legal materials and secondary legal materials, both in the form of applicable laws and regulations, research results such as books, journals, thesis, documents, and relevant literature related to the problem to be studied

The technique of collecting legal material is done by studying library books to obtain secondary legal material which is done by taking an inventory and studying and quoting from books, articles and related laws and regulations. After the legal material is collected, it is recorded, summarized and reviewed according to the problem. Then, when legal material is collected, a qualitative analysis is carried out, namely a discussion that is carried out by combining literature research as well as interpreting and discussing. (Purwati, 2020).

The method to be used is a qualitative method. The focus of this type of qualitative research is to gain a deeper understanding of the position of the president's prerogative and the mechanism for appointing Indonesian ambassadors held in Indonesia and Appointment of Ambassadors in Indonesia.

## III. RESULT AND DISCUSSION

### 1. Position of President's Prerogative in Indonesia

In the history of the constitution of a country, generally the constitution is used to regulate and at the same time to limit a head of power. . In Indonesia, it is known that there are three institutions that exercise different powers, namely executive, legislative and judicial powers. This stems from the theory of the separation of powers first put forward by Montesquieu in his work entitled "Esprit des lois" which was published in 1748. Montesquieu explained that the government exercises executive power, representative bodies exercise legislative power and judicial bodies exercise judicial power. (Siahaya et al., 2021)

Each institution of power has and is equipped with rights and authorities as human beings in acting in everyday life as stipulated and based on the laws in force in Indonesia. Executive power is occupied by the President in accordance with Article 4 Paragraph (1) of the 1945 Constitution which states that the President of the Republic of Indonesia is the one who holds government power according to the 1945 Constitution. (Indonesia, 1945)

The power of the President in a country is very important, so that the power of the President must be regulated clearly in the constitution and the laws and regulations under it. The size of the President's power depends on the position, duties and powers granted to him by the constitution. Indonesia as a country that adheres to a presidential system of government as stated in the 1945 Constitution explains that the President holds a strong position but is still limited by the provisions contained in the constitution or constitution. (Indonesia, 1945)

The President in exercising his power as stated in Article 4 Paragraph 1 of the 1945 Constitution that "The President holds government power according to the Constitution" refers to the understanding of the president according to a presidential system of government which means that the President plays a very important role in administering government because it has two functions at once, namely as head of state and head of government. A common thing in a presidential

government system, where a president holds the main control and plays an important role in the government of a country.(Indonesia, 1945)

Based on the clarity of regulation in the constitution, the duties of the president can be classified into two types, namely powers that are explicitly regulated in the constitution (enumerated constitutional powers); and implicit constitutional powers. In his position, a President has the power as stated in the 1945 Constitution, in addition to internal authority as well as authority in external relations which in the 1945 Constitution is detailed as follows: (a) Government administration power (b) Power to submit bills. (c) Power to stipulate government regulations in lieu of laws (Perppu), (d) Power to stipulate Government Regulations, (e) The power to grant pardons, amnesty, abolition and rehabilitation. (f) Power to enter into agreements with other countries (g) Power declares war, makes peace with other countries (h) Power to appoint and receive ambassadors and consuls. (i) Power declares a state of danger (j) the supreme authority of the armed forces (k) Power confers titles and other honors (k) Powers form the Presidential Advisory Council (l) Power to appoint and dismiss ministers (m) Power to formalize members of the Audit Board of the Republic of Indonesia (BPK) (n) Power to appoint and dismiss members of the Judicial Commission (o) Power to propose and appoint constitutional justices

The president as the highest administrator of government in a country who holds executive power, has the position as head of state as well as head of government as written in the constitution, so that presidential power must be clearly regulated in the constitution and the laws and regulations under it to realize a justice in a country. In the exercise of power by the president based on the 1945 Constitution, the president is provided with prerogative rights.(Siahaya et al., 2021)

Prerogative rights cannot be separated from the form of the state and the system of government adopted in a country. The form of the state and the system of government, both explicitly and implicitly, are contained in a constitution which is the foundation and basis of a state or for the course of government. 7 Returning to the notion of prerogative, in the elucidation of the 1945 Constitution it is explained that articles 10, 11, 12, 13, 14, and 15 are presidential powers as a consequence of the president's position as head of state. This is intended so that the functions and roles of government are stretched in such a wide way that it can take actions that can build people's welfare.(Sulkiah, 2019)

Prerogative rights are rights that are owned by a head of government or head of state without any intervention from any party in exercising these rights. The party here is interpreted as the holder of power, namely the president in executive power, so it is said that clemency is a prerogative right in executive power because the government structure before the amendment did not accommodate the separation of powers, where judicial power or judicial institutions were still under the auspices of the Ministry of Justice. (Adhayanto, 2011)(Fauzi, 2021)

The government's main task is to build people's welfare, not just to implement laws. For this reason, in the concept of a modern rule of law, there is an authority institution called *Freises Ermessen*, which is an authority for the government to intervene or intervene in various community activities in order to build the welfare of the community. Thus the government is required to be active. This is in the field of government, the implications of *Freises Ermessen* are marked by the presence of prerogatives.(Dela, 2022)(Regina, 2022)

Amendments to the 1945 Constitution over time have given birth to fundamental and sizeable changes regarding presidential power. Starting from the first change the target of change is presidential power because this problem is considered to give birth to an undemocratic government.(Ramadhan, 2018)

The presidents of the three constitutions that have been in effect in Indonesia, have provisions on their bodies that govern the prerogative of the president. In the 1945 Constitution the regulation

regarding the prerogative of the President is regulated in several articles, from the provisions of these articles the position as a prerogative is very large in the sense that without interference from other parties. KRIS 1949 contained arrangements regarding the prerogative of the President, but in this 1949 KRIS there were restrictions on implementing them as required beforehand based on federal law. Meanwhile, in the 1950 UUDS, the implementation of the President's prerogative was very much within the President's authority, however, the participation of other institutions began. Even so, the prerogative remains absolutely in the hands of the President. (Baital, 2014)(Teguh Satrio, 2021)

After the 1945 Constitution was amended four times, it turned out that there were only a few articles in the body of the 1945 Constitution regarding the President's prerogative that were changed and added. The 1945 Constitution before the amendment gave great powers to the president, the 1945 Constitution after the amendment provided many restrictions on the presidential power, both in terms of function and in terms of time or period. There is a shift in presidential power to the People's Advisory Council (DPR), which used to be independent and is now linked to other state institutions. (Asmawi, 2014)(Yani, 2018)

The results of the amendments to the 1945 Constitution (1999-2002) have brought about very significant changes to the state administration system which directly affect the structure and structural mechanisms of the organs of the Republic of Indonesia. gives executive powers to the President. It is at this point that the problem occurs because the amended constitution not only adopts a presidential system that is close to pure, but also provides space for the parliamentary system to strengthen the authority of the representative institutions by entering into the realm of the President's authority. (Putra & Rahmi, 2021)

## **2. Mechanism of Appointment of Ambassadors in Indonesia.**

Article 13 of the 1945 Constitution before the amendment states that the power to appoint ambassadors is the power of an independent President. Based on the authority possessed by a president as stated in the 1945 Constitution, the powers of the president can be grouped into four namely the power to administer government, powers in the field of law -statutory, judicial powers, and powers in foreign relations. The power of the president in foreign affairs, besides the president and his staff within the executive branch, there is no other institution that has the authority to conduct foreign relations, so that this power can also be said to be the prerogative of the executive branch. (Sulkiah, 2019). Bagir Manan said that foreign relations are included in the original power of the executive (Manan, 2003). Only the executive has the power to undertake any form or initiative of foreign relations. Only the executive has the power to enter into or not enter into agreements or relations with other countries. Only the executive has the power to make peace or declare war on another country. (Andryan, 2020)

As the original executive power, the diplomatic power is in the hands of the president as chief executive, in other words, the power is the prerogative of the president. In TAP MPR No.IV/MPR/1999 concerning Outlines of State Policy (GBHN) in chapter IV regarding the direction of foreign relations policy in letter c states: "Improving the quality and performance of foreign apparatus so that they are able to carry out proactive diplomacy in all fields to build a positive image of Indonesia in the international community, provide protection and defense for Indonesian citizens and interests, and take advantage of every positive opportunity for the national interest". Whereas in letter d it is stated that: "Increasing the quality of Diplomacy in order to accelerate economic recovery and national development, through regional and international economic cooperation in the framework of regional stability, cooperation and development". (Indonesia, 1999)

Starting from the TAP MPR, improving the quality of performance of the foreign apparatus in terms of candidates for ambassadors for the Republic of Indonesia to be placed in a country is very necessary and important, in order to be able to carry out proactive diplomacy in all fields to elevate

and build Indonesia's image internationally. Ambassador candidates must also have diplomatic qualities, both understanding and experience in the field of diplomacy. This aims to accelerate economic recovery and national development as well as various crises being faced. (Mariana, 2021)

Article 6 of Law Number 37 of 1999 concerning Foreign Relations states that the authority to organize Foreign Relations and the Implementation of Foreign Policy lies with the President. Furthermore, in article 29 it is stated that an Extraordinary and Plenipotentiary Ambassador is appointed and dismissed by the president, and is a representative of the state and nation and is the personal representative of the President of the Republic of Indonesia. In more detail in Article 24 of Law Number 37 of 1999 concerning Foreign Relations explains: (a) Ambassador extraordinary and plenipotentiary are state officials who are appointed and dismissed by the President as the head of state. (b) Ambassador extraordinary and plenipotentiary representing the state and nation of Indonesia and being the personal representative of the President of the Republic of Indonesia in a country/in an international organization. (c) Extraordinary and plenipotentiary ambassadors who have completed their term of office shall receive financial and administrative rights regulated by government regulations.

Presidential Decree number 108 of 2003 concerning RI Representative Organizations explains: "Ambassadors extraordinary and plenipotentiary and permanent representatives of the Republic of Indonesia on diplomatic and consul general representatives and consuls on consular representatives are appointed and dismissed by the President in accordance with the provisions of the applicable laws and regulations".

Based on the provisions above, it is explained that it is the President who has the authority to appoint and dismiss the Ambassador of the Republic of Indonesia. This means that the presidential power is absolute power without the interference of other institutions. After the Amendment to the 1945 Constitution, the appointment of the Ambassador of the Republic of Indonesia as stated in Article 13 paragraph (2) of the 1945 Constitution states that for ambassadors to be placed in various countries, the President pays attention to the DPR's considerations first. The absolute power of the president underwent a significant shift from before. This seems to show an indication of the strengthening of parliament in running the wheels of government, so that presidential powers previously owned constitutionally by the president must be "shared" with the legislature or parliament. (Siahaya et al., 2021)(Sanusi, 2021)

The authority of the council is not only on non-executive officials, such as chief justices, but also on executive positions, such as ambassadors. This is made possible as a result of the shift in power from the executive to the legislature, from executive heavy to legislative heavy. Prior to the amendment to the Constitution, the DPR did not have the authority/was invited to be consulted to provide input on who would be appointed as ambassador and where the person concerned would be placed, because it was entirely under the President's authority. (Suroto, 2019)

According to Hartono "The ambassador as referred to in Article 13, in the organizational structure of state ministries is of course under the coordination of the Minister of Home Affairs. However, this does not mean that ambassadors can be equated with positions under ministers in this ministry. An ambassador's position in international law is as a representative of the nation and state, who represents him not only as a representative of the government. In relation to the distinction between the head of state and the head of government of the 1945 Constitution of the Republic of Indonesia and the presidential system, the position of state ambassador is not so different from other positions. This is very different from the parliamentary system of government because there is a head of state position that is different from the head of government. Therefore, even though this ambassador is a formal position under the minister of foreign affairs in the internal organizational system in our country, outside the country he is a representative of the country. Therefore, the

position of ambassador cannot be equated with other positions in other ministries that are under the minister."(Hartono, 2017)(Sakti, 2022)

The prerogative and authority that should be attached to the President in a presidential system are "nuisance" by the DPR (Suroto, 2019). In some cases it turns out that because the president is still bothered by "disturbances" from the DPR, even though the president gets a direct mandate from the people and has formed a strong coalition building in parliament, it turns out that the practice in Indonesia's presidential system of government still contains a parliamentary style. Because of this, the presidential system, which currently still provides room for a parliamentary system, needs to be reformatted to ensure the effective running of government without being disturbed by the political conflict between the President and the DPR.(Rahadian, 2018)

Some opinions say that after the elucidation was removed and the provisions of Article 4 paragraph (1) of the 1945 Constitution after the amendment were abolished, the President can only be said to be the holder of government power, in the sense that the president acts as the head of government, which must be distinguished from the head of state who only functions as a symbol. country. Because Article 4 paragraph (1) of the 1945 Constitution only affirms the president as the holder of government power, the president can no longer be said to have prerogative rights, but the president is positioned as the supreme leader of state administration. It can be interpreted that after the amendment there is no more President's power as head of state, because the constitutional basis of the president as head of state regulated in the elucidation of the 1945 Constitution has been abolished, so it is not appropriate if the president is said to have prerogative rights. (Aziz, 2013)

From a juridical point of view, a consideration is not binding, meaning that the President may, after taking into account these considerations, then make his own judgment. Furthermore, there is no obligation to obey that arises from a consideration. Except that every outcome of the DPR's deliberations is always considered later. carried out by the President repeatedly so that it has become a constitutional convention (custom) in Indonesia. Amendments to the 1945 Constitution also opened up space for interpretation of all the results of the changes, including in terms of the appointment of the Indonesian Ambassador. From the provisions of the article above, the basis for the DPR to play a role in the appointment of ambassadors is in the form of giving consideration to ambassador candidates and delegating this power to the commission, in this case the commission in charge of the problem concerned.(Aziz, 2013)

Commission I as a complementary organ of the DPR in charge of foreign relations, which in turn determines the agenda for the meeting, then summons the ambassador candidates to conduct discussions through a Public Hearing Meeting (RDPU). Article 245 of DPR RI Regulation No. 1 of 2014 concerning Standing Orders states that: 17 "Public Hearings are meetings between commissions, joint commissions, Legislative Body, Budget Agency, or special committees and individuals, groups, organizations or private bodies, either at the invitation of the leadership of the DPR or at the request of the person concerned who is chaired by a commission leader, joint commission leader, head of the Legislation Body, head of the Budget Committee, or head of a special committee".(Sakti, 2022)

The Public Hearing Meeting is carried out with a clarification hearing, or hearings or joint discussions between the DPR and the Indonesian ambassador candidates before being considered by the DPR. In terms of implementing the above, Commission I also refers to Article 73 paragraph (1) of Law No. 17 of 2014 concerning the Composition and Position of members of the MPR, DPR, DPD and DPRD. Where it is stated that: "DPR in carrying out its duties and authorities has the right to ask state officials, government officials, legal entities, or members of the public to provide information about a matter that needs to be handled in the interests of the nation and state." (Rafiudin, 2022)(Indonesia, 2017)

Based on the 1945 Constitution, in practice the appointment of an ambassador is preceded by the president by submitting a letter of nomination for ambassador to the DPR to hear the DPR's considerations. The letter regarding the nomination of the Indonesian Ambassador to friendly countries submitted by the president, after being received by the leadership of the council, is immediately notified or announced at the nearest full-time meeting without mentioning the name of the recipient country. The plenary session then immediately assigned Commission I to discuss it in secret. In these discussions or in conducting hearings with ambassador candidates, Commission I is obliged to provide suggestions, input on priorities that must be worked on, notes or objections, but not denials. Then commission I conducted an internal discussion to provide an assessment which would later be used as a consideration for the ambassadorial candidate proposed by the president. Then all the results of Commission I's internal discussions along with their considerations were brought to the Plenary Session for ratification. Considering that all factions are represented in Commission I, logically the Plenary Meeting is only a place for ratification. After being ratified, it is passed by the leadership of the council to be submitted to the president in secret. (Sugiarto, 2018)(Siahaya et al., 2021)

Article 203 DPR RI Regulation No. 1 of 2014 concerning the Standing Orders explains that giving consideration to candidates for the Ambassador of the Republic of Indonesia to friendly countries is carried out as follows: (Indonesia, 2014) (a) Nomination letter for ambassador of the Republic of Indonesia for a friendly country submitted by the President to the leadership of the DPR and the leadership of the DPR immediately notifying it at the nearest DPR plenary meeting without mentioning the name and the recipient country; (b) the DPR plenary meeting assigned the relevant commission to discuss it in secret; (c) results of discussion of related commissions are reported to the leadership of the DPR; And (d) the leadership of the DPR conveys the results of the relevant commission discussions to the President in secret.

In practice, the DPR, through its official website, wrote in its article entitled Giving Commission I Considerations to Indonesian Ambassador candidates to conduct a fit and proper test on the list of names for Indonesian Extraordinary Plenipotentiary Ambassadors (LBBP) submitted by the government. Assessment of the candidates for the Indonesian Ambassador includes vision and mission, language skills, and diplomatic methods and abilities. From the results of the fit and proper test, Commission I of the DPR RI will provide a recommendation for the eligibility of the Ambassador candidate to the government. The results of the Commission I decision of the DPR RI were then submitted to the leadership of the DPR RI to be forwarded to the President of the Republic of Indonesia. (Siahaya et al., 2021)

Furthermore, regarding the form of the consideration, what form of consideration actually has to be given by the authorized institution, in this case the DPR, and whether it is binding in nature or just a voluntary consideration. Can the consideration given by the DPR cause certain legal consequences if it is not carried out by the president.

According to Satya Arinanto, from a juridical point of view, a consideration is not binding, meaning that the president may after taking into account these considerations then make his own considerations. Satya says no obligation to comply arises from a deliberation. The president as head of state as well as head of government is actually more decisive in terms of appointing ambassadors, this is more because diplomacy is an area of executive power. (Arinanto, 2018)

It can be concluded that the results of the discussion in the DPR are certainly not binding for the president. The president can pay attention to these considerations, or with various calculations the president can ignore the results of the considerations given by the DPR. According to diplomatic custom, after receiving the results of a decision for consideration by the DPR, then the president through the Indonesian Ministry of Foreign Affairs submits the names of prospective ambassadors to the receiving country to seek approval. (Himawan, 2015). In a short period of time, of course,

through the verification process, the receiving country conveys approval to accept or not accept the name of the prospective ambassador to be placed. By obtaining approval from the receiving country, the ambassador candidates who have gone through the procedures described above can already be placed, and can immediately carry out their duties to the maximum extent to establish relations and cooperation with the receiving country, which of course carries the mission of the nation and the state and the interests of all people of Indonesia. (Sugiarto, 2018)

### **3. Appointment of Ambassadors in Indonesia Who Are Still not in Gender Equal.**

The appointment of ambassadors in Indonesia is still not pro-gender; appointed women ambassadors are also not placed in strategic countries; women ambassadors are only placed in peaceful countries and women ambassadors tend to be placed in countries with fairly high gender equality, namely in countries with good gender quality. According to Prajuli, in the appointment of ambassadors for the period 2015 to 2021, the ambassadors assigned to a country have three variables used, namely power, level of peace, and gender quality of the local country. Women are not placed in major world power countries such as the US, China, Russia, Germany and the UK which are ranked in the top 5 of the Wharton School index. Women ambassadors are also not placed in Southeast Asian countries that have high strategic value for Indonesia. (Prajuli, 2022)

In addition, women are generally also placed in countries that are less strategic (not the world's major powers). The same is true in terms of placement based on the level of security and gender equality. Women are appointed as ambassadors in countries with a high level of security and gender equality. (gender gap index and World Economic Forum)

This condition gave birth to the phenomenon of the glass ceiling, which is a set of obstacles experienced by women to reach the highest positions in their workplaces. In the context of foreign relations, one of which can be seen from the difficulty of women reaching the top positions as ambassadors. Women are only appointed as ambassadors in countries that have low strategic value, or have a high level of security or gender equality.

Meanwhile, this situation does not apply to placements at the diplomatic staff level. Female diplomatic staff are placed in various state conditions. Gender bias is the main cause of this glass ceiling problem. Men are considered more capable of carrying out strategic tasks than women because masculinity is considered to be in line with everything that is strategic or prestigious. (Prajuli, 2022)

Another issue of masculinity is the notion that women are weak, so they are not suitable to be leaders in conflict or insecure situations. Another reason is pragmatism. To facilitate interaction and communication with local countries, female ambassadors are not placed in countries where gender awareness is low. Consequently, this pragmatism further strengthens the existing glass ceiling. If Indonesia is consistent in incorporating a gender perspective into its foreign policy, the barriers to gender bias as above must continue to be addressed.

## **IV. CONCLUSION**

The President as the holder of the power to administer the Indonesian government has a role as Head of State as well as Head of Government equipped with constitutional rights which are commonly referred to as prerogative rights which over time as changes to the Constitution have shifted many prerogative rights. The mechanism for appointing the Ambassador of the Republic of Indonesia as referred to in Article 13 paragraph (2) of the 1945 Constitution of the Republic of Indonesia is appointed by the President with the consideration of the DPR which is further explained in article 203 of DPR RI Regulation No.1 of 2014 concerning Standing Orders.

So it can be concluded that the President in appointing the Indonesian Ambassador must pay attention to the considerations of the House of Representatives. The position of the President in

Indonesia and the mechanism for appointing the Ambassador of the Republic of Indonesia based on gender equality with the consideration of the DPR is indispensable for the benefit of cooperation between countries. Therefore, it is suggested that the government be more assertive and clarify the provisions governing the position and accountability mechanism of a president as the head of state in appointing an Indonesian Ambassador in accordance with the system of government adopted by the Indonesian state which provides equal opportunities to all prospective ambassadors, both male and female, serve in any area regardless of the conditions. And it is necessary to hold a procedure for appointing an Indonesian Ambassador to ensure transparency over the prospective Ambassadors who are placed to have sufficient capacity and capability to realize the national interests of all Indonesian people regardless of gender while on duty and work regardless of the territory occupied..

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