

THE APPOINTMENT SYSTEM OF HIGH LEVEL OFFICIAL OF STATE CIVIL APPARATUS IN INDONESIA: PERSPECTIVES AND PROSPECTS

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Abstract

The changes related to the issue of Human Resources for Apparatus, has been adopted in order to implement the Bureaucratic Reform in Indonesia. This area is an important part of the management aspect of state government which aims to assist and support all Human Resources of the State Civil Apparatus in order to recognize their full potential as government employees. The paper will elaborate the reason why the policy in filling and appointing High Level Officials (JPT) not in accordance with the applicable laws and regulations. Nevertheless the application of Merit System based in filling and appointing JPT in Indonesia has good prospects, it will bring about an atmosphere of justice among the State Civil Apparatus. However, its application must be able to eradicate many the obstacles.

Keywords: Merit System, State Civil Apparatus, High Level Officials, Indonesia.

INTRODUCTION

One of the areas of change in Bureaucratic Reform is changes related to the issue of Human Resources for Apparatus, which is included in the scope of Human Resources Management. This area is an important part of the management aspect of state government which aims to assist and support all Human Resources of the Apparatus in order to realize their full potential as government employees and as citizens.

Changes in this area necessitate improvements in the management of Apparatus Human Resources. Efforts must be made by making changes from the old perspective of personnel management which emphasizes the rights and obligations of individual employees, to a new perspective that emphasizes strategic human resource management. This new paradigm aims to always provide superior Human Resources for State Civil Apparatus, in line with the changing dynamics of the mission of the Public Bureaucracy. These changes require preparation and planning to produce state apparatus that are always advanced and have the qualifications and competencies needed to carry out the tasks and functions of government and development within the framework of facing various challenges that must be faced and resolved by the Indonesian people.

In order to provide a legal basis for the management of human resource development of the state apparatus, the government has made changes to Law No. 8 of 1974 and Law No. 43 of

1999 on Basic Personnel Regulation. Those laws have been implemented in Indonesia for almost 20 years. This change was realized by the issuance of Law Number 5 of 2014 on State Civil Apparatus (Aparatur Sipil Negara - ASN). The Law applies a "Merit System" in the management of Apparatus Human Resources. This is the basis for the transformation of State Civil Apparatus Management from an Administrative and Rule-based approach to a Performance-based approach. One of the components of the Merit System that underwent a fundamental change with the enactment of Law no. 5 of 2014 concerning ASN is the filling of officials for positions which are currently known as Echelon II and Echelon I as well as Heads of Non-Ministerial Government Institutions. In the new provisions, this position is referred to as the High Level Official-ship Position (JPT), which consists of JPT Pratama, JPT Madya and JPT Utama. The main criteria in the appointment of JPT are competencies that are in accordance with the competencies required for a position. By appointing officials who have competencies in accordance with the functions of their work units, it is expected that the performance of the bureaucracy will be better.

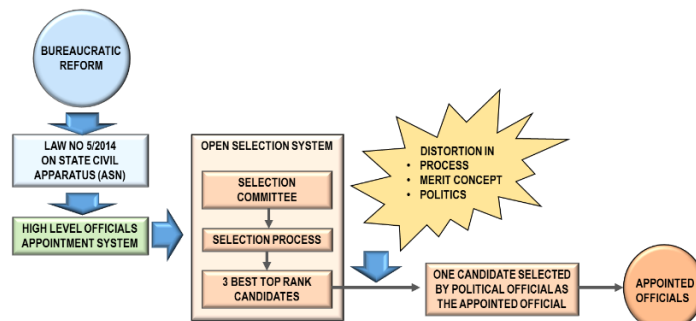
The openly filling system is known as "by position", or filling the position in accordance with the competencies required in the position to be occupied. Previously, Indonesia implemented the filling of positions "by carrier". Both positions filling systems have advantages and disadvantages. Openly filling positions, which have been implemented for more than five years, has had both positive and negative impacts. The complete provision related to the Filling and Appointment of JPT has been described in detail in Government Regulation (PP) No. 11 of 2017 on Management of Civil Servants starting from Article 110 to Article 141.

In the implementation of this new system, various irregularities have been found. This phenomenon is evidenced by the number of political officials caught red-handed by the Corruption Eradication Commission (KPK) and other law enforcement agencies, both at the local government level and at the central level. This phenomenon shows the vulnerability in the open system of filling positions from the intervention of Political Appointee Officer. The data shows there are 6 Regents, 2 Mayors, and 1 Chairperson of a Political Party who were arrested, some of whom have been sentenced for their mistakes.

In addition, in 2021 the State Civil Apparatus Commission (KASN) has received 294 complaints from various groups related to the Open Selection process both at the centre and in the regions. From the results of the KASN investigation, 114 violations were found in the process. Another fact obtained from Ministries and Institutions at the central level is that the provisions regarding filling out the JPT require a very long time to prepare the legitimacy of the selection, the determination of the Selection Committee, and finally the determination of the three best candidates.

The paper will elaborate the reason why the policy in filling and appointing of high level official is not in accordance with the applicable laws and regulations. The finding of the study therefore will recommend the prospect of the law. Conceptual flow of study is depicted in Figure 1.

Figure 1: Conceptual Flow of Study



Theoretical Background

One of the legal bases of Bureaucratic Reform in Indonesia is the Law No. 5 of 2014 on State Civil Apparatus (Aparatur Sipil Negara - ASN), this law was enacted with many philosophical reasons.

Firstly, In order to implement the ideals of the nation and realize the goals of the country as listed in the preamble to the Constitution of the Republic of Indonesia Year 1945, need to develop a State Civil Apparatus that has an integrity, professional, neutral and free from political intervention, clean from corrupt practices, collusion, and nepotism, as well as capable provide public services for society and able to carry out the role as an element of unity and oneness nation.

Secondly, the civil apparatus management have not been based on consideration of competencies and required qualifications by positions with competence and qualifications.

Thirdly, to realize the state civil apparatus as part of bureaucratic reform, it is necessary to establish the state civil apparatus as a profession who has the responsibility to manage and obligatory accountable for its performance and apply the principle of merit in implementation management of the state civil apparatus.

Fourthly, the previous laws are no longer in accordance with the demands of national and global challenges so it is necessary to replace.

Based on those philosophies, the law applying the merit system, the application of a merit system in essence starts from recruitment, career patterns, performance appraisal and rewards, payroll and income, competency development and enhancement, to protection against interference and discrimination, and political neutrality during elections. This system is mandated by law to be implemented in State Civil Apparatus management in Indonesia.

The merit system is a system that focuses on the recruitment, development and placement of employees based on competence and integrity. In this regard, the principles of the "System of Merit" contained in "the Civil Service Reform Act of 1978," which were implemented in the United States briefly include; Recruitment as needed, Fair and equal treatment, Appropriate salary, Employee integrity, Employee utilization, Employee Performance Measurement, Employee Competency Development, Employee Neutrality, and Employee Protection.

Meritocracy strengthens efforts to apply equality and competence, because it avoids patronage practices, nepotism, corruption, and the inability to occupy positions in the state apparatus. Meritocracy is a system that respects the principles of competition, open selection, quality, and has a defined set of standard qualifications and recruitment processes. This system is very different from the appointment without basis in the recruitment and determination of officials within the apparatus.

The meritocracy system in the recruitment process is generally based on educational qualifications, passing selection and appropriate position qualifications. As for the promotion process, meritocracy is associated with individual performance-based assessments and indicators to measure the competency of the position to be occupied. Also added to the test are the panel interviews and psychological tests.

The system that contradicts the Merit System is the “Spoil System” which is defined by Stančetić (2020) as: “The spoils system (also called patronage), implies that a political party that is victorious in the elections gets the right to freely, and according to their own will, appoint people within the administration and public organizations, just as it has the right to appoint a minister for a particular portfolio.” This means that political parties winning elections seem to have the right to place their cadres in determining bureaucratic officials, just as they appoint their cadres as ministers.

The Merit System according to the Law is State Civil Apparatus policy and management based on qualifications, competencies, and fair and reasonable performance without regardless of political background, race, skin colour, religion, origin, gender, marital status, age, or condition of a disability.

METHODOLOGY

The research was conducted by applying qualitative methods using Exploratory Research Design. The exploratory design is intended to be able to answer what can be found in this research. This research design is to find out the phenomena that occur in The Appointment System of High Level Officials of State Civil Apparatus in Indonesia.

RESULTS AND DISCUSSION

Since the enactment of Law No. 5 of 2014 on ASN, especially those related to the provisions regarding the Filling and Appointment of JPT, there have been many studies conducted by previous researchers with a focus on the implementation of policies.

In her research, Meyrina (2016) concluded that: Implementation of performance improvement through the Merit System has not been widely socialized; The embodiment of changes related to performance improvement, has not been well developed through the Merit System, so that there has not been an increase in employee performance, and Official knowledge and competence is still needed to handle facilitative matters that function to carry out supervisory duties in stages so that employee development is carried out.

The State Civil Apparatus will perform high if the Merit System is consistent in its application of ASN management practices. The application of the Merit System in open selection has consequences, including the obligation to establish job competency standards that accommodate the potential for development in both the renewed field of soft competence and hard competence. (Daniarsyah, 2017)

Aspects of the Merit System have not been implemented properly, Regional Heads, in this case the Mayors, still use spoil system methods, which prioritize candidate selection based on personal closeness (Rosmiati, Sumaryana, Saefullah, and Buchari, 2018)

There are 8 obstacles that hinder the implementation of the Merit System, (Dwiputrianti 2018) including: Lack of preparation from agencies to carry out open selection, Limited availability of Certified Assessment Centres and Assessors, Difficulty in establishing a Selection Committee that is competent, credible, with integrity and neutral from political influence, Reluctance from ASN to take part in the Open Selection because they suspect and witness that the appointment is not based on the Merit System, The ASN Law is still patchy, not consistent, Weak supervision of the implementation of the ASN Law, mainly due to the fact that the old regulations still apply, Political intervention is still high in determining officials and Appointments are not based on qualifications, competence and organizational needs.

The Merit System did not work perfectly because it was not accompanied by supervision of a strict selection process to ensure qualification and legality. (Ismail, 2019) So far, the ASN position transfer policy was not based on predetermined rules. In the transfer process, the implementation still uses the Seniority System and the Spoil System, where this system is not in accordance with the principles of Good Governance and the Merit System. (Ulfa, Rahmanto, and Suswanta, 2020)

The weaknesses in the implementation of Appointment of High Level Officials selection, (Irfan, 2017) including: Expensive implementation costs, There are restrictions on prospective JPT selection participants, and requires a lengthy time of process.

In general, based on Edward III's theory, the problem on the laws implementation on merit system (Mius, Suradinata, Ilham, and Djaenuri 2019) including: the Communication Aspect was not respectable, the Resource Aspect as the organizer of the selection was inadequate, the Disposition Aspect still found a lack of motivation from implementers, and the Bureaucratic Structure Aspect, it appears that the current SOP has resulted in unclear timing for the selection process.

The selection stage of Appointment of High Level Officials selection only proposes three selected candidates. The names of these candidates are submitted to the Political Appointee such as, Minister, Governor, the Regent or the Mayor. This becomes a dichotomy to be free from political intervention in the bureaucracy. Therefore the selection process has not resolved the problem of political intervention in the bureaucracy (Taufik, 2020).

Research concerning the implementation of the Merit System, which is a system mandated by the ASN law, has been carried out by several researchers [among others by; Meyrina (2016);

Daniarsyah, (2017); Rosmiati, Sumaryana, Saefullah, and Buchari, (2018); Dwiputrianti,(2018); Mubin and Roziqin (2018); Noors, (2019); Nurwita, (2019); Welasari, Suwaryo, Agustino and Sulaeman (2019); Ulfa, Rahmanto, and Suswanta, (2020); Nirvana, and Prasojo, (2021)]. The results of the various studies above conclude that the Bureaucracy Leader, in this case, the Minister, Head of Institution and Head of Region, are still implementing the Spoil System, where in the Filling and Appointment of JPT still prioritizes the selection of elected candidates based on personal closeness, besides that It was also found that the implementing regulations used in determining officials were not based on the Merit System as mandated by the ASN Law.

Other studies that focus on the implementation process of JPT appointment have also been carried out by researchers, namely; Yahya, Rafi and Mutiarin, (2015); Irfan, (2017); Nanik Priyanti, (2017); Utami, (2017); Alkadafi, Rahmadani, and Andry (2018); Nasir, (2019); Mius, Suradinata, Ilham, and Djaenuri, (2019)]. From the studies conducted by these researchers, it was found that the open selection process requires a lot of costs and takes a long time, this is due to: the determination of the conditions for open selection participants is not in accordance with the provisions of the ASN Law; the criteria for the authority, duties and functions of the implementers of the open selection are not strictly defined, the different interpretations of the meaning of openness; preventing candidates from outside the agency; lack of assessment consultants, lengthy and costly process.

Meanwhile, researchers who focused on the process of determining candidates, among others, were carried out by Burhanuddin and Fatmawati, (2016); Taufik (2020); and Sabaruddin, Utomo and Fait (2021), concluded that the dominance of political officials in the implementation of open selection is manifested in the form of determining official candidates from the top three selection results. The process was not carried out objectively.

CONCLUSIONS

The changes related to the issue of Human Resources for Apparatus, has been adopted in order to implement the Bureaucratic Reform in Indonesia. This area is an important part of the management aspect of state government which aims to assist and support all Human Resources of the State Civil Apparatus in order to realize their full potential as government employees and as citizens.

The Merit System according to the Law No 5 of 2014 on State Civil Apparatus strengthens efforts to apply equality and competence. It avoids patronage practices, nepotism, corruption, and the inability to occupy positions in the state apparatus. Meritocracy is a system that respects the principles of competition, open selection, quality, and has a defined set of standard qualifications and recruitment processes. This system is very different from the appointment without basis in the recruitment and determination of officials within the apparatus.

The application of this system in Indonesia has good prospects, because it will bring about an atmosphere of justice among the State Civil Apparatus. However, its application must be able to eradicate the obstacles including: expensive implementation costs, lengthy time of process,

and political intervention in determining the High Level Officials. Finally, eradication of the obstacles, have to revise the law.

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