

The Implementation of Good Governance Principles in Admission of Prospective Civil Servants

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Article	Abstract.
Keywords: Civil; Governance; Implementation; Prospective; Servants. Article History Received: 2022-02-27; Reviewed: 2022-03-21; Accepted: 2022-03-24; Published: 2022-03-26. DOI: http://dx.doi.org/10.30659/jdh.v5i1.20476	The aims of this study are as follows: To analyze and determine the implementation of the principles of good governance in the recruitment of prospective civil servants in Timor Leste and to analyze and determine the factors that influence the implementation of the principles of good governance in the recruitment of prospective civil servants in Timor Leste. The method used by the researcher was a sociological juridical approach and the specifications in this study are descriptive. The results of the research that the implementation of the principles of good governance in the recruitment of prospective civil servants in Timor Leste is wisdom and confidentiality, justice, honesty and integrity, equality, exclusivity regime, conflict of interest, kinship an integral part of good governance. Factors Affecting the Implementation of Good Governance Principles on the Admission of Candidates for Civil Servants in Timor Leste, as follows: The legal factor itself, namely the entire legislation governing the implementation of Civil Servant Candidate (CPNS/ASN) acceptance. Law enforcement factors, namely people who carry out the law, especially law enforcement officers, in this case are focused on local government officials who are entrusted with the duties and responsibilities by laws and regulations to carry out the selection of CPNS/ASN acceptance. Legal culture factor, namely the habits that apply or are enforced to solve any problems that arise from local government activities in the context of accepting CPNS/ASN. The novelty showed that ability factor of Human Resources (HR), namely the personal circumstances of local government officials who are entrusted with the task of accepting CPNS/ASN and people who submit applications to become CPNS/ASN.

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1. Introduction

The formulation of Article 28 D paragraph (3) and paragraph (4) of the 1945 Constitution affirms that everyone has the right to work and receive fair and proper remuneration and treatment in an employment relationship. Then it is further emphasized that every citizen has the right to get equal opportunities in government.

This means that not only certain people on the basis of nepotism can be accepted as civil servants, while others are looking for ways or ways to prevent them from becoming civil servants.

The rule of law is a state based on law and justice for its citizens. In essence, all the powers and actions of the state's scientific apparatus or are regulated by law. Such a situation will reflect a just social life for its citizens.¹Realizing Civil Servants who are reliable, professional, and moral, the discipline of Personnel Regulations is absolutely necessary as a guide in enforcing discipline, so as to ensure the maintenance of order and smooth execution of tasks and can lead PNS/ASN to be more productive based on the career system and system performance.²The realization of a clean and honorable government begins to enforce discipline in the state apparatus, especially for Civil Servants who are elements of the civil society of the state apparatus itself.³

Empirical facts prove that power is often equated with authority and power is often interchanged with the term authority, and vice versa. Even authority is often equated with authority, power is usually in the form of a relationship in the sense that "there is one party who rules and the other party is ruled."⁴Referring to the definition above, there is the potential for power that is not related to the law which Henc van Maarseven calls a blot match. Meanwhile, power related to law by Max Weber is called rational or legal authority, namely authority based on a legal system and is understood as rules that have been recognized and obeyed by the community and even strengthened by the state.⁵

Etymologically the term good governance consists of two syllables, namely good means goodness or virtue and governance means governance.⁶ Meanwhile, according to the World Bank, governance is the manner in which power is exercised in the management of a country's social and economic resources for development. Therefore, the use of the term good governance in various literatures is assumed to be good governance.

In this regard, the World Bank defines good governance as an efficient public service, a reliable court system, a government that is accountable to the public.⁷ While understanding good governance as good governance that reflects the synergy between the government, the private sector, and the community.⁸

¹Abdul Aziz judges, 2011, *State of Law and Democracy*, Pustaka Pelajar, Yogyakarta, p. 8

²Acacio Frenande Vassalo, 2014, "Law Enforcement Civil Servant Discipline in Achieving Good Governance in East Timor", *Journal of Legal Issues*, (Vol 43, No 03)

³Muhammad Adib, Sri Kusriyah and Siti Rodhiyah Dwi Istinah, 2019, The Giving Of Disciplinary Penalty of Civil Servants Based On Government Regulation Number 53 of 2010 in Governments of Demak Regency, in *Jurnal Daulat Hukum* Volume 2 (4), Published Master Of Law, Faculty of Law Unissula, p. 443 and 445, <http://jurnal.unissula.ac.id/index.php/RH/article/view/8239/3862>

⁴Miriam Budiardjo, 1998. *Ilmu Politik Fundamental*, Gramedia Pustaka Utama, Jakarta, p. 221

⁵Gunawan Setiardja, 1990. *Legal and Moral Dialectic in the Development of Indonesian Society*, Kanisius, Yogyakarta

⁶John M. Echols and Hassan Shadily, 1997. *An English-Indonesian Dictionary*, Gramedia, Jakarta

⁷Sadjijono, 2005. *Functions of the Police in the Implementation of Good Governance*, Laksbang, Yogyakarta

⁸Muin Fahmal, 2006. *General Principles of Decent Governance in Realizing Clean Government*, UI-Press, Yogyakarta.

The key to understanding good governance is an understanding of the principles within it. Starting from this principle, a benchmark for government performance will be obtained. The goodness of the NSU government is judged when it is in touch with all the principles of good governance, namely Community Partition (Participation), Rule of law, Transparency, Concern for Stakeholders / Business, Consensus Oriented, Equality, Effectiveness and Efficiency, Accountability and Vision Strategic.⁹

With regard to process standards and results, understanding and development of good governance through bureaucratic reform must include all: government members so that they can move quickly, synergistically, do not collide with each other, get support from the people and be free from anarchic movements that can hinder the development process.¹⁰

Civil Servants (PNS/ASN) are state administrators whose duties as public servants need to be managed and their welfare considered. Various efforts have been made by the government to provide improvements to the welfare of Civil Servants, including retired Civil Servants. In many ways, efforts to improve the welfare of Civil Servants so far have not been based on the results of comprehensive research on the welfare system in accordance with best practices, as has been done by other countries. So that the pattern of increasing the salaries of Civil Servants does not have a significant impact on the welfare of Civil Servants and for retired Civil Servants.

Civil Servants (PNS/ASN) as a key element of human resources of the state apparatus have a major role in determining the success of governance and development. Civil servants who are able to play this role are civil servants who have competencies shown in high discipline, good performance and attitudes and behavior that are full of loyalty and obedience to the state, both morally and mentally, professionally, aware of their responsibilities as public servants and able to become the glue of National Unity.¹¹ Good governance is a set of processes applied in both private and public sector organizations to determine decisions.¹²

Timor Leste is one of the newly independent countries, which is still trying to implement a system of government that is suitable for the country. One system that has caught the attention of many parties, including the international community, is the

⁹Made Supartawan, Understanding the Principles and Implementation of Good Governance in Indonesia accessible from <https://humassetda.bulelengkab.go.id/article/pengertian-principles-dan-penerapan-goodgovernance-di-indonesia-99>, download on August 14, 2021, 21:05 OTL

¹⁰Ahmad Faqih and Widayati, 2018, Wonosobo Regulation No. 3 of 2014 on Regarding Regional Organizations to Achieve Good Governance, in *Jurnal Daulat Hukum* Volume 2 (4), Published Master of Law, Faculty of Law Unissula, p. 511, <https://media.neliti.com/media/publications/324387-wonosobo-regulation-no-3-of-2014-on-rega-6cf1b3c6.pdf>

¹¹Widya Pratiwi Asmara, Sri Kusriyah, and Widayati, 2019, Staffing Application System In The Development And Supervision Of Employees Based On Information Technology (It) In Order To Good Government At Regional Office In The Ministry Of Justice And Human Rights Of Central Java (Case Study At Regional Office of the Ministry of Justice and Human Rights of Central Java), in *Jurnal Daulat Hukum* Volume 2 (4), Published Master Of Law, Faculty of Law Unissula, p. 470, <http://jurnal.unissula.ac.id/index.php/RH/article/view/8290/3867>

¹²Sufi Hamdani Kurniawan and Sri Kusriyah, 2019, Revitalization Program Of The Market In Improving Infrastructure Development And Participation Of The Market Traders, in the *Jurnal Daulat Hukum* Volume 2 (3), Published Master Of Law, Faculty of Law Unissula, p. 437 <http://jurnal.unissula.ac.id/index.php/RH/article/view/5676/3425>

pension system for Civil Servants (PNS/ASN). In February 2011 the Government of Timor Leste has enacted a law that regulates the pension system for Civil Servants. Previously, the Government of Timor Leste did not have clear provisions regarding the Pension System for Civil Servants, both for age and old age benefits. The government only allows civil servants who feel they are no longer able to work to stop working, and the government continues to pay their salaries every month.

Basically, the number of Civil Servants in Timor Leste is quite large, both before and after independence. This certainly affects the state budget, because it cannot be denied that every year, the number of retired Civil Servants is increasing. Looking at the increase in the total number of prospective civil servant pensions and elderly parents, it shows that every year the government must prepare a very large pension fund. If the government uses a defined contribution system, for the time being, the government, as the employer, has not set any policies or rules to implement a defined contribution system for Civil Servants. This is due to the condition of the newly independent State and the contribution to the Civil Servant's pension fund is considered very small. This prompted the government of Timor Leste to continue to look for various alternatives in order to find a suitable system to be applied, related to pension fund regulations for Civil Servants. On the other hand, many Civil Servants demand fairness in the policy of implementing a pension payment system in accordance with the length of time they have served the country.

2. Research Methods

Judging from the research approach, this research uses a sociological juridical approach. The sociological juridical approach is research that focuses on individual or community behavior in relation to the law.¹³ This research will use a descriptive type of research. Descriptive research aims to accurately describe the characteristics of an individual, condition, symptom or group or to determine the spread of a symptom or to determine whether or not there is a relationship between a symptom and other symptoms in society.¹⁴

3. Results and Discussion

3.1. Implementation of Good Governance Principles in the Admission of Candidates for Civil Servants in Timor Leste

Good governance refers to Dwiyanto's study.¹⁵ He cited eight principles of good governance introduced by UNDP (United Nation Development Program), namely; participation, transparency, accountability, effectiveness and efficiency, legal certainty, responsiveness, consensus, equality and inclusion.

Dwiyanto further developed the eight principles above into ten with the following explanation: a. Participation, citizens have the right (and use it) to express

¹³Marzuki, Peter Mahmud. 2005. *Penelitian Hukum*. Kencana Penada Media Group, Jakarta: p. 128

¹⁴Beni Ahmad Saebani, 2008, *Metode Penelitian Hukum*, Faithful Library, Bandung, pp. 100-101

¹⁵Agus Dwiyanto, 2008, *Realizing Good Governance Through Public Services*, Gajah Mada University Press, p. 13

opinions, voice in the process of formulating public policies, either directly or indirectly; b. Law enforcement; the law applies to anyone without exception, human rights are protected, while still paying attention to the values that live in society; c. Transparency; providing information about the government(an) for the public and ensuring the ease of obtaining accurate and adequate information; d. Equality; there are equal opportunities for every member of the community to do activities/business; e. Responsiveness; the sensitivity of the managers of public institutions to the aspirations of the people; f. Foresight; community management should start with a clear vision, mission, and strategy; g. Accountability; accountability of policy makers to citizens; h. public oversight; involvement of citizens in controlling government activities, including parliament; i. Effectiveness and efficiency; implementation of public agency activities by using available resources optimally and responsibly. The indicators include; easy, fast, precise, and cheap service; j. Professionalism; high moral capacity of government employees, including parliament.

Based on the above thought, the researcher formulated the concept of good governance as a vitamin that must be injected into every administration of state functions. As a vitamin, of course, good governance in the long term will result in healthy public organizations, whose health will certainly be the main capital in improving public policy products and public services.

According to Syafi'i, in terms of language, bureaucracy is explained as follows; In English, bureaucracy is called bureauracy, derived from the words bureau (meaning table) and cratein (meaning power), so that the power lies with the people behind the desk. Therefore, bureauracy is understood as work carried out from one table to the next.¹⁶

Implementation of the Good Governance Principles in the Admission of Candidates for Civil Servants in Timor Leste are wisdom and confidentiality, fairness, honesty and integrity, equality, exclusivity regime, conflicts of interest, integral part of good governance which is regulated in Democratic Republic of Timor-Leste Act No. 8 of 2004 concerning the National Parliament.

According to the author, the implementation of the principles of good governance in the recruitment of prospective civil servants in Timor Leste is analyzed with the theory of good governance, that the state in this case is intensively implementing the theory currently being used by researchers, namely Good Governance. BKN as one of the targets of this theory. The state in this case sees the problems that occur at BKN are regarding CPNS/ASN. From year to year in the acceptance of CPNS/ASN there are always problems that occur, ranging from collusion, corruption and nepotism. Not only that, in terms of budget, it is considered that this CPNS/ASN selection is very expensive. On the other hand, this CPNS/ASN selection, which previously used a computer answer sheet system, was considered very environmentally unfriendly, because there is a lot of paper that will be wasted. Then the length of the results obtained for the participants who took the test.

Implementation of Good Governance Principles in the Admission of Candidates for Civil Servants in Timor Leste is analyzed with the rule of law theory that there is a

¹⁶Inu Syafi'i, Kencana, 2003, *The State Administration System of the Republic of Indonesia*, Bumi Aksara, Jakarta, p. 67

clear correlation between the rule of law, which is based on the constitution and laws and regulations, and people's sovereignty, which is implemented through a democratic system. This correlation can be seen from the emergence of a constitutional democratic system, as mentioned above. In a democratic system, the administration of the state must rely on the participation and interests of the people. The implementation of the rule of law must be supported by a democratic system.

3.2. Factors Affecting the Implementation of Good Governance Principles on the Admission of Candidates for Civil Servants in Timor Leste

Building an efficient Public Administration, serving the legitimate interests of citizens and state institutions, is a requirement and a National constitutional desideratum. In fact, the development of a functional, effective, and participatory state apparatus is an absolute requirement to achieve social, harmonious, and sustainable development in this country. Public administration should be structured in such a way as to avoid bureaucracy, bring services closer to the people and ensure the participation of those being administered in the management of public affairs. Therefore, administrative equipment must comply with a systematic set of rules, principles and values in which integrity, achievement, and excellence in the performance of public service functions, standards capable of ensuring the achievement of national progress goals, social harmony and fair and balanced development. The Civil Service Law is aimed precisely at systematizing these rules, also defining the duties and rights of civil servants.

Government employees (civil servant) in Indonesia, may be luckier than those who work in Timor Leste. Just this once civil servant in Timor Leste get material subsidy food and monthly transportation costs to reduce the expenses of each civil servant.¹⁷

Bureaucratic Reforms implemented in various ministries and local governments. The government has established the Grand Design for National Bureaucratic Reform 2010 – 2025 as a guideline and reference in implementing bureaucratic reform for all Ministries and Institutions, including the Ministry of Defense as an element of government that has the task and function of formulating and formulating policies in the field of defense. Especially within the scope of the Ministry of National Defense, it includes 3 (three) basic elements, namely institutions, management, and human resources of the state apparatus as stated in the Regulation of the Minister of Defense of the Republic of Indonesia Number 12 of 2013 concerning Guidelines for the Implementation of Bureaucratic Reform of the Ministry of Defense.

In accordance with the duties, authorities, and responsibilities in the administration of government and development, civil servants holding structural leadership positions, administrators and supervisors (echelon III and echelon IV) require a standard of position competence which includes basic competencies (integrity, leadership, planning and organizing, cooperation, flexibility) and a number of other field competencies.

¹⁷<https://intisari.grid.id/read/032902483/mirisnya-pns-di-timor-leste-more-dari-dua-dekade-merdeka-baru-kini-dapat-tunjangan-yang-already-umum-diceived-asn-indonesia-is-that-even-after-a-luxury-d?page=all>

One way to find quality human resources is through recruitment.¹⁸ Recruitment is a series of activities in an organization that requires manpower or human resources, opening vacancies to getting the desired candidate. Recruitment is a process by which government or private organizations seek, find and attract applicants to be given a job that the organization needs. The recruitment process seeks to attract applicants with good motivation, abilities, skills, and knowledge to cover identified deficiencies in an organization. The recruitment methods usually used are: source seeking from within/internal to the organization and source seeking from outside/external to the organization. According to SP. Siagian held recruitment is to get supplies as much as possible prospective applicants so that the organization will have a greater opportunity to make a choice of prospective employees who are considered to meet the organization's qualification standards. The procedures for recruitment of civil servants are planning for employee needs, job analysis, preparation of formations, and procurement. In order to carry out recruitment procedures effectively, accurate information, good cooperation from employees, applicants and on an ongoing basis must be available regarding the number and qualifications of individuals needed to carry out various main tasks and functions within the agency.

Factors Affecting the Implementation of Good Governance Principles on the Admission of Candidates for Civil Servants in Timor Leste, as follows:

- The legal factor itself, namely the entire legislation governing the implementation of CPNS/ASN acceptance.
- Law enforcement factors, namely people who carry out the law, especially law enforcement officers, in this case are focused on local government officials who are entrusted with the duties and responsibilities by laws and regulations to carry out the selection of CPNS/ASN acceptance.
- Legal culture factors, namely the prevailing or enforced habits to solve any problems that arise from the activities of local governments in the context of accepting CPNS/ASN.
- Legal awareness factor, namely obedience and obedience of a person to actualize legal norms or rules in the context of accepting CPNS/ASN
- The ability factor of Human Resources (HR), namely the personal circumstances of local government officials who are entrusted with the task of accepting CPNS/ASN and people who submit applications to become CPNS/ASN.

According to the author, the implementation of the principles of good governance in the recruitment of prospective civil servants in Timor Leste is analyzed using the theory of legal effectiveness that factors that are closely related to each other, which are the essence of law enforcement, are also a measure of the effectiveness of law enforcement. In the first element, what determines whether the written law can function properly or not depends on the law itself. The second element that determines the effectiveness or not of written law performance is law enforcement officers. In this connection, it is necessary to have a reliable apparatus so that the apparatus can carry out their duties properly. Reliability in relation here is covering professional skills and having a good mentality.

¹⁸ Suhendra, D. 2017. Recruitment and Appointment of Government Employees With Work Agreements (PPPK) According to Act No. 5 of 2014. *Journal of Muqqodimah*, Volume 1, Number 2.

4. Conclusion

Implementation of the Good Governance Principles in the Admission of Candidates for Civil Servants in Timor Leste are wisdom and confidentiality, fairness, honesty and integrity, equality, exclusivity regime, conflicts of interest, integral part of good governance which is regulated in Democratic Republic of Timor-Leste Act No. 8 of 2004 concerning the National Parliament. Factors Affecting the Implementation of Good Governance Principles on the Admission of Candidates for Civil Servants in Timor Leste, as follows: The legal factor itself, namely the entire legislation governing the implementation of CPNS/ASN acceptance. Law enforcement factors, namely people who carry out the law, especially law enforcement officers, in this case are focused on local government officials who are entrusted with the duties and responsibilities by laws and regulations to carry out the selection of CPNS/ASN acceptance. Legal culture factors, namely the prevailing or enforced habits to solve any problems that arise from the activities of local governments in the context of accepting CPNS/ASN. The factor of legal awareness, namely the obedience and obedience of a person to actualize legal norms or rules in the context of accepting CPNS/ASN. The ability factor of Human Resources (HR).

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