

## **Analysis Of The State Civil Apparatus Commission Relating To Position Selection And Return Of Tasks From The State Civil Apparatus Commission To The Ministry Of State Administrative And Bureaucratic Reform**

**Ahmad Hidayah**

*National Library of The Republic of Indonesia, Indonesia*

[ahmadhidayah25@gmail.com](mailto:ahmadhidayah25@gmail.com)

### **ABSTRACT**

Law Number 5 of 2014 concerning ASN (State Civil Apparatus Law) is being intensively revised or changed. Minister of State Apparatus Empowerment and Bureaucratic Reform (Menpan-RB) Yuddy Chrisnandi stated that it is important to reform the management of the State Civil Apparatus (ASN) to realize good governance to face the ASEAN Economic Community (AEC). The general picture is that the services provided by the apparatus to the community are still low in terms of administration, such as licensing, which is still convoluted and complex. The incessant coverage in various mass media regarding corrupt practices by the state apparatus is also proof that the bureaucratic reform that has been rolled out is still far from expectations. This is compounded by the widespread practice of bureaucratic politicization in government circles in general, especially in regional government because the system of appointing officials in government institutions tends to provide opportunities.

**Keywords:** *Civil Servant; Civil Apparatus Commission.*

### **INTRODUCTION**

The People's Legislative Council or what we are more familiar with as the DPR is a high state institution that has legislative, budgetary, and oversight functions in the government bureaucracy in Indonesia and is a representation or embodiment of all Indonesian people from Sabang to Merauke. The DPR RI has the authority to submit draft laws regarding amendments to the law.

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Law Number 5 of 2014 concerning ASN (State Civil Apparatus Law) is being intensively revised or changed. Minister of State Apparatus Empowerment and Bureaucratic Reform (Menpan-RB) Yuddy Chrisnandi stated that it is important to reform the management of the State Civil Apparatus (ASN) to realize good governance to face the ASEAN Economic Community (AEC).

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As is known at this time, it seems that the top leadership or highest leadership in internal government organizations/institutions have enormous power in appointing and dismissing officials under them. Likewise, from the outside of the organization, it can be said that there is almost no supervision. This can be seen specifically in the management of local government. In general, what currently applies is that the process of electing a regional head is a reflection of the political party that won the regional head election (Pilkada). Therefore, consciously or unconsciously, the interest or influence of the winning political party on the elected regional head in running the government will be difficult to avoid.

On the other hand, regional heads who feel that they are directly

elected by the people believe that they have received a very large mandate from the people. This very large mandate is sometimes prepared by the elected Regional Head, he has full autonomy in managing the government. It is perceived that external parties are not allowed to interfere in the affairs of the government they carry out, including in the process of selecting, appointing, and dismissing officials within their government. This condition has made it possible for many problems to arise in the appointment of officials in the regions because the regional heads seem to be very dominant and not careful in the selection process, and appointment/dismissal of officials who sit in their government.

It is on this basis that the analysis of the State Civil Apparatus Commission (KASN) is related to job analysis and the return of assignments from the State Civil Apparatus Commission to the Ministry of State Administrative and Bureaucratic Reform to fulfill the assignment for the Human Resource Management course in the Masters of Management study program, Faculty of Economics and Business, Diponegoro University.

a human group, an object, a set of conditions, a system of thought, or a class of events in the present. Descriptive research is research that seeks to describe and interpret something, for example, conditions or relationships that exist, opinions that

## **RESEARCH METHOD**

The writing method used in making scientific analysis is Descriptive Research According to Moh Nazir (1988: 63) in Khoirunnafiatin descriptive research is a method of examining the status of

develop, ongoing processes, effects or effects that occur, or ongoing trends. The data collection method that the author uses in writing this scientific article is Literature or literature study,

## **RESULT AND DISCUSSION**

### **A. Purpose of Establishing the State Civil Apparatus Commission**

As we all know, KASN in Law No. 5 of 2014 states that KASN is; "KASN is a non-structural institution that is independent and free from political intervention to create professional and high-performance ASN employees, provide fair and neutral services, and become the glue and unifier of the nation"

KASN (State Civil Apparatus Commission) was essentially formed to supervise and guarantee the quality of ASN human resources starting from the recruitment, placement, and appointment of high-ranking officials in government circles to create good and world-class governance. Based on Law No. 5 of 2014 KASN was formed with the following objectives, among others:

1. Ensure the establishment of a merit system in ASN policies and management;
2. Realizing ASN that is professional, high-performing, prosperous, and functions as an adhesive for the Unitary State of the Republic of Indonesia;

a data collection technique by conducting a review study of books, literature, notes, and reports that have something to do with the problem being solved (Nazir, 1988: 111).

3. To support the administration of a state government that is effective, efficient and open, and free from practices of corruption, collusion, and nepotism;
4. Realizing ASN employees who are neutral and do not differentiate between the people served based on ethnicity, religion, race, and class;
5. Ensure the formation of ASN professions that are respected by their employees and the public; and
6. Realizing dynamic and cultured ASN performance achievement.

KASN has the function of overseeing the implementation of the basic norms, code of ethics, and code of conduct for ASN, as well as the implementation of the merit system in ASN policy and management in government agencies. In carrying out its functions, KASN has the task of maintaining the neutrality of ASN employees; supervising the professional development of ASN; and reporting on supervision and evaluation of the implementation of ASN management policies to the president. KASN has the authority, among others, as follows:

1. Supervise every stage of the process of filling the High Leadership Position (JPT) starting

- from the establishment of agency selection committees, announcement of vacancies, implementation of the selection, nomination of candidate names, designation, and inauguration of High Leadership Officials;
2. Supervise and evaluate the application of the principles, basic values, and code of ethics and code of conduct for ASN employees;
  3. Requesting information from ASN employees and the public regarding reports of violations of basic norms as well as ASN employees' code of ethics and code of conduct;
  4. Examining documents related to violations of basic norms and codes of ethics and codes of conduct for ASN employees;
  5. Request clarification and/or required documents from government agencies to examine reports on violations of basic norms as well as the code of ethics and code of conduct for ASN employees.

The formation of the KASN (State Civil Apparatus Commission) was mandated long before the ASN Law was formed, namely based on Article 13 Paragraph (3) of Law Number 43 of 1999 concerning Amendments to Law Number 8 of 1974 concerning staffing matters. In the article states that to assist the president in formulating policies on

the management of civil servants (PNS) and giving certain considerations, then a State Civil Service Commission was formed which was stipulated by presidential decree. However, the mandate to form the commission was not carried out until there was an amendment to the ASN Law in 2014 which became the basis for the formation of the current KASN5.

Based on the explanation above, it is very clear that KASN was formed based on the government's desire to improve overall the implementation of ASN in a good and healthy manner, starting from the process of appointing or selecting ASN, appointing high-ranking officials in the government environment and implementing the ASN laws and regulations themselves, so that created a good bureaucratic system in Indonesia. If analyzed from the explanation of Law number 5 of 2014 concerning ASN, it is very clear that the formation of KASN is as a supervisor and implementer of the basic norms of the code of ethics and behavior of ASN throughout Indonesia to create a healthy bureaucracy and government in all state institutions in the Unitary State of the Republic of Indonesia this one we love.

#### **A. Analysis of the Proposal to Disband KASN and Position Selection and Return of Tasks from the State Civil Apparatus**

### **Commission to the Ministry of State Administrative and Bureaucratic Reform**

The incessant news about the dissolution of KASN has a very political nuance, where the DPR as a high state institution that functions as an institution that is given authority in terms of legislation, budget, and supervision always wants to intervene in government policies, including KASN as an independent institution tasked with overseeing, selecting and implementing legal norms and rules for all civil servants in Indonesia.

The discourse on hiring honorary staff without a test and appointing a High Leadership Position (JPT) without paying attention to the performance and competence of the person concerned will have a very negative impact and will adversely affect the performance of ASN in Indonesia, even though currently the government through KEMENPAN RB is incessantly carrying out reforms bureaucracy in a large scope, namely the mental revolution of the Indonesian people in a better direction than before.

In developed countries like Japan, government employees are selected very strictly. There are at least five stages of selection that must be passed, including tests of intellectual competence, social competence, and competence tests for innovation, integrity, and professionalism.

Compare this with the selection stages for CPNS in RI, which only went through two stages of selection. Therefore, it is not surprising that the intellectual, social, innovative, integrity, and professional qualities of civil servants in Indonesia are far from satisfactory.

It will be even more ironic if the DPR plans to submit a revision to the ASN Law precisely to try to appoint PNS/ASN without testing. This means that as many as 439 thousand temporary and PTT employees, the remaining category I employees who were appointed as civil servants during the SBY administration, who are known to be very 'political', will soon be appointed as civil servants. Automatically the government/state must be obligated to provide fresh funds every year of at least IDR 23 trillion. Such a large amount of funds amid a famine in the APBN is really large because there are still a lot of state funds that have not been sufficient to increase the quality and quantity of development and public services, which until now has continued to decline because the APBN is always bigger each year for PNS/ASN spending (Media Indonesia, 26/1 /2017)

The discourse on the dissolution of KASN and the return of overall duties from KASN to KEMENPAN RB which is very intensively carried out by the DPR means that it is the same as

eliminating a control management function over ASN in Indonesia which is feared to further exacerbate the bureaucratic situation in Indonesia, where there will no longer be a control function. and supervising

ASN from all aspects, both aspects of competence, performance, and appointment of officials who should have competence in their respective fields and have high integrity and performance as servants of the state.

## **CONCLUSION**

Options or proposals for dissolving KASN and eliminating the open recruitment system have been prepared in the revised draft of the ASN Law initiated by the Indonesian Parliament. The proposal should be reviewed and look more at the benefit aspect. Because in essence the formation of KASN is based on the government's desire to create a good and world-class bureaucratic system.

KASN was formed with the vision and hope that in the future ASN will be more competent and professional in their respective fields in all government agencies in Indonesia, free from KKN elements and the intervention of other parties that have the potential to disrupt and damage the national and state order.

## **SUGGESTION**

The DPR RI as a high state institution should pay attention to, remember, and reconsider the proposal regarding the option of dissolving KASN and revising Law number 5 of 2014 concerning ASN. The DRP RI must pay attention in

detail to what exactly are the duties and responsibilities of KASN, don't just consider something based solely on political interests regardless of the government's vision that is aggressively carrying out bureaucratic reform in the realization of a mental revolution in Indonesia.

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