

THE LEGAL RECONSTRUCTION OF STATE CIVIL APPARATUS (ASN) IN REGULATING ASN PERFORMANCE IN THE ERA OF GLOBALIZATION

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Abstract

The era of globalization requires State Civil Apparatus (ASN) to understand information technology in carrying out public services. Until the discourse of Work From Anywhere (WFA) emerged as a form of changing the pattern of e-government performance to establish good governance. For this reason, a legal reconstruction of the ASN is needed so that it does not violate the merit system in the ASN Law. However, significant changes and training are needed in all respects to make this happen. By using normative juridical methods and secondary data, the author considers that it is necessary to analyze the reconstruction of ASN Law in regulating ASN performance in the Globalization Era and how the mechanism for changing digital-based performance patterns is. The result of this article is legal reconstruction is needed in ASN regulations and the discourse on implementing WFA for ASN can actually be carried out with a merit system mechanism that fulfills five performance indicators namely, productivity, service quality, responsiveness, responsibility and accountability well.

Keywords: ASN; Digital; E-Government; Reconstruction.

A. INTRODUCTION

The era of globalization which demands changing times has forced the Government to take various policy steps to adapt to these changes. One of them is the policy in administering the State by carrying out bureaucratic reform. Bureaucratic reform is one of the government's efforts to achieve *good governance* and carrying out reforms and fundamental changes to the government administration system, especially regarding institutional (organizational) aspects, management and human resources of the apparatus. Through bureaucratic reform, arrangements were made for an effective and efficient government administration system.

The administration of state government in carrying out its function of serving the interests of the community, of course, will vary depending on the dominant influencing aspect. Paying attention to the political, power and bureaucratic aspects in the dynamics of government in Indonesia, there is a tug-of-war between politics and power which has a strong influence on the shift in the function and role of the bureaucracy. The bureaucracy, which should work to serve and side with the people, has developed into serving the rulers by taking sides with politics and power¹.

1 Ajib Rakhmawanto, Analysis of Bureaucratic Politicization in the Development of State Civil Apparatus, *Jurnal Civil Service*, Vol. 14, No. 2, 2020, page. 2.

Bureaucratic reform is the backbone of changes in the life of the nation and state in terms of implementing government activities by carrying out development both in terms of governance and organization which is marked by an increase in Human Resources (HR) as one of the supports for bureaucratic development. For the sake of realizing good governance with apparatus with high integrity, productivity and excellent service in order to increase public trust based on the Presidential Regulation of the Republic of Indonesia Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform 2010-2025².

Bureaucratic reform in government organizations is marked by the presence of a new law that regulates government human resources, which were formerly called Civil Servants (PNS) to become State Civil Apparatuses (ASN), namely Act No. 5 of 2014 concerning ASN. The birth of this law is intended so that ASNs can carry out their performance in accordance with the spirit of a bureaucracy with integrity, professionalism and accountability in carrying out public services.

This is because during the Covid 19 pandemic the performance of ASN was still not implemented as well as possible due to various obstacles. Both in terms of a work system that has not been digitally integrated and bureaucratic problems that are difficult in carrying out public services. The strategic role of ASN in implementing public service policies is the key to the success of sustainable development. To achieve this, professional ASN are needed.

The main task of ASN as a Government representative is to serve the public in carrying out their roles and duties in each field. This is in accordance with Article 11 of Act No. 5 of 2014 which reads,

"ASN employees are in charge of: a. carry out public policies made by Personnel Development Officials in accordance with the provisions of laws and regulations; b. provide professional and quality public services; and c. strengthening the unity and integrity of the Unitary State of the Republic of Indonesia;

Seeing these duties and functions, it means that ASN is obliged to provide public services to the wider community as well as possible according to their performance. However, what about the Work From Anywhere (WFA) discourse for ASNs in implementing new performance patterns. This discourse was issued by the State Personnel Agency (BKN) so that ASNs can work independently flexible from anywhere by utilizing information and communication technology.

One of the objectives of this method is to apply it as an effort to increase the effectiveness and efficiency of the government bureaucracy. On the other hand, WFA is also considered to be able to improve performance and job satisfaction for the ASNs themselves. ASNs are given the freedom to set their work rhythms, and are also not burdened by the obligation to come

2 Kemenko PMK, *Profile of Bureaucratic Reform*, <https://www.kemenkopmk.go.id/RB/profil> accessed 7 June 2022.

to the office which has to sacrifice time for travel and transportation costs³. Apart from that, in substance, the government is trying to simplify the organizational structure, transfer structural positions to functional ones and adjust work systems to a more dynamic one and collaborative.

However, this method cannot apply to all ASNs. The reason is that according to Article 13 of the ASN Law, ASN positions consist of: a. Administrative Position; b. Functional; and c. High Leadership Position. Where these positions according to the ASN Law have certain functions that are different and cannot be generalized. Administrative positions are a group of positions that contain functions and tasks related to public services as well as government administration and development. While Functional Positions are a group of positions that contain functions and tasks related to functional services based on certain expertise and skills. Meanwhile, high leadership positions are leadership positions that lead certain agencies.

Based on the different tasks and functions, each has its own differences and cannot be implemented with the WFA policy that is being discussed. Because, not everything can be done online. This can be seen from the implementation of the Work From Home (WFH) period during the Covid 19 pandemic which only applies to certain ASN positions that are not administrative in nature or directly assist the community.

Article 15 paragraph (1) Act No. 5 of 2014 Officials in the position of administrator as referred to in Article 14 letter a are responsible for leading the implementation of all public service activities as well as government administration and development. (2) Officials in the supervisory position as referred to in Article 14 letter b are responsible for controlling the implementation of activities carried out by implementing officials. (3) Officials in the executive position as referred to in Article 14 letter c are responsible for carrying out public service activities as well as government administration and development.

The WFA work system may not apply to civil servants whose duties and functions require attendance at the office, or to civil servants whose work directly intersects with public services. For example medical personnel, firefighters, Satpol PP, Bakamla patrol boat crew and KKP fishery supervisors, Traffic Warden or officers from the Department of Transportation, Forest Police, and correctional officers from the Ministry of Law and Human Rights⁴.

In addition, if this WFA policy is implemented, it is necessary to reconstruct the ASN Law, especially the issue of attendance or attendance, employee performance appraisal which is closely related to salary and performance benefits. As well as the work system and ASN culture which should use a merit system in carrying out its performance cannot be carried out optimally⁵.

3 Mutia Fauzia, *PlanWork From Anywhere For civil servants, what is it ?*, <https://nasional.kompas.com/read/2022/05/13/14213221/rencana-work-from-anywhere-bagi-pns-apa-itu?page=all?> Accessed 7 June 2022.

4 Mutia Fauzia, *PlanWork From Anywhere For civil servants, what is it ?*

5 Ibid.

The Merit System is the policy and management of ASN based on qualifications, competence and performance in a fair and reasonable manner without discriminating against political background, race, skin color, religion, origin, gender, marital status, age or disability. This condition requires a legal reconstruction of the pattern of handling ASN performance through 2 (two) efforts, both repressive and preventive. Repressive efforts are carried out by making arrangements regarding performance patterns by strengthening the coordination function between employees and institutions as well as the community directly. The preventive efforts are carried out by strengthening the role of the government to anticipate by creating a technology-based system on all fronts, by maintaining a conducive climate and providing opportunities for ASN to carry out their rights and obligations anywhere without having to come to the office, and not mobilizing ASN in their environment and each level of position supervises their subordinates during working hours online so that performance is maintained and it is hoped that employee effectiveness and efficiency will be maintained.

Conceptually, the merit system is based on human capital management which is based on a combination of aspects of one's knowledge, skills and abilities that are used to produce professional services. This concept will answer the idea of how someone has competence in accordance with their position/work position by placing highly talented workers to occupy positions/positions that match their talents⁶. This merit system corresponds to the formation of the principle of neutrality which is intended to create objective conditions and not be affected by interests in the framework of realizing work professionalism. These two aspects can limit and minimize the intervention of interests outside the ASN⁷.

For this reason, the authors consider that it is necessary to carry out an analysis of the reconstruction of ASN law in setting ASN performance in the Globalization Era. The analysis of this study intends to identify the level of effectiveness and efficiency of ASN performance if the pattern of performance changes to WFA. Because based on the search results of several scientific papers, a number of studies have been made regarding the reconstruction of ASN law but more on the neutrality arrangements for ASN made by M. Ardian Firas⁸, Syafuan Rozi⁹ In addition, there are previous writings from Sri Hartini, Tedi Sudrajat¹⁰ and others who use a legal approach, but the study is about enforcement of violations of the ASN neutrality principle. On this basis, so far the authors have not found any

7 Tedi Sudrajat and Sri Hartini, Legal Reconstruction of Patterns of Handling Violations of the Neutrality Principle of Civil Servants, *Jurnal Legal Picture*, Vol. 29, No. 3, 2017, page. 445-460.

8 M. Adian Firas, Politics and Bureaucracy: The Problem of Bureaucratic Neutrality in Indonesia in the Reform Era, *Political Review Journal*, Vol. 6, No. 1, 2016.

9 Syafuan Rozi, *Overhauled Bureaucracy: Portrait of Bureaucracy and Politics in Indonesia*, Student Library, Yogyakarta, 2006.

10 Tedi Sudrajat and Sri Hartini, Legal Reconstruction of Patterns of Handling Violations of the Neutrality Principle of Civil Servants, *Jurnal Legal Picture*, Vol. 29, No. 3, 2017, Page. 445-460.

other authors who discuss legal reconstruction of changes in ASN performance patterns. The main analysis of this study is; first, how is the legal reconstruction of the discourse on changing WFA performance patterns for ASNs? and secondly, what is the appropriate mechanism in the context of regulating WFA performance in the Globalization Era?

B. RESEARCH METHODS

The research used a normative juridical method. The conceptual approach and statute approach were used as approach methods in this legal study¹¹. This legal study used primary legal materials in the form of statutory regulations and other legal instruments; and used secondary legal materials in the form of journal articles, books, etc. Researchers inventoried the two legal materials to obtain a holistic prescription to obtain comprehensive study results. So, researchers systematically so that they can conclude the legal problems being studied.

C. RESULT AND DISCUSSION

1. Legal Reconstruction of Discourse on Changes in WFA Performance Patterns for ASN

ASN is one of the State apparatus formed and assigned as an extension of the government to serve the community in dealing with activities related to the State. With these duties and functions, ASN's performance is highly valued and cared for by both the government and the public because all income earned by ASN comes from state taxes paid by the public.

Therefore, ASN performance must comply with applicable regulations. Performance is an important aspect of the success of an organization that aims to serve the community, public service is a vehicle for providing legality to the community from the government, to realize a maximum public service delivery requires officials who are able to act professionally in their duties.

In Act No. 25 of 2009 concerning public services, public services are activities or a series of activities in the context of fulfilling service needs in accordance with statutory regulations. So that the performance and achievement of organizational goals are inseparable from who is there and runs the organization, none other than the humans themselves, in this case ASN. As an organizational element, humans have a very important role in carrying out their functions in the context of organizational progress. The potential of every individual in the organization must be utilized as well as possible so as to be able to provide maximum results. Regarding how the process of the performance of the State Civil Apparatus can run optimally, leaders must

11 A'An Efendi, *Dyah Octorina Susanti, and Rahmadi Indra Tektona*, Penelitian Hukum Doktrinal, Laksbang Justitia, Surabaya, 2019, page 39.

pay attention to the apparatus being able to improve performance because humans are a potential resource in the success of an agency¹².

Based on this, discourse of *Work From Anywhere* (WFA) for ASN must be adapted to existing regulations, especially regarding performance that must be carried out as a public servant and clear provisions and of course different from performance if it is carried out in the office and cannot be carried out by all lines of ASN. Same is the case with policy of *Work From Home* (WFH) which had been implemented previously due to the covid 19 pandemic.

WFH for ASN can be defined as activities of carrying out official duties, completing outputs, coordination, meetings, and other tasks from the employee's residence. Working from home must consider several things, including skills, personality, and aspirations¹³. Rules were also issued by the government following the existence of this WFH policy, starting with President Joko Widodo in his speech on March 15 2020 saying that ASN could work from home online (online/online) while still prioritizing excellent service for the community (Nurita, 2020). This directive was then followed up with the issuance of Minister of Administrative and Bureaucratic Reform Circular Letter Number 19 of 2020 which regulates the implementation of official duties by working at home/residence (WFH). Provisions for the implementation of adjustments to the ASN work system within government agencies are regulated by the Ministry/Institution/Regional Personnel Advisory Officer. Then these regulations continued to be followed up until the last one was issued Circular Letter (SE) of the Ministry of Home Affairs (Kemendagri) Number 440/2420/SJ dated May 8 2022 concerning Adjustment of the Work System of the State Civil Apparatus (ASN) of the Ministry of Home Affairs During the Eid Al-Fitr 1443 H Return Period.

WFH arrangements during the covid 19 pandemic through circulars are less legally binding for ASN because they are only an appeal or suggestion, not binding regulations like laws but more administrative instrument that is internal¹⁴. This is explained further in accordance with the provisions of Article 8 of Act No. 12 of 2011 as amended into Act No. 15 of 2019 concerning Formation of Legislation, the Minister, if necessary based on his authority, can stipulate Ministerial Regulations which are recognized and have binding legal force. The provisions of Article 8 of Act No. 12 of 2011 can be used as one of the bases for establishing regulations regarding the implementation of WFH for ASN, both

12 Cliff M. Sundo. Johny Lumolos and Sarah Sambiran, Performance of State Civil Apparatus in Public Service in Talikuran Village, North Kawangkoan District, <file:///C:/Users/HP/Downloads/15431-30969-1-SM.pdf>, page. 2.

13 Crosbie, T., & Moore, J., 2004, Work-life Balance and Working from Home, *Social Policy and Society*, Vol. 3, No. 3, page. 223–233.

14 Cholida Hanum, Juridical Analysis of Circular Letters in the Indonesian Legal System, *Humani Journal*, Vol. 10, No. 2, 2020, Pg. Abstract.

nationally if the Minister of Administrative and Bureaucratic Reform and Bureaucratic Reform¹⁵.

Because of this, new regulations are needed that regulate ASN work patterns that can be applied to work online of *Work From Office* (WFO) or running policy discourse of *Work From Anywhere* (WFA). This is done in order to be able to accommodate all the rules and technical policies so that they do not violate the performance of ASN as professional public servants so that, it is necessary to reconstruct regulations or laws related to policies on ASN performance patterns in the era of globalization after the Covid-19 pandemic.

Etymologically, Reconstruction means that "re" means renewal, while "construction" means a system or form. According to BN Marbun, reconstruction is the return of something to its original place; arrangement or redrawing of existing materials and rearranging them as they are or what they were originally¹⁶. Based on this definition, the writer can conclude that the purpose of reconstruction in this paper is renewal in the field of law in the form of updating regulations regarding ASN performance pattern policies in carrying out their duties and functions as public servants. This reconstruction will later become a new guideline or guide on how ASN procedures and technical performance in the future will be flexible in accordance with the globalization era.

The era of globalization in the 4.0 era requires all organizations and individuals/HR to understand technology and live side by side in carrying out their work digitally. Because of this, the discourse on ASN shifting work from the office to 'anywhere' is very possible to do as long as everything can be digitally coordinated properly.

The industrial revolution 4.0 or also known as "*cyber physical system*" This in itself is a phenomenon where there is collaboration between cyber technology and automation technology. This revolution brings many changes in various sectors. According to the Chancellor of Germany, Angela Merkel, in 2014, she stated the meaning of the industrial revolution 4.0 as a comprehensive transformation of all aspects of production that occur in the industrial world through the merger of digital technology and the internet with conventional industries. In addition, according to Schlechtendahl et al defines the industrial revolution which emphasizes the speed element of the availability of information, namely an industrial environment where all entities can always be connected and able to share information easily between one another¹⁷.

Therefore, the authors assess the reconstruction of ASN regulations for appropriate performance patterns in the globalization era

15 Rochmat Ali Syaefudin., Wahyu Hanggoro Suseno and Gillan Teravosa, Work From Home Policy for State Civil Servants at the Ministry of Health Work From Home, *Jurnal Civil Service*, Vol. 14, No. 1, 2020, Page. 87.

16 B N Marbun., *Political Dictionary*, Library Sinar Harapan, Jakarta, 1996, page. 469.

17 Andrew, *Definition of the Industrial Revolution 4.0: Types of Impact and Examples of Its Use* <<https://www.gramedia.com/best-seller/revolusi-industri-4-0/>> accessed June 13, 2022.

so that they are not left behind and can still carry out their performance as public servants in accordance with an accountable and professional merit system. For example, by making changes to Article 5 paragraphs 4 and 5 of Act No. 25 of 2009 concerning public services to be able to save administrative costs in carrying out public services by doing digital and professional services, as well as in article 21 to be able to carry out integrated services by minimizing costs by utilizing technology digital. Articles related to digital performance integration in carrying out public services by ASNs can also be included, which so far have not been included in the ASN Law regulations so that future ASNs are required to be more 'literate' technologically. Moreover, to find out the performance of employees in providing services, until now there is no definite benchmark. Performance or performance can be measured based on the quality of service, namely based on the relationship between the ability to do or provide something desired regarding expectations, both in terms of quality, quantity and timeliness of completion of an activity for orderly bureaucracy.

Structuring the bureaucracy with the application of e-government is one of the government policies that aims one of which is to simplify the bureaucracy. This policy can have an impact on changes in management arrangements for the state civil apparatus in government agencies, so the President can issue a Presidential Regulation. It is the government's duty to continue to be able to guarantee careers and also the rights of civil servants affected by bureaucratic restructuring in management¹⁸.

Employee performance so that they can work well and can increase discipline, because the main task of an employee is how to serve the community properly and professionally based on a merit system. With good supervision and cooperative relations from the direct supervisor who conducts performance appraisals based on performance planning at the individual level and unit or organizational level, taking into account the targets, achievements, results and benefits achieved, as well as the behavior of civil servants, then the KASN institution which, according to points b Article 28 Act No. 5 of 2014 concerning ASN has the task of "realizing professional, high-performing, prosperous ASN and functioning as an adhesive for the Unitary State of the Republic of Indonesia" as well as BKN which according to point b Article 48 of the ASN Law "fosters and organizes competency assessments and evaluates the implementation of assessments performance of ASN employees by Government Agencies".

Therefore, employee performance, in this case ASN, can run effectively and as expected, both in the office and 'anywhere' if all elements included in the organizational structure pay attention to employee performance in accordance with their duties. For example, in providing public services, at least one must know the needs served,

18 General Explanation of Government Regulation Number 17 of 2020 concerning Amendments to Government Regulation Number 11 of 2017 concerning Management of Civil Servants.

apply management requirements to support appearance (performance) and monitor and measure performance so that service quality is good.

Although there are obstacles encountered in implementing the e-government system, namely with the improvement of governance. One of them is the existence of resistance and indecision when responding to new innovations to break old habits, especially cultural aspects, resulting in rejection from the public and government officials towards the e-government system¹⁹.

However, according to the author, legal reconstruction related to performance patterns that are in accordance with the globalization era, namely, digitally and not having to be 'present in the office' can be realized with strong cooperation between employees, direct superiors, KASN and BKN in carrying out their duties and functions. In order to create an effective and efficient bureaucracy with services provided fast, practical, effective, easy, simple procedures, provide reasonable services, equal services without favoritism and provide honest and frank treatment (transparency) in accordance with the merit system and the times 4.0 in order to achieve social welfare as mandated in the 1945 Constitution.

2. WFA Performance Regulation Mechanism in the Era of Globalization

a. Performance Concept

The word "performance" in the Indonesian Dictionary as "(1) something that is achieved; (2) demonstrated achievements; (3) work ability". So that various parties tend to provide the equivalent of the word performance with 'performance' in English. Sedarmayanti defines performance as performance, work performance, work achievement or result/work performance/work performance. While Dharma says that work performance is something that is done or a product/service produced or given by a person or group of people²⁰. In other words, performance is the result of work or work ability produced by a worker, in this case ASN, in carrying out their duties and functions. Agus Dwiyanto in the book *Public Bureaucratic Reform in Indonesia* states that there are several things that affect performance indicators, namely²¹:

1) Productivity

Individual personality characteristics that appear in the form of mental attitudes and contain the meaning of individual desires and efforts to always strive to improve the quality of life.

19 Putri Rahmaini, Application of e-Government Principles as a Form of Public Service Innovation in the Modern Era in 2021, *Journal of Social Science and Humanities Studies*, Vol. 1, No. 1, 2021, page. 50

20 Malik, Performance of the State Civil Apparatus (ASN) in Improving Service Quality at the South Lampung District Education Office, *Journal of Policy and Public Services*, Vol. 5, No. 1, 2019, page. 54

21 Agus Dwiyanto, *Public Bureaucratic Reform in Indonesia*, Gajahmada University Press, Yogyakarta, 2008, page. 50-51

This means that for ASN, productivity is an important measure to have in order to achieve effective and efficient work.

Productivity is the strength or ability to produce something that is material or non-material that describes the ability of the apparatus to work. To realize and carry out all the tasks referred to, ASN is needed who are professional in their fields. So, if the ASN work pattern changes to *Work From Anywhere* (WFA) then the ASN must meet the productivity of its work performance in accordance with the competency standards of its work. The author considers that if the work pattern changes to WFA, then the mechanism for the agency or organization must have a digital work system that is connected to community services, direct supervisors, KASN and BKN so that it is carried out efficiently and effectively, so that in the end it is very necessary in achieving the goals that have been set.

2) Quality of service

Many negative views are formed about public organizations, arising from public dissatisfaction with the quality of service received from public organizations. Thus the satisfaction of the public can be a parameter to assess the performance of public organizations.

Especially with the current post-pandemic 19 conditions, the demands of the community for the quality of public agency services are very high and it is hoped that they can provide maximum service. This means that the legal restructuring of ASN if there is a change in work patterns to become WFA can have negative and positive values. Because for some people, all service processes that are carried out digitally are very practical, but there are also those who think otherwise. So that the mechanism of the service work system if it is done 'anywhere' must really be conceptualized and practical and can be used by anyone, so that the quality of service is maintained.

3) Responsiveness

Organizational ability to recognize and meet societal needs. Responsiveness needs to be included in performance indicators because it directly describes the ability of government organizations to carry out their missions and goals.

Responsiveness According to Rambat Lupiyoadi²² responsiveness is "a willingness to help and provide fast (responsive) and appropriate service to customers, by delivering clear information. Meanwhile, according to Parasuraman in Tjiptono (1998:69) one of the dimensions in viewing the quality of a service is Responsiveness namely the responsiveness of employees in providing the services needed and being able to

22 Rambat Lupiyoadi, *Service Marketing Management*, Salemba Empat, Jakarta, 2001, page. 148.

complete them quickly. That is, the responsive attitude of ASN in providing services to the community is required to be fast and efficient, according to the author this can be done digitally. So if the legal reconstruction of ASN with changes in work patterns becoming a WFA can be done well without having to abandon the responsive attitude that must be carried out as ASN.

The mechanism is that these government agencies must have a comprehensive digital work system with a good network so as not to hinder service requests from the public. ASN also, even though they work in a WFA manner, must be responsive in carrying out their performance according to their duties and functions, of course, with supervision from their direct supervisor.

4) Responsibility

Responsibility explains whether the implementation of public organization activities is carried out in accordance with the principles of proper administration or in accordance with organizational policies, both explicit and implicit.

Responsibility has a number of connotations including freedom to act, duty to praise and blame, and good behavior which is part of one's responsibility. In other words, responsibility is a form of ASN's internal responsibility in its work. This can be done with the WFA work pattern with a digital work system mechanism that is directly supervised and connected to the direct supervisor, KASN and BKN. Thus, this responsibility will continue if legal restructuring occurs.

5) Accountability

Public accountability shows how much the policies and activities of public organizations are subject to political officials elected by the people. In this context, the concept of public accountability can be used to see how much the policies and activities of public organizations are consistent with the wishes of the general public.

In Australian literature, the concept of accountability is often understood in two senses, (1) relating *virtually interchangeable* (actually interchangeable), and (2) relating *closely related* (there are interrelationships that are closed). That is, accountability is the attitude of responsibility that ASN has towards their profession. With a digital work system mechanism that is directly supervised and connected to the direct supervisor, KASN and BKN with accountability according to existing regulations.

These five performance indicators must be fulfilled in accordance with the merit system which is a performance guide based on the ASN Law. With the mechanism of change to a digital-based e-government performance pattern that can be carried out by

ASN in carrying out performance 'anywhere' or WFA which is currently being discussed.

b. Public service

The main task of ASN is to provide public services. However, what kind of public service concept is ideal and needed by the community is explained further in Government Regulation Number 96 of 2012 concerning public services, namely, activities or a series of activities in the framework of fulfilling service needs in accordance with statutory regulations for every citizen and resident for goods, services, and/or administrative services provided by public service providers. In practice, public services have 3 (three) scopes, namely in Article 3 PP no. 96 of 2012 states: The scope of public services includes: a. public goods services; b. public services; and c. administrative service. Public goods services as referred to in Article 3 letter a include:

- 1) Procurement and distribution of public goods carried out by government agencies in which part or all of the funds come from the state revenue and expenditure budget and/or the regional revenue and expenditure budget;
- 2) Procurement and distribution of public goods carried out by a business entity whose capital for establishment is partly or wholly sourced from state assets and/or separated regional assets; and
- 3) Procurement and distribution of public goods whose financing does not originate from the state revenue and expenditure budget or regional revenue and expenditure budget or business entities whose capital for establishment is partly or wholly sourced from separated state assets and/or regional assets, but their availability becomes the State Mission stipulated in the Decree of the Minister of PAN Number: 63/KEP/M.PAN/7/2003 concerning General Guidelines for the Implementation of Public Services which was later included as well.

For this reason, these services must be carried out quickly, effectively, efficiently and effectively, especially if done digitally. Thus, legal reconstruction of ASN in terms of changing work patterns to WFA can be carried out. However, it is necessary to conduct training on the operation of computers, the internet and related digital techniques related to information technology in the era of globalization.

This digital public service is part of the digital revolution program that was previously announced by the Minister of Law and Human Rights, Yasona Laoly, since 2020. Digital reform is carried out through accelerating the use of information technology support, especially the internet, intensively and massively. This digital service is part of the e-government concept as the government's effort to have better performance and establish better relations with the public

and private sector in accordance with the principles of good governance so as to foster a system that is more efficient, effective, responsive, transparent and accountable²³.

Based on survey data from the National Civil Service Agency (BKN), when work from home (WFH) was implemented during a pandemic, many employees could not do anything because they did not have the ability to interact with information technology. By mutually synergizing the public service sector in various echelon I units, regional offices and technical service units in realizing government digitalization through the use of artificial intelligence.

Technology is quite important as an instrument in the implementation of government tasks. This is driven by the growth of new communication models that are developing along with the rapid penetration of the internet and social media. BPS survey data shows that 132.7 million people (51.5%) of Indonesia's population have used the internet, the majority of internet users on the island of Java reach 65% (86.3 million people)²⁴.

The implementation of e-governance is one of the efforts that needs to be made for legal reconstruction by changing the work pattern to become WFA. To address this, although not all types of public services can be fully provided electronically within the e-government framework, the fact is that so far many public service activities have been provided electronically. In fact, several countries such as America and England have gone far in implementing e-government in public services²⁵. Therefore, according to the author, the discourse on implementing WFA for ASN can actually be carried out with all the preparations that are mature, starting from qualified human resources, ongoing training related to digitization, information technology devices, integrated internet connections. This is to support the e-governance program in bureaucratic reform²⁶.

As for the real benefits felt such as; 1) Improving the quality of government services; 2) Increasing transparency, control and accountability, 3) Reducing significantly the total cost of administration, relations and interactions, 4) Providing opportunities for the government to obtain new sources of income, 5) Creating a new community environment that responds quickly and appropriately

23 Tubagus, *Prioritizing Digital Public Services During a Pandemic*, <<https://www.kemenkumham.go.id/berita/ke depannya-pelayanan-publik-digital-dalam-masa-pandemi>> accessed June 16, 2022.

24 Utama Andri, *Digital Public Services*, <https://pusdiklat.bps.go.id/diklat/bahan_diklat/BA_Pelayanan%20Publik%20Digital_Utama%20Andri%20Arjita%20S.T.,%20M.T._2136.pdf> accessed June 16, 2022.

25 Indrajit, *R.E.E-Government: Strategy for Development and Development of Digital Technology-Based Public Service Systems*, Andi, Yogyakarta, 2002.

26 Main Andri, <https://pusdiklat.bps.go.id/diklat/bahan_diklat/BA_Pelayanan%20Publik%20Digital_Utama%20Andri%20Arjita%20S.T.,%20M.T._2136.pdf> accessed June 16, 2022.

problems, 6) Empowering communities and other parties as government partners in the process of making various public policies

In addition, the government must also prepare a public satisfaction index report on the services provided by ASN based on the Decree of the Minister of Administrative Reform No. 25 of 2004 concerning general guidelines for compiling a Community satisfaction index Service Unit Government agencies state the principles of public service that must be carried out by civil servants in order to create effective and efficient services. The following are the principles of public service, among others²⁷,

- 1) Simplicity of Services The principle of simplicity implies that the procedures for services are carried out in an easy, smooth, fast, precise, uncomplicated, easy to understand and easily implemented by people who request services.
- 2) Clarity and Certainty of Services This principle implies clarity and certainty regarding:
 - a) Procedures/service procedures, both technical and administrative requirements;
 - b) Work units and or officials who are authorized and responsible for providing services;
 - c) Details of service fees/tariffs and payment procedures;
 - d) Service completion time schedule.
- 3) Security in Services This principle implies that the process and results of services can provide security, convenience and can provide legal certainty for the community.
- 4) Openness in Services This principle implies that procedures/methods, requirements for work units/officials in charge of providing services, completion time, details of costs/tariffs and other matters related to the service process must be disclosed openly so that they are easily known and understood by society, whether requested or not.
- 5) Efficiency in Services This principle implies: Service requirements are only limited to matters directly related to achieving service targets while still paying attention to the integration between requirements and service products provided work units/other related Government agencies.
- 6) Economical in Services This principle implies that the imposition of fees in the provision of services must be determined fairly by taking into account: the value of goods and or community services and not demanding fees that are unreasonably high; Community conditions and ability to pay; and the provisions of the applicable laws and regulations.

27 Erna Dwi Safitri and Nabitatus Sa'adah, Application of Administrative Efforts in State Administrative Disputes, *Indonesian Journal of Legal Development* , Vol. 3, No. 1, 2021, page 37.

- 7) Equitable Justice in Services This principle implies that the scope/reach of services must be endeavored as wide as possible with an even distribution and applied fairly to all levels of society.
- 8) Punctuality in Services This principle implies that the implementation of community services can be completed within the specified time.

By the Nature of Public Service according to the BPS module, it's importhing to improving the quality and productivity of the implementation of government duties and functions in the field of public services, encouraging efforts to streamline service systems and management, so that public services can be provided more efficiently and effectively and encouraging the growth of creativity, initiative, and community participation in the development steps as well as in efforts to improve the welfare of the wider community.

In principle, bureaucratic reform in public services must work because it is the entrance to good governance using the principles of effectiveness and efficiency, democracy, transparency, law abiding, respect for human rights, responsive, representative and accountable²⁸. Therefore, according to the author, the legal reconstruction of ASN rules in the era of globalization is important to do to support good government in the bureaucratic reform proclaimed by the Government. Because after all ASN is an extension of the government to perform public services. If public services go well, it will affect people's satisfaction with government performance. Thus, programs aimed at the community can be implemented properly for the welfare of the community.

The WFA discourse can also be carried out by preparing ASN capabilities, especially digitally so that ASN performance as a public servant can be carried out optimally and achieve good governance. ASN working time on WFA will be more effective and efficient with happy and stress-free psychological conditions so that output (work results) are fulfilled even when A study shows that happy workers are 13% more productive²⁹. That way, people will obey the law and crime will automatically decrease. As a rule of law country, the lack of crime is one of its main goals. For this reason, the authors consider that the reconstruction of ASN regulations is very important for the progress and welfare of citizens according to the mandate of the 1945 Constitution.

28 Erna Dwi Safitri and Nabitatus Sa'adah, Application of Administrative Efforts in State Administrative Disputes.

29 Gauri Kohli, *Apa Kunci Keberhasilan Perusahaan? 'Pegawai Yang Bahagia', Kata Pakar*, <<https://www.bbc.com/indonesia/vert-cap-54671963>>, accessed 25 January 2023.

D. CONCLUSION

ASN is one of the supports in creating bureaucratic reform proclaimed by the Government at the e-government level. For this reason, it is necessary to carry out legal reconstruction by incorporating digital system 'elements' into ASN regulations in order to achieve good governance. Especially in this era of globalization by making changes to ASN performance patterns, namely, digitally and not having to be 'present in the office' can be realized with strong cooperation between employees, direct supervisors, KASN and BKN which are mutually integrated in carrying out their duties and functions. Even though not all types of public services can be fully provided through digital-based services, the fact is that so far many public service activities are provided electronically. Therefore, according to the author, the discourse on implementing WFA for ASN can actually be carried out with all the preparations that are mature, starting from qualified human resources, ongoing training related to digitization, information technology devices, integrated internet connections. With a merit system mechanism that fulfills five performance indicators namely, productivity, service quality, responsiveness, responsibility and accountability in order to create bureaucratic reform that is effective, efficient, fast and effective, easy, simple procedure, provides reasonable service, the same service without choice love and provide honest and frank treatment (transparency) in accordance with the merit system in this 4.0 era.

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