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Comparative Legal Analysis of Village ... (Faisal Iskandar)

# Comparative Legal Analysis of Village and Sub-district Personnel Administration Regulations

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**Abstract.** This study aims to analyze the regulation of personnel administration at the sub-district level in Indonesia, especially in the context of the Regulation of the Implementation of Personnel Administration implemented in the Sub-district and comparing it with the regulations in the Village. The method used in this study is normative legal research with a comparative approach, which is descriptive and analytical in specification, and uses secondary data from literature studies. The results of the study indicate that sub-districts face various challenges in human resource management, including a shortage of adequate employees, inflexibility in the recruitment process, and the impact of the plan to eliminate honorary workers in 2024. In addition, there is a significant disparity between the personnel mechanisms in subdistricts and villages, where sub-districts are bound by stricter regulations and rigid bureaucracy. This study recommends the need for a more responsive and adaptive reformulation of personnel regulations to increase the capacity of sub-districts in providing optimal public services and meeting community needs.

Keywords: Administration; Districts; Public.

#### 1. Introduction

The sub-district government is currently facing a very critical complexity of personnel administration problems. According to Law Number 20 of 2023 concerning the State Civil Apparatus (ASN), especially Article 66, there are significant consequences for the status of non-ASN employees which require the completion of personnel arrangements no later than December 2024.¹. This creates a fundamental challenge in the management of human resources at the lowest level of government.

<sup>&</sup>lt;sup>1</sup>Law of the Republic of Indonesia Number 20 of 2023 concerning State Civil Apparatus (ASN) Article 66

Many sub-district offices in Indonesia face the problem of a lack of adequate human resources, resulting in delays in services. This shortage has a direct impact on the ability of sub-districts to handle various community requests effectively and efficiently.<sup>2</sup>.

Comparative studies show significant disparities between sub-districts and villages in the personnel mechanism. Villages have much higher flexibility, such as the ability to recruit independent staff, fill vacant positions within a maximum of 2 months, and have a village fund budget to support personnel management. In contrast, sub-districts are confined to a rigid bureaucratic mechanism. They do not have autonomy in recruiting employees and are highly dependent on local government mechanisms. Sub-districts no longer have full authority but instead position themselves with minimal functions, the Sub-district Government is only the executor of routine administrative tasks given by the Sub-district Government<sup>3</sup>.

Government Regulation Number 11 of 2017 concerning Civil Servant Management tightens administrative procedures for civil servants, which ironically actually hinders the effectiveness of public services. Previous studies, such as the study by Wisnu Nur Rochman et al. at the Bereng Village Office, revealed the real impact of regulatory limitations. Weaknesses in the aspect of human resources, village employees, cannot be separated from the workload in the village concerned which is adjusted to the number of residents to be served.<sup>4</sup>

This condition reflects the failure of the personnel management system at the subdistrict level. The complexity of the problem is increasing with the plan to eliminate non-ASN personnel in 2024.PThe elimination of honorary workers has a major impact on existing public services, because so far, one of the mainstays of public services, especially in government agencies, has been honorary workers.<sup>5</sup>.

Previous studies have discussed the quality of services in urban villages that are affected by the lack of employees, but have not comprehensively analyzed the root of the problem, one of which is through regulations. So this study distinguishes itself by focusing on an in-depth analysis of urban village personnel regulations, with a unique comparative approach between urban villages and villages.

<sup>&</sup>lt;sup>2</sup>Susianingsih. N, Et Al. "Analysis of Public Service Improvement at Baruga Village Office, Kendari City". Journal of Management Vol 7, No 3 (2024) p.1211

<sup>&</sup>lt;sup>3</sup>Okparizan and Septian.D., "Authority of Villages after Law Number 23 of 2014 concerning Regional Government". Journal of Government Science Vol 1, No 2 (2017), p.73

<sup>&</sup>lt;sup>4</sup>Rochman, WN Et Al (2022). Analysis of the Quality of Apparatus Resources at the Office of Bereng Village, Kahayan Hilir District, Pulang Pisau Regency: Analysis of the Quality of Apparatus Resources at the Office of Bereng Village, Kahayan Hilir District, Pulang Pisau Regency. Public Enlightener, Vol 9 No 2 (2022), p.36–37

<sup>&</sup>lt;sup>5</sup>Rahmatushiva. A, Et Al. "Analysis of ASN Personnel Arrangement in Indonesia: Elimination of Honorary Workers in Law Number 20 of 2023". Journal of Social Sciences and Humanities Vol 6, No 2 (2024), p. 116

The complexity of personnel regulations in sub-districts requires critical analysis with the aim of identifying and analyzing fundamental problems in sub-district personnel regulations in order to produce systemic recommendations that can increase the capacity of sub-districts in providing optimal public services.

## 2. Research Methods

This study uses a type of normative legal research, which is also called theoretical legal research or normative legal research. The approach used is a comparative approach, which compares various concepts, theories, and related legal regulations. The research specification used is descriptive research, which tests the truth of the existence or absence of a fact caused by certain factors. The data collection method used is literature study and document study, using library data sources in the form of secondary data such as primary, secondary, and tertiary legal materials. The data analysis used is qualitative analysis.

#### 3. Results and Discussion

Regional autonomy in Indonesia is a system that provides opportunities for regional governments to manage government affairs independently, according to the needs and characteristics of each region. The vertical division of power emerged as a consequence of the implementation of the principle of decentralization in the Unitary State of the Republic of Indonesia. With this principle, the Central Government hands over government authority to autonomous regional governments (provinces and districts/cities) to manage and regulate government affairs in their regions, except for government affairs that are the authority of the Central Government, namely authority related to foreign policy, defense, security, justice, religion, monetary and fiscal. In state civil service, the rights and obligations carried out by state apparatus are distributed to state positions and are stated in writing in the laws and regulations applicable to the state apparatus.

In the context of autonomy in Indonesia, a sub-district is the working area of a village head as a regional apparatus of a Regency/City. Furthermore, a sub-district is the smallest government unit at the same level as a village, unlike a village, a sub-district has the right to regulate its territory in a limited manner.<sup>8</sup>. This needs to be the government's attention towards sub-districts considering their location

<sup>&</sup>lt;sup>6</sup>Marlina. R., "Division of Power in the Implementation of Government in Indonesia" Jurnal Daulat Hukum Vol 1 No 1 (2018), p.177

<sup>&</sup>lt;sup>7</sup>Desiana. U. S, Et Al,. "Legal Protection for Honorary Workers According to Law Number 5 of 2014 Concerning State Civil Apparatus". Journal of Administrative Science Vol IX, No 1 (2021), p. 85 
<sup>8</sup>Fathurrahman. "Comparative Study on Village and Sub-district Government in the Border Area of North Kalimantan in the Perspective of Regional Autonomy". Journal of Legal Science Vol 22, No 1 (2023), p. 39

is typically in urban areas. The sub-district does not have the authority to organize its own household autonomously 10.

Therefore, the concept of governance is not based on the concept of community development as in the village, but rather emphasizes the technical implementation aspect of the tasks given by the regent/mayor through the sub-district head. This makes the flexibility of the performance of the sub-district have to depend on the vertical agencies above it.<sup>11</sup>. In addition, although the regional government has delegated authority in personnel management, the process still requires verification from the Ministry.

This is a challenge in itself, especially for sub-districts which are sub-district apparatuses. The authority of sub-districts in proposing employee needs is very limited, they can only propose to the sub-district, which will then be forwarded to the Personnel Development Officer (PPK). Unlike villages, where the Village Head has greater autonomy in proposing the appointment and dismissal of village apparatuses to the regent/mayor, sub-districts must go through a longer and more complex process.

This condition shows the existence of inequality in the implementation of regional autonomy, where sub-districts, although part of the regional government, are still bound by stricter regulations and complicated procedures in human resource management. This can be seen in the Sub-district Personnel Administration Regulation in the aspect of ASN Employee Procurement which is implemented based on "national ASN Employee needs planning policies stipulated by the Minister".<sup>12</sup>

This is different from villages where "the Village Head can propose the appointment and dismissal of Village officials to the Regent/Mayor". <sup>13</sup>The authority to propose employee procurement is the responsibility of the Personnel Development Officer (PPK) based on the Proposals of each Regional Organization by considering the agreed Anjab and ABK which are made based on PermenPANRB Number 1 of 2020. The Village, as a sub-district apparatus, can only propose its needs to the Sub-district, which will then be approved by the Personnel Development Officer (PPK) before being submitted to the Ministry. The PPK is an official who has the authority to determine the appointment, transfer, and dismissal of ASN Employees and the development of ASN Management in government agencies in accordance with the provisions of laws and regulations. <sup>14</sup>

<sup>&</sup>lt;sup>9</sup>Faradila Op.Cit p. 75

<sup>&</sup>lt;sup>10</sup>Syafrudin. A., and Na'a. S, (2010). Republic of the village: the struggle between traditional law and modern law in the design of village autonomy. Bandung: Alumni p. 132.

<sup>&</sup>lt;sup>11</sup>Lawrance. P., "Legal Analysis of Changes in Village and Sub-district Governance in the Perspective of Regional Autonomy". Journal of Constitutional Law Vol X, No 2 (2023), p.11.

<sup>&</sup>lt;sup>12</sup>Regulation of the Minister of PANRB Number 6 of 2024 Article 6 paragraph (1)

<sup>&</sup>lt;sup>13</sup>Law Number 3 of 2024 concerning Villages Article 26 Paragraph (2) letter b.

<sup>&</sup>lt;sup>14</sup>Law Number 20 of 2023 concerning State Civil Apparatus Article 1 number 10

This long employee recruitment process is a problem in itself, where often the proposal to add employees in the sub-district is not a priority for the PPK. In addition, the proposed employee needs formation is also not necessarily approved by the Ministry, which results in a long time needed to fill employee vacancies. In fact, one way to find quality human resources is through recruitment. 15This condition shows that even though the sub-district has an urgent need for employees, the existing mechanism often hampers the procurement process. Uncertainty in the priorities of the Personnel Development Officer (PPK) and delays in approval from the Ministry can result in prolonged vacancies, which in turn have a negative impact on the quality of public services at the sub-district level. Therefore, there needs to be an evaluation and improvement in the employee procurement process to be more responsive to needs in the field, so that the sub-district can function optimally in providing services to the community. Satjipto Rahardjo's Progressive Law Theory states that "law is for humans, and not vice versa, humans for law". Such a relationship pattern means that the law does not exist for itself, but for something bigger and broader, namely humans and humanity.<sup>16</sup>.

This employee vacancy has so far been overcome by the mechanism of appointing non-State Civil Apparatus (ASN) employees. However, complaints from the apparatus in the sub-district are that there has been no procurement of State Civil Apparatus so that most employees are still honorary, lack of competency in accordance with current developments, no promotion, and difficulty in rotating to other services. <sup>17</sup>The lack of human resources in many sub-district offices hampers optimal public services. In response to this gap, increasing the number of workers and improving training for employees is the solution. <sup>18</sup>In addition, it is necessary to fill unfilled ASN positions or add ASN positions so that there are no gaps in service. <sup>19</sup>

Employee vacancies will ultimately affect the quality of services in the sub-district. However, until now, the arrangement of personnel at the sub-district level has not received adequate attention. This can be seen from the regulations governing sub-districts which still use regulations established in 2018, so they have not been able to answer the challenges of employee arrangement, especially at the sub-district level. Therefore, it is necessary to update regulations that are more relevant and

<sup>&</sup>lt;sup>15</sup>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 p. 46

<sup>&</sup>lt;sup>16</sup>Aulia. MZ, "Progressive Law from Satjipto Rahardjo: History, Urgency, and Relevance". Undang: Jurnal Hukum Vol 1 No 1 (2018), p. 166

<sup>&</sup>lt;sup>17</sup>Samderubun. F and Waas. R. FY "Management of State Civil Apparatus at the Village Level". Journal of Law Vol 7, No 1 (2024), p.5

<sup>&</sup>lt;sup>18</sup>Susianingsih, Et Al Op.Cit p. 1216

<sup>&</sup>lt;sup>19</sup>Kapoh. W. Et Al "Quality of Civil Service Resources in Administrative Services at Pandu Village Office". Journal of Social Sciences & Development Resource Management Vol 3, No XX (2016), p. 34

responsive to the dynamics of human resource needs in sub-districts, especially after the arrangement of non-ASN employees.

In accordance with the duties, authorities, and responsibilities in the implementation of government and development, civil servants who occupy structural leadership, administrator, and supervisory positions (echelon III and echelon IV) require job competency standards that include basic competencies (integrity, leadership, planning and organizing, cooperation, flexibility) and a number of other field competencies. <sup>20</sup>In the context of filling vacancies, especially for the position of supervisory officer in the sub-district, it is very important to pay attention to qualified qualifications. This is due to the great responsibility carried by the supervisory officer, which includes land and population document services.

Vacancies in both supervisory and executive positions have often occurred in various regions in Indonesia, for example in Kendal District, Kendal Regency. The following is a table of vacancies in supervisory positions in Kendal Regency over the last 3 years:

Table Vacancies in Structural Positions in Sub-districts throughout Kendal District

No	Ward	Year 2022	Year 2023	Year 2024
1	Beam	-	-	1 Position
2	Bandengan	2 Positions	2 Positions	3 Positions
3	Banyuwangi	1 Position	1 Position	1 Position
4	Bugangin	2 Positions	2 Positions	3 Positions
5	Candiroto	1 Position	1 Position	1 Position
6	Jetis	2 Positions	3 Positions	3 Positions
7	Jotang	2 Positions	2 Positions	2 Positions
8	East Kalibuntu	2 Positions	3 Positions	4 Positions
9	Karangsari	1 Position	2 Positions	2 Positions
10	Kebondalem	1 Position	4 Positions	3 Positions
11	The Ketapang	3 Positions	3 Positions	3 Positions
12	Langenharjo	3 Positions	3 Positions	2 Positions
13	Take turns	Filled	1 Position	1 Position
14	The Craft	Filled	1 Position	1 Position
15	Pegulon	2 Positions	2 Positions	-
16	The Land of the Sun	1 Position	2 Positions	3 Positions
17	Orange	2 Positions	2 Positions	2 Positions
18	Sukodono	1 Position	1 Position	2 Positions
19	Trompo	1 Position	1 Position	2 Positions
20	The Rejoicing	1 Position	2 Positions	2 Positions

Source: Kendal Regency Simpeg, 2024 (Edited)

<sup>&</sup>lt;sup>20</sup> Carolina da Cruz, Et Al., "The Implementation of Good Governance Principles in Admission of Prospective Civil Servants" Journal of Legal Sovereignty Vol 5 No 3 (2022), p.45

Based on the data above, in 2024 there are 42 vacant Supervisory Positions, ideally each sub-district is filled by 5 supervisory officials, in the context of financial management, each sub-district has a minimum of 3 supervisory officials. A similar thing also happened at the Bereng Sub-district office where there was a shortage of employees, this can be seen from the SOTK of the Bereng Sub-district Office, Kahayan Hilir District, Pulang Pisau Regency where only two positions were filled, namely, the Village Head and the Village Secretary, while the position of Head of Section was still vacant<sup>21</sup>.

In addition to the Vacancy of Officials, if we look at the number of employees working in the Villages throughout Kendal District since 2022 - 2024, there has been a significant decrease in the number of employees where until now there has been no additional employees through the CPNS formation according to the Anjab & ABK proposal. The formation proposed by the Village through the District has actually been agreed upon through the Anjab and ABK, ideally on average, it is filled by 13 employees. The following table shows the number of employees in the Villages throughout Kendal District and the number of employee needs based on the Anjab and ABK.

Table Number of Employees in Sub-districts in Kendal District 2022 - 2024

No	Ward	Anjab & ABK	2022	2023	2024
1	Beam	13	6	6	5
2	Bandengan	13	4	4	3
3	Banyuwangi	13	5	5	5
4	Bugangin	13	5	4	4
5	Candiroto	14	5	5	5
6	Jetis	13	4	3	2
7	Jotang	13	4	4	4
8	East Kalibuntu	13	4	3	2
9	Karangsari	13	6	5	5
10	Kebondalem	13	6	2	3
11	The Ketapang	13	3	2	3
12	Langenharjo	14	4	3	4
13	Take turns	13	5	4	4
14	The Craft	14	6	5	5
15	Pegulon	14	4	4	6
16	The Land of the Sun	14	5	4	3
17	Orange	13	4	4	4
18	Sukodono	13	4	6	4
19	Trompo	13	4	4	4
20	The Rejoicing	13	4	4	4
	Number of Employees	265	92	81	79

<sup>&</sup>lt;sup>21</sup>Rochman WR, Et Al Op.Cit p. 36

Source: Kendal Regency Simpeg, 2024 (Edited)

The vacancies that occurred in the Kendal District Village have occurred for years and have not been a priority for PPK to fulfill them and have not received formation approval from the ministry. In fact, the number of existing employees is very minimal, especially the impact of the arrangement of Non-ASN personnel has the potential to reduce the number of employees in the Village at this time.

The implementation of regional elections in 2024 will also have an impact on the prohibition on replacing officials 6 months before and starting from the date of inauguration, written approval must be obtained from the Minister.<sup>22</sup>. In fact, in a situation where there is a vacancy in the strategic position and the Minister does not give permission to replace the official, there are several solutions that can be considered. One of them is to propose an acting official (Plt.) to fill the position temporarily until the new official's term of office is determined.<sup>23</sup>Efforts to fill the vacancy of employees in the sub-district can be done by appointing a Plt to fill the position, however the Acting position (Plt.) is only a structural position which is a position that shows duties and responsibilities without having authority.<sup>24</sup>.

By making a Plt- position due to vacancy, it is clear that the system will not run optimally or will not be effective because there are limitations inherent in replacement officials such as acting officials (plt) as stated in the legislation. Ineffectiveness is also caused by the occurrence of dual positions, where dual positions for state employees or officials are not permitted by legislation. <sup>25</sup>The term of office of the Acting Governor is regulated Maximum 3 months and can be extended for 3 months <sup>26</sup>. However, the limitations of the authority held by the Plt raise questions regarding the effectiveness of the implementation of his duties and responsibilities. Different arrangements are seen in Kendal Regency, where the Kendal Regent Regulation regulates the acting officials (Plt) at the village level. In the regulation, it is stated that the Plt in the village has a term of office as acting officials as referred to in paragraph (1) until the appointment of the definitive village apparatus. In addition, the acting officials carry out the same duties and authorities as the definitive officials. <sup>27</sup>

This shows that the Regent has the authority to make regulations governing the village, including in terms of the appointment and assignment of Plt. With this provision, Plt in the village not only functions as a temporary replacement, but also

<sup>&</sup>lt;sup>22</sup>Minister of Home Affairs Regulation No. 73 of 2016 Article 2 paragraph (1) and paragraph (2)

<sup>&</sup>lt;sup>23</sup>Iqbal NM N, Et Al. "Legal Review of State Civil Apparatus Mutation by Regional Heads Before and After General Elections". Journal of Islamic Criminal Law Vol 6, No 1 (2024), p.105

<sup>&</sup>lt;sup>24</sup>Triwahyuni. D. and Fuqoha. "Effectiveness of Acting Officials (Plt.) in the Implementation of Government". Journal of Public Administration Vol. 3, No. 2, p. 42

<sup>&</sup>lt;sup>25</sup>Ibid p.42-43

<sup>&</sup>lt;sup>26</sup>BKN Head Circular No. 1/SE/I/2021 point 11 concerning the Authority of Daily Executives and Acting Task Forces in Personnel Aspects

<sup>&</sup>lt;sup>27</sup>Kendal Regent Regulation Number 51 of 2017 in conjunction with Number 34 of 2023 Article 57 Paragraph (2) and Article 59 Paragraph (2)

has the legitimacy to carry out all the duties and authorities that should be carried out by the definitive official. This regulation provides flexibility in the management of village government, especially in situations where there is a vacancy. However, it is important to note that although Plt has the same authority as the definitive official, they must still be responsible for the implementation of tasks and management of existing resources. Therefore, a clear monitoring and accountability mechanism is needed to ensure that the implementation of tasks by Plt remains in accordance with the principles of good governance. On the other hand, in the sub-district, the regulation regarding Plt has stricter limitations.

The term of office of Plt in the sub-district is set for a maximum of 3 months, with the possibility of extension for the same period. This time limit creates its own challenges, especially in terms of managing tasks and responsibilities. Plt in the sub-district must not only carry out routine activities, but also have responsibilities as financial administration management officials. However, with the tight time limit, Plt may have difficulty in providing adequate accountability for financial management and implementation of activities, because they must complete these tasks within a limited time. In addition, the limited authority held by Plt in the sub-district can hinder the effectiveness of decision-making. In situations where strategic decisions are needed to address urgent problems that can result in delays in the implementation of programs and services to the community.

Granting of permits must be done within the specified time limit to prevent maladministration due to excessive delays in services. Public service providers must provide certainty regarding the time of service provision so that service reliability can be measured.<sup>28</sup>. There is no time limit for filling a position as stated in the Village Administration Regulationswhereby filling of vacant Village apparatus positions is no later than 2 (two) months after the relevant Village apparatus resigns.<sup>29</sup>

This has an impact on the length of time required to fill positions and employees in the Sub-district compared to those implemented in the Village. The absence of a clear time limit for filling positions in the sub-district can result in a long time required to fill vacant positions, which in turn can disrupt the effectiveness of public services. In situations where important positions are not filled, the public can experience delays in getting the services they need, which can reduce public trust in the government. In Kendal Regency, for example, on average in 2024, there are around 4 employees filling positions in the sub-district. If one or more of these employees are unable to carry out their duties, there will be the potential for significant delays in service, especially if there are no other employees who can replace the role. Furthermore, slow filling of positions in the sub-district can lead to an accumulation of larger administrative problems, such as delays in decision-

<sup>&</sup>lt;sup>28</sup>Iqbal NM N Op.Cit p. 107

<sup>&</sup>lt;sup>29</sup> Minister of Home Affairs Regulation 83 of 2015 in conjunction with 67 of 2017 Article 7 paragraph (3)

making and implementation of programs that have a direct impact on community welfare.

With the policy requiring non-ASN employees to be completed by 2024, subdistricts have the potential to lose employees who currently do not have PPPK formations. This could worsen the situation of vacancies and result in fewer employees available to carry out important tasks. Uncertainty in leadership in subdistricts can lead to confusion among employees and the public, and hinder collaboration between various government agencies. Affirmation regarding the filling of officials and employees in sub-districts is very important to ensure the smooth and effective running of public services. In this context, clear and firm regulations need to be implemented, similar to the provisions contained in the Letter of the Minister of Home Affairs Number 800/2603/OTDA dated April 22, 2021 concerning Simplification of Bureaucracy in Administrative Positions in the Provincial and Regency/City Governments. The letter expressly exempts Subdistricts/Sub-districts from the applicable provisions, because they are positioned as Heads of Work Units that have territorial-based authority. As Heads of Work Units that have territorial-based authority, sub-districts must remain committed to maintaining the quality of public services. This includes filling vacant positions in a timely manner so as not to disrupt public services. With a clear deadline for filling positions, the sub-district can ensure that every crucial position is filled quickly, so that public services are not hampered.

The impact that occurs is detrimental to two parties, namely employees who work at the Village Office and also the community as the party that receives the performance results of employees at the village office. Therefore, there needs to be a greater emphasis on filling officials and employees in the sub-district, taking into account the urgency and responsibilities carried out. By adopting a more systematic and planned approach to filling positions, the sub-district can ensure that public services continue to run well and are responsive to the needs of the community. In the context of the arrangement of Non-ASN Employees, the government must provide an example as a policy maker who provides justice and legal protection for Non-ASN Employees. Therefore, there must be no arbitrariness that can bring injustice from the government itself so that it is contrary to the value of transcendence. For example, in this case, there is no mapping for Non-ASN Employees and the government immediately makes unilateral dismissals without thinking about the fate of the Non-ASN Employees. Employees.

The progressive legal paradigm that emphasizes the principle of "law for humans, not humans for law", this condition represents a systemic anomaly. Sub-districts, as the leading administrative units in public services, require a regulatory framework that is not only comprehensive but also adaptive to the complexity of

<sup>30</sup>Samderubun. F,. Op.Cit p. 12

<sup>&</sup>lt;sup>31</sup>Harahap. N. A "Review of the Arrangement of Non-ASN Employees After the Enactment of Law No. 20 of 2023 in the Perspective of Prophetic Law". Journal of Law Vol 13, No 1 (2024), p.143

community needs. The aspect of human resources in the context of personnel management is a determinant variable that cannot be compromised. The difference between das sollen arises based on job analysis (need for 13 employees per sub-district) with the existing reality (average only 4 employees) and the existence of 42 vacant supervisory positions in the sub-district shows the magnitude of the problem faced. The strict regulation in filling vacant positions, without offering reasonable alternatives, is contrary to the principle of progressive law that prioritizes the common welfare.

Reformulation of the Kelurahan personnel administration regulation needs to focus on aligning das sollen and das sein through a more humanistic and service-oriented system. This includes readjusting the mechanism for filling positions, restructuring the remuneration system, strengthening legal protection for employees, and explaining comprehensive supervision procedures. Regulations must also be equipped with effective law enforcement instruments, including the establishment of a supervisory institution with proportional authority, standardization of reporting procedures, and the formulation of a firm but fair sanction system.

Without a comprehensive reformulation that bridges the gap between das sollen and das sein, the Kelurahan will continue to face structural obstacles in optimizing public services. Progressive law supports a major shift from a rigid and formal legal approach to a system that truly supports the function of the Kelurahan as the spearhead in public services. The implementation of this perspective is expected to create a more flexible, efficient, and focused staffing environment on improving the quality of life of the community.

#### 4. Conclusion

It is necessary to reformulate the Kelurahan personnel regulations that can accommodate the needs of flexibility and responsiveness, without sacrificing the professionalism and accountability that are the characteristics of the ASN system. These findings provide an empirical basis for recommending regulatory harmonization that can adopt positive elements from both systems, creating a more adaptive administrative framework that is oriented towards optimizing public services at the grassroots level. Furthermore, the exclusion of Kelurahan from bureaucratic simplification should be a momentum to review and reformulate the regulations governing Kelurahan operations, with the aim of providing flexibility that is commensurate with the responsibilities and expectations imposed on this institution.

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