
Jurnal Dinamika Hukum

Vol. 22 Issue 3, September 2022

E-ISSN 2407-6562 P-ISSN 1410-0797

National Accredited Journal, Decree No. 21/E/KPT/2018

DOI: 10.20884/1.jdh.2022.22.3.3137

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Positioning the Civil Servant as Public Service Implementer Based on The Level of Professionalism Measurement

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Abstract

The Civil Servants who will occupy positions must be placed with clearer place and roles, but there are still several things that cause a Civil Servant to be unprofessional, namely the incompatibility between the abilities possessed and the needs of the particular task. in the placement of capacity, which has an impact on the low quality of public services. This research is a type of normative legal research, namely legal research by conducting research using library research. The approach used in this research is the Statute Approach, Analytical Approach, Interpretive Approach, Comparative Approach, Legal Philosophical Approach, and Case Approach. This research formulates the problems the indicators of the principle of professionalism for Civil Servants as implementers of Public Services, and the system place Civil Servants in positions as executor of professional public services.

Keywords: Civil Servants, Public Services, Professionalism.

Abstrak

Pegawai Negeri Sipil yang akan menduduki jabatan harus sesuai dengan tempat dan peranannya yang lebih jelas. tapi ada yang menyebabkan tidak profesionalnya Pegawai Negeri Sipil, yaitu tidak sesuai antara kemampuan dengan kebutuhan tugas khususnya dalam penempatan jabatan, yang berdampak kepada rendahnya kualitas pelayanan publik. Penelitian ini adalah jenis penelitian hukum normatif, yaitu penelitian hukum dengan cara melakukan penelitian dengan menggunakan bahan pustaka. Pendekatan yang digunakan dalam penelitian ini adalah pendekatan perundang-undangan, pendekatan analitis, pendekatan penafsiran, pendekatan perbandingan, pendekatan filsafat hukum, dan pendekatan kasus. Penelitian ini merumuskan masalah standar pengukuran dalam menentukan tingkat profesionalitas Pegawai Negeri Sipil sebagai pelaksana pelayanan publik, dan sistem menempatkan Pegawai Negeri Sipil dalam jabatan sebagai pelaksana pelayanan publik yang profesionalitas.

Kata kunci: Pegawai Negeri Sipil, Pelayanan Publik, Profesionalitas.

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Introduction

The government in a narrow sense is an organ of state equipment entrusted with the task of government or implementing laws, in this sense the government only functions as an executive body, in a broad sense is all bodies that carry out all powers within the state, both executive and legislative powers and judiciary, so all power holders in the state are executive, legislative and judicial powers based on the Trias Politica theory of Montesque (Ridwan, 2018). The government is an important part of a country because without the state it will lose its direction of control and in the end the country will be in a bad condition.

According to Aristotle, the state occurs because of the natural nature of each individual to live together and have the same rights, according to J.J. Rousseau, every human being has the same rationality, so that the rights of each individual are the same, for that a social contract is made to ensure that all things are

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maintained properly. (Paul Weirich, 1992). The essence of the formation of government in Indonesia is to serve the community, the state is present and obliged to serve every citizen and population to fulfill their basic rights and needs within the framework of public services which is the mandate of the 1945 Constitution.

Service is the provider of basic rights to citizens or the community which is the responsibility of the service provider. According to Fiszsimmons that customer satisfaction with service quality can be defined as a perception of received with expectations of service desired (Nurman Semil, 2018), meaning that the satisfaction of people who need services can be interpreted as a match between the services received and the expected service expectations. What is given by the government can be fulfilled and in accordance with what is expected, expectations are as expected, also contain benefits for the people served.

Ghazali put forward the theory of benefit within the framework, taking advantage and rejecting harm to maintain the goals of the shari'a (Ghazali, 1983)." What is good is what is useful (useful) for human life, especially for the people it serves, whose purpose is in an effort to achieve goodness and reject harm, goodness for service providers and also goodness for service recipients. According to Indri, optimizing public services is to provide professional and quality services which have implications for community satisfaction (Hayat, 2017). Service professionalism is also supported by behavior in service providers carried out by apparatus resources, because appropriate behavior is the determinant in implementing public services.

Those who work for the government are called apparatus. This government apparatus is a profession that replaces the previously used definition of employee. In Rahul's opinion, the government is an act or method of the government (Rahul Tripathi, 2017), meaning that the implementation of government duties must be carried out by government officials. State civil apparatus, hereinafter abbreviated as civil servants, is a profession for civil servants and government employees with work agreements working for government agencies. Employees who work for the government are now referred to as Civil servant employees, State Civil Apparatus employees are Civil Servants and Government Employees with our short Work Agreement who are appointed by staffing officers and assigned tasks in a government position or assigned other state duties and are paid according to the laws and regulations. The current government officials who work in a government position are Civil Servant and Government Employees with our short Work Agreement.

State Civil Apparatus Employees are PNS and PPK who are appointed by staffing officers and entrusted with other state duties and are paid according to statutory regulations (Soedibyo, 1983). Observing this, it is clear that the profession of civil servants is divided into 2 (two) namely Civil Servants and Government Employees with our short Work Agreement.

Civil Servants as government officials. Civil Servants according to Article 1 of Law Number 5 of 2014 concerning State Civil Apparatus that Civil Servants are Indonesian citizens who based on certain conditions, State Civil Apparatuses are

permanently appointed by staffing officers in occupying a position in the government. The State Civil Apparatus as a profession for and Government Employees with our short Work Agreement who works in government agencies. Implementation of management, Management is a skill to plan, implement, and supervise the use of resources effectively and efficiently in order to achieve a goal.

So, management is the process of planning and implementing activities in order to achieve organizational goals and cooperate with other people and the resources of the organization. According to Follett, management is an art in which each job can be completed through other people (Kadarisman, 2018). Professional Civil Servants here are also called competent, competent people are those who have the ability, knowledge, expertise to do things effectively and efficiently. According to Wilson, civil servants are professional and have adequate competence for them to act as implementers of public services in running bureaucratic organizations (Wilson, Woodrow, 1887).

The employment system in Japan is regulated in Article 15 of the Japanese constitution. According to Article 15 Paragraph (2), the Japanese Constitution stipulates that "every civil servant is a servant for the entire people, not a servant for certain groups". Public Servants in Japan are broadly categorized into two: "General Civil Servants, consisting of Civil Servants under the National Personnel Authority and employees in State-Owned Enterprises, and Special Civil Servants, consisting of the Prime Minister, Minister of State, Parliamentary Officer, Court Officer, Member of Parliament and Ambassador (Herman, 2007)."

There is an influence between the professionalism of the work of Civil Servants on the quality of existing public services. Public services are closely related to the function of Civil Servants as government officials. Osborne and Plastics say that what can affect the performance of public services, namely accountability, consequences, mission, culture and power (Jasin, 2007). In carrying out related to government, the professionalism of employees' work can realize the success of the government if it is done to improve performance based on a professional government apparatus work system, Civil Servants as government officials who have good performance, will definitely have an impact on the quality of public services that can run well, and consequently will lead to public trust in government officials, so that people want to participate in development planning.

The low performance of Civil Servants who work in an agency can be due to the work system of Civil Servants that has not reached the maximum. So, it can have an influence on the performance of Civil Servants, which is most often and easily assessed and felt by the community, which results in the quality of public services provided by these Civil Servants. Substantively, there are several things that cause civil servants to be unprofessional, especially in the placement of positions.

Civil servants in occupying a position must also pay attention to the conditions of conformity with their competence between the level and type of position entrusted to them. Facts on the ground regarding the placement of civil servants have not implemented the principles of professionalism. Based on the data obtained from the author in the pre-survey process of one of the agencies

carried out within the South Sumatra Provincial Government, it is still found that there are placements of Civil Servants in positions that are not competent with education. This can be seen in Table 1 below:

Table 1. Positions that are not in accordance with the Expertise (Education)

No.	Positions	Rank	Educational
1.	Head of The Security Service	Builder, TK.I. IV/b	Bachelor of Engineering Graduation
2.	Head of Distribution and Reserve Food Supervisor	Builder, IV/a	Bachelor of Economics Graduation
3.	Head of the Food Safety Division	Stylist, Level I. III/d	Bachelor of Social Affairs Graduation
4.	Head of Food Distribution Section	Stylist, Level I. III/d	Senior High School Graduation
5.	Head of Section for Food Safety Institutions in the Food Safety	Stylist, Level I. III/d	Senior High School Graduation
6.	Head of Consumption Diversification Promotion Section Food in the Food Consumption and Development Sector	Stylist Level I.III/d	Senior High School Graduation
7.	Head of the Food Insecurity Section in the Availability and Sector Food Insecurity	Stylist, Level I. III/d	Bachelor of Law Graduation
8.	Head of General and Personnel Sub-Section	Stylist, Level I. III/d	Dokteranda
9.	Head of Cooperation Section and Food Safety Information in the Food Safety Sector	Stylist, Level I. III/d	Senior High School Graduation
10.	Staff of the Food Reserves Section in the Field of Distribution and Food Reserves	Stylist, Level I.III/d	Bachelor of Political Science Graduation
11.	Head of the Food Safety Supervision Section in the Security Sector Food	Stylist, III/c	Bachelor of Fisheries Graduation

12.	Head of Sub Division of Evaluation and Reporting Planning	Stylist, III/c	Bachelor of Engineering Graduation
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Source: The Data has been processed and researched in 2020.

Based on Table 1 above, it can be seen that in the table of graduates with positions in the Food Security Service of Musi Banyuasin Regency it is not in accordance with the average education of political science, fisheries, engineering education, and some are still high school education. This fact shows that there are several Civil Servants who do not match their positions with their education to be able to find out the problems of the governance system for the placement of Civil Servants in positions. The rules already exist, namely Law Number 5 of 2014 concerning State Civil Apparatus, but it has not been maximally implemented because it causes problems, seen from the not yet optimal and professional ability of Civil Servants at work.

Research Problems

The Civil Servants who will occupy positions must be placed with clearer place and roles. A Civil Servant in placing a capacity can do his job efficiently and effectively if he knows his position is in accordance with his competence, but there are still several things that cause a Civil Servant to be unprofessional, namely the incompatibility between the abilities possessed and the needs of the particular task. in the placement of positions, which has an impact on the low quality of public services. The problem is formulated in this article. First, what is the standard in determining the level of professionalism of Civil Servants as executor of public services? Second, how to place Civil Servants in public positions as executor of professional public services?

Research Methods

The type of normative legal research is the type of research used. This type of legal research is normative legal research on legal principles, legal history, and legal systematics (Zainuddin, 2011). The research objectives are to identify, analyze standards in determining the level of professionalism for Civil Servants in public positions as executor of Public Services, and to identify, analyze related to the system of placing Civil Servants in public positions as executor of professional public services. The research approach used in conducting this research is the approach:

1. Legislative Approach/Statute Approach, this approach is carried out by reviewing the rules relating to legal issues (Peter, 2010).
2. Analytical Approach. This approach conducts an analysis of legal materials, conducts a conceptual examination of the meanings contained in the terms used in laws and regulations, and how they are applied in practice (Jonaedi, 2018).
3. Legal philosophical approach, is an approach used to study and understand the existence and development of a civil servant placement system in positions to realize professional public services (Peter, 2010).

4. Legal History Approach. This approach is carried out to explore the philosophy related to the rule of law from time to time, as well as to explore the development and changes in the philosophy that underlies the rule of law (Peter, 2010).
5. Case Approach. This approach is carried out by examining cases related to the legal issues faced, especially those relating to the legal issue of the placement of Civil Servants in positions.

The types and sources of research legal materials are primary legal materials, secondary legal materials, and non-legal materials, namely (Amiruddin, 2004) Primary legal materials are Pancasila, the 1945 Constitution, Laws include are Law of the Republic of Indonesia Number 25 of 2009 concerning Public Services, and Law of the Republic of Indonesia Number 5 of 2014 concerning State Civil Apparatus. Government regulations

Secondary Legal Materials, as legal materials that provide information on primary legal materials, such as Legal Science Books, Seminar Materials, Legal Journals, Legal Studies Research Reports, Workshops, opinions of scholars, legal dictionaries. Tertiary Legal Materials, namely as support and instructions and explanations related to primary and secondary legal materials, such as: newspapers, internet, magazines, and other relevant references, and Non-Legal Materials, namely non-legal books, non-legal Research Reports and Journals -non-legal journals, and non-legal materials intended to broaden research horizons. Complementary non-legal materials are not the main. (Peter, 2010).

Methods of authentic interpretation, philosophical interpretation methods, grammatical interpretation methods Systematic or logical interpretation methods, historical interpretations, and teleological interpretations (Panggabean, 2014). The analysis of legal materials used by prospective researchers is descriptive Descriptive nature is that the researcher in analyzing wishes to provide an overview or explanation of the subject and object of research as the results of the research he did (Soerjono, 1982).

Conclusions in normative legal research emphasize deductive techniques (Amiruddin, 2004). Conclusions are drawn by deductive means. Conclusions are drawn starting with deductive techniques through the implementation of legal theories and concepts in analyzing legal materials.

Discussion

Measurement Standards of Civil Servants Professional Level Determining as Implementers of Public Services

There are two reasons behind why the principle of professionalism is central and important in the rules and management of Civil Servants, namely First, the first reason is juridical, the first reason is related to the enactment of Law Number 5 Year 2104 concerning State Civil Apparatus, it is expressly stated that In the context of implementing the nation's ideals and carrying out state goals as stated in the preamble to the 1945 Constitution of the Republic of Indonesia, it is necessary to build a State Civil Apparatus that has professional, integrity, neutral and free from political influence, is clean, and is able to carry out services. public service for the community and able to carry out the role as an element of unifying

the unity and integrity of the nation based on Pancasila and the 1945 Constitution (Report measurement of the professionalism index of the civil apparatus of the state, 2018). Second, the reason for the need, professional Civil Servants is a necessity that is needed to support effectiveness in achieving the goals of an organization. Several studies point to the importance of professionalism in the workplace (Rowland, Andrew W, 2016). The professionalism of a Civil Servant has a function as a social monitoring tool (Rowland, Andrew W, 2016). Emphasis on professionalism may be exercised because of the belief that professionalism can be used as a presentation of so-called “management impressions, or that it is related to organizational values such as integrity” (Rowland, Andrew W, 2016). Business ethics, and commitment. The results of a study conducted by Bartol,24 Kalber and Foragy, as quoted by Dinger et al. stated that professionalism is associated with turnover expectancy, global organizational commitment, intrinsic motivation, affective commitment, satisfaction and performance. in another understanding, professionalism is closely related to the productivity of the employees themselves and can be used as an instrument of change (Rowland, Andrew W, 2016).

Professional Civil Servants are the desires and dreams of all of us. This hope can be realized, if every individual for Civil Servants has a professional character. Therefore, professional Civil Servants, apart from being a necessity needed by organizations in realizing the professionalism principles of Civil Servants, require a set of pre-requests that are used as standards so that a Civil Servant has the expected level of professionalism. These prerequisites are used as standards and tools to map the level of professionalism through a system of measuring indicators of the professionalism of Civil Servants.

The purpose of measuring the indicators of the professionalism of Civil Servants is to measure the level of professionalism of Civil Servants by using a series of standards for measuring the principles of professionalism of Civil Servants. The results of the measurement of the basic indicators of the professionalism of Civil Servants will produce a map or portrait of the professional level of Civil Servants by using certain criteria as a standard of professionalism of Civil Servants (Report measurement of the professionalism index of the civil apparatus of the state, 2018).

Civil Servants based on the established professional standards are beneficial for Civil Servants can be used as an area of self development in order to increase the level of professionalism of Civil Servants, and for Government Agencies the results of measuring the indicators of the principle of professionalism can be used as the basis for formulating rules in the context of developing Civil Servants organizationally and as a tool of change in order to improve the professional performance of Civil Servants (Report measurement of the professionalism index of the civil apparatus of the state, 2018). Beneficial origin of the word benefit, Benefit theory or referred to in Islamic law is the *maslaha-mursalah* of a job that contains benefits, meaning that the formation of law is intended to realize the benefit of mankind, meaning that it aims to bring benefits and reject harm and eliminate objections from them (Abdul Wahab, 1994). So, while this is a necessity that can be useful for the parties, it can be done (Bonny, Ridwan, 2019).

According to the Regulation of the State Civil Service Agency Number 8 of 2019 concerning guidelines for procedures and implementation of the measurement of the indicator of the professionalism of Civil Servants, the measurement of the basic indicators of the professionalism of Civil Servants is carried out in all agencies, both centrally and in regional agencies whose implementation is coordinated by the work unit responsible for managing Civil Servants in each agency. The policy in measuring the basic indicators of the professionalism of Civil Servants, according to this regulation, is implemented by the Ministry of Administrative Reform and Bureaucratic Empowerment, based on the Regulation of the Minister for Empowerment of State Apparatuses Number 38 of 2018 concerning Measurement of the Professionalism Index of Civil Servants, while the procedures and the implementation of the measurement of the professionalism index of Civil Servants and reports on the results of the measurement of the professionalism index of Civil Servants are carried out by State Personnel Agency, based on the Regulation of the State Personnel Agency Number 8 of 2019 concerning guidelines for procedures and implementation of the measurement of the professionalism index of Civil Servants.

The requirements used as parameters for Civil Servants used to measure the level of professionalism of Civil Servants consist of four dimensional indicators, namely: (Report measurement of the professionalism index of the civil apparatus of the state, 2018).

1. Qualification Dimension Indicator

In essence, in carrying out the ideals of the nation in realizing the goals of the state, because it is necessary to build a professional State Civil Apparatus, it is necessary to have a level of education. To identify and measure data/information related to the formal educational qualifications of civil servants from higher education to the lowest level, assume that the higher the level of education, the easier it will be to master competencies in carrying out their duties. People who will occupy positions must be in accordance with their qualifications, qualifications are related to education level, higher education level is related to competency mastery. The indicators used in the qualification dimension are the last formal education level achieved by a Civil Servant, namely:

- a. Education S-3 (Strata Three);
- b. Education S-2 (Strata Two);
- c. Education S-1 (Strata One)/D-IV (Diploma Four);
- d. D-III Education (Diplomas Three);
- e. D-II Education (Diploma Two);
- f. D-I Education (Diploma One);
- g. Senior High School (SLTA)/equivalent;
- h. Under high school.

The tasks carried out by the incumbent must be in accordance with the ability of a Civil Servant, this qualification dimension indicator shows the level or level of education achieved by a person to acquire a special knowledge or expertise, the

tasks that must be carried out by the incumbent are must be in accordance with the capabilities of Civil Servants.

2. Competency Dimension Indicators

The competency dimension indicator looks at a person's ability which is a combination of skills, knowledge, attitude and support with a continuous competence development program that is seen through job behavior that can be observed, measured, and evaluated. In essence, developing competence is carried out in order to realize competent Government Apparatus Resources, competence has several measurement standards, namely indicators of competency dimensions. The competency dimension indicators used are history of competency development that has been followed, consisting of:

1. Leadership Training (for Structural Officials)
2. Functional Training (for Functional Officers)
3. Technical Training (for Structural, Functional and Implementing Officials)
4. Seminar/Workshop/Internship/Course/Similar (for Structural Functional Officers and implementers).

Competency development efforts based on competency dimension indicators are an obligation in an organization to motivate Government Apparatus Resources in order to achieve maximum results in carrying out their work. Sociologically, the problems that occur in the Indonesian bureaucracy are the low quality of employees and lack of competitiveness in facing the era of globalization.

3. Performance Dimension Indicators

In essence, in realizing the government apparatus as part of bureaucratic reform, it is necessary to determine which Civil Servants are responsible for their performance. The purpose of the dimensions of performance indicators is to identify and measure or information on the results of achieving employee work goals and employee behavior as a manifestation of performance for an employee who must have the ability in the field of work assignments based on the performance appraisal of Civil Servants.

Assessment of the work performance of Civil Servants is a systematic assessment system carried out by appraisers. Assessment of work performance of Civil Servants is as a controller of work behavior of Civil Servants which is a condition for achieving agreed work results and is not an assessment of the personality of a Civil Servant. There are several indicators in the assessment of the work performance of Civil Servants aimed at using two performance dimensions, namely Employee Work Targets abbreviated and Employee Work Behavior abbreviated. Appraisal officials carry out a structured assessment carried out on Employee Work Targets and Employee Work Behavior.

The performance dimension indicators used are data/history of performance appraisal results consisting of:

1. Employee Work Target
Employee Work Targets are work plans and targets to be achieved by a Civil Servant. The elements assessed in the Employee Work Target include aspects of quantity, quality, time, and cost.

2. Employee Work Behavior

Employee work behavior is any attitude, action or behavior, which is carried out by a Civil Servant or does not do something that should be done based on the laws and regulations.

The last phase of the employee is performance evaluation, the performance dimension indicators used to evaluate a Civil Servant are Employee Work Target and Employee Work Behavior.

4. Discipline Dimension Indicator

An indicator of the discipline dimension that describes the compliance and willingness of an employee to comply with obligations and avoid prohibitions that have been determined based on official rules, if they violate it will be subject to sanctions, namely disciplinary sanctions both directly and indirectly which will affect the duties of the position. This dimension is used to identify data or information regarding disciplinary sanctions that have been received by Civil Servants.

The disciplinary dimension indicators used are history of employees who have been subject to disciplinary punishment, consisting of:

- a. Light Disciplinary Punishment
- b. Moderate Disciplinary Punishment
- c. Severe Disciplinary Penalties.

The indicator of this disciplinary dimension is how to provide guidance to Civil Servants suspected of committing disciplinary violations. Based on the data analysis of the Regional Personnel Agency, the types or forms of disciplinary violations that are often committed by a Civil Servant include:

1. "Enter the office late without clear confirmation
2. Go home early for no apparent reason, without being allowed by the boss
3. During office hours not carrying out work (out of office for purposes other than official)
4. Be absent or absent from work without a clear and reasonable reason
5. Abusing authority
6. Having an affair." (Sri, H, 2017).

The indicators used as guidelines for Civil Servants in measuring the level of professionalism of Civil Servants are based on the Regulation of the State Civil Service Agency Number 8 of 2019 concerning guidelines for the implementation of the Measurement of the Professionalism Index of the State Civil Apparatus.

System for Placing Civil Servants in public positions as Professional Public Service Implementers

The first activity in human resource management is recruitment and placement activities, job analysis is a benchmark related to the acceptance and placement of Civil Servants in a position. Civil Servants who are accepted and will occupy a position are Civil Servants in accordance with their fields because the implementation of the appointment system uses a merit system consistently based

on job analysis. Job analysis is very important in the process of developing Government Apparatus Resources.

Job analysis is a system or method of determining identity and determining completely the duties and requirements of a particular position. According to Stephen Robbin (Teguh, 2011), "that job analysis is a form of developing a more complete description of the tasks that must be carried out in a position." Determining the relationship between one position and other existing positions, and determining the skills, knowledge, and other abilities needed for a Civil Servant to perform a job effectively and efficiently.

Job Analysis is a system of recording and collecting related to reliable and valid information with a procedure within a certain position and the requirements that must be possessed by the incumbent, namely:

1. "All activities, duties, and responsibilities in a position
2. Skills, knowledge, behavior, abilities, and others needed by incumbents to work effectively and efficiently
3. Reasons for certain positions and what can make them different from other positions
4. Job requirements or targets that can be used as a basis for measuring performance levels." (Teguh, 2011).

This job analysis is not addressed to the person or the holder of the position, but to the position (the job), even though the data from the incumbent is through observation, interviews or questionnaires. By conducting a job analysis, you will get the following benefits:

- a. "Referral material in getting job advertisements
- b. Preparation of requirements for a position
- c. Determine the amount of compensation that will be received by the incumbent
- d. Materials for developing interview materials
- e. Materials for the development of test kits
- f. Materials for the development of evaluation forms
- g. Orientation materials for new employees." (Teguh, 2011).

Law Number 5 of 2014 concerning State Civil Apparatus requires the implementation of merit system, based appointments based on job analysis. Candidates who are planned to occupy the same position or in accordance with the competence of their position. Position is a group of tasks and responsibilities that exist, are being and have been carried out by civil servants within a certain period of time. The position relates to the set of jobs to be performed and the requirements required to perform those tasks, and the environmental conditions in which the work is performed. The data collected in more detail includes duties, responsibilities, the ability of civil servants, and performance standards (Ridwan HR, 2014).

Accountability comes from the word responsibility which means the state of being obliged to bear something (Poerwadarminta, 1976). This responsibility comes from the legal action of every individual who has an authority given to him to carry out a right and obligation (Ricki, Amzulian Rifai, Amin, 2017). Sri

Soemantri also stated that every assignment of authority to accountability is in accordance with the principle. "*geen bevoegdheid zonder verantwoordelijkheid* (no authority or power without accountability) (Sri, 1987).

Authority is what is called formal power, power that comes from the power granted by law (Ateng, 2000). All government actions must be based on valid and written laws and regulations. The laws and regulations must exist and apply first or precede the actions taken. Thus, every administrative action must be based on rules and procedures (Iza, Febrian, 2021).

The scope of positions in state organizations can be distinguished in various ways, namely:

- 1) "The position of state apparatus (commonly known as state office) and the position of state administration administrator"
- 2) Political positions and not political positions
- 3) Positions that are directly responsible and under public control/supervision and positions that are not directly responsible and under public control/supervision.
- 4) Positions that directly provide public services and positions that do not directly provide public services." (Yopie, 2017).

The variety of positions is an implication of the formation within the state, the state must create a variety of ways and approaches that are in accordance with the wishes of the community. The state as an organization has several elements, namely first, the usual organizational equipment as state equipment or state organs. This state organ is also referred to as a position that has a function. Second, in the practice of the office environment in state organizations, it is divided into several types of positions. Third, the officials who occupy positions. Fourth, the duties and authorities attached to officials to carry out the function of the position. (Susi Dwi, 2014). These elements create the role of officials who are central to carrying out the functions of positions in the state.

One thing that is important and must be observed in the merit system is the organization of civil servant planning based on organizational functions through job analysis. In order to ensure the objectivity and quality of the appointment of Civil Servants in positions, the appointments in a position must be based on a merit system, appointments in positions are based on skills, talents, experience, health in accordance with the criteria outlined. To see the quality, it must be proven by examinations, diplomas and information that is very necessary for that. The merits of the merit system include:

1. Job opportunities are always open
2. Obtaining competent personnel
3. Motivating candidates to advance who do not meet the requirements. (Musaneff, 2017).

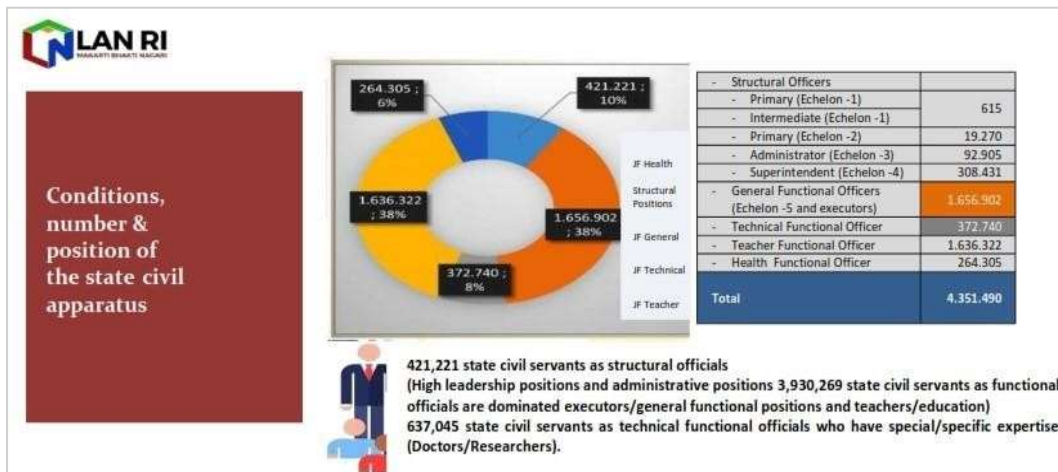
Rules relating to Civil Servants based on performance, qualifications, and competence, fairly and in accordance with no differences in race, political background, skin color, gender, religion, origin, age, marital status, or disability condition. This system is based on a merit system. This means that in the appointment of Civil Servants who are appointed and certain positions must be

based on a merit system, on the basis of this, the merit system is related to the implementation of the right recruitment system in the hope of organizing public service activities. and development governance can run professionally and responsibly (Tedi, 2017).

Merit system is a contrasting perspective with the concept of spoil system. In the concept of a merit system, it can be seen that the interests of improvement related to the administration of government are very prominent, while in the spoil system, the interests of political influence in bureaucratic governance are very dominant. the concept of a merit system has a sustainable basis and clarity of performance, qualifications, competence, and fairness (Tedi, 2017). The merit system becomes a regular and consistent sequence of implementation in paying, hiring, promoting, developing, and disciplining based on the principle of the Merit system, designed to make civil servants competent in carrying out their duties as executor of public services. The condition and number of civil servants can be seen in Picture 1 below:

Picture. 1 Conditions and number of positions for Civil Servants

Source: Exposure Materials at the Cimahi Culture Office, held by the Ministry of State Apparatus Empowerment, 2017.



Based on Picture 1 above, the condition of the number of positions in the government apparatus is dominated by general functional positions and teacher functional positions, general functional positions are 1,656,902 people and teacher functional positions are 1,636,322 people on average, the positions filled in positions in each agency are dominated by teachers, while technical positions with special expertise are only 637,045 people. In the appointment of Civil Servants, Civil Servants who are appointed and certain positions must be based on a merit system based on job analysis, on this basis, in order to run responsibly and professionally. Using merit system principles based on merit system indicators or criteria, merit system indicators or criteria based on article 134 paragraph (2) Government Regulation Number 11 of 2017 concerning Civil Servant Management, all Positions must have a competency standard of Position, planning for employee needs based on workload, implementation of promotion and selection is done openly, have a career management consisting of planning, development, career

patterns, and a group of success plans obtained from talent management, giving rewards and imposing sanctions in accordance with an objective and transparent performance appraisal, implement the code of ethics and code of conduct for State Civil Apparatus Employees, planning and providing opportunities for competency improvement based on the results of performance appraisals, provide protection to State Civil Apparatus Employees from acts of abuse of authority, and Have an integrated competency-based information system that can be accessed by all State Civil Apparatus Employees.

Appointment based on skills, talents, experience, in a fair and reasonable manner without distinction of political background, race, color, religion, origin, gender, marital status, age, or disability. According to Yulina Setiawati, in order to realize the merit system principle and the management of Civil Servants, it is necessary to:

- a. "Selection and promotion are appropriate, balanced and healthy competition
- b. Apply the principle of justice in all
- c. matters relating to personnel management
- d. Work-based recitation, reward, and punishment
- e. Integrity standards and behavior for the benefit of the apparatus effectively and efficiently
- f. Protecting government officials from political influence and from arbitrary actions
- g. There is an independent institution that implements the merit system." (Tedi, 2017).

Promotion of employees in Japan is determined unilaterally by management. Bosses do not have to publicly announce vacancies, nor do management have to wait for employee applications (for promotions & rotations). The staffing department at each ministry and agency office plans employee rotation. This plan must be accepted by a higher official who has the authority to appoint to a higher position, such as a minister or ministerial secretary. Promotion is carried out based on a merit system. There is no testing in doing promotions. The first level that determines employee promotion is seniority and employee performance records (Herman, 2007).

Flynm and Strehl emphasized that to get a Civil Servant in a professional position, it must require a recruitment by conducting open testing and healthy competition. This follows a procedural (Tedi, 2017), if the basic competence is not synchronized, then the method of recruitment and promotion means that it is not the same as the principle of the merit system.

Employee recruitment in South Korea also places a high priority on a meritocratic system where the performance of recruited employees is the main parameter. Prospective employees who will be recruited are checked for their track record, track record, and curriculum vitae, whether they have proud achievements or not. If an employee is judged to have had extraordinary achievements, for example being a national and regional Olympic champion, or having proud achievements in sports at the local or national level, they will be recruited without going through an employee recruitment test. This happened, for example, in the

local governments of the Busan and Daegu Metropolitan Municipalities (Agus, 2009).

In South Korea, the reward and punishment mechanism is a necessity and a necessity if there are employees who commit corruption, collusion and nepotism in the recruitment of civil servants, every employee is strictly prohibited from helping accept bribes or collusion with applicants because it will violate oaths and promises so that if caught, they will get severe sanctions, in the form of being fired from civil servant membership, so that it will have a deterrent effect for other civil servants not to do the same thing. For example, in Incheon Metropolitan City, a civil servant was fired because he was legally proven to have committed nepotism in employee recruitment (Woo Lee Jae, 1999).” In addition, the appointment is based on the results of the selection of the team formed for that purpose (Miftah Thoha 2016). There are several principles of employees who will hold positions that must be carried out in government, namely:

1. “Positions in the government must be comparable in attractiveness to similar positions in the private sector (working conditions, prestige, pay and future prospects).
2. Applications must be viewed as a whole as a country's need to get qualified candidates
3. Candidates must be selected on the principle of “merit” (performance of integrity and character)
4. Availability of opportunities for promotion on the basis of "merit" and seniority as well as protection against arbitrary dismissal or demotion
5. It is easy for employees to move from one area to another
6. Employees should have the opportunity to participate in on-the-job training for their capacity building efforts for effective and efficient services
7. Government employees must be loyal to the institution where they work without any influence from other legislative institutions.” (Patra, 2006).

Merit system is a system that emphasizes professionalism for filling bureaucratic positions. A person who has competence and expertise in accordance with what is required by a position can be appointed to occupy that position. The position to be occupied must be based on a decision/decision. Decisions (*berschikking*) according to Van der Pot are all actions of the government in issuing decisions (*beschikking*) are legal actions that are one-sided in the field of government and carried out by government bodies based on special powers (Bachsan, 1985).

Law Number 5 of 2014 concerning State Civil Apparatus emphasizes that the implementation of the merit system must be carried out consistently. However, the provisions regarding the merit system in Law Number 5 of 2014 concerning State Civil Apparatus have not been clearly regulated. Therefore, in the author's opinion, it is necessary to clearly regulate the implementation of the merit system in essence, so that the regions know the determination of a person's position based on the merit system (skills/expertise). There are several areas where the determination of a person's position is not based on a merit system. Competency development is determined openly, based on a merit system based on the

competence of the candidate in accordance with the competence of the position to be occupied. If this basic competency is not met or not appropriate, it means that it violates the principle of the merit system, besides that the appointment process is in accordance with the results of the selection team.

State Civil Apparatus Commission which has the authority to carry out the evaluation of the merit system. Based on Article 30 of Law Number 5 of 2014 concerning State Civil Apparatus, State Civil Apparatus Commission functions as a supervisor for the implementation of basic norms, codes of ethics and codes of conduct for State Civil Apparatus, as well as the implementation of the merit system principle in rules and systems of State Civil Apparatus Management in Government Agencies.” In accordance with Article 32 paragraph (1) point a of Law Number 5 of 2014 concerning State Civil Apparatus, has the authority to control the process of filling out the High Leadership Position starting from the process of forming a selection committee in the agency, announcement of vacancies, implementation of selection, nomination of candidate names, determination, and inauguration of High Leadership Officials. The purpose of State Civil Apparatus Commission is to ensure the realization of a merit system in the policy and management of Government Apparatus Resources. This commission was initially able to maintain and protect the merit system. Initially, they can set policies on employee development, and have the authority to control the merit system.

Development relates to improving performance related to the ability and expertise to carry out work better than before. The development of a Civil Servant as a Government Apparatus Resource must require developed knowledge, skills, and abilities in order to carry out their duties well. Resource development can be realized through career development, education and training. The target of development is aimed at personnel or everyone in the organization, namely Civil Servants. The development of government apparatus resources is a long-term learning process using a structured system both theoretically and practically.

The development of Government Apparatus Resources is an effort to improve the quality, quantity, and work ability of employees to carry out their duties in the future. These efforts are created if they have been programmed previously, so that the implementation of the development of government apparatus resources can run well. The leadership of an organization can provide an encouragement so that the apparatus resources are able to be properly involved in the development of the management of Civil Servants carried out in an organization, which can be done, among others, promotions, salaries, and various other programs. The development of these employees can be taken both formally and informally (Kadarisman, 2018).

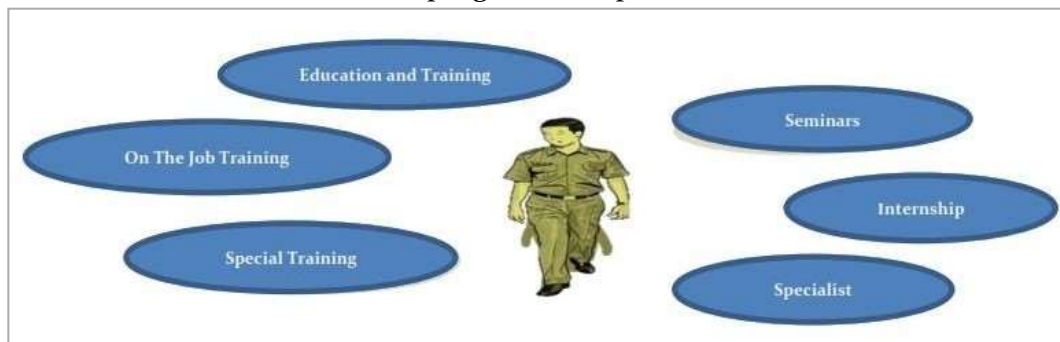
Several Civil Servant Development systems which are the right of each Civil Servant as a resource for government officials in developing themselves in order to improve performance in carrying out their duties later. Some methods of developing Civil Servants that are often used in training are:

1. Education and Training. Education and training positions for Civil Servants is the process of organizing teaching and learning in order to improve the performance of Civil Servants. The aim is to improve the skills, knowledge,

skills and attitudes to carry out professional duties based on the personality and morals of Civil Servants based on the needs of the institution.

2. On the job training. This training method is often used. The training system is given by the leader to the employees who will be trained. The success of this training depends on the commitment of the leader. This method is divided into two covering formal and informal.
3. Seminars. Developing the expertise and skills of participants to assess and provide input on the opinions of others (seminar resource persons), these participants are trained to be able to provide input, and evaluate the activities of the seminar.
4. Vestibule (Special Training). For example, training in a workshop.
5. Apprenticeship (Internship). The apprenticeship system is related to skills, meaning that the jobs carried out require expertise and skills.
6. Specialist Course. To train participant employees, this training is more like a course, the implementation of training to fulfill the desires of employees in a particular field of knowledge. We can see Picture 2 below:

Picture. 2 Methods for Developing the Competence of Civil Servants



Based on Picture 2 above, one of the systems for developing the competence of Civil Servants as a resource for the government apparatus is through education and training. The agency that fosters education and training is State Administration Agency (Hardiyansah, 2018). Based on article 1 of Law Number 5 of 2014 concerning State Civil Apparatus, "State Administrative Institutions abbreviated State Administration Agency are non-ministerial government institutions that are authorized to conduct studies and education and training of State Civil Apparatus Nationally. The purpose of educational arrangements and arrangements for the implementation of in-service training for Civil Servants is to ensure that there is compatibility in the development of Civil Servants. Educational arrangements as well as the rules for organizing job training include planning activities, including standard setting, budget planning, assessment, granting accreditation, and supervision. A professional will continuously improve the quality of his work consciously, one of the quality improvements is through education and training. (Tiara Anggia, 2015).

In addition, it is also hoped that with the completion of their training and education, a civil servant must have a consistent attitude of behavior and strengthen the field of duty with honesty, responsibility and high integrity to be

able to support the professionalism of civil servants in strengthening their role as public servants by being respectful, polite and without pressure. So that they have self-quality, have self-respect and dignity, and can maintain the good name of the organization (Sugiastuti, 2020).

Law Number 5 of 2014 concerning State Civil Apparatus clearly states that every Civil Servant has equal rights and opportunities in developing their competence, developing the competence of Civil Servants, namely through education and training. Education and training for Civil Servants has a strategic role in improving the quality of Civil Servants themselves, namely professional employees who are characterized by competency ownership, desired behavior in accordance with the demands of their duties and responsibilities as well as their role in certain positions held/occupied. (Kadarisman, 2018). That education and training positions have benefits not only for the employees themselves but also for the organization in achieving its goals, because the increase in the performance of Civil Servants is beneficial for improving the performance of the organization as a whole.

Conclusion

Based on the discussion that has been explained, it can be concluded. First, the standard in determining the level of professionalism of Civil Servants as executor of public services consists of several requirements, namely:

1. Indicators of Qualification Dimensions, in essence in carrying out the ideals of the nation in realizing the goals of the state, because it is necessary to build a professional State Civil Apparatus, it is necessary to have a level of education.
2. Competency Dimension Indicators, competency dimension indicators look at a person's ability which is a combination of skills, knowledge, attitudes and support with continuous competence development programs that can be seen through job behavior that can be observed, measured, and evaluated. The competency dimension indicator used is data/history of competency development that has been followed.
3. Performance Dimension Indicator, the purpose of the performance indicator dimension is to identify and measure data/information on the results of achieving employee work goals and employee behavior as a manifestation of performance for an employee must have the ability in the field of work assignments based on the performance appraisal of Civil Servants. Performance dimension indicators. The history of the performance appraisal results used is the Employee Work Target and Employee Work Behavior.
4. An indicator of the discipline dimension that describes the compliance and willingness of an employee to comply with obligations and avoid prohibitions that have been determined based on official rules, if they violate it will be subject to sanctions, namely disciplinary sanctions both directly and indirectly which will affect the duties of the position. This dimension is used to identify data or information regarding disciplinary sanctions that have been received by Civil Servants. The disciplinary dimension indicator used is the data or history of employees who have been subject to disciplinary punishment, consisting of light

disciplinary penalties, moderate disciplinary penalties, and severe disciplinary penalties.

Second, the system places Civil Servants in public positions as executor of professional public services. Three important points in placing Civil Servants that must be seen there are system or way of assigning identity and determining in full the duties and conditions in a particular position based on the analysis of the position, positioning based on merit system, and conduct education and training to improve the performance of civil servants in public position.

Suggestion

Based on the standard and capacity system for Civil Servants in public positions as professional public service executors, Civil Servants must occupy positions according to their clearer roles, so that a Civil Servant in placing capacity can carry out his work efficiently and effectively if he knows his position is in accordance to his competence.

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