

# THE POSITION FILLING OF PRATAMA HIGH LEADERSHIP IN CIANJUR REGENCY UNDER GOOD GOVERNANCE CONCEPT<sup>Ω</sup>

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## Abstract

*A fundamental change in terms of structuring government apparatus particularly position filling of pratama high leadership in local agencies openly aimed to realize good governance. This paper examines the application of open systems in position filling of pratama high leadership of regional secretary in Cianjur and the government's readiness of Cianjur regency in the implementation of position filling of pratama high leadership (regional secretary). This research applied normative juridical approach by descriptive analysis while the analysis of data used triangulation method. The results of this study are the position filling of pratama high leadership (regional secretary) in Cianjur already introduced an open and competitive system by forming a selection committee to establish and coordinate with the State Civil Administrative Commission in the implementation of the administration and the competence of official candidates. In filling the position of high leadership, a regulation of sanctions and rewards for position of pratama high leadership related to the performance is required.*

*Keywords: position of pratama high leadership, open system, good governance*

## Abstrak

Pada bidang pemerintahan terjadi perubahan yang mendasar yaitu dalam hal penataan aparatur pemerintah khususnya pengisian jabatan pimpinan tinggi pratama di instansi daerah secara terbuka yang bertujuan untuk mewujudkan tata kelola pemerintahan yang baik. Tulisan ini menelaah tentang penerapan sistem terbuka dalam pengisian jabatan pimpinan tinggi pratama sekretaris daerah kabupaten Cianjur dan kesiapan pemerintah daerah kabupaten Cianjur dalam pelaksanaan pengisian jabatan pimpinan tinggi pratama (sekretaris daerah). Penelitian ini menggunakan metode pendekatan yuridis normative, spesifikasi penelitian deskriptif analisis, dan analisis data menggunakan metode triangulasi. Hasil dari penelitian ini adalah pengisian jabatan pimpinan tinggi pratama (sekretaris daerah) di Kabupaten Cianjur sudah menerapkan sistem terbuka dan kompetitif dengan membentuk panitia seleksi serta berkoordinasi dengan Komisi Aparatur Sipil Negara dalam pelaksanaan seleksi administrasi dan kompetensi calon pejabat. Di dalam pengisian jabatan pimpinan tinggi perlu adanya pengaturan sanksi dan penghargaan bagi pejabat tinggi pratama terkait kinerja yang dilakukan.

kata kunci: *jabatan pimpinan tinggi pratama, sistem terbuka, good governance*

## Introduction

The Preamble of 1945 Constitution in Paragraph IV explains the national objectives of Indonesia, namely to establish an Indonesian state government that protects all the people of Indonesia and their entire motherland; promotes the general welfare; educates the nation

and participates in the implementation of world order based on freedom, peace and social justice.

In the reformation era, the efforts to realize a democratic, clear and authoritative government system have become the first priority for Indonesian government. In line with science and technology development, fundamental changes have occurred in government system. One of them is the realization of a democratic and

<sup>Ω</sup> The scientific article of the Dissertation entitled "Pengaturan Pengisian Jabatan Pimpinan Tinggi Secara Terbuka dan Kompetitif di Instansi Daerah dihubungkan Dengan Tata Kelola Pemerintahan Yang Baik (Good Governance)", UNISBA, Bandung, 2017.

good governance, particularly in terms of structuring of government apparatus.<sup>1</sup>

The old paradigm observes the appointment of structural positions which is privately conducted and causes the followings: *first*, Filling the leader position/structural positions have a tendency to be career-oriented guidance of civil servant in the agency instead of performance and competence. Consequently, it has negative implications such as weak competence, lack of motivation and inefficient bureaucracy; *second*, The assessment system in the filling of structural positions has not been entirely based on the merit system, the assessment process submitted to Advisory Agency on Officials' Rank and Position (Baperjakat) is mostly not based on the standardized measuring instrument so that its assessment becomes subjective and full of intervention; and *Third*, The authoritative official to establish structural functionary is political positions such as ministers, governors, regents or mayors as officers of employee affairs. The authority granted to the political positions raised the neutrality issues of the appointed structural functionary. Most structural functionaries are based on practical political interests rather than their performance.<sup>2</sup>

The government efforts in the law reformation of the State civil apparatus are realized by forming Law Number 5 Year 2014 regarding State Civil Apparatus (Aparatur Sipil Negara: ASN). One of the new paradigms of Law Number 5 Year 2014 regarding ASN (ASN Law) relates to the ASN Management under the Merit System which is based on qualification, competence, fair and proper performance regardless the political background, race, religion, origin, sex, marital status, general, or disability conditions. In substance of Article 108-118 ASN Law stipulates that the Position of High Leadership as the main core of the national bureaucracy

changes through open and competitive process. To achieve a good governance, a clear and authoritative government is needed. The existence of ASN Law helps the process of achieving a clean government.

It is undoubtedly that reformation era demands good governance implementation.<sup>3</sup> The provisions of Article 108 paragraph (3) and paragraph (4) of the ASN Law have not been fully implemented by all provinces/regencies/cities in Indonesia for several factors including socialization, provision of substantial budget, selection committee, Civil State Apparatus law, coordination with civil state apparatus commissions, and on-line media/internet. The terms open and competitive selection are newly understood and implemented only to the extent of being informed within the internal circles and it is truly not competitive yet.

Chairman of the State Civil Apparatus Commission (KASN) expressed the opinion that the filling position of high leadership potentially occurs buying and selling positions practice revealed by hundreds of complaints received by KASN. In addition, the number of this practice is also indicated by the number of regions that have not implemented an open selection. Currently out of 514 (five hundred fourteen) regencies, 116 (one hundred and sixteen) have not conducted open selection of high leadership positions (Jabatan Pimpinan Tinggi: JPT).<sup>4</sup>

The State Civil Apparatus Commission as the supervisor of the position filling of high leadership is authorized to supervise every step of filling the JPT. Supervision position filling of high leadership openly by the State Civil Service Commission up to December 2015 is as follows: Ministries as many as 32 (94%), Non-Ministerial Government Institutions of 30 (88.23%), Pro-

<sup>1</sup> Sri Hartini, Setiajeng Kadersih and Tedi Sudrajat, 2014, *Hukum Kepegawaian di Indonesia*, Jakarta: Sinar Grafika, page 3.

<sup>2</sup> Tedi Sudrajat, "Eksistensi Kebijakan Pengisian Jabatan Struktural Dalam Kerangka Pengembangan SDM Aparatur Berbasis Merit", *Jurnal Kebijakan dan manajemen PNS*, Vol. 8 No. 1, June 2014, Jakarta: Badan Kepegawaian Negara, page 62.

<sup>3</sup> Muhammad Fauzan, Bahtaruddin dan Hikmah Nuraini, "Implementasi Pemerintahan Yang Bersih Dalam Kerangka Rencana Aksi Daerah Pemberantasan Korupsi (RAD-PK) (studi Kasus di kabupaten Pematang)", *Jurnal Dinamika Hukum*, Vol. 12 No. 3, September 2012, Purwokerto: Faculty of Law Universitas Jenderal Soedirman, page 449.

<sup>4</sup> Burhanuddin, January 6<sup>th</sup> 2017, *KASN: Ratusan Kabupaten Berpotensi Jual Beli Jabatan*, available on: <http://www.harnas.co/2017/01/06/-kasn-ratusan-kabupaten-berpotensi-jual-beli-suara>, accessed on Saturday, January 7<sup>th</sup> 2017.

vinces of 17 (50%) and Regency/City as many as 191 (37%).

Based on the above description, a paper on the implementation position filling of pratama high leadership local agencies, especially in Cianjur Regency viewed from legal approach is necessary to do as an effort to realize a good governance.

### Problems

This paper discusses: *first*, The implementation of open system in position filling of pratama high leadership in the form of secretary position in Cianjur Regency; and *second*, the readiness of local government in Cianjur Regency to implement position filling of pratama high leadership, especially the position of regional secretary.

### Research Method

This research applied normative juridical approach by descriptive analysis. This study was conducted in Cianjur Regency. Types and sources of data used are primary data derived from interviews with related parties and secondary data as the main data source in the form of laws and legislation including The 1945 Constitution, ASN Law, Regulation of the Minister of Administrative and Bureaucratic Reform Number 13 Year 2014 on Procedures for Position Filling of High Leader Openly in Government Institution, Circular Letter of the Minister of Administrative and Bureaucratic Reform Number B/3116/M.PANRB/09/2016, High leader positions in the Provincial Government and Regency/City Government related to the implementation of Government Regulation Number 18 Year 2016 Regarding Regional Devices supported by relevant resource books and scientific journals.

The techniques of collecting and processing data were taken from library data and field data (Section of Legal and Regional Personnel Agency Cianjur). Then qualitative data analysis was completed by triangulation method. This triangulation is a circular checking model to reach an accountable and accurate validity.

### Discussion

#### Position Filling of Pratama High Leadership in terms of Regional Secretary in Cianjur Regency under Good Governance Concept

One of the main factors and actors who play a role in the realization of clean government and good governance is bureaucracy. Regarding its significant position and role in management of policies and public services, the bureaucracy determines the efficiency and quality of service to the society, as well as the efficiency and effectiveness of governance and development.

The term "governance" or in English governance is act, fact, manner of governing. According to Kooiman, cited by Sedarmayanti, the term governance is also a series of socio-political interaction process between government and society in various fields related to public interest and government intervention of those interests. The term governance does not only mean governance as an activity, but also arrangement, management, direction, coaching and government itself. It is not surprising then when there are terms such as public governance, private governance, corporate governance, and banking governance. Governance which comes from term government then develops and becomes popular with the term governance, while the best practice is called as a good governance.<sup>5</sup>

Local governments need to organize their governance not only based on the principles of effective, efficient, and economics bureaucracy (three E's) but also based on the principles of democratic ideology which is responsiveness, responsibility, and representativeness (three R's) to meet the society's demand.<sup>6</sup>

In the concept of good governance, Bapenas in Tedi Sudrajat describes the principles should be implemented in realizing good governance, including: visionary, transparent, re-

<sup>5</sup> Soedarmayanti, 2004, *Good Governance (Kepemerintahan yang Baik)*, Second Part, Bandung: Mandar Maju, pages 2-3.

<sup>6</sup> Yasril Yunus, "Desentralisasi dalam Kerangka Demokratisasi dan Good Governance", *Jurnal Demokrasi*, Vol. V No. 1, 2006, Padang: Faculty of Political and Social Science Universitas Negeri Padang, page 90.

sponsive, accountable, professional, efficient and effective, decentralized, democratic and consensus-oriented, partnerships, law supremacy, gap reduction, market commitment, environment commitment.<sup>7</sup> Based on these principles, the bureaucracy is an important part in the implementation of government functions to create good governance.

The general principles of good governance or also known as Good Governance are a long-standing ideology which considers as a principle that regulates the issue of authority implementation or authority of government officials in the fields of politics, economics, social, law, and also administration.<sup>8</sup>

The government functions to create a conducive political and legal environment; the Private creates jobs and incomes while society plays a positive role in social interaction, economic, and political including inviting groups in society to participate in economic, social and political activities.<sup>9</sup> One of the expectations of reformation is to guide the government function as a public servant.<sup>10</sup>

Governance reformation is an interesting discourse among academics, practitioners and social activists in Indonesia, especially after a prolonged, multidimensional crisis. Governance reform is in line with the democratization process which demands a wider public space for actors and stakeholders outside the government to engage in public decision-making processes.<sup>11</sup>

The ASN Law is a legal product of reformation era aimed to establish an ideal mechanism for creating professional government organizations. The position filling of high leadership is carried out openly and competitively among civil servants by taking account of the requirements of competence, qualifications, rank, education and training, position track record, and integrity as well as other job requirements in accordance with legislation provisions. In this regard, the position filling of high leadership openly and competitively is a reflection of the merit system i.e. another form of government effort to realize the condition of "the right man on the right place".

Merit system is a perspective that is contrary to the concept of spoil system. In merit system concept, it appears that the importance of the bureaucratic administration improvement becomes the most highlighted aspect while spoil system holds that political interest in bureaucratic governance actually is more dominant in the dichotomy of merit and spoil system; merit system is the concept that best suits the spirit of improvement for the bureaucracy performance.<sup>12</sup> Furthermore, there are 9 (nine) principles of merit system, namely: *first*, Conducting recruitment, selection and priority based on open and fair competition; *second*, Treating State Civil Service Officers fairly and equally; *third*, Providing equal remuneration for equal work and high performance appreciation; *fourth*, Maintaining high standards for integrity, attitude and concern for the benefit of the community; *fifth*, Managing State's Civil Servant Officers effectively and efficiently; *sixth*, Maintaining or separating Civil Service Officers based on their performance; *seventh*, Providing an opportunity to develop competence to the State Civil Servant Employees; *eighth*, Protecting the State Civil Servant Employee from inappropriate political influences; *ninth*, Providing protection to employees.

<sup>7</sup> Tedi Sudrajat, "Problematika Penegakan Hukuman Disiplin Kepegawaian", *Jurnal Dinamika Hukum*, Vol. 8 No. 3, September 2008, Purwokerto: Faculty of Law Universitas Jenderal Soedirman, Page 213.

<sup>8</sup> Henry Arianto, "Implementasi Konsep Good Governance di Indonesia", *Jurnal Forum Ilmiah 24 Indonusa*, Vol. 3 No. 2, May 2006, Jakarta: Universitas Esaunggul, page 24.

<sup>9</sup> Yunizir DJakfar, "Perwujudan Good Governance di Era Otonomi Daerah", Vol. 4 No. 8, December 2011, Ogan Komering Ulu: Faculty of Social and Governmental Sciences Universitas Baturaja, Page 26.

<sup>10</sup> Alwi Hasyim Batubara, "Konsep Good Governance dalam Konsep Otonomi daerah", *Jurnal analisis Administrasi dan Kebijakan*, Vol. 3 No. 1, January-April 2006, Medan: Universitas Sumatera Utara, Page 3.

<sup>11</sup> Sukarman Kamuli, "Evaluasi Kemajuan Penerapan Penyelenggaraan Good Governance Di Provinsi Gorontalo", *Jurnal Inovasi*, Vol. 5 No. 3, September 2008, Gorontalo: Faculty of Social and Political Sciences Universitas Negeri Gorontalo, Page 140.

<sup>12</sup> Bambang Sunaryo dan Celly Cicellia, *Nilai Penting Konsep Affirmative Action Policy Dalam Pengembangan Sumber Daya Manusia (SDM) Aparatur Berbasis Merit*, *Jurnal Kebijakan dan Manajemen PNS*, Vol. 8, No.1, June 2014, Jakarta: Badan Kepegawaian Negara, Page 3.

In order to fulfill the competence, qualifications, rank, education and training, track record, and integrity and other requirements to occupy high leadership position in accordance with the mandate of Law Number 5 Year 2014, the local government of Cianjur Regency promotes pratama high leadership position (regional secretary) openly announced at <http://www.cianjurkab.go.id>.

### **Readiness of Cianjur Regency Local Government in Regional Secretary Appointment.**

Personnel management policy changed as the enactment of the ASN Law revoking the Law Number 43 Year 1999 on the amendment to the Law Number 8 Year 1974 regarding the Principles of Personnel. The main objectives of Law Number 5 Year 2014 on civil state apparatus are independent and neutrality, competence, work performance/ productivity, integrity, welfare, quality of public services and monitoring and accountability.

Article 108 of the ASN Law explains that:

- 1) The filling of the top and middle leaderships positions in the ministries, secretariats of state institutions, non-structural institutions and local agencies is conducted openly and competitively among civil servants by considering the requirements of competence, qualifications, rank, education and training, track record of position and integrity and other requirements in accordance with the provisions of legislation.
- 2) The filling of positions of high and middle leaderships as referred to in paragraph (1) shall be conducted at the national level.
- 3) Filling the position of pratama high leadership was openly and competitively conducted in civil servants with respect to the requirements of competence, qualifications, rank, education and training track record and integrity and other requirements in accordance with the provisions of legislation.
- 4) Filling positions of pratama high leadership shall be conducted openly and competitively at the national or inter-regency/city level within 1 (one) province.

Apart from ASN Law, there is also a Regulation of the Minister of Administrative and Bureaucratic Reform Number 13 Year 2014 on Procedures for Filling Position of High Leadership in Government Institution Environments which stipulates that the filling stage of position of high leadership includes preparation, implementation, monitoring and evaluation, supervision and the recommendation of the results of the implementation of supervision.

Based on the above legislation, the filling position of pratama high leadership (Regional Secretary) of Cianjur Regency is done openly and competitively. It is initiated by forming a selection committee, selection planning, and selection method.

A Chairman of selection committee is selected from academics with Professor functional position namely Dwidja Priyatno. The selection stage consists of administrative selection to ensure conformity of administrative requirements and the selection of field and managerial competencies by Assessment methods conducted by professional assessment team, presentation of papers related to the proposed position, and in-depth interview/clarification of applicants. Schedule of registration and selection was held from 6 November to 6 December 2016. Open selection of Pratama High Leadership Position of the Regional Secretary of Cianjur Regency was publicly announced on page <http://cianjurkab.go.id> with the announcement Number 800/04-Pansel-JPTP/XI/2016.

Based on the final assessment result on the open selection of the pratama high leadership position of the regional secretary of Cianjur Regency, in accordance with the regulation of the Minister of Administrative and Bureaucratic Reform of the Republic of Indonesia number 13 year 2014, March 27, 2014 on Procedures for Filling Pratama High Leadership openly in Government Institutions, the stipulation of the result is publicly announced on the page <http://cianjurkab.go.id> with Announcement number: 800/07-pansel/2016 about the final result of open selection of the pratama high leadership position of the Cianjur Regency Regional Secretary as follows:

**Table 1.** Determination of open selection of pratama high leadership positions of regional secretary of Cianjur regency

NAME/ NIP	POSITION	VALUE	RANKING
H. Cecep S. Alamsyah NIP.19660503 198903 1 009	Head of Education Office Of Cianjur Regency	77,64	I (elected as Regional Secretary with the decision of Re-gent number: 820/ Kep.99/Bkp pd/2016
Yanto Hartono NIP.19641026 199203 1 007	Head of Regional Food Security Agency Of Cianjur Regency	74,65	II
H. Aban Su-bandi NIP.19600703 198311 1 001	Head of Culture Departmen t And Tourism of Cianjur Regency	70,50	III

Source: *Open Selection Committee of High Leadership Position/Cianjurkab.go.id*

Based on the above description, the preliminary filling of JPT in the regional secretary of Cianjur is quite effective because the implementation is based on Law Number 5 Year 2014 on ASN, the candidates fulfilled the requirements of competence and qualifications of position, education and training, track record and integrity, then given an assessment by the selection committee to produce the official of the required competency requirements and supporting the vision of the Cianjur Regency mission and performing the performance contract. Furthermore, from the stages of the selection process, candidate officials show the readiness of the local government of Cianjur Regency in terms of selection process, cost, socialization and coordination with KASN in conducting the filling positions of Pratama High Leadership of regional secretary openly and competitively.

The benefits of the process of filling the position of pratama high leadership openly is the election of structural officials who are professional, high competence, good performance, integrity, and according to organizational expectations. However, it needs to be followed up

by composing arrangements and implementation of sanctions and awards for elected officials regarding their performance. The implication of filling pattern of JPT filling in Cianjur to human resource development of apparatus in local government in Indonesia provides opportunity to ASN employees to develop their competence, perform their best.

### Conclusion

The implementation of open system in filling the position of pratama high leadership of the regional secretary in Cianjur regency is conducted by filling vacant positions competitively based on merit system and ASN policy/management performed in accordance with qualification, competence, and performance. It is initiated by forming a selection committee, vacant job announcements on the website, acceptance of registration and administrative selection process and competence performed openly.

The readiness of the local government of Cianjur Regency in the implementation of the filling position of pratama high leadership (regional secretary) can be seen from the prerequisites which are filled including vacant position, budget allocation, socialization, coordination with civil state apparatus commission, forming selection committee, and competence in an open, inaugurated and performance contracting arrangement with elected official.

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