

**THE FILLING OF PRATAMA HIGHER LEADERSHIP POSITIONS TO  
STRENGTHEN BUREAUCRACY REFORM IN THE PERSPECTIVE OF  
PERFORMANCE RESPONSIBILITY OF THE STATE CIVIL APPARATUS  
IN BATAM CITY GOVERNMENT**

**Fadlan**

Faculty of Law, Universitas Batam  
*fadhlan.amir56@gmail.com*

**Zudan Arif Fakrulloh**

Faculty of Law, Universitas Borobudur  
*cclsis@yahoo.com*

**Faisal Santiago**

Faculty of Law, Universitas Borobudur  
*faisal\_santiago@yahoo.co.id*

***Abstract***

*The purpose of this article is to analyze the position of the Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform (Menpan-RB) Number 13 of 2014 concerning Procedures for Filling High Leadership Positions in the Hierarchy of Legislation, and to criticize the mechanism and implementation of the fulfillment process of the Primary Leadership Position (JPT) and building a Bureaucratic Model used by the State Civil Apparatus (ASN) to promote the Performance Accountability Perspective to improve good governance and clean government. In order to answer the aim of the study, a combination of the normative “legal research” approach and the empirical “juridical sociological” approach was used using descriptive analysis, which aims to obtain a comprehensive description or general description and describe the facts related to general bureaucracy policies, especially the position. This study found that the Regulation of the Ministry of Empowerment of State Administrative Reform Bureaucratic Reform Number 13 of 2014 concerning Filling Certain Structural Positions in Government Agencies has not been binding from the perspective of legal system accountability; thus, it is feared that there may be lawsuits in State Administration against officials who have participated in the selection of Position Filling of the High Leadership Position (JPT) Pratama.*

**Keywords:** *higher leadership positions, bureaucracy reform, performance responsibility*

***Intisari***

Tujuan artikel ini adalah menganalisis kedudukan Peraturan Menteri Pendayagunaan Aparatur Negara dan Reformasi Birokrasi (Menpan-RB) Nomor

13 Tahun 2014 tentang Tata Cara Pengisian Jabatan Pimpinan Tinggi Dalam Hierarki Peraturan Perundang-undangan, dan mengkritisi mekanisme dan pelaksanaan proses pemenuhan Jabatan Pimpinan Utama (JPT) dan membangun Model Birokrasi yang digunakan Aparatur Sipil Negara (ASN) untuk mendorong Perspektif Akuntabilitas Kinerja guna meningkatkan Good Governance dan Clean Government. Untuk menjawab tujuan penelitian, kami menggunakan gabungan antara pendekatan “penelitian hukum” normatif dan pendekatan “yuridis sosiologis” empiris dengan menggunakan analisis deskriptif, yang bertujuan untuk memperoleh gambaran menyeluruh atau gambaran umum serta menguraikan fakta-fakta yang berkaitan dengan hal tersebut. kebijakan birokrasi secara umum, khususnya jabatan. Penelitian ini menemukan bahwa Peraturan Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi Nomor 13 Tahun 2014 tentang Pengisian Jabatan Struktural Tertentu pada Instansi Pemerintah belum mengikat dari sudut akuntabilitas sistem hukum; Sehingga dikhawatirkan akan terjadi gugatan di lingkungan Tata Usaha Negara terhadap pejabat yang mengikuti seleksi Pengisian Jabatan Pimpinan Tinggi (JPT) Pratama.

**Kata kunci:** *jabatan pimpinan tinggi, reformasi birokrasi, tanggung jawab kinerja*

#### A. Introduction

According to a normative approach mandated by Law No. 5 of 2014 concerning State Civil Apparatus, government administration is related to excellent service from the bureaucracy in public services for the community. This requires the bureaucracy to be accountable, which directly becomes the primary locomotive and is strategic in providing services. Hence, the concentration of political policy must be responsive to the process of becoming competent and professional leaders. By the enactment of Law No. 9 of 2015 concerning Regional Government regarding amendments to Law No. 23 of 2014, as amended by Law 12 of 2008 concerning the Second Amendment to Law No. 32 of 2004 concerning Regional Government, regional government must adhere to the principles of accountable, transparent, and law-based democracy. According to Franz Magnis Suseno, when a person or group of people makes laws and regulations for the community, the legitimacy of the subject of power in terms of authority must be based on the principle of sovereignty.<sup>1</sup> Bureaucracy can be defined as government or arrangements carried out from

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<sup>1</sup> Franz Magnis Suseno, *Etika Politik Prinsip-Prinsip Moral Dasar KeNegaraan Modern*, (Jakarta: PT Gramedia, 1987)

table to table separately. The purpose of carrying out regulations and making decisions separately is to avoid the subjectivity of decisions and supervision in one hand. Max Weber never clearly defined bureaucracy on its own, but only put forward the characteristics, symptoms, propositions, and experiences he saw daily. From all of this, readers can interpret the meaning of bureaucracy intended by Weber, including its special characteristics, as the most rational form of bureaucracy.<sup>2</sup>

In this case, the government's authority and bureaucracy, is simply carried out by bureaucratic officials; without this authority, bureaucratic officials cannot carry out government actions. According to Safari Nugraha, the essence of government authority includes three aspects: it is always confined to a specific period, it is always subject to restrictions, and the implementation of government authority is regulated by written and unwritten laws (general principles of good governance).<sup>3</sup> The bureaucracy's authority is so broad that it leads to the emergence of disgraceful acts within it. One of the efforts to suppress maladministration in the delivery of public services is bureaucratic reform to direct the implementation of this authority toward the welfare of the people. Firstly, in this paradigm, officials appointed by the State, which is the State Civil Apparatus (ASN), must have a strong commitment and integrity to strengthen people's sovereignty, as well as the ability to increase development for the overall interest of the government by involving all elements for the sake of the people. Second, as a public official, the bureaucracy at the forefront must also be accountable while prioritizing democratic state principles to develop effective public policies.

According to the Ministry of Administrative and Bureaucratic Reform of the Republic of Indonesia (Regulation No. PER/15/M.PAN/7/2009 Concerning General Guidelines for Bureaucratic Reform), the vision of bureaucratic reform is the creation of good governance in 2025, including: first, establishing and/or perfecting laws and regulations as the legal basis for good governance;

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2 Muhammad Reza Syariffudin Zaki, *Pengantar Ilmu Hukum dan Aspek Hukum dalam Ekonomi*, (Jakarta: Prenadamedia, Divisi Kencana, Jakarta, 2022), 15

3 Nugraha, Safri. "Hukum Administrasi Negara dan Good Governance." (Pidato Pengukuhan Guru Besar Tetap, Fakultas Hukum Universitas Indonesia, 2006)

second, modernizing the government bureaucracy by optimizing the use of information and communication technology; third, developing culture, work values, and positive behavior by conducting organizational (institutional) restructuring of the government; fourth, relocating and improving the quality of Human Resources (HR), in this case, the government's authority, bureaucracy, is simply carried out by bureaucratic officials, without this authority, bureaucratic officials cannot carry out government actions; and ; fifth, simplifying work systems, procedures, and work mechanisms; and developing effective control mechanisms. It should be understood that bureaucratic reform is a broad concept, including structural and cultural reforms. To strengthen the principles of government bureaucratic reform, from the concept and historical development of bureaucracy in Indonesia, it can also be noted that there is a changing process in carrying out state administration practices, especially bureaucratic management. Before the enactment of Law No. 5 of 2014 concerning ASN, especially when occupying certain positions within the scope of bureaucratic organizations, they still use a closed selection mechanism to fill government positions<sup>4</sup>.

With the enactment of Law Number 5 of 2014 concerning ASN, the system for filling certain positions in the government then changed through open selection, which is known as Open Bidding, The implementation of an open promotion system is intended to create transparency to the public in order to obtain competent leaders, who are credible and capable through the fit and proper test, which is a feasibility and compliance test. Therefore, they are eligible to occupy positions both in managerial ability and knowledge, the vision and mission of the organization, and in optimizing the implementation of duties as bureaucratic officials. According to Safari Nugraha, the essence of government authority includes three aspects: it is always confined to a specific period, it is always subject to restrictions, and the implementation of government authority is regulated by written and unwritten laws (which are the general principles of good governance).

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4 Dadang Mokodongan, Michael Mantiri, dan Neni Kumayas, "Promosi Jabatan dalam Meningkatkan kinerja Aparatur Sipil Negara (ASN) Di Pemerintah Kota Kotamobagu," *Jurnal Jurusan Ilmu Pemerintahan* 3, no. 3 (2019): 6

The legal basis of open bidding only refers to the Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform (Menpan-RB) Number 13 of 2014 concerning Procedures for Filling High Leadership Positions Openly in Government Agencies, and Law Number 8 of 1974 concerning the basics of employment. This led to new legal issues. In a formal juridical manner, the mandate contained in Article 125 of Law Number 5 of 2015 concerning ASN explains that all forms of provisions related to appointment, dismissal, reactivation, and employment rights are regulated in a Government Regulation. In this evaluation, the fulfillment of the High Leadership Position (JPT) Pratama by the ASN in the Republic of Indonesia refers to Government Regulation instead of referring to a Ministerial Circular only. This legal vacuum resulted in the central government not responding immediately to all forms of goals and desires expressly stated in Law Number 5 of 2004 Concerning ASN.

This problem arises because a strong guarantee to realize legal certainty has not been provided due to all of the products do not adhere to the principle of positive legal sources related to the hierarchy of legislation, while a new hope from the implementation of open bidding is to select a leader who has high competence, good performance, integrity, and meets expectations. Competition encourages enthusiasm for improving quality, performance, and discipline.

Only in the Batam City Government was an open selection conducted for candidates for the High Leadership Position (JPT) in 2016 to fulfill six positions for organizational structure and work procedures under the Batam City Government. Batam used an open system to fill positions, such as the Head of Revenue Service, Head of City Planning Service, Head of Marine Fisheries Service, Agriculture and Forestry Service, Head of Batam City's Women's Empowerment, Child Protection and Family Planning Agency, Head of City Civil Service Police Unit, and Mayor's Expert Staff for Economic Development and Investment. The open promotion system is an effort to abolish nepotism in recruiting strategic positions, as a closed mechanism allows for a more significant chance for abuse of power.

The existence of PERMEN RB No. 13/2014 concerning Procedures for Filling Vacant Structural Positions Openly in Government Agencies is only a legal product that regulates a policy issued by a ministry within a limited scope; however, in the practice of governance, policy regulations, laws, and regulations coexist. As a result, these policy regulations can be easily distinguished from statutory regulations with clear orders by the higher regulations, so that policy implementation (*beleidsvrijheid*) is not contained in policy regulations that lack statutory authority on those orders.

**B. Position of Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform (Menpan-RB) Number 13 of 2014 concerning Procedures for Filling High Leadership Positions in the Hierarchy of Legislation**

**1. Analysis of PERMEN PAN RB No. 13/2014 concerning procedures for filling high leadership positions from a legal perspective**

Based on several weaknesses in public bureaucracy, bureaucratic reform is required. In the context of bureaucracy and reform, there is a shift from the paradigm of personal management to strategic human resource management, which conceptually leads to human capital management and is expected to improve individual and organizational work performance. The staffing system is very important for achieving organizational goals; therefore, a reliable performance assessment system is needed that can be used as a basis for performance assessment and the development of employee achievement in accordance with organizational goals.

Furthermore, from a legal perspective, PERMEN RB No. 13/2014 concerning procedures for openly filling vacant structural positions in government agencies is not appropriate in the context of accountability in the legal system. However, the product of such regulations does not meet the criteria and parameters as a source of positive law in Indonesia. As mentioned in Article 7, paragraph (1) and Article 8, paragraph (1) of Law Number 12 of 2011, as amended to become Law Number 15 of 2019 concerning the Establishment of Legislation, there are several basic indicators and benchmarks, including

that legal order or legal regulation must be explicitly ordered by a higher statutory regulation or formed by authority. In the doctrine, there are only two types of statutory regulations based on the authority for the formation and statutory regulations formed based on attribution and delegation. A. Hamid S. Attamimmi emphasized that the attribution of statutory authority is defined as the creation of new authority by the constitution (*grondwet*) or by legislators (*wetgever*) given to a state organ.<sup>5</sup> The connection with the existence of PERMEN RB No 13/2014 concerning Procedures for Openly Filling Structural Positions in Government Agencies is only a legal product that regulates a policy issued by a ministry within a small scope; however, in governance practice, policy regulations and legislation do coexist.

Therefore, these policy regulations can be distinguished from legislation with clear orders by the higher rules above them, so that the implementation of these policies (*beleidsvrijheid*) is not included in policy regulations that do not have statutory authority on the orders.

According to the Bagir Manan, the authority to form policy regulations does not include legislative authority; it means that policy regulations are not born from legislative authority but from state administration officials.<sup>6</sup> Thus, generally, the Ministerial Regulation does not have to have legal force binding and can be used as an object of review at the Supreme Court if it is contrary to the law. Markus Lukman describes policy regulations being enforced and obeyed as legitimate legal regulations and the community barely sees the difference with ordinary legislation based on the constitution or the law.<sup>7</sup> Furthermore, Hamid S. Attamimi stated that there are legislation and policy regulations in the administration of the state government. This makes distinguishing between policy regulations and legislation even more difficult. People who have never studied law (law laity) will mostly feel that there are policy rules that differ formally from laws and regulations.

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5 Abdul Hamid S. Attamimi, "Keputusan Presiden Republik Indonesia dalam Penyelenggaraan Pemerintahan Negara", (Disertasi, Universitas Indonesia, Jakarta, 1990)

6 Bagir Manan dan Kuntana Magnar, *Beberapa Masalah Hukum Tata Negara*, (Bandung: Alumni, 1997)

7 Markus Lukman, *Freies Emersen dalam Proses Perencanaan dan Pelaksanaan Rencana Kota*, Bandung, 1989.

In other words, the product of the PERMEN RB No 13/2014 concerning Procedures for Filling Vacant Structural Positions Openly in Government Agencies is not yet appropriate in the context of the development of the national legal system in Indonesia, especially related to positive legal sources based on the Article 7 of Law No. 12 of 2012 concerning the Construction of the Legislation. Moreover, Law No. 5 of 2014 concerning the ASN explicitly and clearly states that they are implementing regulations mandated in the form of Government Regulations (PP). However, based on the analysis above, the Ministry of Empowerment of State Apparatus Bureaucratic Reform of the Republic of Indonesia should not take wrong steps or policies. We believe that the Ministry of Empowerment of State Apparatus Bureaucratic Reform of the Republic of Indonesia was in a hurry to enact basic legal products as legal arrangements in the form and status of ministerial regulations as stated in PERMEN PAN RB Number 13 of 2014, meaning that there is a legal product of laws and regulations formed based on authority.

We also believe that this situation occurs because it takes a long time to carry out the phasing process in the context of implementing the formation of government regulations regarding the substance under the orders of Law Number 5 of 2014 concerning the ASN, so that policy regulations are the results of the legal products born even if they are not in accordance with the positive law in Indonesia as a state of law. Government tasks can be carried out if the government is free to make policies according to the situation and factual conditions. In making a decision (*beschikking*), the government must pay attention to certain provisions or conditions. If certain conditions are not met, it will result in an invalid decision that then will result in illegitimate government action. The illegitimacy of the government's action will eventually lead to the decision being declared null and void or canceled.<sup>8</sup> Government activities are carried out in accordance with government authority norms, whether achieved through attribution, delegation, or mandate.

A government action that is not based on legislation that gives the

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<sup>8</sup> Oheo K. Haris, "Good Governance (Tata Kelola Pemerintahan yang Baik) Dalam Pemberian Izin Oleh Pemerintah Daerah di Bidang Pertambangan," *Jurnal Yuridika* 30, no. 1 (2015): 73



authority to act violates the law. Since authority norms are government norms, to measure the validity of government actions, 2 (two) instruments can be used: laws and regulations; and/or general principles of good governance (AAUPB). The fact shows that in order to form a previous government regulation, a technical coordination meeting involving relevant ministries and institutions must be held before the draft of government regulation is finalized for further processing.

Related to this situation, this article offers a form of constructive settlement according to the constellation of legal thought. This is also based on a strong and accurate justification according to law. After the issuance of Law No. 5 of 2014 concerning ASN, it is necessary to immediately take proactive steps and draw up and draft government regulations and personnel management considering that the implementation of this system is only based on the KEMENPAN-RB Circular Letter that when examined juridically, has no coherence with the regulations above or are not frontally in accordance with the laws and regulations.

## **2. Analysis of PERMEN PAN RB No. 13/2014 concerning Procedures for Filling High Leadership Positions in the Perspective of the Nature of Science**

In the perspective of science, accountability must meet at least 3 main parameters, including the aspects of ontology, epistemology, and axiology. Etymologically, ontology is asking about what exists, while epistemology in accountability for existing truth values is mainly related to the process, and axiology is accountability-related benefits.<sup>9</sup> When analyzed from the ontology aspect, which basically explains what it is about, in this context what is actually regulated in MENPAN RB related to filling in certain vacant structural positions in government agencies. Based on the empirical verification results of the Ministry of Empowerment of State Apparatus for Bureaucratic Reform of the Republic of Indonesia, a product of legal regulation, which specifically regulates the operational technical approach in order to fill certain vacant structural positions in the government agency must be made immediately.

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<sup>9</sup> Achmad Ali, *Menguak Tabir Hukum, Suatu Kajian Filosofis dan Sosiologis*, (Jakarta: Gunung Agung, 2002).

In other words, as launched by positive legal science, the law does not exist for itself, but for humans with such a perspective. It delivers a predisposition that the law is always in the status of “law in the making,” which is a law that is constantly in the process of construction. This is clearly different from the positive law school which uses analytical jurisprudence based on the premise of rules and logic. Progressive law criticizes positive law (dogmatics) because the law only in the form of articles cannot describe the truth of a very complex law.<sup>10</sup>

Furthermore, Kusnu Goesniadhie S believes that legal harmonization includes changes to laws and regulations, government decisions, judicial decisions, legal systems, and legal principles to increase legal unity, legal certainty, justice and comparability, legal usage, and clarity, while not obscuring or disregarding legal pluralism.

Empirically, public officials who control the government, especially in Indonesia at all levels and ranks of government must comprehend the principle. Furthermore, we believe that at that time, in all ministries, there had been a concrete event with the emergence of an increased workload and demands for improving the quality of public services to the community, especially after the enactment of Law No. 25 of 2009 concerning Public Servants. This condition led to the formation of a new structural position, adapted to the demands of the community, which urged the government to realize an increase in the quality of public services. In line with this, in fact, there was a long queue of state civil servants who met the criteria to fill structural positions in the new formation. This situation led the Ministry of PAN RB to make a quick breakthrough to produce legal regulations in the form of ministerial regulations based on the PERMEN RB number 13/2014. This is an effort to improve the quality of public services, assuming the Ministry of PAN RB form a legal product quickly with the status of a ministerial regulation because the issuance of the ministerial regulation has reflected a policy and also a breakthrough to get a leader who is highly competent, has good performance, has integrity and is

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10 Romli Atmasasmita, *Teori hukum Intergratif, Rekonstruksi Terhadap Teori Hukum Pembangunan dan Teori Hukum Progresif*, (Yogyakarta: Genta Publishing, 2012).

also in line with expectations. The existence of competition will encourage enthusiasm for quality improvement, performance and discipline.

In this case, we assume that the legal product of PERMEN RB 13/2014 is an act that is wrong, hasty, and contrary to the principles and characteristics of the state of law. Moreover, there were several stages that built by the government in a grand design of bureaucratic reform from 2010-2014, starting from the foundation, then continuing things that have not been carried out by evaluating and supervising the entire process of bureaucratic reform. This is a good step prepared by the government in the direction of a good public bureaucracy.

Osborne and Gaebler provided ten principles in adapting this concept: 1) local government that catalyzes and directs rather than implements; 2) the local government really belongs to the people where it gives authority rather than serving; 3) competitive local government by creating competition in the service delivery; 4) local government that implements the vision and mission; 5) results-oriented local government; 6) customer-driven local government; 7) entrepreneuring the local government; 8) anticipatory local government; 9) Centralized local government: From hierarchical to participatory and team work; and 10) Local government that is market oriented and drives change through markets.<sup>11</sup>



**Figure 1. Bureaucratic Change Management Flow**

<sup>11</sup> David Osborne dan Ted Gaebler, *Mewirusahaakan Birokrasi*, (Jakarta: Pustaka Binaman Pressindo, 1996).

However, we assume that the process of issuing PERMEN PAN RB 13/2014 was defective since the government did not carry out all stages for forming a legal product based on law (*feitelijke* handling). It includes the government action (*bestuurshandeling*) or actions carried out by the organs in running the governance (*bestuurs* organ) which in the formation process, it must be based on the provisions of Law Number 12 of 2011 concerning Guidelines for the Formation of Legislation.

It is necessary to analyze the commitment of the Indonesian people to uphold the principle that Indonesia is a rule-of-law state so that when carrying out the process of producing a legal product, its implementation does not contradict the due process set by law. In other words, when carrying out law enforcement, including when the executive and/or legislative parties authorized by the constitution are granted the authority to draft laws and regulations, their implementation must be based on applicable laws. From the axiological aspect, it is mainly related to theoretical benefits, that in our opinion, the status and existence of PERMENPAN RB 13/2014 has not met the standard. Its existence is a questionable deviation from principles and rules because the PERMEN PAN No. 13/2014 has not been validated and tested for its truth which is assumed that the formation process was not based on a comprehensive process; it was not supported by an Academic Manuscript (NA) document.

Based on the Law Number 12 of 2011 concerning the Establishment of Legislation, PERMEN PAN RB No. 13/2014 is not in accordance with the hierarchy and/or order of laws and regulations; so, *mutatis mutandis*, the product of PERMENPAN RB No. 13/2014 legal regulation is very prone to the occurrence of State Administrative disputes against officials appointed and appointed to occupy structural positions in order to fill specific vacant positions in government agencies. This indicates that there will be shocks in the perspective of implementing public services to realize good governance and clean government.

### 3. Analysis of Bureaucratic Development for Filling Certain Positions in Government

Promotion of positions has a positive value in the context of bureaucratic reform, as it allows for the recruitment or placement of echelon officials with adequate competence and professionalism. The criteria for participation in the promotion have been specified in the terms and conditions while participating in the selection, in addition to having academic support values, a good mental personality, and being physically healthy. Furthermore, the candidate of the state civil apparatus who wants to participate must be capable of communicating his program to the general public. The formulation of strategic efforts for bureaucratic reform as described above requires good organization in its operational implementation. Therefore, reform will run well if carried out by certain roles that are specifically appointed to carry out the process.

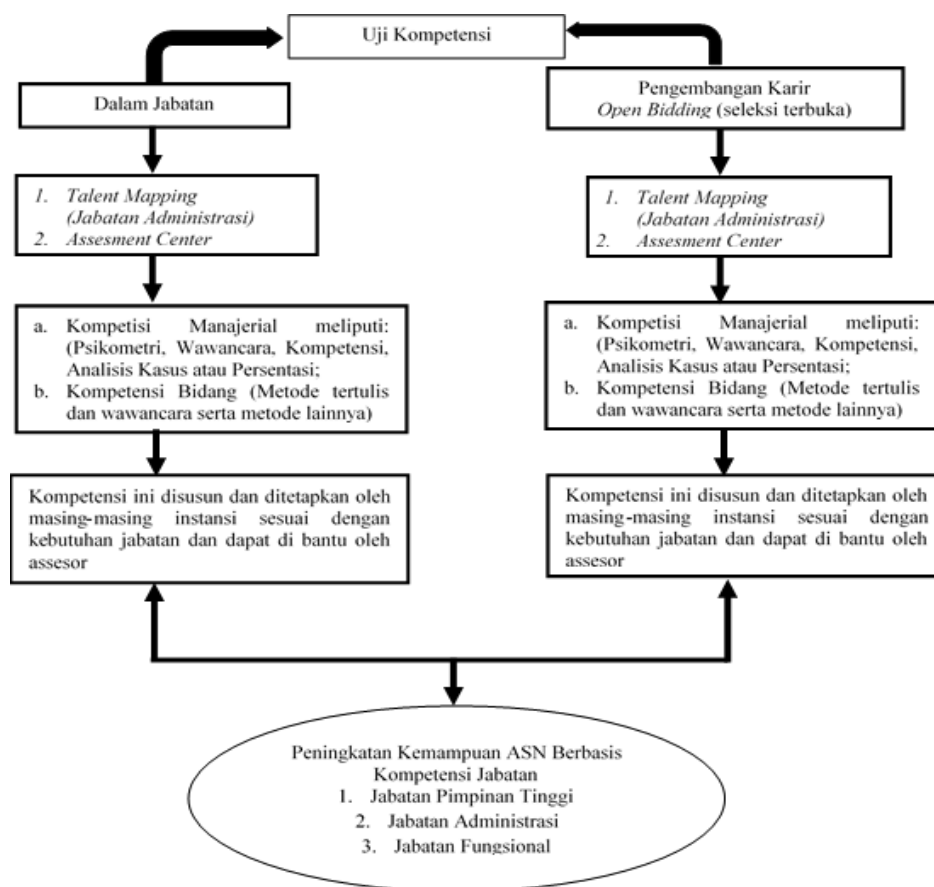


Figure 2. Competence of State Civil Apparatus

Related to Roscoe Pound's Sociological Jurisprudence, one of the basic principles for the implementation of progressive legal theory, is that essentially, all forms of human interest are prioritized, rather implementing it from a purely logical and regulatory point of view.<sup>12</sup> Based on the progressive legal theory, We assume that a focused awareness is needed from every ASN who carries out the duties and functions in public services. In line with the intention to implement reforms, a paradigm change in government management occurs rapidly, which implies that government institutions must be transparent in their management, not secretive and manipulative, and fulfill public aspirations.

**C. Implementation of the Process for Filling High Leadership Positions (JPT) for Primary and the Bureaucratic Model used by the ASN in promoting the Performance Accountability Perspective to improve Good Governance and Clean Government.**

**1. The Process of Filling the High Leadership Position (JPT) Pratama in the Batam City Government**

The Batam City Government conducted an open selection for primary high leadership candidates within the Batam City Government. In this provision, the filling of positions in 2016 is opened to fill 6 (six) positions to fulfill the Organization Structure Working Procedure (SOTK) under the Batam City Government. This includes 6 (six) positions: Head of Revenue Service, Head of City Planning Service, Head of Marine Fisheries Service, Agriculture and Forestry Service, Head of the Women's Empowerment for Child Protection and Family Planning Agency in Batam City, Head of the City Civil Service Police Unit and the Mayor's Expert Staff for Economic Development and Investment in Batam City. The registration process had opened on September 30<sup>th</sup>, 2016, and was closed on October 4<sup>th</sup>, 2016. The current head of the selection team was still the Regional Secretary of Batam City, Mr. Agussahiman. To register, the required documents could be sent by post no later than October 14<sup>th</sup>, 2016 or delivered directly to the Secretariat

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12 Munir Fuadi, *Teori-Teori Besar (Grand Theory) Dalam Hukum*, (Jakarta: Kencana Prennamdeia Group, 2013), 248.

of the committee in the BKD room, Batam City Government Building no later than 16.00 Western Indonesian Time. Based on the data obtained, the mechanism for implementing an open selection in filling government positions in the Batam City Government would be explained simply, as carried out by the Selection Committee formed in accordance with the Mayor of Batam's Decree Number: KPTS.27/BKD/HK/VI/2016 on 30 June 2016 Regarding the Establishment of an Open Selection Committee for Primary High Leadership Candidates within the Batam City Government.

The selection committee consists of various elements not only from government elements but also academies and community leaders, including Agussahiman S.H, Regional Secretary of Batam City who also serves as the committee chief, Drs H.M. Sahir Head of the Batam City Personnel and Training Agency as Secretary, Drs. Ir Chablullah Wibisono M.M who is a Batam University Lecturer as a member, Efendy Asmawi, MA who is a community leader as a member, Nur Elvi Husda S.Kom, M.Si who is the Chancellor of Batam Putra University as a member, Firmasyah, S.Sos, M.Si who is the Assistant for General Administration of the Regional Secretary of Batam City as a member, and Drs Heriman HK who is the Regional Inspector of Batam City as a member. The involvement of parties from outside the Batam City government in the job selection process is expected to result in a selection process that can genuinely produce appropriate decisions by prioritizing the competencies and talents of prospective officials. Following the formation of the selection committee, the selection committee coordinates with the State Civil Apparatus Commission (KASN) in terms of selection planning and selection committee member composition.

In this situation, the Mayor of Batam sent a letter to the State Civil Apparatus Commission (KASN) Number: 39/BKD-PK/IX/2016 on September 14, 2016 regarding the Application for Bidding for the Primary High Leadership within the Batam City Government. Furthermore, based on the letter referred to by the State Civil Apparatus Commission (KASN) through Letter Number B-1742/Kasn/9/2016 on 27 September 2016 concerning Recommendations for the Implementation of the Open Selection for the Filling of High Leadership

Positions (JPT) of the Batam City Government, where in the letter there are important points: first, the State Civil Apparatus Commission (KASN) Appreciates the plan to carry out an open and competitive selection in filling out 6 High Leadership Positions within the Batam City Government; second, the State Civil Apparatus Commission (KASN) approved the composition of the selection committee, the selection method and the proposed implementation schedule, not only for registration requirements so that it is not limited to only Batam City Government ASN, but is also to ASN in the provincial government and city government. In the Riau Archipelago Province, the State Civil Apparatus Commission (KASN) assigns the committee to start carrying out the selection; and fourth, after the selection process, the results of selection process should be reported to the State Civil Apparatus Commission (KASN) before the elected officials are appointed and inaugurated by the Civil Service Supervisory Officer. After receiving a recommendation from KASN, Numbered B-1742/Kasn/9/2016 on the September 27<sup>th</sup> 2016 Regarding the Recommendation for the Implementation of the Open Selection for the Filling of High Leadership Positions (JPT) of the Batam City Government, the selection process was immediately announced, especially about the implementation of the selection of positions with the Number: /PANSEL .BTM/IX/2016 Regarding the Open Selection of High Leadership Position (JPT) Pratama in the Batam City Government which was sent to all Regional Work Units (SKPD) within the Batam City government, level II districts, and the staffs within the Riau Islands Provincial Government as well as through the official website of the Agency Batam City Regional Employment.

In the circular letter, it contains General Provisions, Requirements, registration procedures, High Leadership Positions which were filled through an open selection at that time. Furthermore, the selection stages include 1) administrative selection, 2) assessment center and 3 selection of paper writing and interviews as well as registration deadline. Based on the administrative selection meeting on the open selection of high leadership position (JPT) Pratama in the Batam City Government in 2016 with Number: 07/PANSEL-BTM/X/2016, 29 applicants passed the administrative selection requirements.



The next stage of selection carried out by the committee was an assessment test which was held on Wednesday, September 26<sup>th</sup>, 2016 to Wednesday, November 2<sup>nd</sup>, 2016 at 09.00 AM at the Riau Islands Regional Police Office (POLDA KEPRI) Jalan Hang Jebat No 81 Big Stone Nongsa Batam. Before the assessment test is carried out, the Mayor of Batam, as a personnel guidance officer, sent a letter to the Head of the Riau Islands Regional Police for a cooperation in the implementation of an assessment center for high leadership officials in the Batam City Government with Number: 27/BKD-PK /X/2016 dated October 10<sup>th</sup>, 2016.

Furthermore, based on the letter, the Head of the Riau Archipelago Police through Karo HR Police Commissioner, Rakhmad Setyadi, issued a Warrant Number: Sprin/1567/X/2016 regarding the appointment of assessors to support the implementation of an assessment center for high-ranking officials within the Batam City Government, including: 1) AKBP Agus Fajaruddin SIK NRP 75040494 is KABAGBINKAR RO HR POLDA KEPRI, 2) KOMPOL Expert Rmekso M.Psi, Psi NRP 75111026 is PS KABAGPSI RO HR POLDA KEPRI, 3) AKP Dwi Nuryanto S.Psi NRP 78030159 is PAURGPSI SUBBAGPSIPOL HR POLDA KEPRI, and Penata Fransiska E.M. Pora S.Psi NIP 197605252005012006 PAUR SUBBAGPSIPERS BAGPSI RO HR POLDA KEPRI. Based on the order, an assessment center was formed through the Mayor's Decree Number: KPTS.50/BKD/HK/X/2016 concerning the Appointment of the Assessment Team for the Open Selection of High Leadership Positions of Primary Echelon II within the Batam City Government. The assessment center is a systematic process to assess the competencies required for success in work, using various evaluation methods and techniques, and carried out by several assessors who conducts a competency-based assessment of the assessee, and is applied to more than 1 assessee.

This is intended to determine the suitability between the employee's competencies and the competencies required in a position, which is one of the considerations in placing employees in a position, and to design capacity development programs so that employee competencies can be in accordance

with the required competencies. In the process of implementing the materials, the assessor team using 4 methods: a) problem analysis simulation; b) leaderless; c) presentation and d) interview. The implementation stages began on Thursday, October 13<sup>th</sup>, 2016 in the office of Head of the Psi RoHR Division of the Riau Islands Police, with the results of setting tools to explore the required competencies, then the results of the arrangement of assessment activities, discussion of tools and assessment systems with a predetermined schedule until the results were obtained that all candidates meet the criteria and standards regarding competencies, including: a) integrity, b) leadership, c) planning, d) cooperation, e) flexibility of thinking, f) conceptual thinking, g) analytical thinking, h) decision making, i) guiding, j) working relationship development, k) oral communication, l) written communication, m) service oriented, and n) organizing. Only 1 of the 29 people who took part in the assessment center for the position of the Batam City Revenue Service who was unable to take part in the assessment process due to health problem, thus only 28 people took part in the next selection process. For the next selection is paper writing themed “Realizing Clean Government Through Professional and Religious State Civil Apparatus in Achieving Batam’s Vision” which was held on the IV Floor of the Batam Mayor’s Office on Friday, November 4<sup>th</sup>, 2016 at 09.00 AM to finish.

After finishing the paper, 28 candidates who passed the assessment center stage presented and were interviewed. This stage is the selection of each candidate’s competencies, which includes managerial competence for the role and interviews to determine each candidate’s capacity as a candidate for Echelon II B officials.

After scoring the writing of papers, presentations and interviews based on the meeting minutes Number: 09/Pansel.BTM/XI/2016, the selection committee announced 2 participants disqualified because they did not participate in the selection completely. Then, the meeting minutes Number: 10/Pansel.BTM/XI/2016 were made and the 3 best candidates for each position were selected to be proposed to the Mayor of Batam as Supervisor of ASN within the Batam City Government. After obtaining 3 candidates for each

vacant position, then the selection committee reports the results to the Mayor of Batam as the staffing officer in the Batam City government to determine 1 candidate name to occupy the vacant position. According to Husnaini who has been elected and occupies the position of Head of the Batam City Fisheries Service, it is one of the efforts of bureaucratic reform to achieve a government system that is in line with the principles of good governance. Likewise, the same thing was conveyed by Raja Azmansyah who held the position of Head of the Batam City Regional Tax and Retribution Management Agency that the selection process was also carried out with a good mechanism by attaching a complete implementation schedule supported by requirements that indicate only candidates who meet the requirements so that the candidates are professional and have expertise and abilities in their respective fields.

Furthermore, Abidun Pasaribu who was elected as Expert Staff of Batam City Development and Investment Economics explained that the principle of integration used in the open bidding process is a form of managing ASN employees based on a nationally integrated management system and the principle of accountability. Mardanis, who previously served as head of the agency Batam City Population and Civil Registry and passed the selection and held the position of Head of the Food and Agriculture Security Service explained that the filling of certain positions in a government organization through a merit system or open bidding strongly supports the principle of accountability which is currently a demand in the public sector. In addition, to provide an open space in the career an employee, in addition to being based on intellectual capacity, capability and experience, considering academic achievement and job analysis skills are part of the process of collecting and compiling information related to tasks, types of work, and responsibilities of each position to realize the goals of the organization. Job analysis should also be made in detail starting from the duties and responsibilities of someone who occupies the top position to someone who occupies the lowest position so that there is no overlapping of jobs, and the ASN can adapt to dynamic changes and developments in technology.

## **2. Assessing an Agile and Responsive Bureaucratic Model to Improve Good Governance and Clean Government**

A bureaucratic system is only understood as rigid rules and places too much emphasis on aspects of the legal system without looking at the development of the issues that must be addressed.<sup>13</sup> For this reason, responsive law strengthens the ways in which transparency and integrity can support each other even though there is conflict in recognizing and seeing public needs because the bureaucratic reform that has been launched begins with a comprehensive, basic, rapid, and drastic deconstruction of the law. Responsiveness can be interpreted as serving social needs and interests that are experienced and found. Regarding the theory above, it is clear that there is a significant relationship between the government system of a country and the laws it adheres to, meaning that a bureaucratic system must have the ability to recognize community needs, formulate service agendas, priorities, and develop service programs in accordance with community aspirations. This measures the responsiveness of the bureaucracy to the hopes, desires, agenda arrangement, and priorities of bureaucratic services in accordance with the needs and aspirations of the community. In other words, responsiveness refers to the alignment between programs and service activities with the needs and aspirations of the community. On the other hand, the bureaucratic organizational culture formed today is the result of the influence of power.

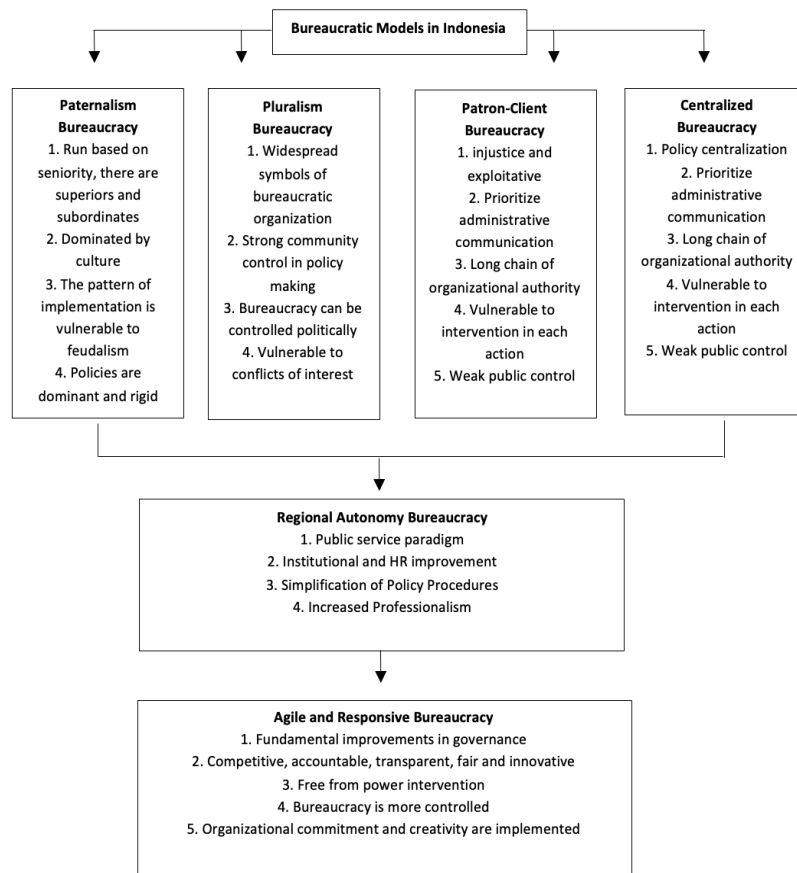
The ruler has shaped it like this so that the government organization with a rigid hierarchical structure is an extension of the power itself. The State Civil Apparatus organization must be tough, innovative, agile, and sensitive when facing various challenges, both internal and external. Bureaucratic management, of course, requires a strong, innovative, agile State Civil Apparatus so that changes in bureaucratic organization are a necessity.

Besides, various steps in the road map which were compiled by each agency according to their respective characteristics, this refers to Presidential Regulation Number 80 of 2011 concerning the Grand Design of Indonesian Bureaucratic Reform 2010-2025. In the context of the Implementation of the

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13 Ali Abdul Wakhid, "Eksistensi Konsep Birokrasi Max Weber Dalam Reformasi Birokrasi di Indonesia," *Jurnal TAPIS* 7, no.13 (2011): 129-130

Filling of High Leadership Position (JPT) Pratama (JPT) in the perspective of performance accountability to improve good governance and clean government, which are then adjusted to the current conditions. The increasingly complex needs of today's society also encourage the development of government actions to accommodate these complexities, so changes are made in aspects of government. Previously, the bureaucratic apparatus demanded to be served; now, following reform and democratization, the apparatus must make urgent changes. In the era of technology, the public expects everything to be fast, precise, and cost-effective. However, if the bureaucracy, as the main element in implementing service policies, does not change its paradigm from asking served to serving responsively, it will deal with the wishes of the community. We believe that the recommendations in the figure below can show that an agile and responsive bureaucracy is needed when running a bureaucratic management organization.



**Figure 3. Agile and Responsive Bureaucratic Model**

#### **D. Conclusion**

The Regulation of the Ministry of Empowerment of State Administrative Reform Bureaucratic Reform Number 13 of 2014 concerning Filling Certain Structural Positions in Government Agencies has not been binding in the perspective of legal system accountability; so, it is feared that there may be a lawsuit dispute in State Administration against officials who have participated in the selection of Position Filling of the High Leadership Position (JPT) Pratama;

The mechanism and procedure for filling out the 6 positions in the Organization Structure Working Procedure (SOTK) under the Batam City Government for the High Leadership Position (JPT) Pratama were good but there are still flaws, including the final selection of who would fill the role. If the empty position remains in the civil service supervisory office, the agile and responsive bureaucratic model proposed is expected to emphasize the positions that will be given to the ASN.

Within this analysis, this Article provides several suggestions, as follows:

1. It is expected that when issuing and/or forming a policy regulation, state administration officials, in this case, the Ministry of Empowerment of State Bureaucratic Reform, are not only sourced from the attribution or delegation authority but are based on concrete and principled legislation, so that a legal product that prioritizes a strict separation of power and law is born.
2. It is expected that the quality of public services, in order to ensure accountability for the performance of the ASN as a professional task that is permanently attached, can realize national ideals and implement a bureaucratic model that adheres to relevant values according to bureaucratic reform ideals in order to create a professional State Civil Apparatus at every level of the bureaucratic organization.

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