

Transactional Politics in Filling High Leadership Positions in Indonesian Bureaucratic Organizations

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ABSTRACT

Filling in high leadership positions (JPT) through open and competitive selection is one form of merit system implementation in State Apparatus abbreviated as ASN management. However, the ideals of the big idea of the merit system in ASN management in Indonesia seem to meet various obstacles and constraints. Research with this qualitative approach seeks to explore the gap of the mechanism of JPT filling based on Law 5 of 2014, especially the relation between transactional political factors and the neutrality of the ASN. The results of the study show that the implementation of the merit system in filling out JPT in various ministries / institutions was marked by the practice of buying and selling positions, even the more massive the intensity. In terms of neutrality, researchers found that ASN employees are in a dilemmatic position and swayed by political interests. On the one hand, they are employees who appointed, placed, transferred and dismissed by PPK who are political officials. Such conditions make their careers often associated with the political interests of KDP. On the other hand, ASN must also remain neutral to maintain its professionalism in carrying out its governance and public services. The neutrality of ASN seems to be something utopian to be able to fully realized, and during that time, transitional politics will continue to grow in the process of filling high leadership positions in Indonesia.

Keywords: Transactional Politics, High Leadership Position, Neutrality, State Apparatus and Implementation System

INTRODUCTION

The Government of the Republic of Indonesia in this case the Ministry of PAN and RB has issued Minister of PAN and RB Regulation Number 38 of 2017 concerning ASN Position Competency Standards in order to minimize the problems that arise during the implementation of JPT filling so far. However, because this regulation is still relatively new, many positions in both central and regional agencies have not based on competency standards based on this regulation. Therefore, there are still many agencies, both of central and regional, that have employees who are not in accordance with their competencies, because they do not yet have competency standards.

Even though the ASN Law mandates competency are standards. Indeed, in several agencies, especially the center, there have been those who have compiled and implemented competency standards. But unfortunately, the

application of Competency-based HR Management is only used in the area of recruitment, selection, training, and development policies. Although in fact, the use of competency standards in principle is comprehensive, ranging from recruitment, selection, appointment to positions, training, career development, performance appraisal, to the stipulation of salary standards that are integrated with the point system method.

The Ministry of PAN and the RB in 2018 released data, out of a total of 70 central agencies and 34 provinces, there were still few agencies that processed position competency standards. Whereas from a total of 415 districts and 93 cities, it is clear that, the agencies that process office competency standards are far from the total. Whereas when viewed between validation and preparation, the ratio is still quite small, namely 3/13 for Central SKM, 3/18 for Central SKT, 3/17 for Regional SKM, and 1/12 for Regional SKT. While when compared

between the preparation and stipulation, the results are even smaller, namely 1/13 for the Central SKM, 3/18 for the Central SKT, 0/17 for the Regional SKM, and 0/12 for the Regional SKT. Even though the Government has issued at least two related regulations namely Government Regulation Number 18 of 2016 concerning Regional Devices. Which emphasizes the approach of functional and professional organizations that desperately need competency standards for its implementation, and Minister of PAN and RB Regulation Number 13 of 2014 concerning Procedures for Filling in JPT Openly in the Environment of Government Agencies, which certainly requires the existence of, job competency standards.

At present Indonesia faced with the main challenge that characterizes the dynamics of personnel policy reform in Indonesia, namely transactional politics. ASN as a servant of the State expected to be able to be neutral when faced with political interests. However, what happens is that there is a "dark relationship" between bureaucracy and political organizations; therefore, the process of filling the JPT is very vulnerable to the practice of buying and selling positions, because this position is very strategic towards budget access.

METHOD

This research describes in detail the problems and challenges as contextual factors that can determine the reform of state employment policies. Findings about contextual factors analyzed with reference to the administrative reform strategy framework. The analysis implemented by placing these contextual factors as empirical "models" and the administrative reform strategy framework as a conceptual model. This study also uses the Regulatory Impact Analysis (RIA) approach designed by the OECD.

LITERATURE REVIEW

Open selection for high-ranking positions also found in one of the provinces in China precisely in Henan Province. Referring to the Chinese Law and Government journals published by Taylor and Francis Group (2016), the practice of open selection of high-ranking positions has carried out since 1995 in the province. One of the reports in the journal was an open selection process for filling in the positions of deputies in the Department of Creation of Henan Province. This has become interesting because of the background of the Chinese state that has

experienced a long history since becoming a country with dynastic leadership to cover itself up due to communist ideology and is now developing into one of the largest incomes in the world.

The journal contains several aspects that were used as learning for the Government of Henan Province after running an open selection. First, the implementation of open selection and promotion has opened a new perspective for the identification and selection of personnel and creating an environment and conditions that support the emergence of talent needed by the organization. The main purpose of open elections and the promotion of leading cadres is to enable extensive discovery and use of rational talent. This approach to selection and promotion has undermined territorial and vocational boundaries, broadened the prospects for selection and promotion, opened broad channels to bring qualified people, and provided fair and competitive opportunities for the emergence of good talents (Chinese Law & Government, 2016).

Second, the open selection and promotion process is felt to have an impact on outdated concepts in personnel management and raising cadre awareness (in the Indonesian context is ASN) about public sector resource management reform and ASN competitiveness. It is interesting that the implementers of this policy consider the concept of promotion according to status and seniority considered an old-fashioned way of trying to find the best people to fill certain positions and tries to start leaving that view.

Starting from the case in China, the theoretical basis of open selection is ideal public policy. Anderson (1979: 4) in Agustino (2006: 7) suggests public policy as a series of activities that have certain intentions or goals that are followed and implemented by an actor or group of people who are related to a problem or something that is considered. Based on the description, the policy concept focuses on what actually done rather than what is proposed or intended and this distinguishes the policy from a decision, which is a choice among several alternatives. Frederick (1963) in Agustino (2006: 7) argues that policy is a series of actions proposed by a person, group or government in a particular environment by showing constraints and opportunities for implementing the proposed policy in order to achieve certain goals.

In his research, Gustafsson, Li Shi, and Sicular (2008), found that decentralization or regional autonomy played an important role in bringing the interest of many stakeholders to be involved, which then triggered the occurrence of transactional politics, especially in economic sectors.

RESULT AND DISCUSSION

Procedure (Ideal) Filling in High Leadership Position

Law No. 5 of 2014 concerning the State Civil Apparatus (ASN) has ratified for almost five years. However it still many agencies that violated. One form of violation is in filling in the high leadership position (JPT). Violations not only occur in the regional government but also at the ministry / central agency level. They do not comply with the procedures for appointment of JPT.

One of the most frequent violations is the appointment of the JPT without selection. Even though based on the ASN Law, the appointment of JPT must be through open selection. The occurrence of rule violations indicated because of the practice due to buying and selling positions. The case that occurred in Klaten Regency in early 2017 was an iceberg phenomenon in terms of filling out the JPT. It is easy for us to guess, if a local official replaces the ranks, there must be buying and selling. It is not wrong then if analysts, academics and public policy experts conclude, that the practice of buying and selling this position is an activity to return the capital issued when the regional leaders compete in the election of Regents / Mayors / Governors.

The State Apparatus Commission (KASN) as one of the supervisory agencies has actually given warnings and recommendations if there is a violation of the appointment of the JPT. However, KASN does not have execution authority so often-regional leaders do not implement their recommendations. The rise of this condition occurs because of political interests that are included in the bureaucracy. Because, it many agency leaders are from political parties. It is starting from ministers to regional heads as staffing officials (PPK). The people selected can be well, and then conical three selected by the PPK and it can be ascertained that the chosen ones must be close to the officials.

The initial philosophy of establishing a high-ranking position was a form of adaptation to the

senior executive services (SES) that applied by developed countries especially since the development of the New Public Management (NPM) paradigm. In the United States, the establishment of the SES system was to bridge the pattern of dualism in career positions and political positions that they had adopted since the end of the 19th century. In Australia, the establishment of the SES system carried out as part of the public sector reform package carried out by Prime Minister Bob Hawke in 1984. This pattern also followed by many other countries including South Korea because it considered a catalyst for bureaucratic performance. The similarity of SES practices in both countries is that each SES stakeholder acts as a senior advisor to political officials (ministers and heads of government), a liaison between a pure political system and a pure bureaucratic system, unifying (main actor) in coordination between agencies, and role models (role model) for bureaucrats in terms of bureaucrat codes of ethics. Another similarity is the need for certain skills for and as long as they are SES (through education and training), the provision of special SES allowances, and the application of more severe sanctions for SES who commit violations and / or perform poorly. In the ASN Law, most of these characteristics do not appear explicitly, in this study I emphasize that the JPT is actually just a change of name from echelon I and II that is currently in force.

Therefore, to make JPT a catalyst for bureaucratic performance, it is necessary to regulate not only the requirements for occupying JPT, but also the conditions for occupying the JPT. Current regulations still do not fully describe a complete SES system. The existence of education and training (training) that must follow by each JPT stakeholder (can be made take turns according to performance achievements). This certainly can be integrated with training in the form of internship opportunities in other agencies or in private companies for a maximum of 1 (one) year. Other education and training programs can make with innovative patterns (for example the 70/20/10 approach used by SES Australia) and bases on the performance targets of each JPT stakeholder.

Every JPT also needs given special responsibilities in the form of building knowledge management across organizational units. For example, each for JPT at the X Ministry is required to explain the progress of its work to other work units in the ministry

through a periodic semi-formal forum. Meanwhile, every middle JPT is required to do the same thing in the intermediate JPT forum at any time, which is also periodic in turn. Thus, the function of the JPT as the main actor in coordination between agencies can run systemically. This will also encourage government organizations to become learning organizations.

On various occasions of discussion, researchers found an astonishing reality, most JPTs (or echelon I and II) at this time, participating in training or conducting such, discussions were considered as futile activities. This mindset needs changed by designing training and knowledge management development as part of the assessment of the feasibility of each JPT.

Sale and Purchase Position in Indonesia

Beginning in mid-April 2019 the chairman of KASN, Prof. Sofian Effendi made a surprising statement. That currently KASN suspects more than 90% of ministries and agencies are involved in the practice of buying and selling (JPT). Indeed, KASN itself does not have the instrument to take action when finding evidence of the practice. Although only a temporary guess, but more than 90 percent of the ministries / institutions that practice it have very strong indications, the levels vary.

KASN has suspected that many ministries and agencies have practiced position buying and selling since 2017. Specifically, KASN revealed clearly mentioning three ministries involved, namely, the Ministry of Health, Ministry of Religion, and the Ministry of Education. Chairperson of the State Civil Apparatus Commission (KASN). This is in line with the results of a study by Widoyoko, 2011 (in Aspin all, 2011) which systematically explained the fragmentation and adaptation of the corruption process in the education sector. The practice of buying and selling of JPT has actually been going on for a long time, but now in the midst of the incessant bureaucratic reform, the practice of buying and selling JPTs has found new patterns. The practice of buying and selling JPT just before the open selection begins. The high practice of buying and selling of JPT is widespread, especially for ministries or institutions led by political parties. Despite the high rate of JPT buying and selling in the ministries and institutions it has begun to decline since the implementation of a high-ranking position information system or SIJAPTI. However, the implementation of this

system has only implemented in 30% of ministries and institutions (cf. KASN Performance Report, 2018), enforced 100%, corruption practices in the Ministry / Institution, especially the practice of buying and selling JPT minimized.

Institutions / ministries led by ministers from cadres of political parties are indeed difficult to be free from the practice of buying and selling positions (JPT), although there is an open selection system for filling (JPT). Initially, expectations with JPT open selection will be free from transactional practices. However, the phenomenon is precisely the transactional practice of finding adaptations to new models. Although statistically it has been greatly reduced, but in ministries led by ministers from political parties it turns out that it is not free from the practice of buying and selling positions (JPT).

The practice of buying and selling positions in the ministry began to decrease when led by professionals such as the Ministry of Finance, Bappenas and the Ministry of Health (cf. 2017 KASN Performance Report). However, for Ministries / Institutions led by political party people, there is still a strong indication of the sale and purchase of their positions.

Various innovations have also carried out by the Ministry of PAN-RB to eliminate the practice of buying and selling positions (JPT) such as the implementation of E-Government, SAKIP, Integration Zone, WBK (Corruption-Free Area), WBBM (Clean Bureaucracy Region) and Public Service Malls. BKN with the position of active Staff Auditor carrying out the EIA related to the appointment and termination of employment (JPT). Various devices and systems have built so that the public service apparatus does not come into direct contact with the community, in order to minimize the practice of buying and selling positions. But once again, the figure of 90% delivered by the KASN chairman is not a figment, Researchers in various discussion forums / seminars received reports that the pattern was almost the same as that of filling out the JPT, all of which were transaction!

The existence of KASN, which is still far from this expectation, in turn will have implications for various forms of policy inconsistencies carried out by the bureaucratic apartment. The inconsistency of this policy on the one hand can be seen as a result of the weak role of KASN, but on the other hand it can also be seen as a form of resistance (bureaucrats) to the policies

of the central government. Therefore, other supervisory institutions (BKN, LAN, Kemenpan-RB) should always improve their best performance for the implementation of a reliable merit system for bureaucratic organizations

(Buy) Position in the Region

Before Act 5 of 2014 concerning ASN was implemented, we often heard that it might even be experienced if civil servants who want to get Echelon IV, III, II and I positions in their work units are determined by the "queue" system. However, with the implementation of the merit system, it is not without obstacles, the phenomenon of local elections immediately raises reciprocity and revenge, which has implications for the career of civil servants. Politics of reciprocation will make civil servants who support the Regional Head be given a promotion, on the contrary that does not support the "completion" of his career. With Government Regulation no. 18 of 2016 concerning regional apparatuses, Regent / Mayor or Governor must auction office. Everyone can participate in the selection, and the Regent / Mayor or Governor is only a User, they may not intervene or intervene in the JPT recruitment process.

This politics of reciprocation occurs because the Regent / Mayor or Governor is a PPK that has discretionary rights that can determine who can occupy the position of JPT, a condition that is used by local officials to perpetuate the practice of buying and selling JPT. In the past, the practice of buying and selling this position was widespread outside Java, but it turned out that the thesis was not true; the case of buying and selling positions in Klaten and Blitar opened our eyes that these gross practices occurred throughout the NKRI. If this condition is allowed to continue, it will damage the merit of the system in the ASN and will further damage the Bureaucracy.

The researcher received many reports regarding violations in filling out JPT in the local government environment after the enactment of Government Regulation No. 18 of 2016 concerning Regional Devices. Together with the Ministry of Home Affairs, BKN and the State Civil Apparatus Commission (KASN), the Ministry of PAN-RB periodically coordinates to monitor and evaluate areas that violate in the hope of encouraging the creation of a merit system within the Regional Government. A letter to the local government who committed

the violation also sent to immediately report to KASN. The cross-agency team also requested clarification from the local government indicated that they violated the provisions, and proceeded with an investigation if there were indications of massive violations.

The establishment of a cross-agency team was very reasonable, considering that most regional governments, both provincial and district / city, never reported the status of JPT filling to the State Civil Apparatus Commission (KASN), after the enactment of Government Regulation (PP) No. 18/2016 concerning Regional Devices.

Based on KASN data, in 2018 there were 22 out of 34 provinces and 314 districts / cities not reporting the status of JPT filling to KASN. In fact, as stipulated in Minister of PANRB Circular No. B / 3116 / M.PANRB / 09/2016 Completion of JPT in the Provincial Government and Regency / City Government must be reported to KASN.

The Circular is a follow-up of Government Regulation Number 18 of 2016 concerning Regional Offices, to implement the provisions of Article 232 paragraph (1) of Law Number 23 Year 2014 concerning Regional Government. Article 124 paragraph (4) PP 18/2016 states that the filling in of heads of regional apparatus and heads of work units in regional apparatus for the first time is carried out by affirming officials who have held the same level as positions to fulfill the qualification and job competency requirements.

While the arrangement of JPT filling in the new OPD (regional device organization) that published in PANRB Minister Circular No. B / 3116 / M.PANRB / 09/2016 Filling in High Leadership in the Environment of the Provincial Government and Regency / City Government Related to the Implementation of Government Regulation Number 18 of 2016 concerning Regional Devices. For filling in the administrator position and supervisor position, it regulated by a letter from the Head of BKN Number: K.26-30 / V.108-6 / 99 dated November 4, 2016. In the SE Minister PAN-RB explained, filling in the JPT on the New OPD with inauguration must meet three criteria. First, the tasks and functions are the same or do not change significantly. Second, change because it is broken down, which meets the qualifications and competencies, and third, changes due to merger, which meet the qualifications and competencies. To fill in through a fit test (Job Fit), it intended for JPT who do not get a

position because of merging; decreasing the status of the institution (work unit) or whose affairs and authority turn to higher government. Whereas open and competitive selection can be carried out if after the process of filling in high leadership positions through the inaugural process and job fit there are still vacant high leadership positions. For high-ranking officials who do not get equal positions, they appointed to administrator positions or functional positions according to the laws and regulations.

The implementation of PP 18 in 2016 indicated many violations. Many local governments do not make inaugurations, but dismiss officials from their positions, make transfers, promotions to demotion that are not in accordance with the rules. Many local governments conduct makeshift assessments used as an excuse to dismiss officials. There are also local governments that carry out transfers, promotions and demotion of officials a few days before inauguration without going through a process that complies with the provisions. In addition, there are also those who move officials who want dismissed to positions that deleted a few days before the enactment of a new OPD.

Many local governments have also confirmed that they have not yet reported to KASN. There were also those who made inaugurations first, then reported to KASN, but the confirmation was not referring to SE Minister PAN-RB. In another case, a local government that had received a KASN recommendation before the inauguration, but its implementation deviated from the SE. However, all of them culminate in one starting point, namely Sale and Purchase Position. End of 2016, the tip of the iceberg selling position erupted with the OTT Regent Klaten event. In the KPK News Release (31/12/2016), investigators managed to secure around Rp2 billion in rupiah and foreign exchange amounts of 5,700 dollars and 2,035 Singapore dollars in the official residence of the Klaten Regent. In the same place, the investigator also secured a receipt book of money and in the search obtained the term "money code" was related to indications of granting bribes to obtain certain positions (including JPT) in Klaten Regency. The money is related to promotion and transfer of positions related to the organization filling and work procedures of the organization of blood devices mandated by PP 18 of 2016 concerning Regional Devices. The case was even more interesting because it involved Andy Purnomo who was none other than the son of Sri Hartini

(Regent) who was also a member of the Klaten DPRD. In several interview sessions with ASN in Klaten Regency, the researcher obtained information that the practice of buying and selling this position had occurred since a long time ago.

Of these findings, of course if there is a case of bribery, it means that there is involvement of the head or officials on it. The Klaten case is interesting, in some cases the issue of bribery and extortion only involves structural officials. This is what the regent arrested immediately; of course, this is a severe blow to the bureaucracy. The leadership of the Bupati in Klaten was in the spotlight because it was full of dynastic politics. Sri Hartini's Klaten Regent who was OTT by the KPK took office for the period 2016-2021. Previously, Sri served as a representative of the Regent of Sunarna (2005-2015) and the current deputy regent, Sri Mulyani, was the wife of Sunarna. Sri Hartini's husband was (late) Haryanto Wibowo who had served as regent of Klaten from 2000-2005. In his reign, Haryanto Wibowo had been involved in a corruption case involving the procurement of textbooks for the 2003-2004 academic year valued at Rp 4.7 -13824. However, the case settled and was declared not proven by the Klaten District Court. In addition to alleged cases of textbook corruption, Sri Hartini's husband also tripped over a case of using the regional budget for a trip abroad in 2001. Sri Hartini's husband also named a suspect by the Procuratorate in the case of selling assets of 600 square meters below market price. But Haryanto never underwent an examination until his position ended on the grounds that there was no presidential permission.

With the disclosure of the case of buying and selling positions in the regency's body, it reminds us of the adage of Cicero (106-43) BC, a Greek philosopher about rotting fish starting from his head. In other words, bribery cases occur not only below, but also above. The decay starts from the top. The decay began with the leaders. Corruption spreads and flows in its elite environment. The environment that holds power and power enjoys all the privileges inherent and prostitutes it. The Enjoyment that does not want to the end. The Enjoyment that continued in all ways. Be later, corruption is done to defend it. Public money spent only to satisfy political will, in order to maintain power. Decay will continue to occur in the head, if the JPT filling mechanism does not rigidly administer the merit system. Decay which results in the destruction

of the nation's development and human destiny. The process of bribery / buying and selling in charging JPT in the regions can cripple the public service process. Mutation of regional officials should ideally used to improve performance in serving the community. The tradition of 'buying and selling' positions before the transfer of regional officials is common in most regions. Such conditions will certainly lead to saturation in the quality of individuals holding certain positions. The researcher found an interesting fact, currently it is in almost all regions, in all places where bribes occur in filling positions. If almost all public officials do that, the quality and quantity of services to the community will potentially get worse, because in its work orientation it is only oriented towards returning capital when occupying these positions. Ideally, the transfer process carried out to avoid saturation, refreshment or promotion aimed at improving the quality of community services. However, what is now happening is precisely when the announcement of the mutation schedule carried out, officials are actually preparing to provide some funds. The funds given to the head of the region aimed at making them want to occupy the desired position.

The chain of sale and purchase position should immediately decide to return to improve the quality of public services. The beginning is in the nomination of regional heads or certain officials who need a lot of capital. If selected, the JPT chosen who has money or at least is committed to giving a number of "activities / projects" to be able to return the capital. In fact, their main obligation is to work to serve the community, if the chain is not disconnected, it will increase the number of officials who are not qualified.

Transactional Politics in Bureaucracy

The merit system is an ASN policy and management that based on qualifications, competencies, and performance, which applied fairly and fairly regardless of political background, race, color, religion and origin, gender, marital status, age, or condition disability. The implementation of the merit system is the ultimate goal is to improve the performance of the bureaucracy in providing services to the community and supporting the improvement of national competitiveness. The concept of merit system is contrary to the concept of spoil system. The high potential for corruption in the Indonesian bureaucracy is one

of them caused by political intervention in personnel management, which causes irregularities so that the career system that applies formally in practice becomes a spoil system. Filling out leadership positions no longer based on pattern and career development but influenced by political reasons. In addition, the position becomes a traded commodity.

In the concept of merit system, the importance of improving the administration of bureaucracy is the most prominent thing, whereas in the concept of spoil system, political interests in bureaucratic governance are more dominant (Hollye, 2009). The quality of poor governance will have an impact on governance and achievement of development goals. In addition, poor governance provides room for corrupt practices to develop in the bureaucracy.

Transactions in obtaining JPT positions within the government bureaucracy are one of the problems in ASN management. According to the results of the KASN investigation, the funds related to the sale and purchases of positions every year estimated at Rp 35 trillion. The practice of buying and selling positions is especially prevalent in the regions before and after the implementation of regional elections, which often characterized by mutations, promotions and demotion to officials who hold high leadership positions. Oversight by KASN on filling high leadership positions has reduced the opportunity to conduct transactions, but has not been able to eradicate the practice completely.

Octopus issues of corruption in the region, which started from the Election process, the placement of strategic officials to the planning and implementation of development made the agenda of improving public services, improving the quality of human resources, and efforts to encourage public welfare improvement difficult to achieve. (KASN Policy Brief; Merit System Boosts Indonesia on the Global Level, 2017)

This research is in line with the findings of Herman (2012); from the results of his research revealed that the most prominent things that become obstacles to the establishment of a system of meritocracy are factors of political interests and economic interests. Political interests are carried out as remuneration to people who have "contributed" to support it, or a success team that is due to support, or is a funder at the time of the election. While certain people usually use economic interests get profits by including someone to occupy a JPT.

In addition to the existence of corruption, collusion and nepotism, political interests and because of socio-cultural interests are factors that cause the failure of merit system in the process of placement. The next factor is a socio-cultural interest factor, which is also an obstacle to the running of the merit system in filling strategic positions. The placement of a person in a certain position is sometimes not because of his competency factor, but because of the figure factor or the ability to build communication / access with and readiness in making every decision. So the trend that occurs is more promotion based on subjective considerations, closeness of relationships, political affiliation, and bribery or pay.

From the elaboration of various issues surrounding the filling of the JPT; position conflicts between political positions and structural positions in the bureaucracy, show that the biggest challenge for bureaucratic organizations is to build their capacity. The superiority built by PPK from political parties in the bureaucracy against structural officials (Head of SKPD / Head of Service) has created an unhealthy climate in the bureaucracy. The Political subordination results in reduced optimism and motivation for career bureaucrats (who come from ASN) to plan their careers through work performance. Because, the dominant culture that formed is that personal closeness and political closeness (success team) to the leadership, open selection (JPT) is only limited to mere formality!

Bureaucratic Neutrality

The dynamics of the interaction is between politics and bureaucracy that characterizes the discourse of bureaucratic reform after the reconstruction of the political system using direct elections as a medium for democratic parties. As a transition process, these changes do not work without problems. The issue of bureaucratic and political relations in Indonesia has a long history. The new era of the new order has placed the bureaucracy as the main trainer of the vote. The bureaucracy that actually has to serve the community is the opposite, loyal to serving the authorities (executive).

The power relations between bureaucrats and politicians are increasingly apparent and strong in the regions, after the change of political order and regional government the decentralized system of relations that occurs between executives (Regional Heads) and bureaucrats is increasingly far from expected. The regional

head and deputy head of the region become superior figures. BKN often gets reports from ASNs in the regions if political officials often do rolling officials (JPT) without clear procedures. Mutations / rolling not carried out based on professionalism and rationality, but merely political considerations.

Filling in the JPT by career officials should base technocratic skills as a representation of the merit system, not solely based on affiliation to political power or on the subordinate perspective on bureaucrats. The discourse about the arbitrariness of political officials in intervening in the JPT filling system in the local bureaucracy is also no longer the problem just discussed. The problem is increasingly sticking out after the direct local election. However, the issue has not been able taken seriously by the government to reposition the authority boundaries in their respective domains through a clear and legally enforceable arrangement. Each institution has limited authority, Menpan-RB, KASN, BKN and even the Ministry of Home Affairs.

During the General Elections, when the Regional Head competed to declare his support candidates, as a politician, all people had the right to have political support preferences, but what about the regional head who oversees the state Civil Apparatus car? Do the bureaucratic device and the large regional budget not pawned, nor is the neutrality of the ASN tempted?

The neutrality of the State Civil Apparatus (ASN) related to Impartiality, where an ASN employee must be impartial, in the sense of being fair, objective, unbiased, free of influence, free of intervention, free from conflicts of interest, and not taking sides. The neutrality of ASN divided into three aspects, namely neutrality in politics, neutrality in public service and neutrality in the management of ASN. However, violations of ASN neutrality in the local election are still high. Based on the latest data from simultaneous local elections (2015, 2017 and 2018) there was an increase in violations of relatively high ASN neutrality in 2018.

Neutral and professional bureaucracy is a slogan that constantly voiced in various campaigns and socialization of ASN. But to make the bureaucracy truly neutral from political interference, of course it is still homework that must be resolved in order to create a professional bureaucracy. The mix of the state

bureaucracy and government bureaucracy has made the bureaucracy in Indonesia never truly neutral. The government, which is actually a political official, has enormous power over the bureaucracy. In fact, the influence of the government (executive) reaches almost all state institutions because all state institutions (legislative, judicial and other institutions formed based on the constitution) have bureaucratic elements (through the secretariat general). So far, the working relationship between political officials and bureaucratic officials is a patron-client relationship. This kind of relationship implements the relationship between rulers and executives who controlled, so that its influence on the bureaucracy is that the bureaucracy functions as a political machine and complemented the existence of political officials, and ultimately the bureaucracy is unable to determine executive ascendancy. To overcome this, the role and function of the bureaucracy must change towards teamwork so that it gives birth to the workings of bureaucratic solution. This change means that the role of the bureaucracy is no longer a subordinate but rather a colleague with professionalism and creates an efficient and rational government order (Thoha, 2017 in Mutia Ali, 2017). The pattern of subordinate-boss relations between the bureaucracy and the government is vulnerable to abuse. The President can issue any policy towards the bureaucracy which is actually an internal "work area" of the bureaucracy. The president can include and put "his people" in the ranks of the bureaucracy. The same thing happened in the regional government. As a result, in various regions, the Regional Head behaved like a king who acted free of the bureaucracy. In fact, the Regional Head (Regent and Mayor) can "play" the bureaucracy such as transferring, recruiting and installing trustees, and utilizing all bureaucratic instruments in the interests of short-term political interests (Wakhid, 2012).

Transactional Political Implications of the Merit System

The implementation of the merit system in the management of ASN in the Indonesian bureaucracy is still in its early stages. Therefore, filling in high leadership positions is still required carried out through open and competitive selection. Therefore, it hoped that high-ranking, professional, neutral and integrity leaders elected. However, if an agency has implemented a merit system, the agency is no longer required to conduct open selection. With

KASN's approval, agencies can fill vacant positions from candidates in the talent pool built by the agency. KASN authorized to evaluate and determine whether an agency has implemented a merit system in its ASN management in its institution.

However, from the results of the research it turns out that the struggle to run the merit system still far from burned. Various practices of buying and selling positions (JPT) turned out to color our bureaucratic climate. Octopus issues of corruption in the region, which began from the Election process, the placement of strategic officials to planning and implementation of development made the agenda of improving public services, improving the quality of human resources, and efforts to encourage public welfare improvement to be difficult to achieve. The high potential of JPT buying and selling in all regions of Indonesia is one of them caused by political intervention in personnel management (charging JPT), which causes irregularities so that the career system that applies formally in practice becomes a spoil system. Filling out leadership positions no longer based on pattern and career development but influenced by political reasons. In addition, the position becomes a traded commodity.

Misusing the merit system is a disease of the government bureaucracy. The merit system has actually implemented in the Qin and Han Dynasties in China. The dynasty that introduced the merit system through the education and training system followed by examinations and selection for prospective government officials. From China, the concept of merit system then expanded, used in British India in the 17th century and spread to mainland Europe and America. In Indonesia, since the government at the beginning of independence until now, a merit system has been recognized and implemented in government management. Unfortunately, the implementation is not as expected by the conceptualizing discipline (Thoha, 2019).

According to the concept of scientific discipline, the merit system is a personnel management system that emphasizes the consideration of the basis of competency for candidates appointed, placed, promoted, and retired in accordance with the applicable law. Competence means that the candidate must have the expertise and professionalism according to the needs of the position held. These candidates' competencies, expertise and professionalism are the main

considerations. The element of neutrality of government officials in need is also a basic consideration. This principle of neutrality emphasizes the absence of an element of closeness of interests, both the closeness of family, ethnicity, region, alma mater, religion, politics, and conglomeration and the like. In addition to competence and neutrality, the element of honesty and loyalty that emphasizes morals is a consideration for candidates who will become government officials, both civilian and military. What happened so far, the merit system implemented, but many were deliberately manipulated (Thoha, 2019). The process of appointing candidates secretly carried out. The candidate's competency changed to the interests of the power holders. Expertise and professionalism are the opposite, according to the perceptions and desires of power holders. Neutrality hit by recruitment, which determined by consideration of the proximity of the candidate to the holder of power. How to implement the merit system like that lasted a long time in the practice of government, especially in the era of the New Order government, which lasted almost 32 years. In fact, the remnants of the New Order government still felt practiced today.

In 2014, pioneered by Commission II of the House of Representatives, a Law on State Civil Apparatus was formed which was full of efforts to enforce this merit system. This law has rejected by the government. Including by holding a demonstration by local government officials sponsored and supported by the central government. The ASN Law also faces many obstacles in the political circles in the DPR itself. The DPR had planned to revise and delete the State Civil Apparatus Commission (cf. Discussion of the previous chapter).

The power approach is the dominant factor that causes the ineffectiveness of the merit system implemented by a power approach by government officials. Centralistic government management prioritizes the approach of power or authority held by office holders, especially if the holder is a political official from the political party. All depends on the perception of the power holders. The firmness and loyalty of implementing the existing law becomes vague according to existing political aspirations. This power politics has been coloring the management of our government.

The power approach closely related to the relationship between political and bureaucratic

positions that have never well organized. Political officials who come from the power of political parties in the government system, we have also known for a long time. At the beginning of independence, when the government implemented a liberal democratic system, political parties formed by the people. The party is a unit of political aspirations from a group of people who aim to achieve power, exercise power, and maintain power. In a democratic system, the power achieved is government power.

Starting from the liberal era, the era of guided democracy, to the current era of reform democracy, the desire of political parties for this power has never changed (Thoha, 2019). Therefore, the management of the government which previously occupied by government bureaucratic officials began to be led by political officials from the power of political parties in power or who won elections. From this point on came political office from political parties that led the government bureaucracy. The holder of the position of authority obliged to make and formulate policies occupied by political officials from political parties. In addition, government management must implement the policy. Thus, government bureaucratic officials automatically become subordinated or under the control of political office.

From the description of the relationship between these two positions, it is very difficult for bureaucratic officials to escape the political influence of political office holders who are their superiors. The influence of state civil apparatus in the political process found in regions when carry out regional elections. Many regional employees who participated in the campaign supported candidates who would lead them in the local government. Those who do not participate can stagnate their careers if the candidate wins the election.

Idea (Thoha, 2019) ASN, like members of the TNI and Polri, should not participate in voting and being elected in elections and regional elections. If they choose and are chosen, they must retire from the ASN. Another effort to avoid political intervention from political officials, as in the case in America in the merit system is to introduce and implement merit system protecting boards once political officials from certain parties become or lead government bureaucracies. The political official must give up the ties and identity of his political party.

They must be government officials. In line with that, all political officials proposed by political parties who have become state officials, such as presidents, ministers, and regional heads may no longer emphasize the identity of the color symbol of their political parties. Buying and selling positions, such as those in the Ministry of Religion involving the leadership of political parties, ended immediately.

In order to support the Minister of PAN-RB's policy in strengthening the implementation of Law No. 5 of 2014 concerning ASN and in order to implement the merit system consequently, improvements made to the approach of power and relations between political officials and bureaucrat officials. Without this improvement, the merit system requirements, such as candidate competency and official neutrality, are very difficult to realize (Thoha, 2019).

Policy Offer

The change of leadership (read: JPT) carried out without proper procedures, without a pattern and visibly thick political agenda will have very bad implications on the vision and mission to be achieved by bureaucratic organizations, this often happens in the local government. Filling out the JPT, which full of political interests, apparently not supported by a career pattern plan that is in line with the ideals or the grand agenda of the central government? This condition exacerbated by the selected JPT not having the slightest adequate professional competence. The politicization condition of this bureaucracy is a barrier to the growth of professionalism in bureaucracy. and certainly hampers the implementation of the merit system.

The dominance of political officials (read: Ministers / Heads of Agencies / Regents / Mayors and Governors) as PPK who carry out rotation / mutation / promotion / demotion without clear rules can weaken morale and achievement motivation from career bureaucrats. Unclear rules of the game make career bureaucrats not have a bargaining position to defend themselves from intimidation and dominance of political officials (PPK). Starting from this condition, of course we need to formulate a relation relationship between PPK originating (usually) from political parties and JPTs (career bureaucrats), the authority to appoint and dismiss positions that have been held by PPK so far needs to be reviewed. Because of these problems, the blur of the career system in the bureaucracy clarified. The researcher tried to give a thought idea to separate between political office

and career position (bureaucracy). It need to identify positions, among which positions are clarified which positions are classified into political positions and career positions; establish boundaries of duties, responsibilities and authorities between the two positions, so that there is no clarity, confusion, and mutual intervention, one of which is the authority of the PPK to be given to career officials; Building relations between the two positions that are far from conflict and tension, with various regulations whose application is fully monitored by an independent civil service agency that has legal force.

Neutral and professional bureaucracy is a slogan that is constantly voiced in various campaigns and socialization of ASN. But to make the bureaucracy truly neutral from political interference, of course it is still homework that must be resolved in order to create a professional bureaucracy. The mix of the state bureaucracy and government bureaucracy has made the bureaucracy in Indonesia never truly neutral. The government, which is actually a political official, has enormous power over the bureaucracy. In fact, the influence of the government (executive) reaches almost all state institutions because all state institutions (legislative, judicial and other institutions formed because of the constitution) have bureaucratic elements (through the secretariat general).

So far, the working relationship between political officials and bureaucratic officials is a patron-client relationship. This kind of relationship implements the relationship between rulers and executives who controlled so that its influence on the bureaucracy is that the bureaucracy functions as a political machine and complements the existence of political officials, and ultimately the bureaucracy is unable to determine executive ascendancy. To overcome this, the role and function of the bureaucracy must change towards teamwork so that it gives birth to the workings of bureaucratic solution. This change means that the role of the bureaucracy is no longer a subordinate but rather a colleague with professionalism and creates an efficient and rational government order (Thoha, 2017 in Mutia Ali, 2017). The pattern of subordinate-boss relations between the bureaucracy and the government is vulnerable to abuse. The President can issue any policy towards the bureaucracy which is actually an internal "work area" of the bureaucracy. The president can include and put "his people" in the ranks of the bureaucracy. The same thing happened in the regional government. As a result, in various

regions, the Regional Head behaved like a king who acted free of the bureaucracy. In fact, the Regional Head (Regent and Mayor) can "play" the bureaucracy such as transferring, recruiting and installing trustees, and utilizing all bureaucratic instruments in the interests of short-term political interests (Wakhid, 2012).

The patron-client relationship between the state administration and the government is clearly stated in the existing regulations, such as those related to the rules of obligation, loyalty and obedience of Civil Servants. Law No.43 of 1999 concerning Amendments to Law No. 8 of 1974 concerning Principles of Staffing, states that every Civil Servant is loyal and obedient to the Pancasila, the 1945 Constitution, the state and the government and is obliged to maintain national unity within the Unitary Republic Indonesia. This opinion is in line with what conveyed by Thoha (2017) that in a democratic government the presence of political parties in bureaucracy is indeed unavoidable. Since the time of independence until this moment, the working relationship between political parties in governance has never regulated in the Act. Political parties gave birth to positions of political bureaucracy that led the administration and government bureaucracy. Political parties are in power and control bureaucrats or administrators in the administrative system of government bureaucracies. Bureaucratic leaders come from political parties, who lead organizations, lead human resources, leaders who control the budget, facilities and other equipment, and determine the direction of the organization they lead. In this case, it will be difficult to separate the bureaucratic administrative interests and interests of political parties or state bureaucracies that are neutral from politics (Thoha, 2017).

This change in employment relations can be done by determining merit-based bureaucratic officials (JPT), by conducting recruitment or selection based on merit principles. The objectives and work direction of the bureaucracy are set together for the benefit of the people and not the political orders of the ruling party. The success of bureaucratic performance is not only audited by central institutions, but also by people who are the main stakeholders (stakeholders). Government bureaucratic institutions should be available to serve the people, so that they are called public services. The measure of its success is the extent to which the bureaucracy is able to provide services to the community and respect its

people. When a political official is appointed as the highest leader of the bureaucracy (political bureaucrats - PPK), it is imperative that the clothes of his political party must be released, and work in the bureaucratic institutions he creates as a professional with bureaucrats for the interests of the people and not for the party. The community can be an evaluator of the performance of political bureaucrats, so a measure of the government's performance represented by neutrality and professionalism in providing public services.

The dynamics of political control and political intervention in the bureaucracy also experienced by developed countries, such as the United States. Wood and Waterman (1991) in his research on the dynamics of political intervention in bureaucracy in 7 (seven) institutions in America revealed that in agency theory the relationship of elected politicians and elected bureaucrats was hierarchical. The facts obtained in this study show that the political agreement as a division of power from the President and Congress is a very important instrument of political control. While the factors of budget change, legislation, congressional signs, and administrative reorganization are less important. This finding confirms the intuitive statement by institutional researchers and suggests a "policy monitoring" method that will enrich the control of future democracy from bureaucracy (Wood & Richard W. Waterman, 1991 in Ali, 2018).

Related to the control mechanism and supervision, McCourt (2007) has also emphasized that the implementation of a merit system monitored on an ongoing basis because vulnerability to injustice or discrimination can also occur, "the appointment of audited 'remove institutional discrimination" (McCourt, 29-30). May 2007). The State Civil Apparatus Commission as an institution formed as a supervisor of the merit system has clear boundaries for the supervision system carried out. Efforts to standardize the implementation of merit systems in selection or filling positions can be one of the strategies that done. Another thing that also supports KASN's performance in carrying out its oversight function is the creation of various assessment tools with the merit principle standards, for all elements of personnel management, although in the previous chapter the author tried to analyze the limited oversight role possessed by KASN. The current separation between politics and bureaucracy is indeed considered a big agenda if done in Indonesia. To

carry out this big agenda, it is necessary to change the political system of government at the macro scale related to the democratization model of the government system that follows the developed countries today, where the President acts as a symbol of statehood. Separation of bureaucracy with government can be done like the German state, or the US and other developed countries which also have a long history of running merit in government and bureaucracy (Ali, 2018).

CONCLUSION

The current separation between politics and bureaucracy is indeed considered a big agenda if done in Indonesia. To carry out this big agenda, it is necessary to change the political system of government at the macro scale related to the democratization model of the government system that follows the developed countries today, where the President acts as a symbol of statehood. Separation of bureaucracy with government can be done like the German state, or the US and other developed countries which also have a long history of running merit in government and bureaucracy (Ali, 2018). If Indonesia wants to advance it need clean bureaucratic support and free political intervention such a system can only be born. If the bureaucracy is supported by state civil servants or ASN with integrity in corrupt practices of collusion and nepotism and high performance to get the quality of these apparatus and also in the search for people who right on the right position it is necessary to implement a merit system in ASN HR management. In the context of ASN neutrality, ASN employees are in a dilemmatic position and swayed by political interests. On the one hand, they are employees who appointed, placed, transferred and dismissed by PPK who are political officials. Such conditions make their careers often associated with the political interests of KDP.

On the other hand, ASN must also remain neutral to maintain its professionalism in carrying out its governance and public services. ASN is a policy implementer and holder of power and authority in managing budgets and resources in the bureaucracy. This resulted in ASN employees used as "tools" for political officials to be able to maintain / obtain their authority and authority.

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