



Review Implementation of the Principle Transparency Filling for Structural Positions in the Takalar Regency Government

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Abstract

This study aims to determine the implementation of the transparency principle of filling structural positions in the Government and to find out how the mechanism for filling structural positions in Takalar Regency and what are the inhibiting factors for transparently filling structural positions. The type of research used is the type of empirical normative legal research, normative legal analysis then uses the primary material used consisting of laws and regulations, official notes of treatises in making laws. Meanwhile, empiricists have used secondary materials, mainly textbooks because textbooks contain the basic principles of law and classical views that have high qualifications. The results of the study show that the implementation of the transparency principle for filling structural positions in Takalar Regency is by the rules, the transparency principle has been carried out properly because every necessary announcement process must have been reported on the regional staffing agency portal for Takalar Regency, while the inhibiting factor is the recommendation from the Apparatus Commission State civil servants who are always late for issuance so that the regional government has no difficulty in appointing officials from the selection results of the position bidding.

Keywords: *Implementation of Transparency Principles; Filling of Structural Positions*

Introduction

Indonesia is a country that adheres to a constitutional system (resistant) which is defined as a country that has basic laws, to regulate and control the entire order of every action of the government and people who are ordered (Chen et al, 2020). In the fourth paragraph of the opening of the 1945 Constitution, it is stated that the Government of the State of Indonesia protects the entire Indonesian nation and all of Indonesia's bloodshed and promotes the public welfare (Karim et al, 2021). The

implementation of the preamble to the 1945 Constitution became the basis for setting Article 28 D paragraph (3) that every citizen has the right to equal opportunities in government (Kosmarski et al, 2022).

Referring the constitutional basis above, it is realized by a binding norm through Law Number 43 of 1999 concerning Amendments to Law Number 8 of 1974 concerning the subject of employment (Adil, 2022). The implementing regulations are Government Regulation Number 9 of 2003 concerning the authority to appoint, transfer and dismiss state civil servants (Hemmerich & Ecker, 2020). Government Regulation Number 13 of 2000 concerning the appointment of state civil servants in structural positions (Karim et al, 2023). Ministry of Bureaucratic Empowerment circular letter number 16 of 2012 concerning procedures for filling vacant structural positions in government agencies (Hasniati et al, 2023).

The appointment of state civil servants in structural positions must be based on the principle of professionalism. Appointments are based on work performance, loyalty, dedication, trustworthy experience, and other objective requirements (Morley et al, 2020). To guarantee objectivity in considering and determining promotion in position, a list of employee performance and an order list of ranks are prepared (Zunger & Malyi, 2021). Filling in structural positions is based on Article 5 of Government Regulation number 13 of 2002 stipulating the material requirements as follows: (1) status of state civil apparatus; (2) at least 1 level below the level; (3) have qualifications and educational level; (4) all elements of work performance appraisal are at least of good value in the last 2 years; (5) have job competence; and (6) physically and mentally healthy (Vanishvili & Katsadze, 2022).

Referring to legal thinking in the perspective of the Act and expert opinion, it shows that there is a gap between the regulated law and the legal reality that occurs (Gallagher et al, 2021). As happened in the placement of state civil servants in Takalar Regency which was revealed in the results of reports reported by internet-based media (Gieseke et al, 2021). The opening of the position auction is an opportunity for state civil servants to have a career, of course, to occupy the position of echelon II officials, but it requires a process, namely through an assessment. Because only five regional government organizations were up for grabs, while only eight (8) passed the file and could take part in the next stage (Atmojo & Fridayani, 2019).

In filling out primary positions, which are commonly called Echelon II officials, it is expected to be carried out, why? The research raises and discusses the mechanisms for openly filling structural positions that have been implemented in the Takalar Regency (Karim et al, 2022). This research is expected to provide contributions, recommendations, and references for subsequent writers, especially those related to filling structural positions openly (Van Elsuwege, 2021).

According to Law No. 43 of 1999 concerning amendments to Law Number 8 of 1974 concerning staffing matters, it is stated that the appointment of state civil servants in structural positions must be based on the principle of professionalism (Anggini et al, 2021). Appointment in the office is based on work performance, work discipline, loyalty, dedication, experience, trustworthiness, and other objective requirements. To further ensure objectivity in considering and determining promotions and appointments in positions, a list of job performance evaluations and an orderly list of ranks are held (Wijaya et al, 2019). In this Law, he also emphasized being able to occupy structural positions as in Article 1 point 6 which states that career positions are structural and functional positions that are only occupied by state civil servants after fulfilling the specified requirements.

Research Method

In conducting the research, the authors chose the research location at the staffing and human resource development agency in the Takalar Regency area. The location selection was based on the

consideration that the Personnel Agency and the regional human resource development agency for Takalar Regency were considered representative enough to obtain the required data.

The type of research taken from this thesis is the type of empirical normative legal research; this empirical normative legal research is research that combines elements of normative law which is then supported by primary data as the main material (McLellan et al, 2022). This research is a type of research that examines legal issues regarding their application. This type of empirical research is a legal research method based on data and field research to obtain primary data.

Overall the data collected from this study was then analyzed using the descriptive analysis method, which is a method of analysis carried out by describing phenomena or facts obtained from research results, based on the material obtained, both primary data and secondary data. Analysis of the final material by providing conclusions and suggestions about what should be done about these legal issues (Lay & Eng, 2020). Based on all the data collected from this researcher, further analysis was carried out using the descriptive analysis method, which is an analytical method that is carried out by describing the phenomena or facts obtained, both primary data and secondary data. Analysis of the final material by providing conclusions and suggestions about what should be done about these legal issues.

Result and Discussion

A. Geographical Conditions of Takalar Regency

Geographically, Takalar Regency is located in the southern part of South Sulawesi province with a distance of 40 Km from the Makassar Metropolitan City and is located between 5031 to 50381 south latitude and between 19990221 to 1990391 east longitude with an area of 566.51 km², which consists of a forest area of 8,254 Ha (14.57%), paddy fields covering 16,436.22 Ha (29.01%), PT. XXXII sugar plantations covering 5,333.90 Ha (6.4%), ponds covering 4,233.20 Ha (15.77%), yards covering 1,929.90 Ha (3.41%), and others covering an area of 7,892.22 Ha (13.93%). The topology of Takalar Regency consists of beaches, land, and hills. The western part is the coastal area and lowlands with a slope of 0-3 degrees while the spatial height varies between 0-25m, with the rocks making up the geomorphology of the plains dominated by alluvial deposits, coastal swamp deposits, limestone, reefs and tuff and several other places.

Takalar Regency is crossed by 4 rivers, namely the Jeneberang River, the Jenetallasa River, the Pamakkulu River, and the Jenemarrung River. Dams have been built for the four rivers to irrigate 13,183 hectares of rice fields. Takalar Regency whose anniversary was on February 10, 1960, the process of its formation went through a long struggle. Previously, Takalar was the Onder Afdeling which was incorporated in the Makassar autonomous region together with the onder afdeling Makassar, Gowa, Maros, Pangkajene Islands, and Jenepono. Onder afdeling Takalar oversees several districts (gemen chap customs), namely: Polombangkeng District, Galesong District, Topejawa District, Takalar District, Laikang District, and Sanrobone District. Each District is governed by a Head of Government with the title Karaeng, except for the Topeja District, which is ruled by a Head of Government with the title Lo'mo. Efforts to fight for the formation of the Takalar Regency were carried out jointly between the Government, Politicians, and Takalar community leaders. The Takalar district government has ten (10) sub-districts, 76 villages, and 24 sub-districts. As well as having 43 offices/agencies within the scope of the Takalar Regency administration. The Takalar district legislative body is thirty (30) people.

Table 1. District Area and Number of Islands

District	An area (KM)	Regional Capital	Total of Islands	Area Height	Distance to the Capital
Mangara Bombang	100.50	Mangngadu	0	34,00	7.00 KM
Mappakasungguh	45.27	Cilallang	1	44,00	5.00 KM
Sanrobone	29.36	Sandrobone	0	22,00	7.00 KM
South Polongbangkeng	88.07	Bulukunyi	0	64,00	11.00 KM
North Polobangkeng	212.25	Palleko	0	41,00	9.00 KM
South Galesong	24.71	Bonto kassi	0	22,00	15.00 KM
Galesong	25.93	Galesong	1	32,00	19.00 KM
North Gallesong	15.11	Bontolebang	0	17,00	25.00 KM

Source: Statistics Agency for Takalar Regency, 2023

Based on data obtained from the regency statistics center table in 2022. The number of civil servants according to gender where the highest number is occupied by women, namely 3126 people while men are as many as 2174 people. Then the classification in terms of the last level of education, among others; up to elementary school totaling 74 people, Junior High School equivalent 94 people, Senior high school equivalent 1972 people, Diploma 954 people, and most of the undergraduate/Doctoral level 3452 people. Out of a total of 5,300 state civil servants spread across all government agencies/agencies of Takalar Regency.

B. Job Auctions in the Scope of the Takalar Regency Government

Takalar Regency is one of the buffer zones of Makassar City. Where Makassar City is the capital as well as the economic center of South Sulawesi and eastern Indonesia. The buffer zone sector for Takalar Regency can be economically positive if Takalar Regency can properly anticipate the saturation of Makassar City's industrial development activities. Namely by providing alternative land for industrial development that is representative, conducive, and strategic.

The term job auction is not included in the State Civil Apparatus Law, but the term open and competitive promotion exists in the regulation. Especially in the filling of high-ranking positions as stipulated in Article 72 paragraph (1) of the Law on the state civil apparatus, promotions for the state civil servants are carried out based on objective comparisons between competencies, qualifications, and requirements required by positions, assessment of work performance, leadership, cooperation, creativity, and consideration from the team assessing the performance of civil servants in government agencies, regardless of gender, ethnicity, religion, race, and class. The legal basis for office auctions is regulated in Article 28 D paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which mandates that every citizen has the right to obtain equal opportunities in government. Other rules concerning the rights of civil servants to obtain positions are also contained in the provisions of Article 72 paragraph (2) of Law Number 5 of 2014 concerning the State Civil Apparatus (UU Number 5 of 2014) that every civil servant who fulfills the requirements has the same rights. for promotion to a higher-level position.

Takalar Regency has held job auctions five times, and Takalar has carried out auctions by predetermined national procedures, in the implementation of job auctions Takalar Regency only opened job auctions at Echelon II or Office Head Positions. There are 12 Regional Apparatus Organizations that are included in the Job Auction, namely: Spatial Planning, Public Housing and Settlement Services, Maritime Affairs and Fisheries Services, Agriculture Services, Health Services, Communications and Informatics Services, Environment Services, Regional Civil Service Agency, Education Office, and on April 2021 Takalar Regency is bidding for echelon II positions for as many as Five Regional Apparatus

Organizations including Council Secretary, Regional and Asset Management Service, Social Service, Investment Service. All services that are auctioned are carried out within approximately three years in one period, of course, this is not effective in the performance of the relevant agencies because they are replaced which results in slow bureaucratic processes. The promotion process within the scope of the Takalar regional government has two promotion processes, namely regular promotions and special promotions, which are guided by Ministerial Regulation No. 55 of 2015 concerning Guidelines for the transfer of civil servants within the Ministry of Home Affairs, Article 3.

Article 6 states that in addition to the requirements referred to in Article 5, Central Personnel Development Officials and Regional Civil Service Development Officials need to pay attention to seniority factors in rank, age, education and position training, and experience. Ministry of State Apparatus Empowerment and Bureaucratic Reform Circular No. 16 of 2012 concerning Procedures for Filling Vacant Structural Positions in Government Agencies instructs that the process of filling structural positions is carried out based on merit and an open system. The Decree of the Takalar Regent also emphasizes that the appointment of civil servants to higher structural positions (promotion) as well as the appointment of school principals is based on a combination of the work performance system and the career system with an emphasis on the work performance system. From the description above, it can be seen that the mechanism for transparently filling structural positions is valid or legitimate because it is constitutional and by the derivative and technical regulations below it. These various regulations legitimize the mechanism for transparently filling structural positions as a mechanism for filling positions that will create placements of officials by their qualifications and professionalism while upholding the value of justice for all Indonesian people.

Conclusion

The implementation of transparency principle in filling structural positions in Takalar Regency has been implemented as before there was a vacant position in one of the agencies, it will be announced on the Personnel Agency and Human Resources Development Agency portal, the official Takalar Regency website, and print and online media. Likewise, the mechanism for filling structural positions openly in Takalar Regency is by existing regulations, as started by making an announcement ordered in the circular letter of the minister for administrative reform and bureaucratic reform number 16 of 2012. Furthermore, for implementation procedures, it begins with the formation of the selection committee by the Civil Service Development Officer. The selection committee carries out the selection assisted by an independent competency assessment team and Baperjakat. The selection process is divided into administrative selection and competency selection. In carrying out field competency assessments, it is carried out by using written methods and interviews. The results of the assessment and their rankings are submitted by the competency assessment team to the Selection Committee which is then submitted to the head of Baperjakat. The selection committee announces the results of each stage of the selection openly.

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