

Implementation of Civil Servant Competency Development in Improving Public Services in Bogor City Based on Perwal No. 78/2012

Revaldi Wahyu Aji Nugraha^{1*}, Andi Muhammad Asrun², Astim Riyanto³

Universitas Pakuan, Indonesia

Email: wahyuajirevaldi@gmail.com

*Correspondence

ABSTRACT

Keywords: Public Service, Civil Servant, Competency.

The Bogor City Regional Government intends to provide legal certainty in the relationship between the community and organizers of public services through Bogor City Regulation No. 78 of 2012 concerning the Implementation of Public Services within the Bogor City Government. The methods used in this study are a normative juridical approach that emphasizes literature research, namely examining legal materials obtained from literature research only, and do not require the preparation or formulation of hypotheses. Results Optimal public services can be created if the implementing apparatus receives sufficient competency development as mandated by Article 203 Paragraphs (3) and (4) Government Regulation No. 17 of 2020 concerning Amendments to Government Regulation No. 11 of 2017 concerning Management of Civil Servants. Based on the rights of civil servants as explained above and the results of previous research, there are contradictions in the implementation of civil servant competency development which make it not optimal, which should be suspected. Conclusion of human resource development that pays attention to the competency aspect produces elements of a quality, consistent, effective working relationship, the achievement of organizational goals, and the organization continues to exist in a competitive business environment and is also associated with the theory of public service which is a series of activities in order to meet service needs by laws and regulations for every citizen and resident of goods, services, and/or administrative services provided by public service providers.



Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia) states that the State of Indonesia is a state of law (Asrun, 2020). The national goal to be achieved by the Indonesian nation as stated in the Preamble to the 1945 NRIT Constitution in the fourth paragraph, is to form a

Government of the State of Indonesia that protects the entire Indonesian nation and all Indonesian bloodshed, promotes general welfare, educates the nation's life, participates in implementing a world order based on independence, lasting peace, and social justice (Siahaan, 2010).

The affirmation in the preamble to the 1945 NRIT Constitution is part of an effort to achieve national goals, both in the form of human resources and physical means, because the state is not able to do it alone (Akmal, 2021). The implementation of the country's goals is carried out through a gradual, sustainable and sustainable development process so that it has consequences for the role of the government to provide services to the public in a professional, honest, fair, and equitable manner in the implementation of state duties, government, and development (Sumanti, 2018). In order to realize this, it is necessary to build a state apparatus that has integrity, professionalism, neutrality and is free from political intervention, is clean from corruption, collusion, and nepotism practices, and can provide public services for the community and can carry out its role as an adhesive element and the 1945 NRIT Constitution (Tanjung, 2022).

In order to carry out this role, the implementation of optimal public services is not only pursued at the central government level but also at the local government level (Supriyanto, 2016). The implementation of local government is directed to accelerate the realization of community welfare through improving services, empowerment, and community participation, as well as increasing regional competitiveness by paying attention to the principles of democracy, equity, justice, and the uniqueness of a region in the Unitary State system of the Republic of Indonesia (Sulila, 2015).

The improvement of services as intended can be realized if it is based on the laws and regulations that bind it. There are separate regulations on public services, namely through Law No. 25 of 2009 concerning Public Services and Government Regulation (PP) No. 96 of 2012 concerning the Implementation of Law No. 25 of 2009 concerning Public Services. As for Law No. 23 of 2014 concerning Regional Government, which in general explains that each Regional Government is obliged to make a public service announcement so that the people in the region know the type of public service provided, how to get access to it as well as clarity in the procedures and costs to obtain the public service as well as the existence of a complaint channel if the public service obtained is not by the standards that have been Determined. This is to ensure that there is a guarantee of public services provided by the Regional Government to the community (Sumartini⁶⁰, 2017).

The Bogor City Regional Government intends to provide legal certainty in the relationship between the community and the organizers of public services through the Bogor City Guardian Regulation No. 78 of 2012 concerning the Implementation of Public Services in the Bogor City Government, with the following objectives:

1. The realization of clear boundaries and relationships regarding the rights, responsibilities, obligations, and authorities of all parties related to the implementation of public services.

2. The realization of a proper public service delivery system by the general principles of good governance and corporations.
3. The fulfilment of the implementation of public services by the provisions of laws and regulations.
4. The realization of legal protection and certainty for the community in the implementation of public services.

The purposes and objectives mentioned above can be carried out as expected if the local government of Bogor City has competent Civil Servants (PNS). Civil servants as elements of the state apparatus, state servants and public servants in providing professional and quality public services to the community are required to have competence, every civil servant has a position and competence, and competency development owned by civil servants as an effort to meet competency needs based on position competency standards and career development plans, career development as mentioned based on Article 69 paragraph (1) Law No. 5 of 2014 concerning the State Civil Apparatus (ASN Law) states that the career development of civil servants is carried out based on qualifications, competencies, work assessments, and the needs of government agencies.

Article 70 of Law No. 5 of 2014 concerning the State Civil Apparatus, explains that: Every ASN employee has the right and opportunity to develop competencies, including through education and training (Diklat), courses, seminars, and training. In the development of competencies, each government agency is obliged to prepare an annual competency development plan contained in the annual budget work plan of each agency.

Government Regulation Number 11 of 2017 concerning Civil Servant Management, Article 162 of Government Regulation No. 11 of 2017 explains that career development, competency development, career patterns, mutations, and promotions are career management of civil servants that must be carried out by applying the principle of the merit system. One of the goals and dimensions that we want to aim for from the merit system is the opportunity for competency development, in this case, competency development for civil servants.

Furthermore, the regulation regarding the development of civil servant competencies is regulated in the Regulation of the State Administrative Institution of the Republic of Indonesia Number 10 of 2018 concerning Civil Servant Competency Development, hereinafter referred to as competency development, which is an effort to meet the competency needs of civil servants with position competency standards and career development plans. In Article 203 paragraphs (3) and (4) of Government Regulation No. 17 of 2020 concerning Amendments to Government Regulation No. 11 of 2017 concerning Civil Servant Management, which explains that:

- 1) Every civil servant has the same right and opportunity to be included in competency development as referred to in Paragraph (1), by paying attention to the results of the performance assessment and competency assessment of the civil servant concerned.
- 2) Competency development for each civil servant as referred to in Paragraph (3) is carried out for at least 20 (twenty) hours of lessons in 1 (one) year.

Competency development as referred to can be carried out at the agency and national levels so that every civil servant has the same rights and opportunities, but by paying attention to the results of the performance assessment and competency assessment of the civil servant concerned. The competencies carried out by civil servants are very useful for providing integrity in carrying out public services to the community so that fast, precise, accurate, and effective services will be realized (Alyasin, 2022).

Regarding the rights that civil servants have in the development of Competencies, it does not run as smoothly as it should, and several problems result in its implementation being not optimal. As the results of research conducted by Hasan Fikri, it was found that the regulation of competency development for civil servants has been regulated in Article 70 of the ASN Law which regulates the rights and opportunities for civil servants in competency development and in Article 217 of Government Regulation No. 17 of 2020, in Article 210 paragraph (2) and Articles 213 to 216 of Government Regulation No. 11 of 2017, and in LAN Regulation No. 10 of 2018 which regulates the implementation and authority of the implementation of civil servant competency development at the agency and national levels, but these arrangements have not been fully supported in the existing arrangements at the regional level so that the implementation of civil servant competency development at the regional level has not been optimal.

The implementation of civil servant competency development carried out at the West Sumatra Provincial Energy and Mineral Resources Office The data obtained is only 30 people out of 66 civil servants at the West Sumatra Provincial Energy and Mineral Resources Office who participated in the development of civil servant competencies and also the lack of an annual competency development plan contained in the annual work plan, this shows that the implementation of civil servant competency development is still not optimal and not by applicable regulations, This is due to several obstacles in its implementation.

Based on the rights of civil servants as explained above and the results of previous research, there is a gap between what civil servants should get as their rights, namely in terms of competency development and what is the reality in its implementation. Legal certainty for the implementation of civil servant competency development in terms of improving optimal public services is difficult to create. Based on the pre-research observations conducted by the author, there is no firmness in terms of sanctioning local governments that do not carry out competency development which is essentially the right of civil servants. In its implementation, it tends to reflect injustice where civil servants who do not carry out less than optimal public services are recognized with limited capacity to receive reprimands, while implementers who do not carry out them do not get any sanctions.

Research Methods

Research is one of the means to add and expand new knowledge to strengthen existing theories and/or find new theories scientifically. A study is conducted

systematically, consistently, and using certain methods. Research methods have three aspects of understanding, namely scientific research logic, study of procedures, and research techniques as well as research systems and techniques. The method used in this study is a normative juridical approach that emphasizes literature research, namely examining legal materials obtained from literature research only, and no preparation or formulation of a hypothesis is required. In normative law, research on legal principles is carried out on legal principles that are benchmarks.

Results and Discussion

Competency Development

Competency-based Human Resource Development (HR) supports the integration of HR planning with organizational business planning. For this reason, organizations can assess the capacity of human resources based on competence against the abilities needed to achieve the organization's vision, mission, and goals. Human resource development that is principled in the organization's vision and mission improves organizational performance. In general, several things need to be considered to achieve optimal human resource development, namely:

1. Selection of human resources according to needs;
2. Designing alignment between organizational needs and employee competencies;
3. Providing appropriate facilities, infrastructure, and technology;
4. High commitment from every element of the organization.

Other stages that are very important in competency-based human resource development are:

1. Identify competencies
2. The process of finding the competencies necessary for successful and optimal performance;
3. Competency model

A narrative description of competencies for target job categories, job groups, divisions, departments, or other units of analysis;

1. Competency assessment
2. The process of comparing individual competencies on a competency model;
3. Competency-based management
4. The application of a series of competencies to manage human resources, so that performance contributes effectively and efficiently to organizational goals;

Competency standards

Identify the skills and knowledge of workers that employees possess and determine the level of performance that must be achieved in a particular segment or function of work;

Competency profile

A document describing a specific set of competencies to a position/job/job group/functional community.

Organizations need to see HR as human capital, where HR competencies are the assets of an organization's existence. Thus, the development of human resources that pay attention to the aspect of competence produces elements of an organization that are quality, consistent, have effective working relationships, achieve organizational goals, and the organization continue to exist in a competitive business environment.

Public Service

Public services are a very important element in the administration of the government. Public services are simply understood by various parties as services provided by the government. All goods and services organized by the government are then referred to as public services. Public services can be briefly interpreted as services provided by the government to its citizens, either directly or indirectly.

The legal aspect of public service is interpreted as an obligation given by the Constitution to the government to fulfil the basic rights of citizens or residents to a service, while for citizens, public service is a right that can be demanded from the government. Thus, the birth of these obligations and rights, because they have been determined by the Constitution (the principle of legality). In Law No. 25 of 2009 concerning Public Services, Article 1 paragraph (1) formulates the definition of public services as follows:

1. Activities or series in order to meet service needs by laws and regulations for every citizen and resident for goods, services, or administrative services organized by public service providers.
2. The standards in public service according to the Decree of the Minister of State Apparatus Determination (Kemenpan No. 63/KEPMEN/PAN/17/2003) are as follows:
3. The service procedures carried out for service providers and recipients include complaints.
4. The settlement time is set from the time of submission of the application to the completion of the service, including the court.
5. The service fee includes the details set in the service delivery process.
6. Service products received after the terms of service.
7. Provision of adequate facilities and infrastructure in public services.
8. The competence of service officers must be by the required expertise, skills, attitudes, and behaviours.

Based on the description of the definition of public service above, it can be understood that public service is an activity or series of activities in order to meet service needs by laws and regulations for every citizen and resident for goods, services, and/or administrative services provided by public service providers.

Legal Certainty

The state of Indonesia is a state of law, not a state of power. The state of law wants the creation of legal certainty that provides justice. Normative legal certainty is when a law and regulation is made and promulgated definitively because it regulates clearly and logically, it will not cause doubt, because there are multiple interpretations so that it does not clash or cause norm conflicts (Airlangga, 2019). Norm conflicts arising from the

uncertainty of laws and regulations can be in the form of norm contestation, norm reduction, or norm distortion. The law according to Hans Kelsen is a Normal System. A norm is a statement that emphasizes the "should" or *das Sollen* aspect, by including some rules about what to do. Norms are deliberative products and human actions. Laws that contain general rules are guidelines for individuals to behave in society, both in relationships with fellow individuals and in relationships with society. The laws and regulations are a limitation for the community in burdening or taking action against individuals. The existence of these laws and regulations and the implementation of these rules create legal certainty (Hidayat & Arifin, 2019).

Legal certainty according to Utrecht contains two meanings; First, there are general rules that make individuals know what acts are allowed or not to be done, and second, in the form of legal security for individuals from the arbitrariness of the government because with the existence of general laws and regulations, individuals can know what is allowed to be imposed or done by the state against individuals. The general nature of laws and regulations proves that the law does not aim to realize justice or utility, but solely for legal certainty.

Related to Article 203 paragraph (3) and paragraph (4) of Government Regulation No. 17 of 2020 concerning Amendments to Government Regulation Number 11 of 2017 concerning Civil Servant Management, which explains that:

1. Every civil servant has the same right and opportunity to be included in competency development as referred to in Paragraph (1), by paying attention to the results of the performance assessment and competency assessment of the civil servant concerned.
2. Competency development for each civil servant as referred to in Paragraph (3) is carried out for at least 20 (twenty) hours of lessons in 1 (one) year.

Thus, it is clear that the legal certainty of the implementation of the rule is expected to be carried out as aspired. Civil servants, especially in the Bogor City area, can get their rights in terms of competency development to provide more optimal public services to the community as the Bogor City Government has special regulations, namely through the Bogor City Guardian Regulation No. 78 of 2012 concerning the Implementation of Public Services in the Bogor City Government.

As explained in the previous section, the Indonesian state is a state of law, not a state of power. The state of law wants the creation of legal certainty that provides justice. Normative legal certainty is when a law and regulation is made and promulgated definitively, because it regulates clearly and logically, it will not cause doubt, because there are multiple interpretations, so that it does not clash or cause norm conflicts. In this study, legal certainty is associated with the implementation of civil servant competency development in order to improve optimal public services as mandated by the laws and regulations that bind it. There are separate regulations on public services, namely through Law No. 25 of 2009 concerning Public Services and Government Regulation No. 96 of 2012 concerning the Implementation of Law No. 25 of 2009 concerning Public Services. As for Law No. 23 of 2014 concerning Regional Government, where in general explanation it is explained that each Regional Government is obliged to make a public

service announcement so that the people in the Region know the type of public service provided, how to get access to it and clarity in the procedures and costs to obtain the public service as well as the existence of a complaint channel if the public service obtained is not by the standards that have been Determined.

The Bogor City Regional Government intends to provide legal certainty in the relationship between the community and the organizers of public services through the Bogor City Guardian Regulation No. 78 of 2012 concerning the Implementation of Public Services within the Bogor City Government. Article 70 of Law Number 5 of 2014 concerning the State Civil Apparatus, explains that:

Every ASN employee has the right and opportunity to develop competencies, including through education and training (Diklat), courses, seminars, and training. In the development of competencies, each government agency is obliged to prepare an annual competency development plan contained in the annual budget work plan of each agency.

Then, the regulation regarding the development of civil servant competencies is regulated in the Regulation of the State Administrative Institution of the Republic of Indonesia Number 10 of 2018 concerning Civil Servant Competency Development, hereinafter referred to as competency development, which is an effort to meet the competency needs of civil servants with position competency standards and career development plans. In Article 203 paragraph (3) and paragraph (4) of Government Regulation No. 17 of 2020 concerning Amendments to Government Regulation Number 11 of 2017 concerning Civil Servant Management.

The results of the study show that there is a contradiction in the implementation of civil servant competency development which makes it suboptimal it should be suspected that this also happens in Bogor City. The Bogor City Government through Bogor Mayor Regulation No. 65 of 2022 concerning Competency Development for Civil Servants Through Education Pathways within the Bogor City Regional Government, also regulates the Competency Development of Civil Servants which is under its scope of authority. However, in its implementation, there are several things similar to the previous research as described earlier, that there is no disciplinary punishment for violations of the implementation of competency development that does not meet all the rights that should be obtained by civil servants, so that it seems that the rule is like a rubber rule, so it is important to study the legal certainty of the laws and regulations in order to provide justice for civil servants in obtaining their rights.

When studied through competency development theory, public service theory, and legal certainty. So it is clear that the legal certainty of the implementation of the rule is not carried out as desired. Civil servants, especially in the Bogor City area, cannot get their rights in terms of competency development to provide more optimal public services to the community as the Bogor City Government has special regulations, namely through the Bogor City Guardian No. 78 of 2012 concerning the Implementation of Public Services in the Bogor City Government. This is due to the injustice felt by civil servants as participants in competency development with the local government as the implementers. This is reflected in the lack of strict sanctions given to implementers who

do not carry out the competency development that should be obtained by civil servants. It is known that the absence has never been heard in the form of formal and informal information related to the imposition of sanctions for implementers which in its implementation is felt by civil servants who do not get sufficient competency development as mandated by laws and regulations as previously described.

Conclusion

Based on the background that has been described in the first point and the analysis at the discussion point is associated with the theory of competency development where organizations need to see human resources as human capital, where human resource competencies are the assets of an organization's existence. Thus, the development of human resources that pay attention to the aspect of competence produces elements of a quality, consistent, effective working relationship, the achievement of organizational goals, and the organization continues to exist in a competitive business environment and is also associated with the theory of public service which is a series of activities in order to meet service needs by laws and regulations for every citizen and resident of goods, services, and/or administrative services provided by public service providers and the theory of legal certainty according to Utrecht contains two meanings; First, there are general rules that make individuals know what acts are allowed or not to be done, and the second is in the form of legal security for individuals from the arbitrariness of the government because with the existence of general laws and regulations, individuals can know what is allowed to be imposed or done by the state against individuals. The general nature of the laws and regulations proves that the law does not aim to realize justice or benefit, but solely for legal certainty it is concluded that the mandate of Law No. 25 of 2009 concerning Public Services and Government Regulation No. 96 of 2012 concerning the Implementation of Law No. 25 of 2009 concerning Public Services, Bogor City Guardian No. 78 of 2012 concerning the Implementation of Public Services within the Bogor City Government, Article 70 of Law No. 5 of 2014 concerning the State Civil Apparatus and Article 203 paragraphs (3) and (4) of Government Regulation No. 17 of 2020 concerning Amendments to Government Regulation Number 11 of 2017 concerning Civil Servant Management, were not implemented as they should. This reflects that the legal certainty of the optimal implementation of public services through the development of civil servant competencies is not reflected and injustice is created at the implementation stage. This is due to the injustice felt by civil servants as participants in competency development with the local government as the implementers. This is reflected in the lack of strict sanctions given to implementers who do not carry out the competency development that should be obtained by civil servants. It is known that the absence has never been heard, both in the form of formal and informal information related to the imposition of sanctions for implementers which in its implementation is felt by civil servants who do not get sufficient competency development as mandated by the laws and regulations outlined earlier.

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