

Challenges of Meritocracy Vs Mediocrity on the Placement Senior Officials of Indonesia's Civil Servants Apparatus

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Abstract

The effort to manage The Human Resources of the State Civil Apparatus (ASN) become professional apparatus is a challenge for Government to handle the management process in a better form. One of which, by conducting the appointment and placement of candidates Senior Officials in the body of the government, by assigning the best people in positions or fields in accordance with their respective expertise. The process must be carried out by referring to merit principles, such as openness, fairness, competitiveness, and selectiveness based on competency. Most importantly, it should be free from the practice of corruption, collusion and nepotism as it's referred to the spirit of bureaucracy reform. This study focussed on the placement for The State Civil Apparatus of Senior Officials JPT Pratama (Pratama Level of Senior Official) in the City or Local Government. The practice itself refers to a number of regulations related to mechanisms and procedures. However, in practice, this policy is often treated as administrative and political policy instead of upholding meritocracy principles that may turned into mediocratic formality. This study uses qualitative approach and descriptive-analytic research methods. The main problem that become the focus of this research is the challenge faced by the Government to place the Senior Apparatus of State Civil Apparatus (ASN) by accommodating all the principle of merit in the Palembang City Government. Inspired by several examples occurred during Senior Officials placement in JPT Pratama Palembang City Government that allegedly not in accordance with the merit principle that emphasizes the professionalism, which can lead to a long history of a mediocre apparatus place an important position in a Regional Government that tends to prioritize formality works rather than quality works of public service.

Keywords: *Meritocracy, mediocracy, regulation, Senior Officials, JPT Pratama, State Civil Apparatus (ASN)*

Introduction

Bureaucratic reform is an important agenda in the State of Indonesia refers to the Republic of Indonesia Presidential Regulation Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform, 2010–2025. The bureaucratic reform agenda aimed upholding the basic values and code of ethics of the state apparatus in order to reach the goals of the reform agenda to

create professional government with high integrity, adaptive and well performance, clean and free of Corruption, Collusion and Nepotism (KKN), with ability to serve the public neutrally, dedicated for the sake of welfare of the community.

Based on the rule's order of the government is to be able to answer the public critic for the bureaucracy system and public services of the governmental

institutions that has not been able to fully erase the negative stigma from the public who generally assume that public service is a bureaucratic process as they are noted by the Indonesian Transparency Society or called MTI that there are at least 7 important points of criticism on the conditions and practices of bureaucracy, namely: (1) poor public service conditions in Indonesia; (2) large number of budget leakage; (3) low professionalism and competence of civil servants; (4) difficult implementation in coordination between institutions; (5) overruled authorities between institutions, unsynchronized rules that are no longer relevant to the actual developments, and overlapping rules and other similar problems; (6) familiar for being reluctant or allergic to the change, exclusive in nature, rigid and too dominant, so that almost all affairs of public requires the touches from the bureaucracy; and (7) the high amount of service fees charged to the community when they deal with certain things whether in the form of legal costs nor long time of waiting, the numbers of service doors that must be passed and not customary perspective was applied (Triyono, et al, 2013, p. 24). These cannot be ignored, even though public criticism does not have the legal power to demand any changes, but when speaking of the legal basis for the reform agenda, it is obligatory for the Government to realize bureaucratic reform in its body to compete producing best quality “merit-based” apparatus.

To implement this agenda, the professionalism of the human resources should be the main factor to determine government services excellences. However, appointments are made based on the decisions of those in the most

senior leadership positions and on political interests, rather than the requirements needed for a particular position and the personal competencies of the appointee. Therefore, the big challenge to make available Human Resources quality service relies largely on competency in executing the rules, responsibilities, and tasks that are vital for the success of an institution or organization in achieving its goals. These particular behaviours are common in the process of appointments for senior officials of the state civil apparatus, namely:

1. Fraudulent practices and other similar problems that occur in every selection process of apparatus. Therefore, the government has made an effort to prevent this behaviour by using an open selection process with a computer based test (CBT) system. It is expected by using this system will have an challenges on increasing transparency of the process of receiving and or appointing officials, reinforced by the formulation of various regulations and new, more applicable rules. On the other hand, currently a National Civil Apparatus Commission (KASN) has been formed which serves to supervise the appointment and placement of more qualified officials, and also serves to make other remedial efforts. But unfortunately there is still a practice that is not based on merit systems such as senior officials' placement carried out by rolling positions without re-assessment and also senior officials' placement in a closed process that is recommended by KASN as an Ad-Hoc body whose decisions must be obeyed by all leaders of State Institutions including the head of the region.

2. The criteria used as an assessment in the placement of candidates for public officials are based more on loyalty to the superior i.e Mayor which is a subjective assessment rather than loyalty to the task. This is the evidence of a socio-politicalbureaucratic conditions in the Palembang City Government, which is currently recognized that elected officials who have the ability to innovate are only 20% of the senior officials population.

3. Overlapping regulations concerning the appointment and placement of senior officials, especially in level II government (currently referred to as Local / City Governments). For example, Decree of the Minister of Home Affairs Number. 16 of 2003 states that the appointment of senior officials of JPT Pratama or Esselon II at the Local / City Government level does not have to use the Selection Committee and it is sufficient for the Position and Rank Advisory Board (Baperjakat) to consider the appointments, which are then decided by the Regional Head / Mayor. However, Minister of State Apparatus Regulation No. 13 of 2014 states that a Selection Committee should be involved from the start in openly selecting staff for JPT Madya and Pratama. This activity should involve KASN to ensure the merit system runs effectively.

These phenomenon explicitly described the gap between the placement theory with the bureaucratic control theory as an ideal bureaucracy in accordance with the principles of a modern administration. From the perspective of bureaucratic control theory, this phenomenon demonstrates that the administration and politics are

inseparable. Frederickson (2012: p. 15) states that:

"Modern administration began with the existence of a dichotomy and a clear separation between politics and administration as formerly called by Woodrow Wilson. This dichotomy in practice was widely accepted in the context of public administration in the United States until the mid-19th century (in the 1900s) or until the era of thinkers such as Dwight Waldo (1946) and Herbert Simon (1947) who opposed the dichotomy. For Waldo and Simon, all administrative actions are political at their most fundamental level, because it will be difficult to separate these two ".

So what is happening nowadays in terms of the placement of senior apparatus in Palembang City Government closely related with what was explained in the theory above, so that every single decision of made by the Head of Local Government i.e Mayor are legal, even though basically contradict with merit principles and are considered ethically problematic. When the problem itself comes from the Mayor as an individual decision maker, this ultimately becomes a big challenge that need to be answered by providing a concrete solution of where the use of merit principle as an obligatory in practice at Palembang City Government. Therefore, the focus of this research is the challenge of using the merit principle in the placement of senior officials in Palembang City Government.

The main focus of this research is the use of the principle of achievement as a reference point in the placement of senior officials of the State Civil Apparatus in the Government of Palembang City. This is the basic

principle to achieve the objectives of the bureaucratic reform agenda proclaimed by the central government, namely the form of dynamic government in 2025. Therefore, the Governmental Institution is challenged to determine the attitude in taking every decision, including appropriate judgments in terms of competencies, expertise, roles, and responsibility in implementing existing institutional programs in order to fulfill the demands the dynamic government in 2025 being realised by providing human resources excellences. then the research question is "What are the challenges faced by the Palembang City Government in using the merit principle for the placement of senior officials of the State Civil Apparatus?"

Literature Review

Meritocracy Theory and Mediocrity in Bureaucracy

Meritocracy basically can be seen as a level of specification, both broad and narrow, which may lead to various understandings. It can be interpreted specifically, but it can also raise deeper questions about it, such as: how is meritocracy defined? Who defines it? What is the process of formulation? Where is it applied? What are the norms, values, and principles, if any, related to them? Donald Low (2014, p. 49) for example, in this case has written about how this meritocracy was practiced: "... *there are varieties of meritocracy, some desirable, others possibly malignant. This should not be over whether we embrace meritocracy or not; rather, it should be over the kind of meritocracy we want*". See also statement Amartya Sen (2000, p. 5-6) stated that meritocracy is a contingent concept that depends on what is considered by the

community as something good. He wrote:

"meritocracy, and more generally the practice of rewarding merit, is essentially underdefined, and we cannot be sure about its content – and thus about the claims regarding its "justice". Therefore, until there will be any further explanation about this matter, the action of a merit cannot be judged apart from the virtue that applies in society. In other words, if meritocracy is defined as a system for giving merit, then how could merit be defined as the most important thing in implementing it.

While considering the matters that deeply related to the concept of meritocracy, however, at the same time it can also be seen in general understanding as a social system in which merit or talent is the basis for choosing and placing people in certain positions and give them wages based on these. Experts generally emphasize that in a system of meritocracy, everyone has equal rights and opportunities to earn wages based on they effort and merit ignoring their gender, race, social class, religion or other non-merit factors (Emilio J. Castilla & Stephen Benard, 2010, p. 543).

The application of the concept of meritocracy is actually intended to strengthen fairness and balanced competence in order to avoid the act of patronage, nepotism, corruption, and incompetence in public service. It's merely a system that respects the importance of a fair and healthy competition, open selection, critical evaluation of one's quality, and the importance of good standards of qualification and recruitment processes. It's likely in this system, the appointment of individual for certain

personnel who is considered as a bad and not appropriate to step up a position, can be avoided. Because, there is only a person with appropriate qualification and quality as the only fit one needed by the position. Therefore, the practice of applying the principles of meritocracy today, both in the public and private institutions, generally should discuss the feasibility test, educational qualifications, and an accurate database of one's competence for an openly position offered.

The logic built from this merit system is that respective position only need the right person with the level of expertise and competence that supports alignment needs of the position, to enable them to achieve best performance and reach the objectives of the service. This merit system means applying the principles of meritocracy at every level of job, starting from the stage of promotion, initial recruitment, candidate selection, evaluation, and placement.

The practice of such principles and systems is needed in the mutual relationship between the government and bureaucratic institutions. When bureaucrats or officials at certain positions are chosen and determined based on their competencies, will certainly have capability of increasing public services. Different things will happen if an official appointed to occupy a certain position as results from a process of bargaining or political negotiations, the ones who don't have competencies related to the position they occupy. This not only will make it difficult to increase the performance of the governmental institutions, but will damage the service order as well.

In the context of bureaucracy in Indonesia that was largely influenced by

culture and believes background to value interrelationship between leaders and subordinates. Giving something valuable from bottom-up is not a sin but something prestigious. In its practice of before and after placement has become local habit to show gratefulness, regardless of the written regulation to be fulfilled, there are other conditions to get attention from the leaders you have to give "attention" first. this kind of pattern considered effective to introduce oneself being loyal instead of the value of being profesional. Although it looks simple, the practice of meritocracy actually has its own level of difficulties. There are several important principles where meritocracy can be applied effectively, including:

1. Basic merit must be applied at every level of the organization and management (jobs at every level); but it must be implemented since the institution applied recruitment for certain positions.

2. Meritocracy must be able to get the best candidate; everyone has the same rights and opportunities to get a job and fill a certain position according to their capabilities.

3. Open to all ; there must be no internal agreement nor limit to certain groups;

4. Systematic, transparent and open to challenges (systematic, transparent, and challengeable); meritocracy means the efforts of the institution to continue to improve itself, seeing that even unsuccessful candidates can become feedback for making better decisions in the future (McCourt, 2007, p. 5)

To achieve the addressed aspects of the merit system in a public institution, there must be an ethical framework and a system of checks and balances,

especially by ensuring the following elements are in it:

1. Identification and publication of the complete list of positions that are considered political in nature;
2. Clarity of procedures for recruitment and promotion, ensuring transparency in the selection process and inclusion of formal checks and balances and appeals in the case of arbitrary action.
3. Restricted discretionary powers of politician over selection processes.
4. A code of conduct that stresses the political neutrality and loyalty of the civil servant.
5. Constitutional and legal guarantees, which ensure the right of candidates from discrimination based on gender, ethnicity, political views, economic class, religion, etc. (Willy McCourt, 2007, p. 9).

Generally, the phenomenon of meritocracy in the context of government and administration, as an effort to get the best people and occupy a position in accordance with their capabilities, in practice is not an easy thing to do. He requires the existence of a selection system and stages of good empowerment, so that people who become candidates to occupy certain positions should have various set competency categories.

However, considering the systems for receiving, selecting, and placing these officials have been problematic from the start, the candidates are also limited to people who only fulfill the requirements formally, but they have not been tested experimentally. This causes the candidates who are elected to be mediocrats, not the best, but also not the worst. whereas if the system changes, people can get better candidates than

them. This phenomenon is commonly referred to as mediocracy (Mattozi, Merlo, 2010, p. 5). In other words, this term describes conditions that are different from meritocracy.

Tassano explained that mediocrity is a term that refers to a concept that presents itself as an empathetic and tolerant effort towards everyone. Mediocracy in other words is a social system that is almost the same as a meritocracy but with an output that is entirely oriented to meritocracy itself. If meritocracy focuses on efforts where people can get the best individuals, then mediacy becomes a space where competency and competition are obscured have taken refuge for reasons equality. The output of the mediocracy culture is more likely to be assertive (aggression). The mediocracy considers everyone as a fair target, but behind the rhetoric there is a space that is vulnerable to abuse, namely the possibility of an increase in interpersonal aggression. This can disrupt the rights of certain individuals and justify intervention (Tassano, 2006, p. 23).

In the context of bureaucracy and government institutions in Indonesia, the application of the merit system is closely related to the practice of receiving and placing the State Civil Apparatus (ASN). The ASN Law itself has actually provided the basis for the implementation of a merit system for ASN, where decisions for the acceptance of placements and appointments must be based on competence, adequate qualifications and experience. To implement this merit system, KASN (National Civil Apparatus Commission) was formed, which is a non-structural institution that is responsible for

overseeing the implementation of the merit system and enforcement the code of conduct. KASN, for example, is tasked to ensure that open selection of JPT is carried out through a transparent, objective and competitive mechanism. With the spirit of building a merit system, honorary workers are no longer allowed to be recruited and appointed because the position filling mechanism is carried out through selection to fulfill certain job qualifications and are specialist in the sense that there must be certain competencies needed by the organization and not general which can be filled by carelessly people i.e mediocrate, both for charging CPNS formation, JPT (Senior Officials) and Government Employees with Employment Agreement (P3K).

Research Method

The discussion over meritocracy and its implementation as a system will be implicitly a discussion over the Law dan Regulation, the research of Law use comply with two methods of approach the doctrinal one and normative one. Marzuki (2006, p.32-33) according to Terry Hutchinson statement "Doctrinal Research: Research which provides a systematic exposition of the rule governing a particular legal category analysis the relationship between the rules, explain areas of difficulty and, perhaps, predict future development". Marzuki (2006, p.33) also said that ".....there is no dichotomy of legal research as normative and sociological research as found in Indonesia so far. Such a dichotomy is misleading because it does not have a grounding basis." Marzuki insisted that such dichotomy was created by someone who has no command the science of law.

Nevertheless, this research will not comply with these methods above, because it does not question the validity and legitimacy of the existing Law products as the basis of the merit system that is applied and forms a meritocracy or meritocracy condition in the process of placing the Senior Officials ASN JPT Pratama in Palembang City Government. The approach used is a qualitative approach, This kind of approach was chosen because he wants to obtain a complete and holistic picture from the phenomenon that occurs in his research. It was also chosen with the consideration that this approach might offer more flexibility and freedom for researchers to use a variety of tools that can assist them in understanding the phenomenon without having to be limited by a particular meta-theory or narrative. This is related closely to the scope of the research's focus about the challenges of the placement of Senior Officials ASN for JPT Positions with its many dimensions of the problem, that's how finally the researcher decided to use this approach. In Accordance to Uwe Flick's statement in this case that states: "Qualitative research is specific relevance to the study of social relations, due to the fact of the pluralization of life worlds." (See Flick, Uwe. *An Introduction to Qualitative Research*, 4th Edition, London: Sage Publishing, 2009).

For many reasons in this context, then this research like as generally qualitative research, a method that is more often used is a method that is explaining and analyzing the objects researched, so that researchers can get the depth and meaning of the research they do. In that case, the researcher chose a qualitative and descriptive method for this research

so that it could describe the phenomenon thoroughly that was researched. The selection of descriptive and holistic methods by researchers is considered to help researchers describe various social contours and processes that occur in the context of popular culture as social realities that surround and influence the practice of bureaucracy and work culture found in government institutions that occur today as a phenomenon, that this phenomenon will be obtained in the field during this research.

The study research locus was carried out in the City Government of Palembang, this is due to several reasons;

1. The first city that has successfully implemented standby services 112 program in five languages it tells Palembang is a city with an innovative government. It also has a high level of information sharing technology, where every governancial activities can be seen on the website.
2. The diversity of population come from various tribes and religions have lived in Palembang, evidently, it is known with the highest tolerance with "zero conflict" in Indonesia. This reason also makes it appointed as one of the Host of the Asian Games 2018.
3. The administrative system is like any other cities in Indonesia, but as a matter of fact it has various cases of bureaucracy and government, as indicated by the phenomenon of leader appointment and placement of senior officials discussed in pre-research above, as known was not based on the principles of merit.

In this study researchers used a spiral data analysis model more suitable to do than a linear analysis model. The use of the spiral model itself is because researchers are more able to photograph

the phenomena that exist more intact. Through this spiral method, researchers can read data in a more structured way, because of the management process and data specifications, which later can facilitate authors to find relationships between data, the context behind it, and the final results it displays. The use of this spiral model also makes the researcher more objective in describing the reality and / or phenomenon under study, and can produce a visualization of phenomena that are examined more clearly in the presence of systematic analysis procedures.

Spiral data analysis is considered by researcher to be the most appropriate form of analysis to be a method of analyzing data in this study, because spiral data analysis according to Creswell has a procedure that starts from the data management process (data managing), followed by a whole reading process of data (reading and memoing), then provides a description and classifies the data, as well as interpreting the data (describing, classifying, interpreting), and ends with representation or visualization of data (representing, visualizing). Everything is integrated as part of the author's learning process to get in-depth research results and conclusions.

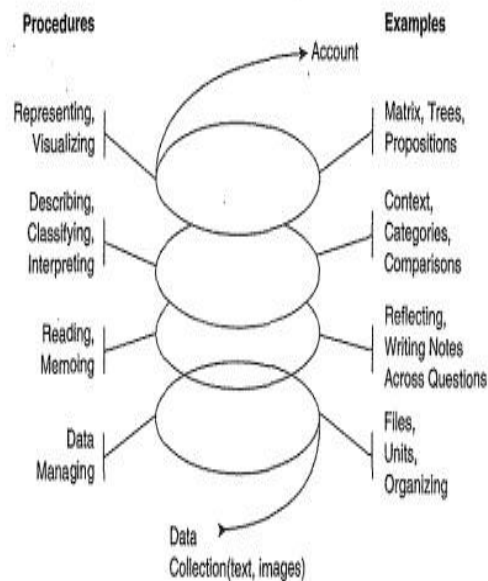


Figure 1. Procedure Of Spiral Data Analysis (Source: Creswell, 2007).

Results & Discussion

The Challenges for Mayor to play his role in Placement Senior Officials Processes in Local Governments in Indonesia

The practice of placement in any institution, basically must be based on the needs of the respective institution and the expertise of employee himself who will be in charge. In this way, overall of what they have worked is only to perform public services excellence. Placement based on merit itself will happen only when the institution has a system to do with the leader commitment. The leader ought to consider to think hard how to improve the performance of the institution by Development Officer will propose 3 (three) existing candidates, in which the Regent / Mayor will determine who will occupy the position, Although essentially the winning candidate is the choice of the Mayor. Noted, the candidate with the best result is not guaranteed being selected by him.

According to the researcher opinion, it's supposedly the Committee decided 1 (one) and the Mayor will approve and inaugurate the chosen one. If not the arbitrary action will be conducted by the Mayor.

Patterns, methods, and consideration factors for the placement of employees in the context of management generally also applied in terms of the placement of the Civil State Apparatus (ASN) or commonly known as Civil Servants, whether in educational institutions or governmental ones at all levels. The difference may be only in terms of the formality and activities, as a matter of fact, all of these processes are started from recruitment or acceptance, selection, appointment, tn finally leads to the placement of relevant apparatus in certain positions which (must) be in accordance with the expertise of the institution, experience, and needs. However, in terms of the appointment and placement of ASN, the government has provided clear guidelines as summarized in Law No. 5 of 2014.

Applying the policy properly, then finally any decision he make will reflect individual performance, which is not biased, and objectively be based on the principles of justice and equality i.e merit principle. Therefore, personal assumptions should not be allowed to interfere in the decision making that can affect the placement. Mayor dominated all of this process as user, where Personnel Development Officer (PPK) i.e Mayor will form a selection committee that will determine 3 (three) candidates for JPT Pratama for every 1 (one) vacancy, then approved by the President through the minister who organizes domestic government. The

final decision for who determines this JPT Pratama, the Personnel

This is in accordance with the Law No. 8 of 1974 concerning the main points of staffing which have been amended by Law No. 43 of 1999, which is then embodied in the Regulation of the Head of the Republic of Indonesia National Civil Service Agency Number 26 of 2004 concerning regulations for implementing Government Regulation Number 97 of 2000 concerning PNS Formation and approved amendment with Government Regulation Number 54 of 2003. Furthermore, to answer the challenges of apparatus administrative reform, the Minister of Administrative Reform has issued Minister of Administrative Reform of the Republic of Indonesia Number 75 / M.PAN / 7/2004 concerning Guidelines for Calculation of Employee Needs Based on analysis of Civil Servants Formation workloads. This is in line with Government Regulation Number 78 of 2013 concerning the procurement of civil servants based on their competencies.

The process of appointment and placement in human resource planned in the public sector is not only from the prospective civil servants to ASN but also in certain job positions. This job position consists of Administrative Job Position, Functional Job Position, and Senior Officials Position. Appointment of position is furthermore regulated in Government Regulation Number 11 of 2017 concerning Management of Civil Servants. Appointment of ASN in a position is carried out based on the principle of professionalism in accordance with the competencies, work performance and rank levels assigned to that position and other objective

requirements without distinguishing gender, ethnicity, religion, race and class, to ensure objectivity regarding appointments in positions and promotions raised through job evaluation.

Regarding the appointment of Senior Officials itself, that has been regulated in Law Number 5 of 2014 concerning State Civil Apparatus article 19 paragraph 3 and 4. In practice, this Senior Officials (JPT) Position as stipulated in the applicable Law consists of:

1. JPT Utama;
2. JPT Madya;
3. JPT Pratama.

The Senior Officials Position can only be occupied for a maximum of 5 (five) years duration and can be extended based on performance achievement, competence suitability, and based on agency needs after obtaining approval from the Personnel Officer and coordinating with the State Civil Apparatus Commission (KASN). Each civil servant in this case can move in between the Senior Officials Position, Administrative Job Position, and Functional Position in the Central Government and Local Government based on qualifications, competencies, performance appraisal, rank, education and training, track record of position, and integrity and other job requirements in accordance to the provisions regulation, in case the placement was decided by the result of personal bias, KASN is the institution which can stop it.

So in general the management rules does exist, these Senior Officials must meet certain performance targets in accordance with the performance agreement that has been agreed with

their Mayor in accordance with statutory provisions. In the end, various rules relating to the appointment and the filling or placement of Senior Officials positions, as well as the overall ASN contained in the Law or Government Regulation are some efforts to obtain individuals or human resources that can bring public institutions (government) to achieve performance and services to satisfy public needs. For the purpose of implementing a merit system as basis of law a basis in ASN selection or ASN placement in certain Senior Officials positions by the Mayor as the head of the government himself, so he must be aware of the occurrences of "rubber article of a rule" often occurs with any reasons. Indeed, this is contradictory to the principle of merit itself. A merit system will be meaningless, if it still contains anti-reform actions in its embodiment.

The challenge of socio-political-bureaucratic conditions in the Placement of ASN Senior Officials in the Palembang City Government

Based on the research questions, there are three aspects of challenges as follows: The first challenge is the policy formulation activities related to public service governance and public service provision were still dominated by the social-political-bureaucratic conditions of Palembang City. Some local or city governments in Indonesia actually have been able to implement the merit principle more or less, including in Palembang. However, what can be concluded from the existing phenomena related to the meritocracy of the placement of Senior Officials of state civil apparatus in regional or local government, this practice will depend on

the leaders. If the leader has a vision of good merit, has the ability and firmness in placing people based on their quality and competence or has the courage to break down the patronage political system and regional status quo, then the application of merit principles is not a difficult thing to do. Practically, if the regional leaders chose to keep their "political promises" to their political carriage in the context of the placement of these Senior Officials, then the principles of merit are also difficult to be implemented. Consequently, the leaders as the main agent has failed rule the meritocracy system since the beginning of their leadership period, because of their inability to meet the demands of merit as a key requirement for work professionalism.

The current elected mayor, the pair Harnojoyo and Fitrianti Agustinda, is supported by at least 26 out of 50 members of the Palembang City DPRD with the following composition;

1. A Democrat Party of 7 members.
2. The Indonesian Democratic Party of Struggle has 9 members.
3. The National Mandate Party has 3 members.
4. National Awakening Party as many as 5 members.
5. Bintang Bulan Party as many as 2 members.

Mayor and Senior Officials play the role as executive institution establish a partnership with the people's representative council (DPRD) to run the governance, in the affairs of the work program in each institution, the Mayor appoints the relevant regional device organization (OPD) to discuss the work program with the DPRD as the legislature. The executive in the process was not only discussing his work

program with the legislature but also bargaining, the researcher tend to call the latter as political chit chat.

The sample below reflects the phenomenon gained from the key informan who used to work as finance and work program planning department of OPD has stated:

"Forms of bargaining with the DPRD by approving the proposed activities requested by the OPD". (Interview Results August 16, 2018).

He added when asked about what kind of bergaining is it served by OPD to DPRD?

"The form and yield of bargaining is certainly not for public consumption",

He added more when asked about what will happen if OPD failed to fulfill the demand offered by DPRD:

"Of course the relationship will be less harmonious and can challanges on the OPD Budget Program Plan". (Interview Results August 16, 2018).

Such political conditions, especially when merit principles cannot be fully accommodated by existing laws and regulations, will ultimately make practives of placement is all about preserving of the status quo and political patronage systems rather than constructing the professionalism to fulfil public services demands through the practices of placement itself. The strong political aspects found in the practice of placement like this are actually inseparable from decentralization policies both politically and administratively. This decentralized policy has a significant effect on

personnel affairs, because of the freedom of local governments to regulate their personnel affairs was solely based on the government's needs. Therefore, the central government in this case only manages principle permits for what is proposed by the regional government.

As already mentioned, the opportunity for regional heads to respond the changes in socio-political conditions after decentralization is actually quite interesting, especially because it can be a space for regional leaders i.e Mayor to implement meritocracy better, especially in the context of the placement of Senior Officials of ASN in the local government. In this case, meritocracy must be able to provide a solution that bridges the political interests of the Mayor and the demands of professionalism of ASN as a public servant. Practically, it is often difficult to make the implementation of better meritocracy become reality, because of the existence of strong patronage interests at the regional level as it was previously explained.

In social discourse, the public should be involved in the process of placing officials both directly or indirectly to control the accountability of the Government as the selector of Senior Officials. So far the community has only been positioned as a passive party, as if this social-political-bureaucratic phenomenon is a condition that cannot be changed. Actually, this condition still opens up the possibility to be changed by rational choices that can be taken by the government by making an event that involves the community in the process of Senior Officials selection such as open debate of senior officials candidates as educational facility for the

community. It showed that citizenship and public interest did not have a united purpose, due to the aggregation of the individual interests of elected officials and market preferences. The community was considered as a passive party that merely accepted various existing policies (See Stephen P. Osborne, "New Public Government?" In Public Management Reviews, Vol. 8 Issue 3, pp. 377-388, 2006, p. 383). In fact, the community is the main factor in establishing policies and decisions related to government programs, or internal actions related to the appointment and placement of senior officials of the state civil apparatus. The public interest is the main measure for decisions, not the fulfillment of certain political actors aspirations.

In socio-political-bureaucratic discourse, the elected Mayor must, at the same time, give up his political interests and leave it behind, so there will be no political promise given to the affairs of the placement of officials because the placement of officials must be returned to the principle of professionalism based on the merit principle, then the conclusion for this Sub-discussion is that the challenge of the practice of placing senior officials in the government presented by existing socio-political-bureaucratic conditions can be resolved with clear boundaries between administrative decisions and political decisions.

The second challenge of the Placemant Senior Officials is involving six key components, namely:

1. Mayor / Regional Head
2. Selection Committee
3. Ministry of Home Affairs

4. Minister of Utilization of State Civil Apparatus (MENPAN RI)

5. State Civil Service Agency (BKN)

6. State Civil Apparatus Commission (KASN)

These six state institutions have their respective duties, functions and responsibilities in implementing the senior officials selection process. The biggest challenge is the courage to be fair, firmness in eliminating uncompromising fraudulent actors, free from certain political agendas by prioritizing professionalism on the basis of merit principles in order to achieve the same goal of producing meritocratic senior officials.

The placement of senior officials in the state civil apparatus in the city / local government is resulted from a selection and fulfillment process of certain requirements as stipulated by law, the final decision made by Personnel Development Officers (PPK) i.e Mayor. So the Mayor is the Main Key Component in this process because there is no guarantee for the candidates with the highest score from the selection would be selected by PPK i.e Mayor. In this position it is possible to open opportunities for a Mayor to use his power to conduct arbitrary actions that are contrary to the principle of merit itself. This is a challenge for a Mayor, because legally the behavior does not violate, but principally from a competition process at the final stage will not allow the existence of 3 (three) winning candidates, ideally there will be only 1 (one) winner is determined fairly by jury i.e. selection committee.

According to the evidences obtained from the results of interviews with a

senior apparatus with the initials H, he admitted:

"of course there's subjectivity... may be he (the Mayor) has seen my work before,.....1 % belongs to Mayor Decision to choose us and 99 % belongs to administrative conditions...." when asked about the reason of being elected by Mayor"
(Interview on August 21, 2018)

The conclusion from the discussion in this sub-section is that the challenge of senior placement of state civil apparatus in its relationship with key components which respective authority lies on them, can be resolved by limiting the authority of Regional Heads on competency-based selection in merit principles.

The third challenge is the existence of overlapped regulatory problems in placement of senior officials of JPT Pratama, where the enactment of one rule did not automatically cancel the previous rules, despite of any technical contradictions in those. As the evidence, The Government Regulation No. 11 of 2017 stated explicitly that the appointment and placement of senior officials of ASN must go through the Selection Committee, with procedures including planning, opening applications, selecting, evaluating, announcing, and PPK (Personnel Development Officer) stipulations and appointment. The documentary studies has revealed that challenges are written in Government Regulation No. 11 of 2017 Article 114 which confirms an open career mechanism in the means of the appointment and placement of senior officials of JPT Pratama in Indonesia should have been applied to the Palembang City Government. But in

reality the Palembang City Government still practices the opposite, where a senior official is placed and chosen on the basis of a closed selection and with rolling positions without assessment.

According to the evidences about closed selection obtained from the results of interviews with a Head of the field of selection and assessment, he admitted: "..... So, we are talking about a special issue for the position of Head of BKD in the initial period, Sir Ratu Dewa, yes, so we talk case, that time was called not high leadership position open, but closed, because there were several what is the name eee implementation that causes the decision makers eee to make this decision not carried out openly, but it is closed, when it talks in a closed manner, it means that there is a mechanism that is not implemented in general, but fulfills the elements of the selection itself "

"... Through Pansel too ... The Chancellor is National, from the Ministry of Home Affairs, MENPAN, BKN".

"..... not open recruitment, between the old officials and the new officials, then they are selected, judged ... so ... because there is a case, if we talk about the case we have to talk first the history of why the case happened, the condition is like that, so we can understand why it is closed ".

(Interview on August 20, 2018).

According to the evidences about rolling positions without assessment obtained from the results of interviews with Key Informant as sub-planning and finance

head of the Population and Family Planning Control Agency, he admitted:

“ yes, example ... Pak Heri (head of service) was assessed for the head of the Office of the Population and Family Planning Control Board, so all the questionnaires made by Pak Heri then measured Pak Heri's abilities all referred to his previous main tasks and functions of the Population Control Board and Family Planning. where is he placed? DISPORA (youth and sports service) ”.

(Interview on June 08, 2017)

However, Minister for Home Affairs Decree No. 16 of 2003 stated that the Regional Head can appoint and place senior officials without having to go through a mechanism involving the Selection Committee and Baperjakat (Position and Rank Advisory Board). Thus, there were two mechanisms that can be implemented legally, but there was a difference in value between them. It especially refers to the efforts to apply feasibility principle in government bureaucracy through a structural manner. (See Decree of the Minister of Home Affairs No. 16 2003 article 4). Apparently, in the first mechanism, there is a rigorous selection process regulated by the Selection Committee involving assessments to ensure that the high-ranking candidates with the potential to occupy positions in the city government were candidates with appropriate personal qualifications and competencies. While the second mechanism, despite consideration of the

existing candidates by Position and ranking of consideration departement (BAPERJAKAT), the selection and assessment were not carried out entirely based on the principle of openness, which is the main characteristic of government meritocracy. The inconsistency of regulations governing the merit system used for making appointments and placements in JPT Pratama should have not happened.

The challenge of the overlapping regulation of the placement of high officials of the State Civil Apparatus in the government environment can be solved by the unitary of regulations that refer to the principles of merit, this act can be conducted by The Central Government.

The Existing Model

This study will give you clear description and restriction of the placement in practice has illustrated to determine whether it's meritocracy or mediocrity is dependable. When an all ready made meritocracy system in practice today has not yet accommodate the merit principles to the full so it's called mediocrity in some conditions indeed. Displayed as in Figure 2.

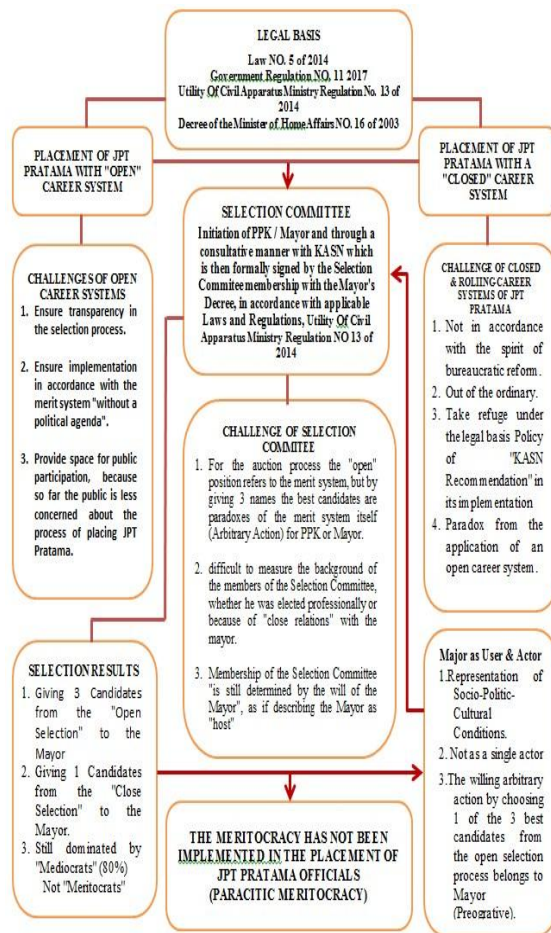


Figure 2. Existing Model of Placement Senior Officials of State Civil Apparatus JPT Pratama

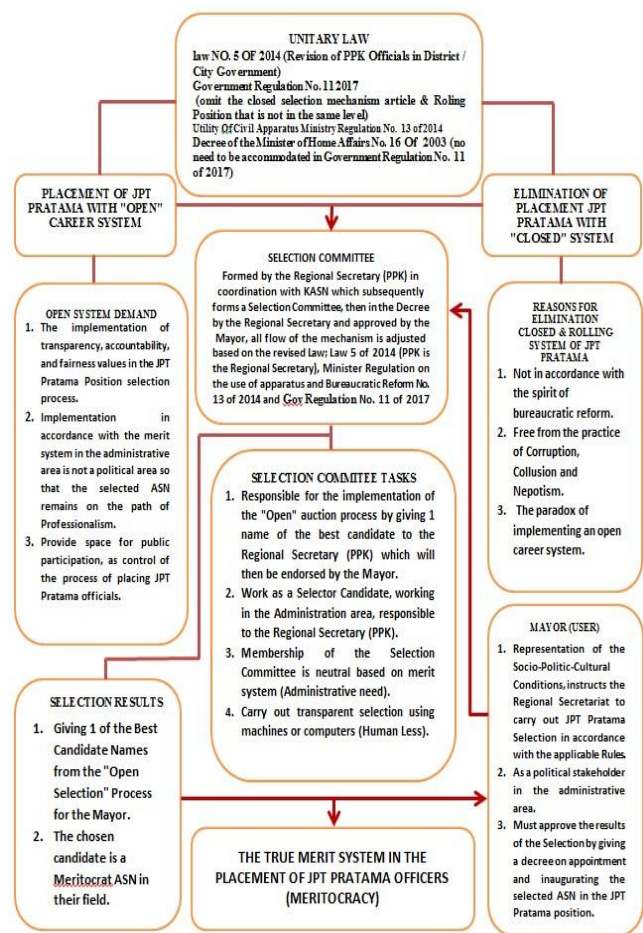


Figure 3: Recommended Model of Placement Senior Officials of State Civil Apparatus JPT Pratama

Recommended Model

To make real the positive challenges of the Placement Practices of Senior Officials of JPT Pratama Officers in Palembang City Government, the researcher has mapped the results of the research into a recommendation model which when carry out persistently the process of the Placement of JPT Pratama Officials will be uncorruptable, free of collusion and no nepotism is allowed in the process. Displayed as below:

Conclusion

The Government Regulation No. 11 of 2017 concerning Civil Apparatus Management in the Republic of Indonesia reflects the latest developments of ongoing reform agenda as stated above, must be started with the improvement of the process of procuring Civil Servants, until the placement and appointment of the Senior Apparatus is already regulated and should be integratedly executed.

However, after reviewing the facts in the field that the implementation of this Government Regulation and Law No. 5 of 2014 is not as easy as it said, many obstacles occur in its process such as socio-political-bureaucratic conditions, the position of Mayor as the Main Key Component and also the overlapping rules that may produce a number of conflicting mechanisms that essentially not accomodate the merit principle (parasitic meritocracy).

The concrete steps as efforts must be taken by policy holders to answer the challenges for numbers of problems that have been examined above will be figured out as follow:

1. Will The Government make a big step to resolve existing socio-politicalbureaucratic conditions by giving the boundaries for the actors in making decision, the administrative matters should have been handled by adminitrators while the political matters by politician. The Mayor in this case acts as a politician who gives legality to all Government administration products, so that the product has a permanent legally authorized. It is clearly different from the position of the President who has had the preogrativ right to appoint ministers before finally inaugurating them, because the minister's position itself is a political one not a career one. While, the Mayor's position has not had preogrativ rights in terms of placement and appointment of senior apparatus which is different from what a President can do, as a matter of a fact, JPT Pratama in Local Government is a career position that catagorized as administrative area of the State Civil Apparatus. Then the authority possessed by the Mayor before inaugurating is

limited to being only an initiator not a selector.

2. The relationship between the key components which respective authority lies on them in the process of placement of senior apparatus conducted to the merit system as formal mekanisme, Those has hopes to produce the senior apparatus candidates who are free from conflicts of interest from a mayor, it is difficult to do if the existing merit system still allows the selection committee to give 3 best candidate names from the selection results. Are there 3 winners decided by the jury in a competition? making the 3 (three) winning candidates have annulled the principle of the competition itself in which the competition is part of the principle merit. On the other hand, giving option 3 winners candidates to the Mayor who is will fullfill the a job vacancy is none other than career position is a mistake in the working principle of bureaucratic and political administration, because the mayor's position is very different from the position of the President in choosing his ministers, as explained above before. because the mayor's position is very different from the position of the President in choosing his ministers, as explained above before. The conflict interest of the Regional Head i.e Mayor can be resolved by limiting the authority of Regional Heads on competency-based selection in merit principles..

3. There will be always an exception in the rules, but concerning the overlapping regulation in the placement of senior officials of the State Civil Apparatus in the government environment cannot be solved only by the unitary of regulations by The Central Government that refer to the principles

of merit. But also The Central Government should avoid to make discretion of administration that can be hazardous to the overall of merit principles.

If these can be dealt with carefully, then the result will be the realization of bureaucratic conditions that refer to the merit principle (**meritocracy**).

References

Castilla, E.J. & Benard, S. (2010). The Paradox of Meritocracy in Organizations.

Administrative Science Quarterly 55 (4): 543-576.

Creswell, J.W. (2007). *Qualitative Inquiry & Research Design, Choosing Among Five Approaches*, SAGE Publishing, London.

Frederickson, H.G, Smith, KB, Larimer, CW, Licari, MJ(2012). *The Public Administration Theory Primer*, 2nd Edition, Boulder Colorado: Westview Press.

Flick, U. (2009). *An Introduction to Qualitative Research*, 4th Edition, London: Sage Publishing.

Low, D. (2014). Good Meritocracy, Bad Meritocracy. In D. Low & S.T. Vadaketh (Eds.), *Hard Choices: Challenging the Singapore Consensus*. Singapore: NUS Press.

Marzuki, P.M. (2006). *Penelitian Hukum*. Jakarta: Prenada Media Group.

Mattozi, A. & Merlo, A. (2010). *Mediocracy*. Pasadena, CA, California Institute of Technology.

McCourt, W. (2007). The Merit System and Integrity in the Public Service. *Development Economics and Public Policy Working Paper Series*. Paper No. 20: 1-13. Institute for Development Policy and Management, University of Manchester.

Osborne, S.P. (2006). The New Public Governance? *Public Management Review*, 8(3), 377-388.

Sen, A. (2000). Merit and Justice. In K. Arrow, S. Bowles, & S. Durlauf (Eds.), *Meritocracy and Economic Inequality*, Princeton, NJ: Princeton University Press.

Tassano, F. (2006). *Mediocracy, Inversions, and Deceptions in An Egalitarian Culture*, Oxford: Oxford Forum.

Triyono, B, Raharjo, H, Faiq, Ayu NM, Nuryawani, TP (2013), *Reports Final Evaluation of Bureaucratic Reform Policy*. Jakarta: Directorate of Sectoral Development Performance Evaluation Ministry of National Development Planning/National Development Planning Agency (BAPPENAS), BAPPENAS.

Official Documents:

Law No. 5 of 2014 concerning the State Civil Apparatus.

Law No. 8 of 1974 concerning staffing points.

Law Number 43 of 1999 concerning staffing points.

Government Regulation Number 54 of 2003 concerning PNS Formation.

Government Regulation Number 78 of 2013 concerning the procurement of civil servants based on competence.

Government Regulation Number 11 of 2017 concerning Management of Civil Servants.

Presidential Regulation RI Number 81 of 2010 concerning Grand Design of 2010-2025 Bureaucratic Reform.

BKN Head Regulation of the Republic of Indonesia Number 26 of 2004 concerning the provisions for the implementation of Government

Regulation Number 97 of 2000 concerning PNS Formation.

Decree of the Minister of Home Affairs Number 16 of 2003 concerning Procedures for Appointment of Provincial Secretariat, Regency / City

Secretary, and Echelon II Officials in the Regency / City Government.

Minister of Administrative Reform and Bureaucratic Reformation Regulation No. 13 of 2014 concerning Filling Procedures For Higher Officials In The Regional Government.