

Affirmation Policy Formulation in the field of Staffing in Meeting the Need to Create Quality Employees

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ABSTRACT

The granting of Special Autonomy is for realizing justice, upholding the rule of law, exercising human rights (HAM), accelerating economic development, improving the welfare and progress of the Papuan people in order to realize and balance the progress of other provinces. The purpose of this study is to determine and analyze the Affirmation Policy in the field of employment in meeting the needs of qualified employees.

The method used is normative legal research to be able to solve problems by examining secondary data. Secondary data is obtained by studying and reviewing library materials in the form of legal materials, both primary legal materials, secondary legal materials, and tertiary legal materials. presented descriptively.

The results of this study are the need for a clear and responsible juridical basis in the implementation of special regional staffing fields, namely by making special provincial regulations and district regulations.

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1. INTRODUCTION

The existence of the State Civil Apparatus (ASN) in the national employment system occupies an important position in the administration of government, as well as functions as a unifying tool for the nation. In line with the decentralization policy in the administration of government, there is authority in the field of personnel to be handed over to the regions which are managed in the regional staffing system.

As an ASN, you should have superior abilities and skills in order to carry out all your duties and responsibilities properly and be able to provide good service to the community, because the key to the success of a government institution will be seen from the performance of its employees. One of the important elements in achieving the success of an organization or institution is the superior skills and superior resources it has. This element becomes the basis for organizations or institutions to formulate strategies in human resource development to improve employee performance in the agency.

Performance is basically the responsibility of every individual who carries out his

duties in an institution. And to see whether a performance is good or not, it must be seen from the results of the work that have been optimal and in accordance with the standards that exist in each institution. Increasing employee performance will have an impact on the institution, namely making the institution more advanced that can compete in this increasingly advanced era.

Employees who have good quality can be measured from 6 aspects, namely: 1) Work results: the level of quantity and quality that has been produced and the extent to which supervision is carried out. 2) Occupational knowledge: the level of knowledge related to work tasks that have a direct effect on the quantity and quality of work results, 3) Initiative: the level of initiative while carrying out work tasks, especially in terms of handling problems that arise, 4) Mental skills: the level of ability and speed in receiving work instructions and adapting to work methods and existing work situations. 5) Attitude: the level of morale and positive attitude in carrying out work tasks. 6) Discipline of time and attendance: level of punctuality and level of attendance. This is very important in the implementation of staffing affirmations so that local governments can prepare themselves to produce quality ASN.

Every organization, both private and government, will strive to achieve the goals that have been set. One thing that needs to be considered together is that the success of various activities within an agency in achieving goals does not only depend on technological superiority, available operating funds, facilities or infrastructure owned, but also by several other factors including the availability of sufficient and ready-to-use ASN. ASN owned by the agency needs to be directed effectively and efficiently through good management. Success in the work process to achieve the goals that have been set is strongly influenced by the HR itself. If employees can work optimally, the work given to them will be completed more quickly according to the time set and the results will be in accordance with agency expectations¹

Local government will succeed well if the ASN performs its duties and responsibilities optimally. The role of human resources in an agency is very important for the creation of the continuity of an agency. The appointment and placement of ASN is a factor that must be considered to achieve the goals to be achieved from an agency.

Regional employment is a system and procedure regulated in the applicable laws and regulations, including planning, requirements, appointment, placement, education and training, salary, dismissal, retirement, coaching, position, rights, obligations, responsibilities, prohibitions, sanctions, and awards as an integral part of the national employment system. Thus, regional staffing is a unified bureaucratic network in national employment²

Placement of employees to fill positions³ with general qualifications is the authority of each level of government in accordance with applicable laws and regulations. This includes distributing and placing certain employees in accordance

¹ Najoan, Pangemanan, Dan Tangkere, "Pengaruh Tunjangan Kinerja Terhadap Kinerja Pegawai Pada Dinas Pertanian Kabupaten Minahasa."

² Maulana, "Seleksi Merit Sistem PNS Pratama Aparatur Sipil Negara di Pemerintah Provinsi."

³ Daniarsyah, "Penerapan Sistem Merit Dalam Rekrutmen Terbuka Promosi Jabatan Pimpinan Tinggi ASN (Suatu Pemikiran Kritis Analisis)."

with the qualifications of the position and the needs of an area that has special problems⁴

One of the reasons for the low quality of employees is technical aspects in the culture or work system that are less supportive, such as unclear main tasks and functions of an employee, high workload (can be caused by a lack of employees, high work volume), and lack of commensurate remuneration for high volume of work.

The number of employees who are placed is not in accordance with the needs and fields of knowledge possessed, this results in the quality of employees being very weak. . Therefore, it is necessary to provide affirmation because it is the regions that understand the most about their respective regions and know the regional needs and how to handle problems that arise in their respective regions. The uneven placement of employees for each area of the local government results in a high workload for some employees

This particular problem is recognized by the Government, as stated in Law Number 21 of 2001 concerning Special Autonomy for the Province of Papua (Law Number 21 of 2001)⁵ which states that in order to achieve justice , upholding the rule of law, respecting human rights (HAM), accelerating economic development, improving the welfare and progress of the Papuan people in the context of equality and balance with the progress of other provinces. This means that the Government recognizes that in Papua Province there are still related problems: justice, upholding the rule of law, respecting human rights (HAM), accelerating economic development, improving the welfare and progress of the Papuan people⁶.

To carry out Special Authorities related to government affairs as regulated in Government Regulation of the Republic of Indonesia Number 106 of 2021 concerning Authorities and Institutions for the Implementation of the Special Autonomy Policy for Papua Province, the Regional Government of Papua Province has authority in the field of regional apparatus and ASN management ⁷

The resolution of these various problems is carried out through the opportunity for the formation of a special policy, as stipulated in the preamble section letter h, namely: "that in order to reduce the gap between Papua Province and other provinces, and improve the standard of living of the people in Papua Province,"⁸ and to provide opportunities for indigenous Papuans, special policies are needed within the framework of the Unitary State of the Republic of Indonesia" ..

However, in order for this special policy to be right on target or not to be misused, it is regulated again in the consideration section considering letter i, namely: "... that the implementation of the said special policy is based on basic values which include; protection and respect for ethics and morals, basic rights of indigenous people, human rights, rule of law, democracy, pluralism, as well as

⁴ Meisi Kalesaran, "Penerapan Sistem Merit Menuju Pemerintahan Yang Terpercaya (Trustworthy Government) (Studi Penelitian Pada Badan Kepegawaian Daerah Provinsi Sulawesi Utara)."

⁵ Dwita et al., "Academic Journal of Interdisciplinary Studies AJIS."

⁶ Silambi, Alputila, dan Syahrudin, "Customary Justice Model in Resolving Indigenous Conflicts in Merauke Regency Papua."

⁷ Dwiputrianti, "Public Accountability through Merit Values on Civil Service Management in Central Java Province."

⁸ Dwita et al., "Academic Journal of Interdisciplinary Studies AJIS."

equal rights and obligations as citizens...". This special policy in the administration of government is referred to as an affirmative policy, which is a special policy intended for indigenous Papuans in several important areas of life in order to improve the quality of human resources towards achieving prosperity⁹

In "MPR RI Decree Number IV/MPR/2000 concerning Policy Recommendations in the Implementation of Regional Autonomy", it is stated among other things "emphasizing the importance of immediately realizing the special autonomy through the stipulation of a special autonomy law for the province of Irian Jaya" by taking into account the aspirations of the people and as an implementation Based on the decision of the MPR RI, the "Law of the Republic of Indonesia Number 21 of 2001 concerning Special Autonomy for the Papua Province" which has been amended by Law No. 2 of 2021 concerning the second amendment to the Papua Special Autonomy Law was issued.

Through the granting of special autonomy for the Papuan people, the Papuan provincial government has pocketed a special and broader authority in regulating its area, including the authority in the field of government (not including foreign policy, matters relating to security, monetary, fiscal as well as religious and related to the State judiciary) but the authority is only related to how to manage finances, regulate the regional economy, regulate matters relating to human rights, the police, and other matters that are not included in the exceptions mentioned above.¹⁰

Law No. 21 of 2001 places indigenous Papuans and the Papuan population in general as the main subjects. The existence of the Government, Provincial Government, Regency/City Government, as well as the apparatus under it, are all directed to provide the best service for the people. In order to implement a special autonomy policy that is oriented towards improving public services and human resources, especially Papuans at the provincial, district and city levels in the Papua Province, the Papua Provincial Government needs to establish and implement affirmative policies to address problems in the field of personnel through planning needs, selection, education and training, as well as placement in regional employee positions.

The Provincial Government together with the Regency/Municipal Governments in the Papua Province need to use the opportunities for the special applicable employment policies as regulated in Law Number 21 of 2001 responsibly, by compiling, establishing, implementing, evaluating and continuously improving norms, standards and procedures that apply in Papua Province which at a certain time can reach the same level, or even reach above the quality of norms, standards and procedures that apply nationally.

Philosophically, the enactment of Law Number 21 of 2001 is intended to achieve justice, uphold the rule of law, respect for human rights, accelerate economic development, improve the welfare and progress of the Papuan people, in the context of equality and balance with the progress of other provinces. This law places indigenous Papuans and the Papuan population in general as the main subjects of

⁹ Dwita et al. Academic Journal of Interdisciplinary Studies AJIS."

¹⁰ Habel Way, Melkias Hetharia dan Marthen Arie, 2002 *kedudukan hukum majelis rakyat papua (MRP) dalam Undang-Undang No.21 tahun 2001 tentang Otonomi Khusus bagi Provinsi Papua*, online Journal

(<http://pasca.unhas.ac.id/jurnal/files/ec58a82bdd385761ab3aa14c28cb3ec3.pdf>, accessed on 19 August 2020)

development. Therefore, the law expresses and implies a number of basic values, which include: protection and respect for ethics and morals, basic rights of indigenous people, human rights, rule of law, democracy, pluralism, as well as equality, rights, and obligations as citizens.

The provisions of Article 27 of Law Number 21 of 2001 states that: (1) The Provincial Government shall determine the provincial staffing policy based on the norms, standards and procedures for the management of Civil Servants in accordance with the laws and regulations. (2) In the event that the provisions as referred to in paragraph (1) are not met, the Provincial Government and Regency/Municipal Governments may determine staffing policies in accordance with the needs and interests of the local area. (3) The implementation of the provisions as referred to in paragraph (2) shall be regulated by a *Perdasi*.

Based on the article above, the regional government is authorized to appoint employees to the regional government based on need through the affirmative path based on the applicable norms. Provincial Regulations to implement Article 27 of Law Number 21 of 2001 have not yet been established, so there is no clear and responsible juridical basis for implementing affirmative policies in the field of staffing in responding to problems and meeting the needs of various regencies/cities in Papua in the context of realizing quality regional employees serving the public interest (Nirwana, 2021). To answer the provisions of the Act above, it is necessary to make a more specific rule regarding employee recruitment through the affirmation route as a derivative of the Special Autonomy Law. The purpose of this study is to determine and analyze the Affirmation Policy in the field of employment in meeting the need to create quality employees.

2. METHOD

The method used is normative legal research by examining applicable rules¹¹ intended to be able to solve research problems by examining secondary data. The method used in this legal research is a research method that functions to be able to see the law in the real sense and examine how the law works in the community.¹² Secondary data is obtained by studying and reviewing library materials in the form of legal materials, both primary legal materials, secondary legal materials, and tertiary legal materials. The data that has been obtained is then processed in a narrative manner that is presented descriptively.

3. RESULT AND DISCUSSION

Determine And Analyze The Affirmation Policy

The systems, processes, and procedures applied in the bureaucracy in Papua are still legalistically oriented with a hierarchical approach. This approach has formed a mindset, attitude pattern, and pattern of action of bureaucrats that are oriented only to the rules and directions of the leadership, thus weakening the creativity and innovation of the bureaucrats. Even in the era of special autonomy policies, the government apparatus in Papua Province still tends to wait for central directions,

¹¹ Irwansyah dkk, *Penelitian Hukum Pilihan Metode Dan Praktek Penulisan Artikel*.

¹² Julianto Jover Jotam Kalalo, Philipus Betaubun, Cynthia Novitas Kalalo. 2019. Implementation of Marriage by Indigenous Law to Yei Tribe Communities. *International Journal of Management*, 10(6), 45–53. <https://doi.org/10.34218/IJM.10.6.2019.005>.

even though the authority has been handed over. As a result, when there are parties who question the local government's inaction in actualizing the mandate of Law Number 21 of 2001, the first party to blame is the Central Government.

In addition, institutional, recruitment and bureaucratic development processes are not definitively patterned, and tend to be subjective, based on a needs analysis that is not comprehensive. There are still many institutions whose main tasks and functions have a great chance of overlapping. Bureaucratic career development is not based on an objective competency assessment, for example the Head of Service is held by a teacher. The filling of positions tends to be politically charged and has the nuances of KKN (spoil system)¹³. Incentive system institutionally and individually with a pattern of differentials based on input dimensions (DIP, rank/class, education and years of service), not output/outcome dimensions, as a result, a bureaucrat by using all means (including unlawful means) pursues a diploma at a certain level because it affects the group, which means it also affects the incentives¹⁴ obtained, even though the person concerned is not productive.

Bureaucratic activities in Papua tend to have penetrated the boundaries of their functions as administrative actors, namely implementing government policies. In reality, the bureaucracy also participates in the political process (intervention of political interests in bureaucratic circles). The appointment/appointment of a structural official in the ranks of the bureaucracy is not solely based on a carrier system but tends to be based on a spoil system, where the support of a political party or a success team is the determining factor. As a result, the existence and activities of the bureaucracy are influenced by certain political interests. The bureaucratic apparatus becomes the shadow of the success team, as a consequence, the apparatus becomes an ATM for the success team.

Formed and developed in a bureaucratic environment, the mentality of primordialism, consumptive, feudalistic, tends to ask to be served instead of serving, prioritizes social status, works to pursue prestige and material gain, not achievement, upward-oriented tendencies have given birth to a multi-layered cultural system, which in turn eventually leads to the attitude of "ABS" (as long as you are happy).

Giving affirmations to the province of Papua in regulating its employees is very important but this policy must have a strong legal basis as an operation so that these affirmations can run according to expectations and based on applicable regulations so that employees become employees who excel and have good performance to develop the province Papua is a province on a par with other provinces in Indonesia.

This condition is exacerbated by the existence of a cultural dichotomy; Coastal Papua-Mountain Papua, native Papua-non-native Papuan, Papuan-immigrant, and so on. The dichotomy is symptomatic at all levels of government, this condition has the potential to cause social friction which leads to a decrease in work ethic and ineffective performance of the apparatus.

¹³ Lia dan Shofwan, "Peranan E-Government Dalam Pelayanan Publik (Studi Kasus: Mal Pelayanan Publik Kabupaten Sumedang)."

¹⁴ Badriah Djula, "Pengaruh Pemberian Insentif Terhadap Prestasi Kerja Karyawan."

The factual condition of the government apparatus in Papua Province with its various problems, as already stated, certainly has significant implications for the implementation of the functions, duties and authorities carried out. The inadequate quality of apparatus resources (North & North, 2018) has made the apparatus not have the creativity to create or do innovative things. Apparatus tends to only do routine jobs because of their inability to make new breakthroughs. This condition is exacerbated when many government officials tend to work to serve themselves or serve the authorities. This attitude has become a kind of dogma that constantly affects the image of the officers and has a significant influence on the formation of the behavior of the officers.

Article 27 of Law no. 21 of 2001 stipulates that the provincial government has the authority to establish personnel policies based on norms, standards and procedures for the management of civil servants in accordance with statutory regulations. In the event that the provisions referred to are not met, the provincial government and district/city government may establish a staffing policy in accordance with the needs and interests of the local area. The personnel policy in question starts from determining the formation, selection (recruitment), education and training, salary, placement in office, and retirement. This means that local governments can make personnel policies that are not in accordance with national norms, standards and procedures. Opportunities provided for the implementation of Papua's special autonomy policy in terms of determining staffing policies according to regional needs and interests have not been optimally utilized by the Provincial and Regency/City Governments in Papua. Whereas the Regional Government in Papua can establish personnel policies that are not in accordance with the norms, standards, and procedures that apply nationally.

Based on the author's observations by studying books and journals related to the problem, in order to be able to answer this, it is necessary to make regulations, both provincial special regulations and also Regency Regional regulations as derivatives of Law Number 21 of 2001 concerning Special Autonomy and Government Regulations. Republic of Indonesia Number 106 of 2021 concerning Authorities and Institutions for the Implementation of the Special Autonomy Policy for the Province of Papua. Because these two rules have not set out in detail the affirmation policy in the field of employment. Provincial Special Regulations and Regional Regulations must clearly contain provisions relating to the determination of formation, selection (recruitment), education and training, remuneration, placement in positions, and pensions that must be in accordance with the demands of special autonomy and based on the needs and potentials of the Papua Province.

The establishment of this Provincial Regulation aims to carry out the instructions of Article 27 of Law Number 21 of 2001 so that there is a clear and responsible juridical basis for implementing affirmative policies in the field of personnel in order to answer problems and meet the needs of various regencies/cities in Papua for the realization of regional employees who are competent. quality in serving the public interest.

According to the author, the Establishment of Provincial and Regency Regulations is useful to provide legal certainty and provide clear directions in the implementation of affirmation policies in the field of employment to answer problems and meet the needs of various regions in Papua in order to create quality

regional employees in serving the public interest in accordance with the preamble. considering the letter g, which aims to accelerate the realization of the welfare of the Papuan people, stipulates: "that in order to reduce the gap between the Papua Province and other provinces, and to improve the living standards of the people in the Papua Province, as well as to provide opportunities for the indigenous Papuans, it is necessary to have a special policy in the framework of the Unitary State of the Republic of Indonesia". This means that in the implementation of development and governance in Papua Province, the opportunity is given for special policies or affirmative action (special treatment) for the Papuan people to increase their capacity so that in a short time they can be the same as other communities in Indonesia.

This special policy or affirmative action (special treatment) is also in line with Article 28H Paragraph (2) of the 1945 Constitution which stipulates the importance of implementing the policy, that: achieve equality and justice". Of course, after equality and justice are obtained, the affirmation policy is abolished. Therefore, the term discrimination is often used for temporary or positive discrimination. Papua, which is a province granted special autonomy, has the right to get the widest opportunity to develop itself to achieve equality and justice with other regions in other provinces in Indonesia. The employment affirmation policy is an effort made by the central government for Papua to be able to implement this policy as well as possible so that the objectives of article 28H can be achieved properly and equality and justice can be felt by all citizens

4. CONCLUSION

This provincial regulation is carried out with reference to the provisions of the legislation, and in accordance with the mandate of Article 27 of Law Number 21 of 2001 that it is necessary to have a clear and responsible juridical basis in the implementation of policies in the field of regional staffing that are specific in answering problems and meeting the needs for realizing public services and developing human resources for employees, especially indigenous Papuans. the provincial government has the authority to determine staffing policies based on norms, standards and procedures for the implementation of civil servant management in accordance with statutory regulations. In the event that the provisions referred to are not met, the provincial government and district/city government may establish a staffing policy in accordance with the needs and interests of the local area. The personnel policy in question starts from determining the formation, selection (recruitment), education and training, salary, placement in office, and retirement. This means that local governments can make personnel policies that are not in accordance with national norms, standards and procedures. Opportunities provided for the implementation of Papua's special autonomy policy in terms of determining staffing policies according to regional needs and interests have not been optimally utilized by the Provincial and Regency/City Governments in Papua. Whereas the Regional Government in Papua can establish inappropriate personnel policies

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