Synchronization of Permenpan-Rb RI Number 17 Of 2021 Related to The Appointment of a Young Expert Functional Position in Disdukcapil Appointed Through Permendagri Ri Number 60 of 2021

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Abstract

Structural officials at the Lampung Provincial Population and Civil Registration Office are appointed through the Minister of Home Affairs Decree. Still, all Supervisory officials in the Lampung Provincial Government, including officials at the Lampung Provincial Population and Civil Registration Office, are appointed using the Lampung Governor's Decree as functional young experts in equalizing positions. The purpose of this study is to analyze the obstacles encountered in synchronizing Permenpan-RB RI Number 17 of 2021 related to the Appointment of Junior Expert Functional Positions at the Population and Civil Registration Office of Lampung Province, which are appointed through Permendagri RI Number 60 of 2021. In this research, the methods used are the normative juridical approach and the empirical juridical approach. In the Synchronization of Permenpan-RB Number 17 of 2021 Regarding the Appointment of Junior Expert Functional Positions at the Disdukcapil, which was appointed through Permendagri Number 60 of 2021, there has been progress with the issuance of a decree on the dismissal of supervisory structural positions by the Minister of Home Affairs and the second equalization in functional roles to approach the suitability of tasks at the Disdukcapil of Lampung Province.

1. Introduction

In order to enhance the dynamism and professionalism of the bureaucracy to improve effectiveness and efficiency in delivering government services to the people, some measures need to be implemented. The simplification of bureaucracy via the equalisation of administrative posts into functional ones is deemed essential[1]. Equalization of Administrative positions, especially echelon IV to Functional in the regions, has been carried out simultaneously, starting with the inauguration at the end of December 2021. Equalisation is a key component of the bureaucratic simplification process, aimed at fostering a more dynamic and professional bureaucracy to enhance the efficacy and efficiency required to bolster the provision of public services[2]. Following the President's direction, there should be no policy to change the income affected by the transfer of positions, said Secretary of the Directorate General of Post and Information Resources and Devices (Sesditjen SDPPI) R Susanto at the Discussion Meeting on the Transfer of Functional Positions within the Directorate General of SDPPI, at Spark Luxe Hotel, Jakarta, Wednesday (11/12/2019).

The current problem is for structural officials in supervisory positions at the Population and Civil Registration Office of Lampung Province who have been equalized to become young expert functional officials (Functional Position of Central and Regional Financial Analyst as many as 1 person, Functional Position of Policy Analyst as many as 1 person, Functional Position of Junior Expert Planner as many as 7 people, Functional Position of Computer Pranata as many as 1 person) and for technical duties that are not in accordance with the main tasks and functions in the nomenclature of the Population and Civil Registration Office of Lampung Province, in this case there is dualism in state administration in the form of a letter of appointment, namely between the Decree issued by the Minister of Home Affairs of the Republic of Indonesia and the Decree of Appointment by the Head of the Region in the appointment of officials at the supervisory level which currently has been equalized to become functional if an analysis is carried out, there will be a violation of the Law in the form of Administrative Mal.

The research in this thesis focuses on the synchronisation between Permenpan-RB Number 17 of 2021, which pertains to the equalisation of administrative positions into functional positions, and Permendagri Number 60 of 2021, which addresses the appointment, dismissal, and performance assessment of primary high leadership officials, administrator officials, and supervisory officials.

[1] Chazali H Situmorang, "Studi Analisis Undang-Undang Aparatur Sipil Negara Menuju Penyederhanaan Birokrasi," *Populis: Jurnal Sosial Dan Humaniora* 4, no. 2 (2021): 317–36.
[2] Dzikry Maulana, Heru Nurasa, and Nina Karlina, "Implementasi Program Penataan Dan Penguatan Organisasi Di Lingkungan Pemerintah Kabupaten Ciamis," *Responsive: Jurnal Pemikiran Dan Penelitian Administrasi, Sosial, Humaniora Dan Kebijakan Publik* 5, no. 2 (2022): 59–67.

Research conducted by [3] stated that bureaucratic reform of the Minister of Administrative and Bureaucratic Reform, which equates structural and functional positions, has created problems in the Indonesian justice system. Minister of State Apparatus Empowerment and Bureaucratic Reform Number 17 of 2021 violated Law 5 of 2014 and Government Regulation 11 of 2017. In addition, the contents of the Minister of Administrative Reform and Bureaucratic Reform Number 17 of 2021 have not been studied, causing many problems in the field. contrary to the goals of bureaucratic reform to create an effective and efficient bureaucracy. Employees are confused by position equality. The structural role shift led to a name change from administrator and supervisor to coordinator and sub-coordinator. This study focuses on the application of research conducted at the Population and Civil Registration Office of Lampung Province. The objective of this research is to examine the correlation between the Synchronisation of Permenpan-RB RI Number 17 of 2021 and the Appointment of Junior Expert Functional Positions at the Population and Civil Registration Office of Lampung Province, as stipulated by Permendagri RI Number 60 of 2021. As well as the obstacles encountered in the Synchronization of Permenpan-RB RI Number 17 of 2021.

2. Research Method

Legal research is the process of identifying and analysing legal laws, concepts, and doctrines in order to provide solutions to legal problems or inquiries[4]. In contrast, legal research methods are the science of procedures for conducting legal research regularly (systematically). This study uses normative and empirical legal methodologies. The normative juridical system examined the problem's rules, norms, and rules.

The methodology used involves the compilation of relevant laws, rules, theories, and literature pertaining to the subject matter. The empirical method collects and analyses primary research data. This research used interviews with Functional Officials at Lampung Province's Population and Civil Registration Office for primary data. These officials directly encounter challenges related to the synchronisation of Permenpan-RB RI Number 17 of 2021, which pertains to the appointment of Junior Experts in functional positions at the aforementioned office.

In this research, there are 2 types of data obtained based on research, namely primary data obtained from the results of study in the field directly on the object of research conducted by observation and interviews at the Population and Civil Registration Office of Lampung Province. Then, secondary data is obtained by concluding various kinds of data contained in official documents, reports, books, regulations, and other literature related to research material.

[3] Ahmad Gelora Mahardika, "Rekonstruksi Politik Hukum Pengaturan ASN Dalam Sistem Hukum Kepegawaian Di Indonesia," *Jurnal Rechtsvinding Media Pembinaan Hukum Nasional* 11 (2022).

[4] Maulana, Nurasa, and Karlina, "Implementasi Program Penataan Dan Penguatan Organisasi Di Lingkungan Pemerintah Kabupaten Ciamis."

The authors conducted data collection techniques through literature studies and field studies to complete and obtain accurate information in this study. A literature study is carried out by concluding various kinds of data in books, regulations, and other literature related to the research material to be discussed. Field studies are data collection carried out to obtain primary data in 2 (two) ways: observation at the Lampung Province Population and Civil Registration Office and open interviews with resource persons. The selected resource persons were determined by purposive sampling of the Population and Civil Registration Office employees of Lampung Province.

The analysis of the data carried out uses Qualitative juridical analysis, namely the analysis carried out descriptively, the argumentation of the data obtained in the research. Then, the study results are continued with deductive conclusions, namely a way of thinking based on general realities, which are then explicitly concluded and supported by the literature results.

3. Results and Discussion

Concept of State Administrative Law

State Administrative Law (HAN) comes from the Netherlands, namely 'administrative recht' or 'Bestuursrecht'1 which means the sphere of power/administration outside of the legislature and judiciary. In France, it is called 'Droit Administrative'. In England, it is called 'Administrative Law'. In Germany, it is called 'Verwaltung recht'. State administrative Law translates 'administratief rech' (Dutch). However, the term 'administrative recht' is also translated into other terms, namely State Administrative Law and government law. The principles contained in State Administrative Law aim to ensure that administrative actions are carried out in compliance with the principles of Law, justice and public interest[5].

Policy Concept

Policy arises from a decision-making process, which is then realized through the implementation of the decision[6]. In other words, every procedure can be considered the result of a decision, but not all decisions lead to policy if they are not implemented. In the context of implementation, there can be actions to do something or activities not to do something. Public policy is a continuous process, so the policy cycle is significant. The policy cycle involves policy formulation, implementation, and evaluation stages[7]. The formulation stage

[5] Andrea Sulardi, "Titik Temu Antara Asas-Asas Umum Pemerintahan Yang Baik Di Eropa Dan Prinsip-Prinsip Moral Kristiani," *Universitas Atma Jaya Yogyakarta*, no. ii, 9p (2019): 1–9.
[6] Shalahudin Ismail, Suhana Suhana, and Qiqi Yuliati Zakiah, "Analisis Kebijakan Penguatan Pendidikan Karakter Dalam Mewujudkan Pelajar Pancasila Di Sekolah," *Jurnal Manajemen Pendidikan Dan Ilmu Sosial* 2, no. 1 (2020): 76–84.
[7] Burhanudin Mukhamad Faturahman, "Konseptualisasi Mitigasi Bencana Melalui Perspektif Kebijakan Publik," *Publisia (Jurnal Ilmu Administrasi Publik)* 3, no. 2 (2018): 121–34.

involves the development of policies that have specific objectives[8]. In this context, it is important to understand that policy success is impossible if it has nothing to do with the objectives set. Sometimes there is an assumption that once the authorities pass a policy, the policy will automatically be implemented, and the results will be close to the expectations of the policymaker.

According to[9], public policy is the direction of action set by one or several actors to address a problem or issue. According to [10]also agrees with this policy concept because it focuses on what is done rather than what is proposed or intended. This concept also distinguishes policies from decisions, which are choices from various alternatives. According to Edwards III in [11], policy implementation is an important stage in the policy process. This stage lies between the policy formulation stage and the consequences arising from the policy (output, outcome). Edwards III identifies several aspects that contribute to policy implementation.

Procedures for Implementing Equalization of Junior Expert Functional Position in Disdukcapil Lampung Province

According to Article 292, paragraph (1) of Lampung Governor Regulation Number 59 of 2021[12], the Population and Civil Registration Office (Disdukcapil) is a governmental entity at the local level that assumes the responsibility of overseeing and executing population administration within the province, district, or city. The Population and Civil Registration Office is entrusted with the implementation of several governmental functions pertaining to population management and civil registration at the province level[13]. These duties are based on the province's autonomy. The administration of province-level population management under decentralisation is carried out by the Population and Civil Registration Office. The individuals in question have the responsibility of executing the rules and regulations established by the province Government for population administration and civil registration.

In addition, the Population and Civil Registration Office also has deconcentration duties[14]. This implies that district/city administrations are

[8] M H Ismail and Ahmad Sofwani, "Konsep Dan Kajian Teori Perumusan Kebijakan Publik," *JRP (Jurnal Review Politik)* 6, no. 2 (2016): 195–224.
[9] Rosmala Dewi, "Studi Kasus Penolakan Publik Atas Kebijakan Publik," *Publikauma: Jurnal Administrasi Publik Universitas Medan Area* 5, no. 1 (2017): 6–12.
[10] Budi Winarno, "Proses Dan Teori Kebijakan Publik," *Yogyakarta: Media Pressindo*, 2005.
[11] Abdullah Ramdhani and Muhammad Ali Ramdhani, "Konsep Umum Pelaksanaan Kebijakan Publik," *Jurnal Publik: Jurnal Ilmiah Bidang Ilmu Administrasi Negara* 11, no. 1 (2017): 1–12.
[12] Peraturan Gubernur, Peraturan Gubernur Lampung Nomor 59 Tahun 2021 Tentang Susunan Organisasi, Tugas Dan Fungsi, Serta Tata Kerja Perangkat Daerah, issued 2021.
[13] Putri Kristiana Nainggolan, "Pelayanan Kartu Identitas Anak (KIA) Dalam Pelaksanaan Tertib Administrasi Kependudukan Di Dinas Kependudukan Dan Pencatatan Sipil Kota Palangka Raya Provinsi Kalimantan Tengah" (Institut Pemerintahan Dalam Negeri, 2022).
[14] Reffi Oktavia and Jhon Fernos, "Pengaruh Lingkungan Kerja Dan Budaya Organisasi Terhadap Kinerja Pegawai Pada Dinas Kependudukan Dan Pencatatan Sipil Kota Padang," *Jurnal Economina* 2, no. 4 (2023): 993–1005.

entrusted with the responsibility of executing population management and civil registration responsibilities specified by the Provincial Government. Additionally, the Population and Civil Registration Office assists district/city governments with population management and civil registration procedures by providing services and technical support. The responsibilities performed by the Population and Civil Registration Office are executed in accordance with policies established by the Governor, in compliance with relevant laws and regulations. In carrying out their duties, they aim to provide services that meet the community's needs and follow appropriate rules.

Based on an interview with the Secretary of the Population and Civil Registration Office of Lampung Province, Mr. Samsudin Bakri, S.Sos, who conveyed that the process of equalizing structural positions into functional positions is an effort to adjust structural parts with operational positions within an organization or agency. The primary purpose of this equalization is to create harmony between structural functions and the needs of the tasks that employees must perform.

Structural positions are generally related to the hierarchical level in an organization and are associated with managerial responsibilities and strategic decision-making. Structural functions have a precise sequence and level of positions, such as section heads, managers, directors, etc. Meanwhile, functional positions focus more on the tasks employees must carry out following their expertise and skills. Functional positions usually have more detailed task specifications and are related to implementing more specialized work, such as IT experts, financial experts, or policy analysts.

The process of equalizing structural positions into functional positions needs to be done carefully and fairly[15]. The aim is to ensure that employees have equal opportunities to develop and optimally utilize their skills in functional positions that match their interests and abilities. Functional positions leading to Population and Civil Registration include Functional Database Administrator and Functional Operator.

Synchronization of Permenpan-RB Number 17 of 2021 related to the Appointment of Junior Expert Functional Position in Disdukcapil Lampung Province which is appointed through Permendagri Number 60 of 2021

Based on an interview with the Secretary of the Population and Civil Registration Office of Lampung Province, Mr. Samsudin Bakri, S.Sos, who said that downsizing the organization through restructuring is very important because restructuring is the foundation of various efforts to increase organizational effectiveness and improve performance in the future. Corporate restructuring is a process or effort to rearrange organizational elements per strategic needs and environmental conditions[16]. In essence, organizations,

[15] D R Riris Katharina, *Reformasi Birokrasi-Indonesia Dan Revolusi Industri 4.0* (Yayasan Pustaka Obor Indonesia, 2021).
[16] Mediya Destalia and Devi Yulianti, "Efektivitas Pengelolaan Perusahaan Publik Di Indonesia" (Pusaka Media, 2019).

including government bureaucratic institutions as entities that play a role in the public service sector, need to be improved. This can be utilized for the growth and improvement of the quality of public services, so it needs to be implemented appropriately and efficiently. To create an effective bureaucracy, it is necessary to adjust to the needs and demands of society and the strategic environment that tends to change dynamically[17]. Until now, the improvement of government bureaucratic institutions has not been carried out optimally, because it is still more focused on political interests than actual public needs. This weakness in the government bureaucracy can be seen from the inefficiency, lack of professionalism, low productivity, and minimal and low quality of public services. Based on the above, it can be concluded that equalization into functional positions is very important for a productive and efficient government.

Based on an interview with the Head of the General and Personnel Subdivision of the Population and Civil Registration Office of Lampung Province, Mr. Fahrulloh, S.Sos., M.M that related to structural positions (supervisors) at the Population and Civil Registration Office of Lampung Province who were appointed through Permendagri RI Number 60 of 2021, their inauguration decree has been revoked with the issuance of a dismissal decree. Based on this, the relevant official no longer serves as a structural official (supervisor) at the Population and Civil Registration Office of Lampung Province, and the official has also been appointed as a structural official based on Permenpan-RB RI Number 17 of 2021 related to the Appointment of Functional Positions with the issuance of a Decree (SK) by the Governor as a result of equalization to functional positions.

Referring to the above, if it is related to the Synchronization of Permenpan-RB Number 17 of 2021 regarding the Appointment of Functional Position of Junior Expert in Disdukcapil which is appointed through Permendagri Number 60 of 2021, it can be concluded that there is no dualism in state administration in the form of a letter of appointment, namely between the Decree issued by the Minister of Home Affairs of the Republic of Indonesia and the Decree of Appointment by the Regional Head in the appointment of officials at the supervisory level who have now been equalized to functional positions. This is because the dismissal decree has been issued regarding structural positions (supervisors) appointed based on Permendagri Number 60 of 2021, so the Decree on the appointment of structural officials (Supervisors) is no longer valid.

Moreover, Mr. Muhammad Usman, S.Sos., M.M, the Head of the Population Administration Information Management Division at the Population and Civil Registration Office of Lampung Province, provided an explanation. He stated that the appointment of functional officials did not adhere to the core principles of the population and civil registration office. Specifically, the conversion of structural positions (supervisors) into functional positions was not

[17] Ajib Rakhmawanto, "Perampingan Birokrasi," *Civil Service Journal* 15, no. 2 November (2021): 19–32.

aligned with the roles of young expert planners, policy analysts, and computer expert administrators. In the context of the Stufenbau theory, it is observed that some choices deviate from the prescribed framework, thereby indicating a departure from the theory's principles.

Related to the Stufenbau Theory which explains the legal system which is a system of steps with tiered rules with the intention that a lower legal rule must hold on to a higher one[18]. In the interview above, it can be determined that the Ministry of Home Affairs of Indonesia's Decree on structural posts has been superseded by a Decree on Dismissal. This implies the Ministry of Home Affairs' decision follows higher norms. Article 7, paragraph (1) of the Law of the Republic of Indonesia Number 13 of 2022, the Second Amendment to Law Number 12 of 2011 on the Establishment of law, describes the forms and hierarchical structure of law. These include the 1945 Indonesian Constitution, People's Consultative Assembly Decrees, laws or government regulations enacted in lieu of laws, government regulations, presidential regulations, provincial regional regulations, and regency/city regional regulations[19].

Then, paragraph (2) states that "The legal force of laws and regulations is following the hierarchy as referred to in paragraph (1)."

Based on the results of interviews with Functional Officials of the Computer Expert Staff of the Population and Civil Registration Service of Lampung Province, Mrs. Pranindita Kesumawangi, S.IP, M.Si, said that related to the dismissal decree related to structural positions (supervisors) who were appointed based on Permendagri Number 60 of 2021[20] and have been equalized to functional positions, implementing duties and responsibilities as civil servants who have been given positions more directed and orderly, which at the time when the dismissal decree had not been issued related to structural positions (supervisors) there was a lot of confusion. Based on the above, it can be related to the Stufenbau theory which is the synchronization of laws and regulations with other laws and regulations in the same hierarchy. So that due to the emergence of a decree on the appointment of functional positions from the results of equalizing structural positions (supervisors) by the Lampung provincial government, the Indonesian Ministry of Home Affairs issued a decree on the dismissal of structural positions (supervisors).

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[18] Lidya Monica, "Aplikasi Terhadap Fatwa Majelis Permusyawaratan Ulama Dalam Pemerintahan Aceh (Studi Analisis Fatwa Majelis Permusyawaratan Ulama Aceh Nomor 13 Tahun 2019 Tentang Hukum Game PUBG Dan Sejenisnya)" (UIN Ar-Raniry Fakultas Syariah dan Hukum, 2023).

[19] Republik Indonesia, Undang-Undang Republik Indonesia Nomor 13 Tahun 2022 tentang Perubahan Kedua atas Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan, issued 2022.

[20] Permendagri, Peraturan Menteri Dalam Negeri Republik Indonesia Nomor 60 Tahun 2021 Tentang Pengangkatan, Pemberhentian, Dan Penilaian Kinerja Pejabat Pimpinan Tinggi Pratama, Pejabat Administrator, Dan Pejabat Pengawas Pada Dinas Kependudukan Dan Pencatatan Sipil Di P, issued 2021.

Based on interviews with staff handling personnel affairs at the Population and Civil Registration Office of Lampung Province, it was stated that in connection with the issuance of a dismissal certificate as a structural official from the Indonesian Ministry of Home Affairs, functional positions resulting from equalization have not yet led to the substance of Dukcapil, including the positions of Database Administrator (ADB) and Operator. This is an input for the future so that the equalization of positions must directly lead to functional positions in the Dukcapil substance.

Local governments should continue to ensure a good understanding by functional officers of the regulations relating to their positions and duties[21]. This includes not only the obligations of functional officials as the spearhead of public service and development in the era of regional autonomy but also the rights that accrue if their commitment to serving the public and contributing to development has been consistently implemented in an orderly manner and meets established quality standards.

In the context of Disdukcapil, synchronization of regulations between Permenpan-RB Number 17 of 2021[22] and Permendagri Number 60 of 2021 is needed to ensure consistency in appointing young expert functional positions in the institution. Kemenpan-RB and the Ministry of Home Affairs must work together to communicate and cooperate. The Population and Civil Registration Office of Lampung Province equalised supervisors into functional roles under Permenpan-RB Number 17 of 2021. The Decree on the appointment of structural positions that previously applied has been revoked, and officials who previously served as supervisors have been appointed as functional officials in accordance with the equalization results.

Thus, through downsizing the organization, equalizing functional positions, and synchronizing regulations, it is hoped that an effective, efficient bureaucracy will be created, and able to provide quality public services. Obstacles encountered in Synchronizing Permenpan-RB Number 17 of 2021 related to the Appointment of Functional Position of Junior Expert at Disdukcapil Lampung Province which is appointed through Permendagri Number 60 of 2021.

The obstacles encountered are administrative malls where there are two decrees for 1 employee into 2 positions and affect the assessment of employee performance where functional officials cannot collect credit numbers because the tasks performed are different from the intended targets. This is related to Thomas R. Dye's theory, namely whatever the Government chooses to do or not do, where an official should not carry out tasks that are not his targets.

[21] Adi Purwanto and Dian Esti Nurati, "Memberikan Pemahaman Tentang Penghapusan Eselon III Dan IV Pada Pegawai DInas Lingkungan Hidup Kabupaten Blora," *Adi Widya: Jurnal Pengabdian Masyarakat* 5, no. 1 (2021): 115–23.

[22] PermenPAN-RB, PermenPAN-RB Nomor 17 Tahun 2021 tentang Penyetaraan Jabatan Administrasi ke dalam Jabatan Fungsional, issued 2021.

4. Conclusion

Synchronization of Permenpan-RB Number 17 of 2021 related to the Appointment of Junior Expert Functional Positions at the Population and Civil Registration Office, which is appointed through Permendagri Number 60 of 2021, there has been little progress with the issuance of a decree on the dismissal of supervisory structural positions by the Minister of Home Affairs of the Republic of Indonesia, but it is not yet fully synchronized due to several obstacles, namely the small number of functional positions in the field of dukcapil. The obstacles encountered in the Synchronization of Permenpan-RB RI Number 17 of 2021 related to the Appointment of Junior Expert Functional Positions at the Population and Civil Registration Service of Lampung Province appointed through Permendagri RI Number 60 of 2021 include the issuance of an equalization decree into a functional position, a decree of dismissal from a Structural position is not immediately issued, and functional positions in the dukcapil substance only consist of functional Database Administrators and functional Operators. This will cause obstacles in the career development of functional positions if they are not synchronized.

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