

CIVIL SERVANTS' ELEVATION IN THE STRUCTURAL POSITION IN MUARO BUNGO

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Abstract

The position of Civil Servants in every government organization has a very important role, because civil servants are the backbone of the government in implementing national development. To be able to realize the implementation of governmental and developmental tasks, Civil servants should be professional, responsible, honest, fair and are required to work based on work performance systems and career systems. However, in the implementation process, there are many difficulties that require good regulation, including the elevation of Civil Servants to occupy structural positions, because structural positions are very vulnerable to deviations or personal interests that dominate such as political interests, family relatives and etc. Research on the Elevation of Civil Servants in the Structural Positions in Bungo Regency was carried out through a regulatory and theoretical approach that was connected with reality, that how the implementation of civil servants' regulations in Bungo Regency, also called empirical legal research. The regulation that becomes the barometer is Government Regulation Number 100 Year 2000 Concerning the elevation of Civil Servants in the Structural Positions. Low legal rules relating to the sanctions for violations of article 6 of Government Regulation Number 100 of 2000 have a prolonged impact among the Civil Servants on public services and the performance of Civil Servants in the Bungo Regency government, including the emergence of apathetic and egocentric attitudes towards subordinates as well as other social reactions, among others in the form of indifferent behavior towards duties and unhealthy competition among fellow employees and others which ultimately causes Civil Servants to be compartmentally minded.

Keywords: Civil Servants, Structural Positions

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INTRODUCTION

Structural Officer Placement must also be in accordance with their desires and skills, so that the enthusiasm of work and discipline will be better, and more effective in supporting the realization of organizational goals. In order for this to be created there must be an effort to reorganize (right sizing) the staffing field which is an urgent need to see how far this staffing can play a role in creating good governance.

The elevation of Civil Servants in the structural positions should use the principle of 'the right man in the right place', but the results of the researcher review showed that there are still some of the elevation of Civil Servants in the structural positions in Bungo Regency Government, who do not consider seniority in rank, age, education and position training, and personal experience of civil servants, which are provisions stipulated in Article 6 of Government Regulation Number 100 of 2000. For example, in the structure of the Regional Work Unit (SKPD), such as, Agency or Service, led by an echelon II b official with rank of the pembina in the group IV / a, While under the head of the Agency or head of the Office, there is a position of Secretary with echelon IIIa, with rank III / d, who is the supervisor of the heads of fields, who are echelon IIIb with rank of Pembina of Level IV / b. Hierarchically, according to the provisions of Government Regulation No. 100/2000, it is appropriate that the Head should have a higher rank than the secretary, and the secretary should have a higher rank than the Division Head who is his subordinate.

In Bungo Regency Governmental environment, especially, in several mutations of officers found that Civil Servants who were serving as section heads with Echelon IVa with Penata rank, group III / c, were promoted to occupy the position of Head of Field with Echelon IIIb or the position of Secretary with Echelon IIIa in the department or agency. While civil servants who hold

positions at the level of section heads with the rank of Penata Level I group III / d (one level higher than group III / c) who are holding the position of section chief, are not promoted to hold positions at higher echelons.

The misuse of law, regulation, authority and power in government administration weakens the social control of government officials' accountability. people are no longer able to access officials to demand strictness with the law. People are powerless in dealing with rules made by government administration and are used only to protect the interests of officials themselves. The general objectives of this research are to analyze the implementation of the Civil Servants' elevation in the structural positions in Bungo Regency, to find out the factors that influence the Civil Servants' elevation in the structural positions in Bungo Regency, to analyze how the legal consequences of the Civil Servants' elevation in the structural positions that are contrary to the applicable laws and regulations

Based on the description contained in the background of the problem above, the main problems can be arranged as follows:

1. What is the process of Civil Servants' elevation in the structural positions in Bungo District?
2. Factors affecting the elevation process of Civil Servants in the structural positions in Bungo Regency.
3. What are the legal consequences of the Civil Servants' elevation in the structural positions that are in conflict with the prevailing laws and regulations?

RESEARCH METHODS

The research approach used in this study was the legal empirical research or legal juridical approach (socio legal research), which focus on secondary and primary data. Through sociological juridical approach, the social condition of government was

examined through its authority governed by the applicable provisions. In this research, the legal entity began with a review of legal principles as well as the legal substance in the form of government authority in carrying out the government's wheels, especially in the case of elevating structural officials.

RESULTS AND DISCUSSION

The Process of Civil Servants' elevation in the Structural Positions in Bungo Regency

After conducting the research, it is known that the filling of structural positions in the Bungo Regency Government is inseparable from other considerations outside the formal juridical rules, including considerations of closeness, kinship, ethnicity, politics and others. The inclusion of these considerations can be seen in the process of determining structural positions from socialization to the determination of the results of the Baperjakat session.

Based on the research conducted by the researcher, there were 30 findings of civil servants' elevation in the structural positions, whose rank was lower than those of their subordinates (18 findings of civil servants' elevation in the structural positions in Bungo Regency Office, 5 findings of civil servants' elevation in the structural positions in Bungo Regency Agencies, 7 findings of appointment of civil servants' elevation in the structural positions in sub-districts in Bungo Regency). This is a violation of Article 6 of Government Regulation Number 100 Year 2000 Concerning of the Civil Servants' elevation in Structural Positions including the following;

18 findings of the civil servants' elevation in the structural positions in the Bungo Regency Office whose rank was higher than that of their subordinates;

1. Head of Non-Formal Education Division, Ardiman, SH at the Educational Office, is appointed with the rank of Penata Level I in the salary group III / d, while the Section Head, Azra'i, S.Pd has the rank of Pembina which salary group IV / a. Means that the rank of Section Head with echelon III.b, one level higher than the rank of Head of Field who holds echelon III.a.
2. Secretary of the Department of Health, dr. Early Silvia was appointed with the rank of Penata of Level I in the salary group III / d, while the Head of Health HR Development Muhamad Yusuf, SKM held the rank of pembina of the salary group IV/a. Means that the rank of Head of Division with echelon III.b, one level higher than the rank of Secretary who holds echelon III.a.
3. Head of Solikin Health Assurance and Facilities, SKM is a Level I Penata in the salary group III / d, while Head of Health Insurance Section Dra. Salmidah, M.PH has the rank of Pembina in the salary group IV / a. so that the rank of Section Head with echelon III.b, is one level higher than the rank of Head of Field who holds echelon III.a.
4. The Head of Health Sector Syamsuri, A.Ms, was appointed with the rank Penata in the salary group III / c, while the Head of the Special Health Section Suhartini, AMK held the rank of Penata Level I in the salary group III / d. Which means the rank of echelon IVa officials is one level higher than echelon IIIb officials who are her superiors.
5. Secretary of the Social, Manpower and Transmigration Department Das'ad Sm.Hk was appointed with the rank of Penata Level I in the salary group III / d, while the Head of Program Subdivision Edy Suseno held the rank of Pembina in the salary group IV / a. so that the rank of Head of Subdivision with echelon III.b, is one level higher than the rank of Secretary who holds echelon III.a.
6. The Head of Industrial Relations and Remuneration Division, Supriadi, S.Ip, was appointed with the rank Penata of salary group III / c, he is the supervisor of two subordinates who are Arfah Sani, S.Ip Head of Industrial Relations Organization, Workers and Entrepreneurs, and

Masdong Head of remuneration Section and Work Requirements, who Rank of Penata Level I in the Salary Group III / d, or a level higher than the rank of Head of Division.

7. The Head of the Population and Civil Registry Office H. Djusril Ramli, SE., Was appointed with the rank of pembina in the salary group IV / a. while two of his subordinates held a level higher than him, who are Secretary Drs. Hasan Effendi, M.Si and Head of the Civil Registration Section of Pitriyati, SH., Each of whom are ranked as Pembina Level 1 in the salary group IV / b.
8. The Head of Irrigation in the Public Works Department Hasbi Assidqi, ST, M.Tech was appointed with the rank of Penata in the salary group III / c, while the Head of Operations and Maintenance Section of the Jaya Bakti Irrigation Network held the rank of level I Penata in the salary group III / d, so that the rank Section Heads are one level higher than the rank of Division Head.
9. The Secretary of the Market and Hygiene Management Office H. Muhammad Zen, S. Sos., A Level I Penata in the salary group III / d, he is the supervisor of two Head of Fields who are the Head of Sanitation Division Halfian Syofyan, SH., And the Head of the Field of Parks and Drs. Funeral Muhammad Akbar, each Head of Division has the rank of Pembina in the salary room group IV / a. so that the rank of Section Chief with echelon III.b, is one level higher than the rank of Secretary who holds echelon III.a.
10. The Head of Market Management Harun Al Rasyid, SE., Was appointed with the rank of penata in the salary group III / c, while Rahmi, the Head of Market Resources Development Section has the rank of Penata level I in the salary group III / d. so that the rank of Section Chief with echelon III.b is one level higher than the rank of Head of Field who holds echelon IV.a.
11. The Head of the Forestry and Plantation Office of Ishak, SP.MM was appointed with the rank of pembina in the salary group IV / a. He is the supervisor of two Head of Fields who are the the Head of Business and Plantation Development Ir. Hj. Sri Argunaini, Msi and Head of Land Rehabilitation and Social Forestry Division, Drs. Muslim. Each Head of Division has the rank of Level I Pembina in the salary group IV / b. so that the rank of Section Head with echelon III.a, is one level higher than the rank of Head of Service who holds echelon III.b.
12. The Head of Forestry Production Development Division of the Forestry and Plantation Office Hj. Eliza, SP, M.Sc. holds the rank of Penata in the salary group III / c, while the Head of Forest Protection and Security Section M. saleh, MN.SE holds ranks penata Level I Level in the salary group III/d. so that the rank of Section Chief with echelon III.b is one level higher than the rank of Head of Field who holds echelon IV.a. means the rank of M. Saleh, MN.SE is higher than the rank of Hj. Eliza, S.P., M.Sc.

Five findings of the civil servants' elevation in the structural positions in the Bungo Regency Agencies whose rank is higher than that of their subordinates;

1. The Agency Secretary Dedy Irawan, SE, MM. appointed with the rank of Pembina in the salary group IV / a, while the Head of Economic Affairs Ir. Sismilia has the rank of Advisor in the salary group IV / b. Means the rank of echelon III / b officials is one level higher than echelon III / a officials who become her superiors.
2. The Head of Mutation Division Drs. H. Ansori was appointed with the rank of penata in the salary group III / c, while the head of the Promotion and Placement Division of Sri Bintan was appointed as penata in the salary group III / d, which means that the rank of echelon IVa officials is one level higher than echelon IIIb officials who are her superiors.

3. The Secretary of the Regional Disaster Management Agency, National Unity, Politics and Community Protection Drs. Suprianto, was appointed with the rank of Pembina in the salary group IV / a, while the Head of Prevention and Filing Division Usman Gumanti, SH, holds the rank of pembina the level 1 in the salary group IV / b, which means the rank of Head Usman Gumanti, SH Division with echelon III.b more high one level from the rank of his superiors, Secretary of the Regional Disaster Management Agency, National Unity, Politics and Public Relations structural officials with echelon III.a.
4. The Head of Emergency and Logistics Division Jasrul, S. Sos., Was appointed with the rank of penata in the salary group III / c in the Regional Disaster Management Agency, National Unity, Politics and Community Protection, while the Head of Logistics Subdivision Yan Pertama, ST holds the rank of Penata level 1 in the salary group III / d, means the rank of Division Head with echelon III / b, one level higher than the rank of Head of Division who holds echelon IV / a.
5. The Head of Institutional and Infrastructure Sector Nasrun, SE., Was appointed with the rank of penata in the salary group III / c, while the Head of Institutional Subdivision Saharman, SP holds the rank of Pembina in the salary group IV / a, so that the rank of Saharman, SP as the Head of Subdivision with echelon III / a is two levels higher than the rank of Head of Sector who holds echelon IV / a.

Seven findings of the civil servants' elevation in the structural positions in Sub-districts in Bungo Regency whose rank is higher than that of their subordinates; :

1. Muara Bungo Subdistrict Head, Fahmi, S. Ag, ME was appointed with the rank of Pembina in the salary group IV / a, while Abrizal, S, Sos, M.Si is ranked as Level I Pembina in the salary group IV / b as the Muara Bungo Market Sub-District Secretary who become the Muara Bungo Subdistrict Head direct subordinate. The rank of Abrizal, S, Sos, M.Si as subordinates is one level higher than the rank of Sub-District Head in Muara Bungo market.
2. The Secretary of Bungo Subdistrict Head Dani Putra Buana, S.Sos was appointed Secretary of Subdistrict Bungo Dani with the rank of Penata in the salary group III / c, while Amran, BBA, S.Sos as Section Chief of Peace and Public Order in the Bungo Dani sub-district holds the rank of penata level I in the salary group III / d, so the rank of Section Chief structural officer is one level higher than the Secretary of the Bungo Subdistrict Head.
3. The Secretary of Pelepat Ilir Suratman Subdistrict, A.Md was appointed with the rank of penata in the salary group III / c, while the section head Ir. Redno Barusdi, in the sub-district has the rank of pembina in the salary group IV / a, meaning the rank of Ir. Redno Barusdi is two levels higher than the rank of Suratman, A.Md.
4. Muko-Muko Sub-District Head of Bathin VII Zamroni, S.Ag, was appointed with the rank of penata in the salary group III / d, while the secretary in the District Drs. Kaharudin has the rank of pembina in the salary group IV / b, so the rank of Drs. Kaharudin as a subordinate is two levels higher than his superior.
5. The Sub-District Secretary in the Rantau Pandan Sub-District, M.Yusuf, S.Pdi was appointed as the Sub-District Secretary in the Subdistrict with the rank of penata in the salary group III / C, while H. Bahman, who holds the rank of penata level 1 in the salary group III/d as head of the economy section. so H. Bahman's structural position is one notch higher than the rank of Secretary in the District.
6. The sub-district secretary in the Jujuhan sub-district, Muhammad Zadjius, SH., Has a structurally higher in the rank of pranata in the salary group III / C and is higher than the two Section Heads, who are the Head of Governance Section, Aripin Saad, and the Head of Peace and Public

Order Section H. Alwi, S. Pd., Each of the Section Chiefs has the rank of penata in the salary group III / d, so that the rank of Secretary in Jujuhan sub-district is lower than the rank of Section Chief.

Based on the findings of as many as 30 (thirty) violations cases mentioned above, the Head of the Regional Civil Service Agency, Bungo H. Bakhtiar, SE. M.Si stated that the placement of officials' positions whose rank is lower than the officials below them is recognized as overriding Government Regulation Number 100 of 2000 concerning of Civil Servants' elevation in the Structural positions, especially Article 6, but which is the determining factor for the Bungo Regency Government in placing Civil Servants is based on the work patterns of the relevant civil servants.

Factors That Influence the Civil Servants' elevation in the Structural Positions in Bungo Regency

Factors affecting the Civil Servants' elevation in the Structural Positions in Bungo Regency include:

1. Erroneous understanding of regional autonomy, the Regional Government interprets regional autonomy in the sense that the Regional Government has the right to hold its own household in the perspective of the rights owned are absolute rights, so that the inherent rights are then interpreted as a broadest authority and then result in most of the regional officials consider that those who have rights to fill the structural positions are native of the region, not migrants from outside the area. So that this results in the structural positions being filled by people who do not meet competencies or as regulated by Government Regulation Number 100 of 2000 concerning the Civil Servants' elevation in the Structural Positions. it means that even though the civil servant is not qualified to occupy a structural position, but due to the native of the area, the employee is given the opportunity to occupy a structural position.
2. Direct General Election of Local Leaders which results in regional heads having enormous authority (like small kings who are in the regions) so that to fill structural positions their authority is absolutely in the hands of regional heads.
3. The Regional Head / Regional Government in electing the structural officials tends to elect people who are easily invited to cooperate with the regional government.
4. There are indications of political reciprocation from the elected Regional Head of the success team. Because not a few of the success team came from the Civil Servants group.
5. The rank and educational background do not guarantee the quality and work quality of a civil servant who will hold a structural position to work better.
6. The Regional heads do not have high integrity in their commitment to carry out their duties as regional heads, but are more inclined to follow the wishes of the parties (the success team) to interfere in the local government bureaucracy.
7. There are no real sanctions that have a deterrent effect on those violations. Because many cases of violations that occur are not reported to the competent authority, although these cases can be handled by PTUN.

Legal Consequences of Civil Servants' elevation in the Structural Positions That Are Contrary to Applicable Laws and Regulations

Low legal rules relating to the sanctions for violations of article 6 of Government Regulation Number 100 of 2000, have a prolonged impact among the Civil Servants themselves, on public services and the performance of Civil Servants in the Bungo Regency Government, the following is the accumulation of the results of interviews with various researcher's sources include:

1. The creation of apathy and undisciplined Civil Servants in working, do not want to innovate, showing lazy attitude

because the future of an uncertain career and unclear work performance measures.

2. The disruption of the work system in the regional work unit due to the emergence of egocentric especially senior civil servants which do not want to be governed by his low-level supervisors so that he does not respect and loyal to the leader.
3. The mechanism for evaluating employee performance does not work as it is, because the rank of official who leads is lower than subordinates.
4. Public servants are not optimal because Civil Servants work unprofessionally, work only because of orders from superiors, and tend to fulfill short-term (pragmatic) interests.
5. The civil servants are divided into a neutral, pro and contra line of elected regent / deputy regents.
6. The occurrence of "Political Tsunami" that killed the career of civil servants who had good grade but did not become supporters of the elected Regent / Deputy Regent.
7. The Regent is stressed because he cannot carry out his duties properly due to ineffective coordination with his subordinates.

The various consequences listed above are expressions of the taste from various levels of officials and staff in some SKPDs in the Bungo Regency Government, so that the implementation of the work can be said to be done as long as it is done well, without thinking of the maximum quality that needs to be achieved.

CONCLUSIONS AND SUGGESTIONS

Based on the discussion that has been showed, the following conclusions can be drawn. The elevation of structural officials in Bungo Regency has not followed the requirements which required by the Government Regulation Number 100 of 2000 concerning the elevation of Civil Servants in the Structural Positions due to the elevation of structural officials who ignored Article 6 regarding seniority in rank, age, education and position training and experience private civil servant.

The most dominant factors influencing the elevation of Civil Servants in the Structural Positions in Bungo Regency were the insistence of a successful team who felt virtuous as supporters and succeeded in delivering the Regent / deputy regent as the elected regent / deputy regent, functionary of the political party carrying the prospective regent / deputy district head and other influential community leaders in Bungo Regency and relatives, as well as structural officials of government agencies at higher levels.

As a result of the legal elevation of Civil Servants in the Structural Positions that conflict with the prevailing laws and regulations in Bungo Regency, there are no real sanctions that give a deterrent effect. only if there are civil servants who demand and win the demands in the PTUN, the PTUN Decree only returns the removed civil servants back to their original positions. However, in the Bungo Regency Government, the result showed that there are a creation of apathy and undisciplined Civil Servants at work, The Disruption of work systems in regional work units due to the emergence of egocentric senior civil servants, The Mechanisms in evaluating employee performance are not running, The Public servants are not optimal because Civil Servants work unprofessionally, Civil servants are divided into some parties, "Political Tsunami" that kills the career of Civil servants who had good grade but are not supporters of the elected Regent / Deputy Regent, Regent is stressed because he cannot carry out his duties properly due to ineffective coordination between his subordinates.

Based on the results of the research above, the researcher suggested the following matters. It is expected that the regional government will establish regulations governing the standard for civil servants that can be proposed to be promoted from staff to

the lowest structural positions and to increase echelon to a more permanent level based on Government Regulation No. 100 of 2000 concerning Elevation of Civil Servants in the Structural Position as amended by Government Regulation Number 13 of 2002.

In the future, it is expected that there will be strict and real sanctions applied to the Civil Servants who become the Success Team as candidates for regional heads, because they will interfere with the careers of the relevant employees and other employees in the future. The *BAPERJAKAT* Team is not permitted to provide recommendations for the nomination of the elevation Civil Servants outside the provisions and regulations.

The implementation of real legal sanctions as a result of violations of Government Regulation Number 100 Year 2000 Concerning Elevation of Civil Servants in the Structural Positions conducted by the Regional Government in carrying out the elevation of Civil Servants in Structural Positions in Bungo Regency. For Civil Servants in the Bungo Regency who suffer from violations of Article 6 conducted by the Bungo District Regional Civil Servant Officials need to report and decline the decision of the Bungo Regency Regional Civil Servant Officer who is legally flawed to the PTUN so that the Regional Civil Service Development Official receive the deterrent effect of their actions that disregards Government Regulations and so that Civil Servants get a sense of justice as they should.

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