

Juridical Review of the Performance of the State Civil Apparatus According to Law Number 5 of 2014 in the Kokalukuna District of Baubau City

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Abstract. Employee performance is very influential on organizational performance in carrying out tasks and achieving its goals, because employees are the driving force of the organization. This study aims: (1) To find out how the implementation of the performance of the State Civil Apparatus based on Law Number 5 of 2014. (2) To determine what factors are hampering the improvement in the performance of the State Civil Apparatus based on Law Number 5 of 2014. Research This uses a normative juridical qualitative approach, which is intended to understand the phenomena about what is experienced by the research subjects. The results showed that the implementation of the performance of the State Civil Apparatus (SCA) in the Kokalukuna District Office namely (1) Still not fully optimal based on Law Number 5 of 2014, this can be seen from the lack of adequate human resources in which office officials/employees Kokalukuna District in providing services to the community there is still the term selective logging. So that the community in taking care of something in the district office still feels difficulties. (2) Not optimal due to the lack of government officials as evident from the vacant position of the Head of the Public Service Section, making the service at the sub-district office less than the maximum felt by some members of the community. (3) Factors that hinder the improvement of ASN performance based on Law number 5 of 2014 in the Kokalukuna District Office, namely: (1) Effect of Discipline on Performance; (2) Effects of Education and Training on Performance; (3) Effect of Work Atmosphere on Performance; (4) Human Resource Development Strategy.

Keywords: State Civil Apparatus, Performance

1. Introduction

The Republic of Indonesia as a nation that has aspirations to realize the National goals as mandated in the opening of the 1945 Constitution, namely to create a society that is just and prosperous, equitable and sustainable between material and spiritual based on Pancasila in the Republican unity. Indonesia needs a gradual, planned and sustainable development. In an effort to achieve the above

national goals required the existence of civil servants who are full of loyalty and obedience to the Pancasila and the 1945 Constitution, the state and government are united, well-mented, authoritative, efficient and effective, of high quality, have a high awareness of responsibility he answered as state apparatus, state servants, and public servants.

Public servants have a very important role because civil servants are elements of the state apparatus to carry out government and development in order to achieve the goals of the state. The purpose of the Indonesian state as stipulated in the Preamble of the 1945 Constitution is to protect the entire nation and all of Indonesia's blood spills, promote public welfare, educate the nation's life and carry out world order. Civil servants in carrying out their duties, need to get an oversight by the leadership, because with the supervision it will create a discipline and work performance for employees. Discipline has a strong impact on an organization to achieve success in pursuing planned goals. If the employee's performance is getting higher, the goals of the organization will be created with optimal results. But on the contrary if the discipline is low then it produces inefficiency and not efficiency.

Employee performance is very influential on organizational performance in carrying out tasks and achieving its goals, because employees are the driving force of the organization. Good or bad performance of employees has an impact on the good or bad performance of the organization or institution. Employee performance is related to employee discipline which is a form of training that seeks to improve and shape the knowledge, attitudes and behavior of employees so that the employees voluntarily try to work cooperatively with other employees and improve their work performance.

Civil Servants must also be able to uphold the dignity and image of employment in the interests of the community and the State, especially in the Kokalukuna District. But the reality is in other fields where there are still Civil Servants who are unaware of their duties and functions, so that there are often imbalances in carrying out their duties and not infrequently also causes excessive disappointment to the community.

Based on this then the reasons for bureaucratic reforms in the implementation of public services are as follows:

1. The importance of applying the basic principles (good governance) needed to encourage the creation of an efficient, transparent bureaucracy that is consistent with the legislation.
2. There are weaknesses in public services [1].

In the administration of government, it still seems to lack, especially in the Elucidation of Article 1 paragraph (3) of Law Number 5 of 2014 concerning State Civil Apparatus. employee attendance and employee delays in addition there are some employees who are also often absent during working hours so that it is one of the complaints in the community. How will the good services of the apparatus not materialize, let alone improve the service of the apparatus many are not included. So this is one of the issues that must be considered how to provide good service if there are still many employees who are not present.

Based on the background of the aforementioned problems that arise related to the performance of the State Civil Apparatus, several issues can be formulated as follows: (1) How is the State Civil Service Apparatus performance implemented based on Law Number 5 of 2014 at the Kokalukuna District Office in Baubau City?; (2) What factors hinder the improvement of the performance of the State Civil Apparatus based on Law Number 5 of 2014 in the Kokalukuna District Office of Baubau City?

2. Literature Review

Civil Servants or a person can be called Civil Servants if they meet several elements, namely:

1. Meet the specified conditions;
2. Appointed by an authorized official;
3. Being entrusted with duties in a public office;
4. Paid according to applicable laws and regulations [2].

Performance is the result or level of success of a person or overall during a certain period in carrying out the task compared with various possibilities, such as work standards, targets or targets or criteria that have been determined in advance and agreed upon [3].

Performance is the result of work achieved by someone based on job requirements [4]. Performance is defined as behavior or actions that are relevant to organizational goals [5]. Whereas Ivancevich said performance is the achievement of the work of employees in a certain period of time to achieve organizational goals. While the performance of lecturers is to produce the performance achieved by a lecturer, in accordance with the responsibilities of each lecturer in order to achieve educational goals legally, not violating the law and in accordance with norms or ethics [6]. That is, all employees and lecturers are expected to have high performance in carrying out their duties, bearing in mind the high workload and demands that must be carried out by staff and lecturers every day in building an effective work culture [7].

According to Whittaker, performance measurement is used to assess the achievement of goals and objectives. Performance measurement systems usually consist of a systematic method of setting goals and objectives and periodic reporting that indicates the realization of the achievement of the goal objectives. Likewise, performance measurement is used to assess the success or failure of the implementation of activities or programs or policies in accordance with the goals and objectives set in order to realize the mission and vision of the organization [8].

There are four things that must be considered in preparing performance evaluation standards, namely validity, agreement, realism, and objectivity, namely:

- 1) Validity is the validity of the standard according to the type of work being assessed. The validity referred to here is that the standard is really appropriate or relevant to the type of work to be assessed.
- 2) Agreement means approval, i.e. the assessment standard is approved and accepted by all employees who will get the appraisal.
- 3) Realism means that the assessment standards are realistic, can be achieved by employees and in accordance with employee capabilities.

4) Objectivity means that the standard is objective, that is fair, able to reflect the real situation without adding or subtracting reality and is difficult to be influenced by assessing biases [9].

So that performance can be interpreted as the process of doing work and the results of work achieved from the work [10].

3. Methods

In this study, the author uses this type of qualitative research. Qualitative research is a process of solving problems that are investigated by describing the object of research clearly and in more detail (Confidence), as well as to draw generalizations that explain the variables that cause a symptom or social reality. The research method in this paper is normative juridical, which views the law as a binding regulation, refers to legal norms as outlined in-laws and regulations, legal principles, legal history, and jurisprudence. The approach in the normative juridical method uses a statutory approach, a case approach, and a historical approach. Normative legal research aims to produce arguments, theories or concepts as prescriptions for solving problems [11]. Sources of data in this study are primary data obtained directly from research in the field and secondary data collected from library materials and documents that support this research. Data collection techniques are by observation, interviews and documentation. Data analysis using qualitative descriptive analysis, namely data obtained through research activities, identified and grouped according to the characteristics of the research objectives, then analyzed qualitatively descriptive. The use of this qualitative analysis technique includes all research data both primary legal data and secondary legal data [12].

4. Results and Discussion

4.1. Performance of the State Civil Apparatus Based on Law Number 5 of 2014 in the Kokalukuna District Office of Baubau City

Through Law Number 5 of 2014 Regarding this State Civil Apparatus, Civil Servants are positioned as a profession which also acts as a state apparatus and government apparatus. This can be seen from the sound of article 1 point 1 of Law Number 5 of 2014 concerning the State Civil Apparatus, which states that: State Civil Apparatus, hereinafter abbreviated as ASN is a profession for Civil Servants and Government Employees with work agreements working in agencies government.

The results of the study obtained on how the implementation of SCA performance in the Kokalukuna District office is not yet optimal performance of employees in public administration services to the community in the Kokalukuna District. According to an interview with a resident of Kokalukuna Sub-District who lives far from the subdistrict office, information was obtained about the obstacles and obstacles faced by residents in obtaining population administration services.

From the author's interview with Mr. Erman Camat Kokalukuna on December 11, 2019 he himself stated that in terms of administration it might have gone a little well but sometimes the sense of responsibility of his subordinates was still lacking,

the completeness of facilities and infrastructure was not yet optimal but the party had also tried hard to serve the citizens the citizens who come to the district office well.

From the research and observations made by the author in the Kokalukuna District office, the writer himself still sees discipline in working hours is often violated by Kokalukuna District office employees, even though the access to the residence of the Kokalukuna District office employees is quite close to the office because most of the employees are located lived in Waruruma Village, which is the location of the Kokalukuna District Office.

According to an interview with Mr. Hairuddin Head of Personnel and General Subdivision of Kokalukuna District on December 12, 2019, morning apples are always held every day and in the morning apples are always given directions on how to provide good service so that government officials can better optimize their performance by having motivation that is conveyed every morning. He also added that the performance of the apparatus in the sub-district office was divided, this was because there were still vacant positions that caused them to have to work extra extra if there were arrangements involving many residents who had to flock to the office.

Then from the results of interviews with a number of sub-district officials and community leaders in the Kokalukuna District, the writer can also obtain a policy strategy so that the performance of the Kokalukuna District employees goes according to the expectations desired by the government and the community and can overcome the problems they face. The policy strategies include simplifying the existing bureaucracy, feeling responsible and increasing the work discipline of sub-district employees, adding and fixing facilities and infrastructure and improving the quality of human resources both in quality and quantity. In the administration of public services, there are two parties that face and have different interests. The bureaucratic apparatus as service providers dealing with the public as service users, between the two, there are often striking differences in interests. The bureaucracy is basically a servant, not as a master. This perception has never been systematically instilled in the bureaucratic apparatus. This has consequences in the emergence of bureaucratic arrogance, such as feeling that the party is most needed by many people, or behaving arbitrarily to the community.

4.2. Obstacles to the Implementation of the Performance of the State Civil Apparatus Based on Law Number 5 of 2014 at the Kokalukuna District Office of Baubau City

Performance is basically a description of the work/work performance of an employee in carrying out his duties and responsibilities as a civil servant. Performance places a process relating to human resource activities in carrying out the assigned work, given that performance is an activity that is related to the elements involved in a process to produce something (output).

Related to the results of research conducted at the Kokalukuna Sub-district office in Baubau City, the authors found several obstacles faced by government officials in the Kokalukuna Sub-district office that had an influence on improving employee performance at the Kokalukuna Sub-district Office.

In this study, the obstacles or obstacles identified include: discipline, education and training, work atmosphere, compensation, and leadership based on observations and interviews from several employees of the Kokalukuna sub-district office.

1. Effect of Discipline on Performance

Discipline is obedience to the rules set by the leadership, both written and unwritten, both of which are born out of habit continuously and continuously. Disciplined habits give birth to attitudes that always value their time and work and the final form is increased performance. Discipline is obedience to the rules set by the leadership, both written and unwritten, both of which are born out of habit continuously and continuously. Discipline habits give birth to an attitude that always values time and work and the final form is increased performance. Discipline is an attitude, behavior and actions in accordance with the regulations of the company (organization) both written and unwritten. Thus, the emphasis is that discipline is an organizational rule that must be obeyed and obeyed. The results of research conducted by researchers at the Kokalukuna Sub-district office showed that an employee's discipline had a significant influence on the performance of the sub-district office employee.

2. Effects of Education and Training on Performance

Improving the performance of employee resources at the Kokalukuna District office can be realized in the form of education and training conducted to improve his personality, knowledge and abilities in accordance with the conditions of his position and duties as employee resources. The results showed that education and training had a significant effect on the performance of Kokalukuna District office employees. Improved performance of resources of Kokalukuna District office employees can be realized in the form of education and training conducted to improve personality, knowledge and abilities in accordance with the conditions of his position and duties as a resource of government employees. The target to be realized through education and training for apparatus resources is directed at the development and improvement of aspects, development and ability to carry out tasks and roles as government officials so that they can carry out certain tasks and be able to make decisions independently and professionally. Increased motivation, discipline, honesty, work ethic and sense of responsibility and based on the spirit of devotion, and attitude changes that lead to the development of openness, employee attitudes in serving and protecting the public as their main duties and responsibilities as government officials in the Kokalukuna District office . Therefore the main key to improving the service of routine tasks from official tasks is through the process of improving the quality of apparatus resources through education and training programs.

3. Effect of Work Atmosphere on Performance

Based on the results of research in the Kokalukuna District office, it shows that the work atmosphere does not significantly influence employee performance. Basically, the atmosphere at work is fun and will result in better work productivity. The availability of adequate work facilities and infrastructure supported by environmental conditions that are calm, safe, and comfortable to

do work. And good communication from leaders to employees both civil servants and non-civil servants by providing motivation to employees through education and training both structural and functional, in addition to continuing to make improvements to working conditions such as fostering a harmonious relationship between leaders and subordinates and between fellow employee

4. Human Resource Development Strategy

Human resources is something that is very important in Kokalukuna District office, this is because there are still vacant positions that should be filled with competent human resources in their fields.

The vacant position of the Head of Service Section here increasingly makes the service process that is less than optimal in the Kokalukuna District office.

5. Conclusion

The implementation of the performance of the State Civil Apparatus (SCA) in the Kokalukuna Sub-district office in Baubau City is still not fully optimal based on Law Number 5 of 2014, this can be seen from the lack of adequate human resources where the apparatus/employees of the Kokalukuna District office in providing services to the community still has the term selective logging, so that the community in taking care of something in the sub-district office still feels difficulties. Regarding the implementation of SCA's performance in the Kokalukuna Sub-district office, it was not optimal because of the lack of government officials as seen from the vacant position of the Head of the Public Service Section, making the service at the Kokalukuna Sub-district office not optimal, this was felt by some members of the community. While the factors that hinder the improvement of the performance of the State Civil Apparatus based on Law number 5 of 2014 in the Kokalukuna District Office are: (1) The effect of discipline on performance; (2) The effect of education and training on performance; (3) Effect of work atmosphere on performance; (4) Human resource development strategies.

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