

RECONSTRUCTION OF LOCAL GOVERNMENT AUTHORITY IN GOVERNMENT EMPLOYEE MANAGEMENT WITH EMPLOYMENT AGREEMENTS (PPPK) BASED ON THE MERIT SYSTEM AFTER THE LAW – LAW NUMBER 20 OF 2023 CONCERNING THE STATE CIVIL SERVICE: A STUDY OF STATE ADMINISTRATIVE LAW

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Abstract

After the enactment of Law Number 20 of 2023 concerning State Civil Apparatus, there have been fundamental changes to the authority of local governments in the management of government employees with work agreements, with a focus on the implementation of the Merit System. This law requires the reconstruction of local government authority to align personnel management policies with the principles of a more rigorous and transparent merit system. The purpose of this study is to identify the reconstruction of local government authority in each PPPK management cycle and to evaluate the implications of these changes on the principles of regional autonomy and public accountability. This study uses a normative legal research method, with a statute approach and a conceptual approach. Primary legal materials, namely Law Number 20 of 2023, and secondary legal materials are analyzed qualitatively to find clarity of norms and consistency of regulations. The Civil Service Law strengthens the central role of the Central Government in determining the Norms, Standards, Procedures, and Criteria (NSPK) for PPPK management, which implies centralized supervision to ensure the uniform application of the Merit System nationwide. This reconstruction of authority shifts local governments from managers with broad discretion to designated technical operational implementers who must fully comply with the meritocracy standards set by the central government, including planning, recruitment, talent development, and performance appraisal. In terms of state administrative law, this reaffirms the principle of legality in regional personnel management and increases the accountability of local governments to avoid abuse of authority (détournement de pouvoir) in order to realize professional civil service management that is free from patronage practices.

Keywords: Local Government Authority; Government Employees with Work Agreements; Merit System; ASN Law 2023; State Administrative Law.

INTRODUCTION

The main objective of the Indonesian nation as stated in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia is to protect the entire Indonesian nation and all of Indonesia's bloodshed, promote general welfare, educate the nation, and participate in establishing world order based on freedom, eternal peace, and social justice.

The 1945 Constitution serves as the constitutional foundation and basic rule of conduct in social, national, and state life. In line with the national objectives of the Indonesian people, the state regulates and recognizes the rights and obligations of each of its citizens. One of the guaranteed rights is the right to obtain work and a decent life as stipulated in Article 27 paragraph (2) of the 1945 Constitution,

which reads, "Every citizen has the right to work and a decent life for humanity." The context of work and a decent life in this article illustrates the importance of access to adequate work and livelihood, considering that work is a basic need for every individual. The Indonesian state also guarantees to fulfill the rights of its citizens, one of which is the fulfillment of the right to legal certainty and the right to adequate protection in employment relationships as stipulated in Article 28D paragraph (1), which states that, "Every person shall have the right to recognition, security, protection and legal certainty as well as equal treatment before the law." This provision reflects the role of the state as a policy maker in ensuring legal protection of workers' rights.

The Ministry of State Apparatus Empowerment and Bureaucratic Reform issued Circular Letter No. B/185/M.SM.02.03/2022 on May 31, 2022, regarding Employment Status in Central and Local Government Agencies, which states that temporary employees will be eliminated and that central and local agencies are prohibited from recruiting temporary employees in the coming year. As a result, all government agencies in Indonesia are currently undergoing a gradual organizational restructuring, one aspect of which is the termination of

honorary staff. The termination of honorary staff does not mean that they are being dismissed entirely, but rather that their status is being changed to Government Employees with Work Agreements through a series of predetermined selection processes.

The change in personnel management through the new policy signifies that the Indonesian personnel system now only recognizes two categories of employees, namely Civil Servants (PNS) and Government Employees with Work Agreements. The PPPK concept aims to provide greater legal protection for temporary or non-permanent employees, which is expected to support the achievement of professionalism in the Indonesian ASN personnel system.

The existence of Government Employees with Work Agreements (PPPK) has now become an integral and strategic element in the framework of the State Civil Apparatus (ASN), the Regional Government () which is directly responsible for the quality of public services and the effectiveness of the bureaucracy, especially at the regional level. As part of bureaucratic reform efforts, ASN management is required to abandon patronage practices and move towards a Merit System, which is ASN policy and management based on qualifications, competence, and performance, applied

fairly and reasonably without discrimination. However, PPPK management practices at the local government level have often faced significant challenges, ranging from unclear status, recruitment that is prone to vested interests, to disparities in treatment with Civil Servants, which substantially erode the principle of meritocracy.

Responding to the urgency of improving civil service governance in resolving dualism and disparities in personnel management, the Government passed *Law Number 20 of 2023* concerning Civil Servants (*ASN Law 20/2023*). The issuance of *Law Number 20 of 2023* concerning the Civil Service significantly reconstructs the civil service landscape in Indonesia, particularly in relation to the management of Government Employees with Work Agreements (¹). This latest regulation brings about a substantial paradigm shift, particularly through the affirmation of equal rights and obligations between civil servants and PPPK, as well as the strengthening of the legal basis of the Merit

System throughout the ASN management cycle. This change requires an in-depth analysis of the implications of local government authority in managing PPPK, given the importance of harmonizing central and regional policies for effective civil service governance.²

These changes directly impact the autonomy and authority of local governments as the entities closest to and responsible for managing PPPK. The issues of decentralization and regional autonomy are crucial in this context, given the shift of authority from the central government to the regions in various aspects of governance *following the enactment of Law No. 23 of 2014*.³ The issues of decentralization and regional autonomy are crucial in this context, given the shift of authority from the central government to the regions in various aspects of governance *following the enactment of Law No. 23 of 2014*.⁴ This law provides an essential foundation for more efficient regional governance, although its implementation faces various challenges in

¹ Desti Melia Nur Zahra, "Meritocracy and Dynamic Governance in Practice: A Case Study of Civil Service Reform in Bekasi City, Indonesia." *Journal of Information Systems Engineering & Management*, 10, 1009, 2025, <https://doi.org/10.52783/jisem.v10i38s.7050>

² Henny Juliani, "THE IMPACT OF GOVERNMENT REGULATION NUMBER 49 OF 2018 ON EMPLOYEE MANAGEMENT IN

GOVERNMENT AGENCIES. *Legal Issues*," 50(1), 36. 2021, <https://doi.org/10.14710/mmh.50.1.2021.36-48>

³ Candra Nur Hidayat & S.G Niagara, "The Relationship Between Central Government Authority and Local Government Authority as Reviewed in Law No. 23 of 2014 Based on the Unitary State System of the Republic of Indonesia." *RECHTSREGEL Journal of Legal Science*, 5(2), 146. 2022, <https://doi.org/10.32493/rjih.v5i2.27608>

⁴ *Ibid.*,

applying the principles of decentralization and deconcentration.⁵ Regional autonomy, which is strengthened through this regulation, is not merely a transfer of obligations, but also a delegation of political and economic authority aimed at equitable development and economic growth across all regions.⁶

The reconstruction of authority is an urgent research topic, given the need for rapid adaptation by local governments and the potential implications of state administrative law for the relationship between central and regional authorities. This research is urgently needed to analyze how these new norms are interpreted and implemented by local governments in order to be in line with the principles of state administrative law and not cause legal uncertainty, abuse of authority, or obstacles to the principle of regional autonomy. This study will also explore the implications of regional autonomy policy after the amendment of Article 18 of the 1945

Constitution on the dynamics of the relationship between central and regional authorities, particularly in the context of the formation of laws using the *omnibus law* method, which often causes controversy.⁷ This research is expected to present a model for reconstructing local government authority that is adaptive and responsive to changes in central regulations, particularly in PPPK management, in order to achieve effective and accountable governance at the local level.⁸ This approach will involve an in-depth analysis of the impact of *Law Number 20 of 2023* on the institutional structure and capacity of local governments in managing PPPK, considering the implications for legal and administrative aspects.⁹

The authority of local governments to manage Government Employees with Work Agreements (PPPK) is a manifestation of the principles of decentralization and regional autonomy, which give local governments managerial discretion to carry

⁵ Muhammad Khaidir Kahfi Natsir, "Analysis of Regional Autonomy Based on Law Number 23 of 2014 on Regional Government." *Journal of Law and Social Politics*, 3(1), 141, 2025, <https://doi.org/10.59581/jhsp-widyakarya.v3i1.4718>

⁶ *Op.cit.*,

⁷ Achmad, "Regional autonomy policy in Article 18 of the 1945 Constitution after amendment reviewed from the perspective of legal politics in Indonesia." 2010, [https://digilib.uns.ac.id/dokumen/download/22814/NDgwMDg=/Kebijakan-otonomi-daerah-dalam-](https://digilib.uns.ac.id/dokumen/download/22814/NDgwMDg=/Kebijakan-otonomi-daerah-dalam-pasal-18-uud-1945-pasca-amandemen-ditinjau-dari-politik-hukum-di-Indonesia-achmad.pdf)

[pasal-18-uud-1945-pasca-amandemen-ditinjau-dari-politik-hukum-di-Indonesia-achmad.pdf](https://doi.org/10.59581/jhsp-widyakarya.v3i1.4718)

⁸ Hariyanto, "The Relationship of Authority between the Central Government and Regional Governments Based on the Unitary State of the Republic of Indonesia." *Volksgeist Journal of Law and Constitution*, 3(2), 99, 2022, <https://doi.org/10.24090/volksgeist.v3i2.4184>

⁹ Irman Putra & Arief Fahmi Lubis, "Decentralization and Constitutional Law in Indonesia: Balancing Regional Autonomy and National Unity." *West Science Law and Human Rights*, 2(2), 175, 2024, <https://doi.org/10.58812/wslhr.v2i02.1169>

out government affairs, including personnel matters. However, this discretion is not unlimited; it is bound by the principles of State Administrative Law, particularly the principle of legality and the principles of good governance (AUPB). This is where the Merit System becomes an essential instrument of administrative law. The Merit System requires Local Governments to use their PPPK management authority (from formation planning, recruitment, placement, to performance evaluation) solely based on objective and measurable qualifications, competencies, and performance. The failure of local governments to link their autonomous authority with the principles of the Merit System, as often happened before the revision of the regulation, resulted in violations of AUPB and had the potential to give rise to maladministration. Therefore, *Law Number 20 of 2023* was enacted to reconstruct and emphasize that the autonomy of local governments in PPPK management must be subordinated and fully harmonized with the requirements of the National Merit System in order to ensure the professionalism and accountability of the bureaucracy.

This study discusses by simultaneously integrating the three main variables of this study after *the 2023 ASN Law*, namely:

1. Reconstruction of Local Government Authority in the entire PPPK management cycle;
2. Implementation of the Merit System as a binding principle of administrative law;
3. Administrative legal implications for regional autonomy.

This study aims broadly to:

1. To comprehensively analyze and identify the changes and reconstruction of authority experienced by local governments in each PPPK management cycle based on the Merit System principle mandated by *Law Number 20 of 2023*;
2. To evaluate the implications of state administrative law from these regulatory changes, particularly in relation to the limits of regional autonomy, administrative accountability, and potential normative conflicts in the context of realizing effective human resource management of the civil service;
3. Formulate an ideal concept or model of local government authority in PPPK management that is harmonious, effective, and fully in accordance with the principles of the Merit System and the framework of modern State Administrative Law.

The contribution of this research is to present a model of authority balance

between the central and regional governments to achieve meritocracy without violating the principle of autonomy.

Therefore, it is important to conduct an in-depth study of how these regulatory changes affect and restructure the authority of local governments as the main users and managers of PPPK, and how local governments can adapt so that PPPK management *is truly merit-based* in the context of state administrative law and regional autonomy.

PROBLEM FORMULATION

Based on the background and limitations of previous studies, the main issue that must be addressed is how local governments can manage PPPK professionally, merit-based, and accountably in accordance with the latest regulations without negating the principle of regional autonomy.

This main issue is formulated into the following research questions:

1. How is the reconstruction of local government authority in the management of Government Employees with Work Agreements (PPPK) implemented based on the principles of

the Merit System after *Law Number 20 of 2023*?

2. What are the implications of these regulatory changes on regional autonomy and the effectiveness of human resource management at the regional level?

RESEARCH METHOD

1. Research Approach

This study examines law using a normative juridical approach, as the issues to be studied are closely related to *law in books*. It analyzes legal texts (laws and regulations), legal principles, doctrines developed in legal science and legal systems to find ideas that give rise to relevant understandings, concepts, and legal principles, as a basis for constructing a legal argument in resolving the legal issues at hand.¹⁰ Normative research is also supported by survey legal research using *the Statute Approach* and *Conceptual Approach*. The main focus is to reconstruct and analyze the authority of local governments in PPPK management based on the new norms contained in Law Number 20 of 2023 concerning State Civil Apparatus. This approach will analyze in depth *Law Number 20 of*

¹⁰ Soeryono Soekanto, *Introduction to Legal Research*, Jakarta, UII Press, 1984, p. 20.

2023, *Government Regulation Number 49 of 2018* concerning PPPK Management and *Law Number 23 of 2014* concerning Local Government, to identify new norms related to the authority of local government in PPPK management. In addition, this study also utilizes a conceptual approach based on principles and doctrines to examine the Theory of State Administrative Law (including the principles of legality, discretion, and accountability) as well as the concepts of regional autonomy and the merit system principle. This is to evaluate the consistency and legal implications of the new norms. This study is expected to provide evidence-based recommendations to improve the effectiveness and fairness of ASN management in Indonesia.

2. Research Specifications

This study is qualitative in nature and therefore descriptive and analytical. It aims to describe and explain the current situation regarding the structuring of PPPK in the state civil service system following the enactment of the 2023 ASN Law. This study will examine in detail various aspects related to the implementation of PPPK in terms of regulations, implementation in the field, and its impact on ASN as a whole. This research is also analytical in nature as it

seeks to analyze the causal relationship between PPPK management policies and government performance and the quality of public services. It also examines the effectiveness of PPPK policies in achieving the established goals of bureaucratic reform.

3. Types and Sources of Data

In normative legal research, "data" is referred to as Legal Material. The three categories of data in this study are as follows:

- a. Primary Legal Materials are legal materials that have binding authority, namely laws and regulations, for example:
 - *Law Number 20 of 2023* concerning the State Civil Apparatus
 - *Law Number 23 of 2014* concerning Regional Government
 - *Government Regulation Number 49 of 2018* concerning Management of Government Employees with Work Agreements;
 - *Government Regulation Number 40 of 2018* concerning Guidelines for the Merit System in Civil Service Management;
 - Other implementing regulations related to PPPK Management (Regulation of the Minister of State Apparatus Empowerment and

Bureaucratic Reform, Decree of the State Civil Service Agency

- *Regulation of the Mayor of Dumai Number 29 of 2023* concerning Guidelines for the Procurement of Government Employees with Work Agreements for Functional Positions
- b. Secondary legal materials are unofficial publications on law, but are closely related to primary legal materials. Examples:
 - Textbooks and literature on State Administrative Law, Civil Service Law, and Regional Autonomy;
 - Scientific journals and previous research results relevant to the Merit System and PPPK;
- c. Tertiary Legal Materials are supporting materials that provide guidance and understanding of primary and secondary legal materials. Examples:
 - Legal dictionary, encyclopedia, and cumulative index.

4. Data Collection Methods

The technique used in this study is *Library Research*. The process of collecting legal materials was carried out by searching, inventorying, classifying, and identifying all legal materials relevant to the issue being studied from libraries, online legal databases, and regulatory archives. Legal materials were collected and systematized

according to their hierarchy and relevance to the research question.

5. Data Analysis Method

The analysis technique used is Normative Qualitative Analysis with the following analysis steps:

- Describing in full the legal norms in *ASN Law 20/2023* related to the authority of Local Government in PPPK management;
- Systematizing by linking these norms with the principles of State Administrative Law (e.g., the principle of legal certainty and the principle of proportionality and the framework of regional autonomy (*Law 23/2014*)).
- Conducting legal interpretation, such as grammatical, systematic, or teleological interpretation of norms that are ambiguous or potentially conflicting;
- Conducting evaluations and arguments by analyzing the legal implications of the reconstruction of authority and providing legal arguments to formulate the expected ideal concept or model;

- Draw conclusions based on the results of deductive analysis from general legal premises to specific cases.

RESEARCH RESULTS AND DISCUSSION

1. Reconstruction of Local Government Authority in PPPK Management based on the Merit System after ASN Law 20/2023

The reconstruction of local government authority in PPPK management cannot be separated from the historical context of bureaucratic reform demands, namely the transition from a loyalty-based or *spoils system* to a meritocracy system. Meritocracy derives from the word "merit," which means "*a good quality that deserves to be praised*." Michael Young first used this term in his 1958 book *Rise of the Meritocracy*.¹¹ The merit system is a process of promoting and recruiting civil servants based on their ability to perform their jobs, not based on their political connections. In other words, the core of the performance

system is professionalism by looking at achievements and successes.¹²

The concept of meritocracy emphasized in *ASN Law 20/2023* inherently reflects the application of AUPB (general principles of good governance) such as legal certainty, objectivity, and fairness. This document explains that the emphasis on the merit system aims to create an independent, neutral, competent, and high-performing bureaucracy, by placing qualifications, competence, and performance as the main basis in personnel management.¹³ This means that every action taken by local governments in recruitment, promotion, assessment, and termination of PPPK employment must be based on objective and transparent criteria, in accordance with AUPB.

Significant changes in the authority of local governments are clearly evident in the PPPK Needs Assessment and Procurement (Recruitment) stage. Prior to *ASN Law 20/2023*, needs assessment in the regions was often susceptible to

¹¹ Mu'ammarr Zayn Qadafy, "Meritocracy from the Perspective of the Qur'an," *Dialogia Journal of Islamic and Social Studies*, Vol. 13, No. 12 (2015), p. 101, <https://jurnal.iainponorogo.ac.id/index.php/dialogia/issue/view/43>

¹² Nurmalita Ayuningtyas Harahap, "Realizing a Meritocracy System Following the Birth of the Authority of Regional Heads to Transfer Civil

Servants (A Review of the Circular Letter of the Minister of Home Affairs Number 821/5492/SJ)," *Ius Quia Iustum Law Journal*, Vol. 31(3), 512, 2024, <https://doi.org/10.20885/iustum.vol31.iss3.art2>

¹³ Eviva Nur Khobiburrahma, "The Application of the Merit System in Indonesian Bureaucracy to Achieve Good Governance," *Scientific Journal of Administrative Sciences*, Vol. 3, No. 2, 2020, <https://doi.org/10.31334/transparansi.v3i2.900>

local fiscal or political interests, which had the potential to result in *overstaffing* in one area and shortages in another. *ASN Law 20/2023* reconstructs this authority in Article 19 by strengthening the role of the central government in establishing strict and integrated Norms, Standards, Procedures and Criteria (NSPK) for PPPK and PNS planning. As a result, the authority of local governments is now limited to proposing requirements that must be supported by objective data and must be aligned with central NSPK. In recruitment, the new law emphasizes the obligation to use a transparent and computer-based selection system (*computer-assisted test*), reducing the discretion of local governments in the process of determining graduation to ensure merit objectivity.

The restructuring of authority also touches on the aspects of Competency Development and Talent Management for PPPK. Article 22 of *ASN Law 20/2023* explicitly grants PPPK the same rights as PNS to receive competency development. The authority of the Regional Government here is restructured from optional to mandatory. Local governments can no longer ignore PPPK competency development on the grounds of contractual limitations. Furthermore, the mandate for integrated

Talent Management requires local governments to manage PPPK in the same *talent pool* as PNS, so that decisions on placement, rotation, or promotion (as long as regulations allow) must be based on competency *track records* and performance recorded in the local talent management information system.

The Performance and Discipline Assessment stage has also undergone a reconstruction of authority that emphasizes adherence to merit. *ASN Law 20/2023* stipulates that performance assessments must be objective, transparent, and based on work results, which are then used as a strong basis for the extension or termination of Employment Agreements (Article 52). The authority of local governments in this matter has been changed to an obligation to design an assessment system that complies with Central NSPK and is free from subjective elements. The failure of PPPK to meet fair and objective performance targets provides a strong basis for local governments to take administrative decisions, thereby reducing the risk of legal claims. Conversely, local governments that fail to provide an objective assessment system may be considered to have violated the principle of meritocracy and

face administrative sanctions from the central government.

2. Implications of State Administrative Law on Regional Autonomy

Changes in the authority of local governments in PPPK management following *the enactment of ASN Law 20/2023* have significant implications within the framework of State Administrative Law, particularly with regard to the relationship between central and local government authorities. Normatively, local governments have the right to autonomy under *Law No. 23 of 2014* on Local Government to manage their own internal affairs, including the management of human resources within the civil service. However, civil service matters are mandatory government affairs of a general nature, where the central government has the authority to establish norms, standards, procedures, and criteria (NSPK). In this context, the central government plays a role in setting standards, norms, procedures, and monitoring and supervision mechanisms for civil service management in the regions, while the Regional Government's Civil Service

Agency () is fully responsible for their implementation.¹⁴

The influence of political configuration on the character of legal products means that the degree of influence of a particular political configuration in producing a particular character of legal products is not always the same or absolute. The orthodox nature of a legal product born of an authoritarian political configuration, for example, may differ from the degree of orthodoxy of another legal product from the same political configuration. These differences in the degree of influence or variations can be determined by the existence of an "intermediate variable," namely power relations. Thus, the hypothesis that "a particular political configuration will produce a particular legal product" will be more significant for legal products that regulate power relations or *gezagsverhouding*. *Law 23/2014* on Regional Government reflects the social vision of the political elite and the wishes of the government. It is positivist-instrumentalist in nature, serving as a tool for implementing the ideology and programs of the state.¹⁵

¹⁴ Mahathir Muhammad Iqbal, "Building a Recruitment System for Civil Servant Candidates in the Era of Regional Autonomy," *Journal of Socio-Political Humanities*, 2017,

<http://journal.umpo.ac.id/index.php/aristo/issue/view/83>

¹⁵ Mahfud MD, *Legal Politics in Indonesia*, Jakarta, Raja Grafindo Persada, 2024.

The first implication that arises is the potential for normative conflict between the spirit of regional autonomy, which grants local discretion, and the demands for centralization of the National Merit System standards. This conflict leads to the interpretation that, in terms of civil service management, *Law No. 20/2023 on Civil Servants* serves as *lex specialis*, regulating civil service management in a uniform and integrated manner, whereby these norms must take precedence and limit the application of local government discretion that conflicts with the Merit System.

The emphasis of *ASN Law 20/2023* on the Merit System directly strengthens the implementation of the principle of legality in State Administrative Law at the regional level. The principle of legality requires that every act of state administration (including decisions on the appointment, placement, and dismissal of PPPK) must be based on legitimate authority and in accordance with the procedures established by laws and regulations. *The ASN 20/2023 Law on Civil Servants*, with its NSPK standardization, implicitly limits the discretion of regional Civil Service Supervisory Officials (PPK). Previously, PPK discretion was often used in *staffing* decisions, but now that

discretion must be based on measurable qualifications, competencies, and performance. The use of discretion that does not comply with meritocracy criteria or that is influenced by personal/local political interests has the potential to be categorized as abuse of authority (*detournement de pouvoir*), a fundamental violation of State Administrative Law that can result in administrative sanctions and charges in the State Administrative Court (PTUN). The implication for regional autonomy is a shift from a broad concept of autonomy to one that is bound (*gebonden autonomie*) by the principle of civil service professionalism. Local government authority in PPPK management now functions more as executive authority under strict central supervision. The centralization of standards through the NSPK by the Ministry of PANRB and technical supervision by the BKN aims to ensure the equality and quality of ASN nationwide. This reconstruction of supervisory authority, marked by the abolition of the Civil Service Commission (KASN), must also be understood in the context of the dynamics of constitutional law influenced by the Constitutional Court's ruling (Article 26 paragraph 2 letter d).

The Constitutional Court played a strategic role in upholding the constitutionality of state apparatus governance through Constitutional Court Decision Number 121/PUU-XXII/2024, which marked a landmark decision ordering the Government and the House of Representatives (DPR) to establish an independent institution to oversee the implementation of the merit system and the conduct of civil servants within a maximum period of two years. Conceptually, the establishment of these independent state institutions is a response to the dynamics of modern state administration, which requires adaptation of the *trias politica* model. In the context of contemporary government, the division of power, which was originally exclusive between the executive, legislative, and judicial branches, has evolved toward a paradigm of diffused powers, in which the functions of oversight and balance of power are also carried out by independent institutions. Such institutions act as guard institutions that ensure the application of the principles of *good governance*, including the enforcement of the principle of civil service neutrality.

3. The Concept or Ideal Model of Local Government Authority

The reasons behind the Regional Autonomy policy in Article 18 of *the 1945 Constitution* after the amendment in the form of full autonomy, Special Regional Autonomy, and Special Autonomy, reviewed from a legal policy perspective, are as follows: First, regional autonomy policies in the past tended to be centralistic and undemocratic, as indicated by: a) the standardization of regional status (the status of Special Regions was almost eliminated), b) the election and appointment of regional heads was determined by the central government, c) regional heads were only accountable to the central government, d) the existence of very strict supervision by the central government, e) the central government was very dominant in the management of economic potential in the regions, which led to disparities and conflicts between the central government and regional governments. Second, influenced by current and future circumstances, which among other things require: a) the realization of comprehensive democracy in every region in order to strengthen national democracy in Indonesia, b) Resolving conflicts that occur in the regions in order to strengthen national integration within the framework of the Unitary State of the Republic of Indonesia, c)

Creating political, economic, social, and cultural justice in every region in order to realize the welfare of the people, d) Maintaining the unity in diversity of the Indonesian nation, which consists of a variety of cultures, ethnicities, customs, and religions as the wealth of the Indonesian nation.

The ideal model of local government authority in PPPK management after the 20/2023 ASN Law is formulated as *the Merit-Driven Autonomy Model*. This model recognizes that the main objective of the reconstruction of authority is to create a uniform and accountable Merit System, so that local governments must completely abandon political practices or practices that conflict with the general principles of good governance (AUPB). The concept of *Merit-Driven Autonomy* implies that local governments have full authority at the operational and innovative managerial levels, but this authority must be explicitly based on data- s and objective criteria set by the central government. In other words, autonomy is not lost, but rather transformed from autonomy in setting rules to autonomy in implementing responsible and evidence-based management (performance and competence). This is in line with the principles of modern State

Administrative Law, which prioritizes efficiency and professionalism.

The implementation of *the Merit-Driven Autonomy* model requires a clear separation between centralized and decentralized authorities. Centralized authority should be limited to determining NSPK and monitoring merit compliance (by KemenPANRB and BKN), while decentralized authority should be expanded to include technical and managerial aspects. For example, local governments are given the authority to design local talent management schemes according to specific regional needs (e.g., the need for maritime experts in coastal areas) and to determine budget priorities and types of PPPK training, provided that these decisions are made through a transparent, measurable process and the results are recorded in a personnel information system that is integrated with the central government. Thus, this model ensures that even though local governments have the flexibility to meet local needs, every decision remains within the corridor of meritocracy and is vertically accountable, addressing the limitations of civil service governance in the past.

CONCLUSION

Reconstruction of Authority and Merit System

The reconstruction of local government authority in the management of Government Employees with Work Agreements (PPPK) following *Law Number 20 of 2023* shows a fundamental shift. Normatively, *ASN Law 20/2023* strengthens the centralization of standards, placing local governments as technical operational implementers that must fully comply with the Merit System throughout the PPPK management cycle. This change transforms the previously broad discretion of local governments into an implementative obligation to ensure objectivity in planning, procurement, and performance evaluation. Thus, the authority of local governments is reconstructed to ensure the consistency and integrity of meritocracy nationwide.

Implications for State Administrative Law and the Ideal Model

This reconstruction has significant implications for State Administrative Law and Regional Autonomy, marked by the strengthening of the principle of legality and increased administrative accountability

of Regional Governments. Restrictions on non-merit-based discretion by the central government, including the transfer of supervisory functions to the Ministry of Administrative and Bureaucratic Reform and the National Civil Service Agency, are legitimate normative interventions to control *detournement de pouvoir* in the regions.

The abolition of KASN poses new challenges in maintaining the implementation of the merit system, especially in the regions, including the possibility of:

- Potential Inconsistency: Without an independent supervisory body such as KASN, there is potential for inconsistency in the implementation of the merit system in various government agencies, both central and regional.¹⁶
- Political Intervention: The biggest challenge remains the potential for political intervention and non-meritocratic practices in ASN management.¹⁷ KASN previously served as a bulwark to maintain neutrality and objectivity, but now the

¹⁶ Ni Kadek Suartini, "Problems in the Implementation of PermenPANRB Number 17 of 2021 concerning the Equivalence of Administrative Positions to Functional Positions". *Ganaya: Journal of Social Sciences and Humanities*, 6(2), 388–396. 2023, <https://doi.org/10.37329/ganaya.v6i2.2409>

¹⁷ Maysura, Willy Sumarlin et al, "The Dynamics of Civil Servant Neutrality in Political Participation and Support Toward the 2024 Simultaneous Regional Elections." (2024). *Electoral Governance: Journal of Indonesian Election Governance*, 5(2), 223-246. <https://doi.org/10.46874/tkp.v5i2.1232>

mechanisms to prevent such intervention must be strengthened at the ministerial and BKN levels. Your document also highlights the "gap between formal regulations and actual implementation in the field, where non-meritocratic influences are still significant."¹⁸

- **Policy Implementation Evaluation:** Studies show that despite reforms, resistance to change, lack of digital infrastructure, and the strong influence of seniority remain obstacles to the implementation of merit systems.¹⁹ Oversight of these aspects is now a more distributed responsibility.
- **Abuse of Regional Authority:** Your document specifically highlights that prior to *the 2023 ASN Law*, there were cases such as the Circular Letter of the Minister of Home Affairs Number 821/5492/SJ which gave regional heads the authority to transfer or dismiss employees without the approval of the relevant ministry, which sparked controversy over the meritocracy system.²⁰ Although this circular letter

was deemed necessary to be revoked to realize a meritocracy system, this incident²¹ shows the vulnerability of oversight at the regional level, which KASN had previously attempted to address.

The study results formulated the *Merit-Driven Autonomy* Model as an ideal concept, whereby local governments retain flexible autonomy in managerial operations, provided that all decisions are based on qualifications, competencies, and objective performance data in accordance with national meritocracy standards. This concept is formulated as follows:

1. **Regional Autonomy:** The authority of local governments to manage local government affairs and community interests, including civil service matters;
2. **Merit System:** The basic principle of civil service management based on qualifications, competencies, and performance, free from non-meritocratic intervention;
3. **Integration and Reconstruction:** Local governments must adjust local recruitment regulations and

¹⁸ Legina Nadhila Qomarani, "THE ANOMALY OF THE PRESENCE OF GOVERNMENT EMPLOYEES WITH THE EMPLOYMENT AGREEMENT (PPPK) IN THE EMPLOYMENT HORIZON IN INDONESIA". *Cepalo* 4 (2):95-110. 2020, <https://doi.org/10.25041/cepalo.v4no2.1979>.

¹⁹ Anker Widiyanto & Azis Muslim, Muh, 2025, Dynamics of Bureaucratic Reform in the TNI

Institution: Challenges and Strategies for Implementing a Merit System in Human Resource Management. Indonesian Scientific Journal, <https://doi.org/10.36418/syntax-literate.v10i3.57980>

²⁰ Nurmawati, *Op. cit.*, p. 524.

²¹ *Ibid.*

procedures to align with *ASN Law 20/2023* and national merit principles.

4. Oversight: The role of supervisory institutions must be revived to ensure that regional autonomy remains compliant with merit principles and to prevent abuse;
5. Realizing a professional, accountable, effective local bureaucracy that optimally serves the public, free from political intervention.

RECOMMENDATIONS

It is recommended that the Central Government, particularly the Ministry of Administrative and Bureaucratic Reform and the National Civil Service Agency, immediately accelerate the issuance of a detailed and comprehensive Government Regulation implementing *Law No. 20/2023 on Civil Servants*. This Government Regulation must explicitly distinguish between mandatory NSPK (centralization) and those that are subject to the discretion of the permitted regions (decentralization), particularly in PPPK *talent management* and competency development schemes. This normative clarity is crucial to fill legal gaps, prevent multiple interpretations at the regional level, and provide legal certainty for Civil Service Supervisory Officials.

Local governments must immediately take proactive steps to revise local regulations and internal personnel policies to align with the requirements of *the Merit System Law 20/2023*. Local governments must focus on developing an integrated and transparent civil service management information system, as well as allocating sufficient resources for the development of PPPK competencies, in accordance with the equal rights enshrined in *Law 20/2023*. Compliance with these regulations not only fulfills legal obligations but also serves as a mechanism to enhance the professionalism of the regional bureaucracy and mitigate the risk of administrative sanctions from the central government.