

Bridging The Legal Gap Between Open Selection and Internal Selection of State Civil Apparatus Promotion In Indonesia

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| Abstract | <p>Based on Law No. 5 Year 2014 concerning State Civil Apparatus (ASN, Aparatur Sipil Negara-Red.), job promotion is part of ASN management, which is based on the merit system. However, the implementation of the merit system cannot be fully implemented by the government because there are 2 (two) different mechanisms for filling positions, namely through open selection and internal selection. Open selection is made to the High Leadership Position by opening up opportunities for every civil servant who meets the qualifications to register and compete in filling positions. The superior recommending his subordinates to fill certain positions according to his assessment internally carries out the mechanism on administrative positions, clearly this is not open and subjective. Based on the 2 mechanisms for filling in the ASN positions, there are problems that must be examined, first, how is the standardization of the process of filling in ASN positions based on the merit system? and Second, what categorization is used to be able to create the objectivity of filling ASN positions in an open selection pattern and internal selection. This paper used normative juridical research with a qualitative approach. The problem approach by statute approach and conceptual approach. The data analysis uses qualitative normative with several interpretation models including grammatical and systematic interpretation. Based on the study, it known that every filling in the position of ASN is based on different norms, standards, procedures and criteria, but has 3 (three) fundamental aspects namely fulfilment of certain qualifications, competencies and performance. These three prerequisites create a pattern of filling positions based on 3 (three) competency assessment models namely substantive competency assessment, managerial competence and social cultural competence. This competence is a measure of the validity of the assessment process in filling in merit system-based positions.</p> |
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