

Application of the Position Auction

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ABSTRACT

Auction or rather promotion actually has a very strong legal basis in Law Number 32 of 2004 concerning Regional Government governs the authority of regional heads to determine the structure of Regional Government Organizations (WTO) and filling positions. The study is aimed to analyze the auction best system for forming good governance and the effectiveness and efficiency of applying the auction system in determining the position of public officials. This research is a normative legal research that uses secondary data, and then the data is analyzed by qualitative approach. The results show that position auctions are the best system in the formation of good governance, as an absolute requirement for good government. The effectiveness and efficiency of applying the auction system in determining the position of public officials is the position of the auction system can determine the effectiveness and efficiency of public officials, viewed from the auction system to echelon positions starting from echelon II, III and IV in the provinces in Indonesia, starting a trend. Government Regulation of the Republic of Indonesia Number 41 of 2007 also organizational structure and work procedures which came into force on January 1, 2009.

Keywords: *auction, good governance, system*

1. INTRODUCTION

The term auction title or job often referred to as the tender is not new in perspective the public administration. In the concept of New Public Management (NPM), the auction office has been introduced and practiced in Western countries, with different terms.

The auction process is more accurately described the position or job promotion actually have a very strong legal basis. In Law Number 32 Year 2004 on Regional Government is set up the authority of heads of regions to determine the structure of Local Government Organization (WTO) and the charging position.

The aim of "auction position" is to choose the apparatus that has the capacity, competence and integrity sufficient to fill the position / particular position so that it can perform tasks more effectively and efficiently Auctions office is one way to minimize the potential for corruption, collusion and nepotism because the position recruitment is done transparently, using certain indicators and carried out by a neutral party and competent to perform the selection.

In Law Number 5 of 2014 on the State Civil Apparatus, hereinafter referred to ASN, affirmed also in Article 68, which in Paragraph (1), which states that civil servants appointed in certain ranks and positions on Government Agencies. (2) The appointment of civil servants in certain positions referred to in paragraph (1) is determined based on an objective comparison between the competence, qualifications and requirements needed by the office with competence, qualifications, and requirements that are owned by employees. (3) Each particular position referred to in paragraph (1) are grouped in a classification showing the positions of civil servants.

Similar characteristics, mechanism, and work patterns. (4) civil servants may move between and among the High Leadership Position, Position Administrative and Functional in Central Agencies and Regional Institutions based on qualifications, competence, and performance assessment.

So, it can be said that the auction office is a form of promotion that are transparent and selective. Transparent because it is done openly and every person who has the administrative requirements of the level of rank and class, are allowed to enroll to fill a vacancy that available. Selective for the implementation process to test the competence or the fit and proper test.

Auction office has a positive value in order to reform the bureaucracy is to recruit or put echelons who have the competence and professionalism adequate.

For every High Leadership Position set the terms of competence, qualifications, rank, education and training, office track record and integrity, as well as other necessary requirements. Therefore, the auction office is one of the triggers [1].

Based on Law Number 5 of 2014 on ASN, giving the mandate to set up with government regulations, as contained in Article 19 Paragraph (4) of Law Number 5 of 2014 which stated that further provisions regarding the determination of the terms of competence, qualifications, rank, education and training, office track record and integrity, as well as other necessary requirements High Leadership Position as referred to in paragraph (3) is regulated by the Government [2]. Based on the description above, the writer is interested examines Auction System Position.

1.1. Problem Formulation

From the description on the background of the above problems, there are some things that become problems of writing, among others:

- a. Does the auction office is the best system in the establishment of good governance?
- b. What is the effectiveness and efficiency of the application of the auction system to determine public officials?

1.2. The Research Purpose

From the description above problems, there are some things that the purpose of writing, among others:

- a. To determine the positions auction is the best system in the establishment of good governance.
- b. To determine the effectiveness and efficiency of the application of the auction system in determining the positions of public officials.

2. METHOD

2.1. Problems Approach

Research done in solving the problems with the data and information obtained, this research approaches the problem by way of normative legal research.

2.2. Types and Sources of Data

Approach to the problem that has been determined over the normative legal approach, it affects the type of data needed. Data types include secondary data. Secondary data is data that is already available that can be obtained through the literature, secondary data is used to conduct the discussion in the form of legal materials. Materials law as intended, among others:

- a. Materials Primary Law
Primary law materials in the form of a set of legislation which is used as legal basis in an attempt to solve the problem and is closely related to the research title. Primary legal materials as intended, among others:
 - 1) The Constitution of the Republic of Indonesia Year 1945
 - 2) Law Number 23 Year 2014 on Regional Government.
 - 3) Law Number 5 of 2014 concerning the State Civil Apparatus.
 - 4) Regulation of the Minister of Administrative Reform and Bureaucratic Reform No. 13 2014 Tentang Procedure for filling High Position is Open in Environmental Government Agencies
- b. Secondary Legal Materials
Materials of this law basically gives the theoretical explanation of the formulas used regulatory or legal basis and explain theoretically the primary legal

materials, such as the opinion of the experts found in the literature, journals and research results are used as well as the necessary documents.

2.3. Data Collection Techniques

Against Secondary data, secondary data collection techniques in the form of legal materials is done by doing a literature study. The necessary legal materials as intended first inventoried and subsequently recorded in the books that have been provided previously.

2.4. Data Processing and Analysis

- a. Data processing
After the data were then carried out data processing by means of editing or sorting the data that is really required and the data are not required. The data obtained are also checked or tested whether correspond to reality and can be accounted for righteousness. The accuracy of data is needed because the authors review the actual situation in the field, therefore, we need a concrete and valid data.
- b. Data analysis
The data have been processed as stipulated above, then analyzed using qualitative analysis, this is due to the data that has been obtained essentially only the shape of the description sentence, the formulation of the provision, the opinion of experts. From the analysis of data obtained analytical description that describes the actual research results or in accordance with the facts that can be accounted for scientific truth.

3. CONCEPTUAL FRAMEWORK [3]

Auction is the process of buying and selling goods or services by offering the bidder, offering a higher bid price, and then sell the goods to the highest bidder. In economic theory, an auction refers to several mechanisms or trading regulations of the capital market [4].

Position is partially or branch of a large organization that has specific responsibilities and functions. For the portion placed in the organization on behalf of the positions please see penjabatanan.

Definition of civil servants according to Law Number 43 Year 1999 concerning the Principles of Human Resources stated as follows: "Servants is every citizen of the Republic of Indonesia which have been determined eligible, appointed by the competent authority and entrusted with the task in a country office, or entrusted with the task of other countries, and are paid based on the legislation in force".

While Apparatus State Civil according to a Law No. 5 of 2014 on Reform of Civil State as follows: "Employees Apparatus State Civil hereinafter called Employee ASN is the civil servants and government employees with work agreement raised by officials and the staff development and was assigned an entrusted with public office or other countries and are paid based on legislation".

4. THEORETICAL FRAMEWORK

4.1. Policy Theory

A conception of public policy is closely related to the conception of the public planning. Both are very difficult to separate because each concept in fact is often interchangeable with one another. Theoretically and in some cases, policy formulation and planning can be carried out in different times and / or by different people. To see that the public planning and public policy is made separately and at different times, there are two approaches.

4.2. Theory Recruitment

Recruitment of prospective employees as the collection process in accordance with the plan of human resources, in order to occupy a certain position. Recruitment is very important for the regeneration of employees for the sake of organizational wheel. Recruitment is regulated in Government Regulation Number 100/2000 on the Appointment of Civil Servants in structural positions as amended by Government Regulation Number 13 of 2002. Although the recruitment system has been set up in government regulations in an attempt to capture the competent Civil Servant, but the implementation is not yet meet the requirements to support the success of the performance and professionalism of civil servants. Thus, PNS conditions partly caused by the current staffing plan is not based on the real needs of the organization as needed.

4.3. State Civil Apparatus Theory

At this time the Indonesian government has changed the name of the man of the State, which are in the era of the 90s up to the early 2000s known as the Civil Service, then in 2014 the name officially changed to Administrative Civil Servants. According to sense to be explained under the meaning is the same also with the State Civil Apparatus. So, the notion of Civil Servants according to Indonesian Dictionary "Employee means a person who worked for the government (Performance Management and so on), while the" State means a State or government, so the Civil Servants are those who serve the government and the State. Civil Servant is none other than the man of the State that serves the community.

5. DISCUSSION

Auction office is the best system in the establishment of good governance is a condition sine qua non for any government. Good governance itself has a number of elements. According to the World Bank, the elements of good governance include the public-sector management, accountability, legal framework for development, and transparency and information. To achieve good governance and development effectiveness, aspects of public-sector

management (PSM) is the main element. In the context of public service reform and bureaucracy, PSM is not only related to downsizing headcount and cost control, but rather to increase the performance and human resource management. It is inherent to the philosophy of the auction office where this scheme supports the creation of optimal management of human resources. In the aspect of accountability, the existence of a policy that is accountable could be identified if there is a relationship between an entity with the activities or functions carried out by the entity. Accountability process has two phases, which answerability (clarity reasons decision making) and enforcement (the sanctions against faults of the parties responsible). In the office of the auction scheme, there is a clear-cut clear responsible person at every stage. Various government agencies may only construct detail the different stages of the auction office, but all have one thing in common: the openness of the process. Answerability and enforcement aspects of office auction is certainly more transparent than the previous system.

In the provisions of Article 72 of Law ASN plainly stated that "every civil servant who qualify have the same right to be promoted to a higher hierarchy" which means, PNS promotion system should be open and competitive. Components of society involved include individuals (by giving feedback email/letter to the committee) and various institutions such as the Commission, BIN and INTRAC. By karen it Auctions office is a catalyst in the creation of good governance in government. Therefore, the government should continue to encourage a culture of auction positions, both at central and local level. This system will be one of the levers of bureaucratic reform success, which could prevent the politicization of the bureaucracy, or the attitude of leaders who chose capitalized officials like and dislike. Social stigma is a comfort zone and PNS transformed into a competitive zone.

Effectiveness and efficiency of the application of the auction system in determining the positions of public officials is the effectiveness and efficiency of the application of the auction system in determining the positions of public officials is the auction office for the start of the Echelon Echelon II, III and IV in the air like a province in Indonesia started the trend held. Many heads of regional, provincial and local region / city leaders to recruit Regional Work Units with open positions auction system. Se-true open positions auction has already started in 2002 by Bali Jembrana Regent, I Gede Winasa Prof. Further popularized by former Jakarta Governor Joko Widodo (Jokowi) in 2013. Even when it's selected became President in 2014, Jokowi also do the recruitment for the post of Labor Cabinet ministers.

Before selected, so that aides really clean, and no tar-stumbling legal and social services when he became the minister, President Jokowi me-sent a name of candidates' aides and asked the Corruption Eradication Commission (KPK) provide a report card or ratings, so the minister elect not hostage to legal and social middle-rakat Now for goodness' auction office to lead a SKPD start resound back. In 2015, various heads of provinces and districts / cities in Indonesia introduced a system of high leadership of placement officials echelon II or level of heads of agencies, conduct the auction open positions or open examination of

selection, such as a prospective student wishing to enter state universities. Implementation in Indonesia is still relatively new perspective. On the side of the Law Number 5 of 2014 concerning the State Civil Apparatus and Regulation of the Minister of Administrative Reform and Bureaucratic Reform Number 13 of 2014 regarding the procedure for filling the positions of high leadership pratama openly in government agencies. According to the Act and the ministerial regulations, district leaders determine filling positions in the organizational structure of the area.

Previous Government Regulation (PP) of the Republic of Indonesia Number 41 of 2007 also instructs on the Organizational Structure and Work Procedure (SOTK), which became effective January 1st, 2009 in order to carry out the efficiency and effectiveness of the government's performance in implementing the tasks of government and public service. PP is looking for and choose echelons who have competence in the field so it supports the success of the program - the development program.

6. CONCLUSION

The results show (1) that the auction office is the best system in the establishment of good governance is that the Auction office or often referred to as "job tender" is not new in the world of public administration. In the concept of New Public Management (NPM), the auction office has been introduced and practiced in Western countries, perhaps with a different term. (2) That the effectiveness of the auction

office in Indonesia itself, the auction office has been practiced since the 2000s. The effectiveness and efficiency of the application of the auction system in determining the positions of public officials is the auction office for the start of the Echelon Echelon II, III and IV in several provinces in Indonesia started the trend is done. Supposedly auction concept is not much different positions with the fit and proper test. Nevertheless, the idea of doing an auction conducted by the office of Jokowi/Ahok enough public attention, even became a trending topic the last few months. Though actually auction positions can actually eliminate the potential for collusion because it is done in a transparent manner, using certain indicators and carried out by a neutral party and competent to perform the selection.

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