

The Implementation Of Administrative Bureaucracy Reform At Bengkulu Regional Office Of The Ministry Of Law And Human Rights Based On Presidential Regulation Number 81 Of 2010 Concerning The Grand Design Of Bureaucracy Reform Of 2010-2025

Afrilinda (Regional Office of the Ministry of Law and Human Rights of Bengkulu)

Edra Satmaidi (Fakultas Hukum Universitas Bengkulu)

Iskandar (Fakultas Hukum Universitas Bengkulu)

Corresponding Author : afrilindaiin01@gmail.com

ABSTRACT

The purpose of this study is to analyze and to describe the implementation of administrative bureaucratic reform at Bengkulu regional office of Ministry of Law and Human Rights of Bengkulu based on Presidential Regulation Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform of 2010-2025, and to analyze the obstacles in the implementation of administrative bureaucratic reform at Bengkulu regional office of Ministry of Law and Human Rights. This research was a normative legal research. The analysis of legal materials was carried out in a qualitative juridical manner. The results of the study show that: Firstly, the implementation of administrative bureaucratic reform at the Bengkulu Regional Office of the Ministry of Law and Human Rights has been carried out for the needs of Bureaucratic Reform. Secondly, there are obstacles in the implementation of administrative bureaucratic reform at the Bengkulu Regional Office of the Ministry of Law and Human Rights, namely: The juridical obstacles consist of the absence of technical legislation for performance improvement and the absence of Standard Operating Procedures (SOPs) that can build a common perception, commitment, involvement in program implementation and bureaucratic reform activities at all levels of employees. Technical obstacles, namely the limited quantity and quality of Human Resources (HR) and facilities and infrastructure. By establishing an organizational structure based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 30 of 2018 concerning the Organization and Work Procedure of the Regional Office of the Ministry of Law and Human Rights, it can be a solution to achieve efficiency and effectiveness in the implementation of the tasks of the government bureaucratic apparatus.

Keywords: Reform; bureaucracy; administrative; government.

INTRODUCTION

Background of the Research

Article 4 of the 1945 Constitution states that the President is the holder of government power and in carrying out his

obligations as head of government, the President is assisted by a Vice President. In addition to being assisted by the Vice President, the President is also assisted by state ministers. Based on Article 17

paragraphs (1), (2), and (3) the ministers are appointed and dismissed by the President, where each minister is in charge of certain affairs in the government. The administration of government also involves civil servants as stated in Article 3 paragraph (1) of Law no. 43 of 1999 concerning the Basics of Employment which states that civil servants are part of the state apparatus whose duty is to provide services to the community in a professional, honest, fair, and equitable manner in the implementation of state, government and development tasks.¹

Bureaucratic reform is the government's effort to improve performance through various means with the aim of effectiveness, efficiency, and accountability.² Bureaucratic reform has a purpose in it. The purpose of bureaucratic reform in general is to realize good governance, supported by professional state administrators, free of corruption, collusion and nepotism, and to improve services to the community so that excellent service is achieved. Furthermore, Presidential Decree No. 81 of 2010

¹ Abdul Hamid Tome, *Reformasi Birokrasi dalam Rangka Mewujudkan Good Governance ditinjau dari Peraturan Menteri Pemberdayaan Aparatur Negara dan Reformasi Birokrasi Nomor 20 tahun 2010*. Vol.XX/No.3/April-June/2012

² Sedarmayanti. *Reformasi administrasi public, reformasi birokrasi dan kepemimpinan masa depan: mewujudkan pelayanan prima dan pemerintahan yang baik*. Refika aditama, Bandung, 2013. p.71

concerning the Grand Design of Bureaucratic Reform 2010-2025 mentions areas of bureaucratic change. The areas that are expected to be reformed include; areas of organization, management, laws and regulations, human resources of the apparatus, supervision, accountability, public services and mindset (mind set) and work culture (culture set) of the apparatus.

In the area of management changes, the expected results are based on Presidential Decree Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform 2010-2025, namely systems, processes and work procedures that are clear, effective, efficient, measurable and in accordance with the principles of good governance. The management structuring process consists of internal work mechanisms/systems, work procedures, external working relations, planning, implementation, monitoring, evaluation and control, management of work facilities and infrastructure, office administration automation, information technology monitoring (E-gov), and management reliable archive. The estuaries of management arrangements include: firstly, the creation or improvement of Standard Operating Procedures (SOP), including improvement of service performance standards. Secondly, improvement of organizational structure. Thirdly, the

creation or improvement of job descriptions.³

Therefore, there is a need for bureaucratic reform in order to meet the increasingly high demands of society on performance as well as efforts to improve the image of the institution which so far seems unfavorable. The Ministry of Law and Human Rights as the ministry whose task is to carry out legal and human rights affairs has begun to carry out bureaucratic reforms starting in 2010. Bureaucratic reform of government agencies, especially the Ministry of Law and Human Rights, is directed at improving the capacity of bureaucratic institutions. Where in the context must be able to produce a bureaucratic institution that can accommodate the demands of society.⁴

Identification of the Problems

Based on the above background, the problems identified in this study were as follows:

- 1) How was the implementation of administrative bureaucratic reform at the Bengkulu Regional Office of the Ministry of Law and Human Rights based on Presidential Regulation Number 81 of 2010 concerning the Grand

Design of Bureaucratic Reform of 2010-2025?

- 2) What were the obstacles in implementing bureaucratic reform at the Bengkulu Regional Office of the Ministry of Law and Human Rights?

RESEARCH METHOD

Research Type

This type of research was an empirical legal research type. This study aimed to obtain a clear, detailed and systematic description of the implementation of administrative bureaucratic reform at the Bengkulu Regional Office of the Ministry of Law and Human Rights based on Presidential Regulation Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform of 2010-2025.⁵

Research Design

This research was a qualitative juridical. Qualitative juridical legal research is legal research that is systematically arranged, then analyzed qualitatively by means of interpretation, legal interpretation and legal construction research that uses analysis based on legal norms, legal principles, applicable legal theories, and laws and regulations. The existing legislation is a positive law which is then analyzed qualitatively, so that it can

³ *Ibid.*

⁴ Haryono, "Pelaksanaan Reformasi Birokrasi Di Kementerian Hukum Dan Ham, *Jurnal Ilmiah Kebijakan Hukum*, volume 10 number 3, November 2016.

⁵ Soerjono Soekanto, *Metode Penelitian Hukum*, UI Press, Jakarta, 2010, p.10.

answer the existing problems, namely regarding the Implementation of Administrative Bureaucratic Reform at the Bengkulu Regional Office of the Ministry of Law and Human Rights based on Presidential Regulation Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform 2010-2025.⁶

Research Location

In accordance with the title of this research, this research was carried out at the Bengkulu Regional Office of the Ministry of Law and Human Rights, which is located at Jl. Pangeran Natadirja of KM. 7, Jl. Gedang, Gading Cempaka District, Bengkulu City, Bengkulu, 38225.

Data Sources

In writing this thesis, there were two sources of data, namely primary data and secondary data.

Data Collection Method

The data collection procedures used in this research were the method of observation, literature study (Library Research), and field studies (Field Research).

Data Processing Method

From all the data collected, they were selected on the basis of reliability (honesty) and validity.

Data Analysis

Data analysis was carried out in a qualitative juridical manner. The steps of data analysis in this study were: the data was collected based on the theoretical framework used by the researcher, the collected data was examined through interviews and tracing the basic materials in the form of regulations and related literature, then it was analyzed and described according to the focus of the discussion, the data was arranged in a plot think systematically, and finally the data was interpreted (interpretation) according to the problems raised. Furthermore, it was arranged systematically in the form of a scientific work (thesis).

RESEARCH RESULTS AND DISCUSSION

The Implementation of Administrative Bureaucratic Reform at The Bengkulu Regional Office of The Ministry of Law and Human Rights

Bureaucratic reform in general is essentially an important agenda in improving and fixing the administration of government or the administrative system, especially regarding aspects of the institution (organization), management, and human resources of the apparatus. Bureaucratic reforms that are carried out fundamentally should provide the perspective of a grand design where

⁶ Ronny Hanitijo Soemitro, *Metode Penelitian Hukum*, Ghalia Indonesia, Jakarta, 1990, p.52.

improvements will be made in one field and must show its relation to other fields, in order to improve the performance of the apparatus, as well as generate benefits as mandated by the law.

Bureaucratic reform that is still ongoing at the Ministry of Law and Human Rights is an effort to reform and fundamentally change the government administration system, especially regarding aspects of Institutional, Administration or Business Process, Apparatus Human Resources, Supervision, Accountability, Public Services, Changes in Mindset (mindset) and Work Culture (culture set). To improve the governance system in achieving and implementing good Ministry bureaucratic reform, there needs to be communication about Bureaucratic Reform, not only at the Central level but comprehensively to Regional Offices and Technical Implementing Units.

The Regional Office of the Ministry of Law and Human Rights is a vertical agency of the Ministry of Law and Human Rights domiciled in the Province which is under and responsible to the Minister of Law and Human Rights of the Republic of Indonesia based on Article 52 of the Presidential Regulation of the Republic of Indonesia Number 44 of 2015 concerning the Ministry of Law and Human Rights of the Republic of Indonesia. The Regional

Office of the Ministry of Law and Human Rights is led by a Head of Regional Office, who coordinates the implementation of the tasks of the Division Heads.

Based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 30 of 2018 concerning the Organization and Work Procedure of the Regional Office of the Ministry of Law and Human Rights, the head of the Regional Office oversees 4 (four) Divisions, each Division is led by a Division Head.

This study examines two aspects related to the policy direction of bureaucratic reform in public services based on the Presidential Regulation of the Republic of Indonesia Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform of 2010-2025 as a renewal strategy, namely:

1) Strengthening the Implementation of Government Bureaucratic Reform

As a follow-up to Bureaucratic Reform efforts, the Ministry of Law and Human Rights made changes to the structure and nomenclature for Regional Offices as regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 30 of 2018 concerning Organization and Work Procedures of Regional Offices of the Ministry of Law and Human Rights.

The Ministry of Law and Human Rights' Bengkulu Regional Office has carried out the practice of reforming bureaucratic institutions in public services. The reform of the structure of the Bengkulu Regional Office of the Ministry of Law and Human Rights as a form of bureaucratic reform which is carried out based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 30 of 2018 concerning the Organization and Work Procedure of the Regional Office of the Ministry of Law and Human Rights.

2) Improving the Professionalism of the State Civil Apparatus

To realize the Integrity Zone towards WBK/WBBM, all ASN Regional Offices of the Bengkulu Ministry of Law and Human Rights must proceed with Bureaucratic Reform. As a result, a pattern transformation from old habits to new habits is carried out for employees. The value of bureaucratic reform must be instilled in the soul of the State Civil Apparatus consciously and without coercion for it to become habitual on its own.

To achieve good governance, the Bengkulu Regional Office of the Ministry of Law and Human Rights undertook bureaucratic reform. There are eight areas of change in the government's Bureaucratic Reform program, namely:

1. Change management
Change management aims to systematically and consistently change the working mechanism, mindset (mindset), and work culture (culture set) of individuals in the built Work Unit to be better in accordance with the goals and objectives of the integrity zone's development.
2. Management Arrangement
Management arrangement aims to improve the efficiency and effectiveness of clear, effective, efficient, and measurable systems, processes, and work procedures in the Integrity Zone towards WBK/WBBM.
3. HR Management System Setup
The purpose of setting up the HR Management System within the Ministry of Law and Human Rights is to improve the professionalism of the Ministry of Law and Human Rights' HR in the Integrity Zone towards WBK/WBBM.
4. Strengthening Accountability
Performance accountability aims to increase the capacity and performance accountability of the Ministry of Law and Human Rights.
5. Supervision Strengthening

Strengthening supervision aims to improve the Ministry of Law and Human Rights organization, which is clean and free of *KKN*.

6. Improving the Quality of Public Services

Improving the quality of public services to improve the quality and innovation of public services according to the needs and expectations of the community.

7. Legislation

The legislation aims to make regulations more orderly, non-overlapping, and conducive.

8. Organizational Arrangement and Strengthening (Institutional)

Structuring and strengthening the organization aims to increase the efficiency and effectiveness of government agency organizations proportionally to the needs of carrying out their respective duties so that government agency organization becomes the right function and right size (right sizing).

Obstacles in Implementation of Management Bureaucracy Reform at the Regional Office of the Bengkulu Regional Office of the Ministry of Law and Human Rights

Juridical Obstacles

Technical legislation in the provision of public services is still lacking at the Bengkulu Regional Office of the Ministry of Law and Human Rights, namely:

1. There is no technical legislation that regulates career paths for *PPNS* (Civil Servant Investigators),
2. The low number of registrations for trademark rights, copyrights, patents, and other Intellectual Property Rights in Bengkulu demonstrates the public's lack of legal awareness regarding the importance of registering Intellectual Property Rights.
3. In harmonizing the Draft Regional Regulation, there is no optimal synergy between the Bengkulu Regional Office of the Ministry of Law and Human Rights and the Regency/City Government.

Technical Obstacles

Technical obstacles in the process of implementing Bureaucratic Reform at the Bengkulu Regional Office of the Ministry of Law and Human Rights, namely:

1. The bureaucratic reform program of management setup which is oriented to the preparation of SOPs for the

implementation of tasks and functions and the development/development of e-government with results has not been carried out properly because the standard operating procedures (SOPs) are not yet complete, such as the procedures for all existing services in Indonesia. Regional Office of the Ministry of Law and Human Rights Bengkulu.

2. It is necessary to provide a special board or monitor regarding all public services available on the Bengkulu Regional Office of the Ministry of Law and Human Rights so that every community who comes is easier to find the services needed at the Bengkulu Ministry of Law and Human Rights Regional Office.
3. Vehicle parking facilities are inadequate; this needs to be a concern to show bureaucratic reform because services starting from the parking lot are the operational needs of all parties, both the Regional Office of the Ministry of

Law and Human Rights Bengkulu and the community. For now, the existing parking conditions are not sufficient, for normal days without any activities from the Bengkulu Regional Office of the Ministry of Law and Human Rights inviting the public or other relevant agencies, the parking lot is full, especially if there is an event at the Bengkulu Regional Office of the Ministry of Law and Human Rights who invite the public or other relevant agencies, they will certainly park their vehicles outside the yard of the Bengkulu Ministry of Law and Human Rights Regional Office.

4. There is no specific application for the harmonization of regional regulations, with the enactment of Law Number 15 of 2019 concerning Amendments to Law No. 12 of 2011 concerning the Establishment of Legislation, Article 58

paragraph (2) which stipulates that: "Harmonization, unification, and consolidation of conceptions The Draft Provincial Regulation originating from the Governor is carried out by the ministry or institution that carries out government affairs in the field of Formation of Legislation. This provision applies *mutatis mutandis* for Regency/Municipal *Raperda* based on Law No. 12 of 2011 Article 63 there is no online application yet.

5. Thus, the function of The Regional Office of the Ministry of Law and Human Rights of Bengkulu to harmonize all Regency/City Regional Regulations and Provincial Regional Regulations will increase, to facilitate services and improve the quality of harmonization of Regency/City Regional Regulations and Provincial Regulations it is necessary to make an application for

Regency/City Regional Regulations and Provincial Regulations in Bengkulu.

6. There is no means of publication for the achievement of outputs for all activities that have been carried out Regional Office of the Ministry of Law and Human Rights Bengkulu in the form of a board or monitor that can be seen directly by every community who comes to the Regional Office of the Ministry of Law and Human Rights Bengkulu.
7. There is still a lack of computer and printer infrastructure for all parts of the Bengkulu Regional Office of the Ministry of Law and Human Rights because there are still difficulties by the ASN of the Bengkulu Ministry of Law and Human Rights Regional Office to use computer and printer infrastructure.

CLOSING
Conclusion

Based on Presidential Regulation Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform 2010-2025, the implementation of administrative bureaucratic reform at the Bengkulu Ministry of Law and Human Rights regional office, the Ministry of Law and Human Rights has responded to the needs of Bureaucratic Reform, including: The nomenclature in the organizational structure has changed, and a new nomenclature has been added at the Regional Office of the Ministry of Law and Human Rights in providing public services, in accordance with the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 30 of 2018 concerning the Organization and Work Procedure of the Regional Office of the Ministry of Law and Human Rights. The Bengkulu Regional Office of the Ministry of Law and Human Rights proposes all work units as *WBK* (Corruption Free Areas)/*WBBM* (Clean Serving Bureaucratic Areas). Obstacles in implementation of Management Bureaucracy Reform at The Regional Office of the Bengkulu Regional Office of the Ministry of Law and Human Rights in Public Service on Regional Office of the Ministry of Law and Human Rights of Bengkulu include: There is no technical legislation to improve the performance of Civil Servant Investigators, Intellectual

Property Rights, and Harmonization of Draft Regional Regulations. There is no Standard Operating Procedure (SOP) that can build a common perception, commitment, involvement in the implementation of bureaucratic reform programs and activities at all levels of employees at the Regional Office of the Ministry of Law and Human Rights Bengkulu. Technical obstacles, namely: The Ministry of Law and Human Rights' Bengkulu Regional Office has 140 human resources, which is insufficient to maximize services and carry out bureaucratic reform, so there is a need for up to 50 extra ASN at the Bengkulu Ministry of Law and Human Rights Regional Office. Lack of facilities and infrastructure, namely: special publication boards or monitors, special applications for the harmonization of regional regulations, motorized vehicle parking lots, as well as computer and printer infrastructure

Suggestion

1. To achieve the successful implementation of Bureaucratic Reform in the Regional Office of the Ministry of Law and Human Rights Bengkulu, the whole apparatus Regional Office of the Ministry of Law and Human Rights Bengkulu must support the implementation of

Bureaucratic Reform so that every employee needs to be provided with education and training that supports the implementation of bureaucratic reform in sustainable public services.

2. The requirement for extra infrastructure and facilities The Regional Office of the Ministry of Law and Human Rights in Bengkulu, in particular, makes public publications in the service room so that personnel who provide services and the community who receive services can understand and apply them.

REFERENCES

- Azhari. Negara Hukum Indonesia. UI Press, Jakarta
- Bachsan Mustafa, Sistem Administrasi Negara Indonesia, Citra Aditya Bkati, Bandung, 2001.
- Blau, Peter M. & Meyer. Birokrasi Dalam Masyarakat Modern. Jakarta:Rineka Cipta, 2000.
- Budi Setiyono, “Birokrasi Dalam Perspektif Politik Dan Administrasi. Semarang:Puskodak Undip, 2004.
- Burhan Bungin, Metodologi Penelitian Sosial & Ekonomi Prenadamedia Grup, Jakarta, 2013.
- Dahlan Thaib, Ketatanegaraan Indonesia;Perspektif Konstitusional, Cetakan Pertama, Total Media,Yogyakarta, 2009.
- Diana Halim Konentjoro. Hukum Administrasi Negara, Ghalia Indonesia, Bogor, 2004.
- Hestu Cipto Handoyo, Hukum Tata Negara Indonesia “Menuju Konsolidasi Sistem Demokrasi. Universitas Atma Jaya, Jakarta. 2009.
- Hotma P. Sibuea. Asas Negara Hukum, Peraturan Kebijakan, & Asas-Asas Umum Pemerintahan yang Baik. Erlangga, Jakarta.
- J.B Daliyo, Pengantar Hukum Indonesia, PT Prenhallindo, Jakarta, 20019.
- Jimly Assihidique. Hukum Tata negara dan Pilar-Pilar Demokrasi. Konstitusi Perss, Jakarta 2005.
- Jimly Asshiddiqie, Pengantar Ilmu Hukum Tata Negara Jilid II, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, Jakarta, 2006, hlm. 26-27
- Lawrence M. Friedman,1975, The Legal System, Asocial Scieence Perspective, Russel Sage Foundation, New York
- Lembaga Administrasi Negara Dan Badan Pengawasan Keuangan dan Pembangunan, Akuntabilitas dan GoodGovernance, Jakarta, 2000.
- Lidjan poltak sinambela. Reformasi Pelayanan Publik:Teori, Kebijakan dan Implementasi. PT. Bumi Aksara, Jakarta.2016.
- Lili Rasjidi dan Ida Bagus Wyasa Putra, Hukum Sebagai Suatu Sistem, PT. Fikahati Aneska, Bandung, 2012
- Martin Albrow. Birokrasi. Cet IV, Tiara Wacana,Yogyakarta, 2007.
- Miriam Budiarto. Dasar-Dasar Ilmu Poltik . Edisi Revisi, PT. Gramedia Pustaka Utama, Jakarta, 2008.

- Mohamad thahir haning. Reformasi Birokrasi: Desain Organisasi Yang Mendukung Pelayanan Publik di Indonesia. Ilmu giri, Yogyakarta, 2015.
- Pandji santoso. Administrasi Publik:Teori dan Aplikasi Good Governance. PT Rafika Aditama, Bandung 2012.
- Pope, Jeremy. Strategi Memberantas Korupsi, Elemen Sistem Integritas Nasional, Yayasan Obor Indonesia, Jakarta, 2003.
- Ridwan Hr. Hukum Administrasi Negara. Cet VI. PT. RajaGrafindo Persada, Jakarta, 2011.
- Hukum Administrasi Negara. Rajawali Press, Jakarta. 2019. Ed. Revisi Cet ke-9.
- Ronny Hanitijo Soemitro, Metode Penelitian Hukum, Ghalia Indonesia, Jakarta, 1990.
- Sadjijono, Memahami Beberapa Bab Pokok Hukum Administrasi, Laksbang Pressindo, Yogyakarta,2008.
- Sadu Wasistiono, Kapita Selekta Penyelenggaraan Pemerintahan Daerah, Fokusmedia, Bandung, 2003.
- Sedarmayanti, Good Governance (Kepemerintahan Yang Baik) Dalam Rangka Otonomi Daerah, Mandar Maju, Bandung, 2003.
- , Reformasi Administrasi Publik, Reformasi Birokrasi, dan Kepemimpinan Masa Depan. PT. Refika Aditama, Bandung. 20
- Manajemen Sumber Daya Manusia, Reformasi Birokrasi Dan Manajemen Pegawai Negeri Sipil, Cetakan keempat, PT. Refika Aditama, Bandung. 2010.
- Manajemen Sumber Daya Manusia, Reformasi Birokrasi Dan Manajemen Pegawai Negeri Sipil, Cetakan kelima, PT. Refika Aditama, Bandung, 2016
- SF Marbun et.al. Dimensi-Dimensi Pemikiran/Hukum Administrasi Negara. UII Press, Yogyakarta. 2001.
- Sulastomo. Reformasi: Antara Harapan dan Realita. Buku Kompas, Jakarta. 2003.
- Thoha Miftah, Birokrasi: Pemerintah Indonesia Di Era Reformasi, Kencana, Jakarta, 2008.
- Tim Reality. Kamus Terbaru Bahasa Indonesia. Reality Publisher, Surabaya. 2008.
- Usman Rianse dan Abdi, Metodologi Penelitian Sosial dan Ekonomi (Teori dan Aplikasi), Alfabeta, Bandung, 2008.
- W. Ridwan Tjandra. Hukum Sarana Pemerintahan. Cahaya Atma Pustaka, Jakarta, 2014.