

**THE APPOINTMENT AND TRANSFER OF STRUCTURAL
POSITION OF THE REGIONAL GOVERNMENT APPARATUS
RELATED TO THE LAW No. 22 YEAR 1999,
CONCERNING THE REGIONAL ADMINISTRATION**

Abstract

The implementation of regional autonomy in accordance with the Law No. 22 Year 1999, concerning the Regional Administration, has affected the appointment and transfer of Structural Position of the Regional Government Apparatus. This is due to the Regional Government has a broad authority, including in the personnel matters, according to article 76, Law no. 22/1999 : that the Region has authority to carry out appointment, transfer, dismissal, pension determination, salary, allowances, and employee welfare, as well as education and training conforming to the necessity and capacity of the region which is stipulated in the regional regulation based on the rule and legislation.

The broad authority of personnel matters includes that which is performed by the Regent, as the Local Government Head. The appointment and transfer of the Structural Position are decided by the Regent based on the Regent's Decree. Despite, previously, it has got consideration from the Advisory Agency for Office and Ranking (Baperjakat) of the Regency of Banyuwangi, which is stipulated by the Regent's Decree No. 71a/2000, concerning the Advisory Agency for Office and Ranking (Baperjakat) who have to do their duty to give consideration as well as recommendation to the Regent in terms of appointment, transfer, and dismissal of civil servants within the Structural Position of Echelon II, III, IV, and V, in the circle of the Local Government of Banyuwangi.

'Baperjakat' is what the rule and legislation relating to the appointment and transfer of civil servants in the Structural Position spells out. Because the Regent, as the Local Government Head, constitutes a political function, so it affects the

government apparatus, as 'Baperjakat' is led by the Local Government Secretary who is appointed by the Regent himself.

The authority of the Regent has more political power than that of law. So that, it tends to ignore idealization values of the administration law and influences the process of appointment and transfer of the Structural Position and it has an impact on the performance of the Local Government apparatus as well.

The effect on the appointment and transfer of the Structural Position is proven in paying less attention to the education and training values conforming to the Government Regulation No. 101/2000, concerning Education and Training of the Civil Servant Position as well as to the Law No. 43/1999, concerning the alteration of Law No. 8/1974, regarding the Principles of Personnel Matters.

In the case of designing organization, one of the roles of the Local House of Representatives (DPRD) together with the Regent in deciding regional regulation does not quite take into account the condition, character, requirement potentials, as well as the availability of the regional apparatus resources. According to the Government Regulation No. 84/2000, regarding the Guidelines for Organization of the Regional Forces, the design of the Organization (Instance) can be used as a job for the Structural Officials.

The Appointment and transfer of the Structural Position for the local government apparatus does not conform to the procedure, so that it does not quite heed the assessment and condition as well as the apparatus resources potentials, and the process of the appointment and transfer of the Structural Position among the instances is also considered too quick.

The impact of this is that the performance of the local government apparatus becomes weak and consequently the public service is hampered. Now, the accountability of the local government apparatus relating to the duty implementation is not yet done objectively. Thus, the result is not maximal in compliance with the President Instruction No. 7/1999, concerning the Accountability Performance of the Government Instances in the implementation of good government system.