



Merit System Implementation under Law No. 20 of 2023 at BKPSDM Muna Regency

Pipit Somefotorono Majid^{1*}, Andi Muhammad Alqadri Syarif², Mutia Nur Fadhilah Ruslan³, Nuramanah Amalia⁴.

¹Universitas Halu Oleo

²Universitas Tamalatea Makassar

*Correspondence: pipitmajid@uho.ac.id

ARTICLE HISTORY

Received: 26.10.2025

Accepted: 05.12.2025

Published: 29.12.2025

ARTICLE LICENSE

Copyright © 2025 The Author(s): This is an open-access article distributed under the terms of the Creative Commons Attribution ShareAlike 4.0 International (CC BY-SA 4.0)

ABSTRACT

This study examines the implementation of the merit system from the perspective of Law Number 20 of 2023 concerning the State Civil Apparatus (ASN) within the Personnel and Human Resources Development Agency (BKPSDM) of Muna Regency, Southeast Sulawesi. The study aims to analyze the extent to which the merit system policy has been implemented and to identify factors influencing its implementation. This research employs a socio-legal (empirical legal) approach with a qualitative method, combining normative analysis of statutory regulations with empirical data obtained through field research, including interviews and document studies. The findings indicate that the implementation of the merit system at BKPSDM Muna has not been fully optimal, as the eight indicators of merit system assessment mandated by law have not been comprehensively fulfilled. Several factors contribute to this condition, including: (1) the legal substance, which has not yet fully ensured binding and enforceable obligations for merit system implementation; (2) the institutional structure of the ASN, which still faces limitations in conducting objective and independent assessments; (3) a weak legal culture reflected in limited understanding of the merit system among stakeholders; and (4) inadequate supporting facilities and infrastructure. This study recommends strengthening implementing regulations derived from Law Number 20 of 2023, enhancing institutional capacity, and intensifying socialization and education regarding merit system assessment mechanisms. These measures are necessary to ensure that the merit system is implemented more effectively, transparently, and in accordance with the principles of professionalism and fairness mandated by law.

Keywords: Merit System, State Civil Apparatus, Personnel Law

1. Introduction

The Indonesian Constitution expressly affirms that Indonesia is a *state of law* (rechstaat) as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (Likadja 2015). This principle places the law as the basis and source of the highest legitimacy in the implementation of the life of the nation and the state (Hasan et al. 2024). The concept of *rechstaat* adopted from the Continental European *civil law* tradition contains the meaning that all state actions must be based on the law and carried out to realize justice and the welfare of the people (Ramadhan 2018). Within that framework, all public policies, including the management of the state civil apparatus (ASN), should not rest on the interests of power, but on legal principles that are fair, rational, and oriented towards community service.

In the Classical Expression, Plato emphasized that the administration of a good state rests on justice (Smi Nurhayati dkk 2023) while Aristotle affirmed the constitution as a normative device to regulate positions in the state (Namang 2020). Algra and Jansen view the law as a rule of the game in the administration of the state for the creation of a peaceful, just, and meaningful social order. The philosophical framework affirms that law is not only a written norm, but also an art to create order and legitimacy in the lives of the wider community. Thus, the regulation of the state apparatus must be in line with the principle of the state of law, which is to provide protection, certainty, and justice for every citizen (Astomo 2018).

In the context of apparatus management, the concept of *merit system* emerged as one of the important instruments to ensure professional, transparent, and accountable bureaucratic governance. Etymologically, the

term *merit* comes from the Latin *meritum*, which means to deserve or deserve an award. This concept later evolved into *meritocracy*, which is a system of government or organization that places individuals based on achievement, competence, and integrity, not because of social background, nepotism, or political affiliation (Son Hing et al. 2011) *The Oxford Dictionary of Politics* defines meritocracy as a system in which citizens who demonstrate superior achievement attain leadership positions, with equal opportunities for all citizens to advance according to their abilities and achievements (University of Oxford 2023).

Historically, the idea of a merit system has been known since the Qin and Han Dynasties in China, when the selection of public officials was based on education, exams, and merit. This model later spread to British India, Europe, and America, and became an important part of modern bureaucratic reform (Nur Khobiburrohman, Septiana Margareta, and Habbie Hasbullah 2020) In Indonesia, although since the beginning of independence there have been efforts to build a professional bureaucracy, the practice of implementing personnel is often trapped in a pattern of *patronage system* that is full of nepotism, corruption, and collusion. This causes the bureaucracy to be not optimal in carrying out its function as a public servant (Saebani and Farhan Mubarak 2024)

In response to these challenges, Law Number 20 Of 2023 concerning the State Civil Apparatus (ASN Law) is present as an important milestone in Indonesia's bureaucratic reform. This law affirms the basic principles of ASN management with a merit system, which is defined in Article 1 number 22 as the policy and management of ASN based on qualifications, competencies, and performance in a fair and reasonable manner without discrimination. The merit system is expected to realize a bureaucracy that is neutral, professional, clean from KKN, and able to provide quality public services. Its implementation was then strengthened by Government Regulation Number 11 of 2017 concerning Civil Servant Management which regulates aspects of performance assessment, income, career, and ASN training.

The concept of the merit system emphasizes the reward and punishment mechanism. ASNs who show good performance receive awards in the form of promotions or income, while those who perform poorly will receive sanctions in the form of career restrictions or demotion of positions. This principle is believed to create work motivation, increase productivity, and strengthen a work culture with integrity. However, the success of the merit system is highly dependent on several supporting factors, such as clear performance appraisal standards, supervisors' competence in conducting evaluations, consistent reward mechanisms, and adequate bureaucratic support facilities.

In practice, the implementation of the merit system in Indonesia still faces various challenges. Based on data from the State Civil Apparatus Commission (KASN), the independent assessment of the implementation of the merit system (PMPSM) by the Muna Regency Personnel and Human Resources Development Agency (BKPSDM) in 2021 showed a score of only 30.5 out of a minimum standard of 250, with a bad predicate. Of the 37 sub-aspects of the assessment, only 12 were met. This confirms that the implementation of the merit system in the regions is still far from expectations. Some of the factors that cause this are the weak legal substance that has not provided a guarantee of certainty in the implementation of the merit system, the low competence of the legal structure of ASN as implementers, the lack of awareness of the community's legal culture regarding the importance of the merit system, and the limited supporting facilities and facilities.

In addition, the bureaucratic work pattern at the BKPSDM of Muna Regency still tends to follow the old style that is highly dependent on leaders. The process of mutation, rotation, and promotion of positions is often not entirely based on qualifications and competencies, but is influenced by subjective interests that open up opportunities for KKN practice. The performance assessment of civil servants who still use the Employee Job Assessment List (DP3) is felt to be not objective because it is general and abstract, so it is prone to being influenced by *like and dislike factors*. This condition is clearly contrary to the spirit of the merit system that emphasizes objectivity, professionalism, and transparency.

This problem shows that there is a *research gap* between ideal normative regulations and the reality of implementation at the regional level. Normatively, the merit system has been affirmed in the ASN Law and various implementing regulations. However, empirically, its implementation in the regions, especially in Muna Regency, is still far from optimal. This inconsistency poses serious problems because it hinders the realization of a bureaucracy that is professional, has integrity, and is able to provide quality public services. In an academic context, this is interesting to be researched further because it can make a theoretical and practical contribution to the development of personnel law and public policy in Indonesia.

The urgency of this research is even stronger considering that bureaucratic reform is a national agenda that not only aims to improve government efficiency, but also strengthen democracy and public trust. The merit system, if implemented properly, will ensure that every ASN gets the same opportunity to develop based on their qualifications, competencies, and performance. This will create a bureaucracy that is more responsive to the needs of the community, and free from discriminatory practices and political intervention.

Thus, this study focuses on the implementation of the merit system in the perspective of Law No. 20 Of 2023 concerning ASN and personnel law in BKPSDM Muna Regency, Southeast Sulawesi. The main question to be answered is: to what extent has the merit system been implemented according to normative provisions, and what factors affect its success? Through a normative and empirical approach, this research is expected to fill the gap between theory and practice, as well as provide strategic recommendations for improving ASN management at the regional and national levels.

2. Method Research

This study employs a normative legal research method (Irwansyah 2022), which focuses on the analysis of legal norms, principles, and statutory regulations governing the implementation of the merit system within the State Civil Apparatus. This research does not utilize field research or interviews, but is entirely based on library research, making it consistent with the characteristics of doctrinal legal research. The primary legal materials consist of statutory regulations related to the merit system, particularly Law Number 20 of 2023 concerning the State Civil Apparatus, along with its implementing regulations, including government regulations and policies issued by the State Civil Apparatus Commission (KASN). Secondary legal materials include legal textbooks, scientific journal articles, research reports, and expert opinions discussing merit system theory, public personnel management, and administrative law. Tertiary legal materials, such as legal dictionaries and encyclopedias, are used to clarify legal terms and concepts (Hastia 2025).

The research locus is conceptually directed at the Personnel and Human Resources Development Agency (BKPSDM) of Muna Regency, Southeast Sulawesi Province, not as an empirical research site, but as a contextual case reference for analyzing the conformity between normative regulations on the merit system and their ideal application within regional government institutions. Therefore, this study does not define a research population, respondents, or samples, as it does not involve the collection of primary empirical data from human subjects.

Data collection is conducted through a systematic document study, involving the identification, classification, and interpretation of relevant legal materials. The collected data are then analyzed using a descriptive-qualitative method with a deductive approach, starting from general legal norms and principles governing the merit system and subsequently examining their normative implications for personnel management practices at the regional level. This approach aims to produce a coherent, systematic, and legally grounded analysis in accordance with the objectives of the study.

3. Results and Discussion

3.1 Results

3.1.1. Merit System Management in the Perspective of Law No. 20 Of 2023 on BKPSDM Muna Regency

The government's vision to realize a sovereign, just, and prosperous state is in line with the mandate of the 1945 Constitution. To achieve these goals, the government formulated four pillars of development towards a Golden Indonesia, namely human development based on science and technology, sustainable economic development, equitable development, and strengthening national resilience and governance. These pillars can only be realized through an effective, efficient, and supported bureaucracy by quality apparatus resources (Zufiyardi et al. 2023)

President Joko Widodo and Vice President Ma'ruf Amin paid great attention to bureaucratic reform, especially in simplifying and developing the human resources of the apparatus. Bureaucratic reform is a national priority for 2000–2025 with the implementation of the merit system as one of the main programs. Through the 2020 Government Work Plan (RKP), three policy focuses of the apparatus are determined: increasing accountability and supervision, increasing innovation and quality of public services, and strengthening merit-based ASN management.

This commitment is directed to form a world-class bureaucracy through professional, transparent, and service-oriented management of civil servants.

Law Number 20 Of 2023 emphasizes that the merit system is the management of ASN based on qualifications, competencies, and performance in a fair manner without discrimination against politics, race, religion, gender, or social status. This system rejects the practice of nepotism, patrimonialism, or political intervention that often undermines bureaucratic neutrality. The goal is to create a clean, competent, and focused bureaucracy on improving public services. This also replaces the regime of Law Number 43 of 1999 concerning Personnel Principles which is considered no longer in accordance with the demands of globalization and national development.

In the history of personnel, Indonesia has known several recruitment systems, including the spoil system (appointment based on political choice), patronage system (appointment due to subjective relationships such as politics and nepotism), merit system (based on skills, competencies, and performance), and career system (providing long-term career development opportunities according to ability). Of all these systems, the merit system is considered the most relevant because it ensures open recruitment, equal opportunities, and encourages healthy competition in the bureaucracy (Rachmawati and Ristawati 2023)

The application of the merit system does not only apply to initial recruitment, but also to promotion to positions at all levels. This principle emphasizes the importance of selecting the best candidates through a transparent, competitive, and open mechanism for all. The United Nations Development Programme (UNDP) in 2015 emphasized four principles of meritocracy: (1) applied at all levels of office, (2) selection of the best candidates, (3) open recruitment without group discrimination, and (4) a systematic, transparent, and evaluative process through a complaint mechanism (Sari 2016)

In Indonesia, the stages of implementing the merit system include the preparation of a road map, the formation of an independent assessment team, the determination of the level of implementation, the follow-up of recommendations for assessment results, supervision, and impact evaluation. However, although Article 51 of the ASN Law emphasizes that ASN management is merit-based, the technical rules have only been described in Government Regulation Number 11 of 2017 concerning Civil Servant Management and Permenpan RB Number 40 of 2018 concerning Merit System Guidelines. The gap in the previous arrangement had caused multiple interpretations in implementation in various agencies. Practically, the merit system provides a guarantee of KKN-free ASN management, increases the capacity and capabilities of the apparatus, and supports the achievement of bureaucratic reform goals. Merit-based management encourages proportionate, transparent, competitive, and strategic management of the bureaucracy. To ensure consistency, the implementation of this system needs to be equipped with a clear regulatory tool, effective monitoring mechanisms, and continuous evaluation.

The authority to manage ASN based on the merit system is delegated by the President to several institutions, namely: (1) the Ministry of PAN-RB for policy formulation and implementation supervision; (2) the State Civil Apparatus Commission (KASN) for monitoring, evaluating, and supervising the code of ethics and behavior of ASN; (3) State Administration Institution (LAN) for research, study, and education of ASN; and (4) the State Civil Service Agency (BKN) for the implementation of ASN management, supervision, and control of standard procedures. This delegation emphasized the importance of collaboration between institutions so that the merit system can run effectively.

In practice, there are still challenges in the implementation of the merit system, such as a lack of understanding of legal culture, limited support facilities, and obstacles to the competence of implementers in the regions. Therefore, strategic efforts are needed in the form of improving regulations, increasing the capacity of the apparatus, continuous socialization, and strengthening the supervision and evaluation system. With the consistent implementation of the merit system, the Indonesian bureaucracy is expected to be able to realize the principles of good governance, put the right people in the right positions, and build a bureaucracy that is neutral, professional, and oriented towards public services. Optimal implementation will strengthen bureaucratic reform, support the realization of Golden Indonesia 2045, and respond to national and global demands for clean, effective, and democratic governance.

In Indonesia, the management of the state civil apparatus is regulated in Law Number 20 Of 2023 concerning the State Civil Apparatus, which assigns the Ministry of State Apparatus Empowerment and Bureaucratic Reform (Ministry of PANRB) as the main institution. Based on Article 25 paragraph (2) letter a, this ministry has the authority

to formulate and determine policies in the field of state civil apparatus. This is emphasized in Presidential Regulation Number 47 of 2015, which assigns the Ministry of PANRB to assist the president in the implementation of state government, especially related to apparatus management and bureaucratic reform.

In carrying out its duties, the Ministry of PANRB functions to formulate policies for bureaucratic reform, accountability, institutional, governance, and management of apparatus resources and public services. In addition, this ministry coordinates the implementation of policies, supervision, supervision, and internal organizational development. Based on the strategic plan, the Ministry of PANRB targets that by 2024 it will achieve a capable, quality, and competitive bureaucracy. The organizational structure and work procedures are regulated through PANRB Ministerial Regulation Number 60 of 2021 to strengthen the institutional function in supporting the achievement of these goals.

3.2 Factors that affect the Implementation of the Merit System at the Muna Regency Personnel and Human Resources Development Agency

3.2.1. Legal Substance

Legal *substance* is one of the main elements that determine the effectiveness of law enforcement, including in the implementation of the merit system in the management of the State Civil Apparatus (ASN). Legal substance is interpreted as a law or regulation in a material sense, which is a set of written legal norms that are generally applicable, binding, and made by the legitimate authorities, both at the central and regional levels. This substance is the main reference for law enforcers and apparatus in carrying out their duties and responsibilities. Lawrence M. Friedman in his theory explains that the substance of law is a substantial system that determines whether or not the law can be implemented effectively in society. This means that even if the legal structure is available and the legal culture is supportive, if the legal substance that governs a policy is weak, then its implementation will face various obstacles (Herviani, Zuhriah, and Yasin 2022)

In the perspective of positive law in Indonesia, the type and hierarchy of laws and regulations have been clearly regulated in Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations. This hierarchy consists of the 1945 Constitution, MPR Decrees, Government Laws/Regulations in Lieu of Laws, Government Regulations, Presidential Regulations, and Regional Regulations. This arrangement is intended so that each legal product has clarity of position, function, and binding force. However, in practice, not all implementing laws and regulations can be consistently applied. There are often several problems such as the absence of implementing rules, unclear article formulation, and disharmony between one regulation and another. This condition certainly has a direct impact on the implementation of policies, including the merit system policy in ASN management.

According to Soerjono Soekanto, in order for the law to be able to achieve its goals and have a positive impact, its preparation must be based on fundamental principles. These principles include: laws must not apply retroactively, laws made by higher rulers have a higher position, *lex specialis derogat legi generali* (special rules override general rules), and *lex posterior derogat legi priori* (new rules cancel old rules) (Yamani 2024). In addition, laws are also inviolable and must be an instrument to achieve the welfare of the community, both materially and spiritually. If these principles are not observed, then the law has the potential to cause difficulties in implementation and even create new problems in the field.

In the context of ASN management, the substance of law has a strategic role because the merit system requires clarity of rules regarding recruitment, promotion, career development, performance appraisal, and protection of ASN rights. Law Number 20 of 2023 concerning the State Civil Apparatus has expressly laid down the merit system as the basis for ASN management. To strengthen its implementation, the Ministry of PANRB issued PANRB Ministerial Regulation Number 40 of 2018 concerning Merit System Guidelines in ASN Management. This regulation details eight indicators of assessment of the implementation of the merit system, namely: (1) needs planning, (2) procurement, (3) career development, (4) promotion and mutation, (5) performance management, (6) payroll, awards, and discipline, (7) protection and service, and (8) ASN management support system. Normatively, this regulation is quite complete. However, the substance of the law alone does not automatically guarantee the

success of implementation, because consistency, institutional readiness, and a supportive legal culture are still needed (Dadatashzadeh, Mehr, and Afshari 2019).

The results of research conducted at the Muna Regency Personnel and Human Resources Development Agency (BKPSDM) show that the implementation of legal substance related to the merit system still faces various obstacles. In the indicator of employee needs planning, for example, the Muna Regency BKPSDM does not have comprehensive data on the shortage and availability of employees compiled based on qualifications, competencies, and performance. This is contrary to the provisions mandated by PANRB Ministerial Regulation Number 40 of 2018. As a result, employee needs planning cannot be done objectively and data-based, so it has the potential to cause a mismatch between organizational needs and available human resources.

In the career development indicators, the results of interviews with officials of the Career Development Sub-Division show that there is a discrepancy between regulations and practices in the field. Standardization of positions, competencies, and talent management has not been implemented as it should. The talent pool that should be the basis for ASN career development has not been implemented because Muna Regency does not yet have an assessment center as an instrument to map the potential and competence of employees. As a result, promotion tends not to be merit-based, but rather influenced by non-technical considerations.

Promotion and mutation indicators also face similar problems. Based on the results of an interview with the Head of Mutation and Promotion, until 2021 the Muna Regency BKPSDM still does not have a standard internal policy regarding ASN career patterns. Career pattern documents are being prepared, but the absence of these operational regulations causes the promotion and mutation process to not run according to the merit principle. This condition shows that the substance of the law at the central level has not been fully adopted and implemented consistently in the regions.

In addition, indicators of ASN protection and services have also not received serious attention. Data shows that the Muna Regency BKPSDM has not developed a policy on legal protection, retirement preparation programs, and other protections for civil servants. In fact, protection and service aspects are very important to ensure employee welfare, maintain loyalty, and increase work motivation. The absence of this policy is certainly contrary to the principles stipulated in the ASN Law and PANRB Ministerial Regulation Number 40 of 2018.

The above problems show that there is a gap between the substance of the law that has been formulated normatively and its implementation in the field. The existing regulations are actually quite adequate, but they have not been fully operationalized at the regional level. This can be caused by several factors, such as limited resources, lack of socialization, lack of commitment from leaders, and the absence of adequate supporting instruments. Thus, the substance of the law in this case has not succeeded in encouraging the optimal implementation of the merit system in Muna Regency.

From a law enforcement perspective, weaknesses in legal substance can have a direct impact on policy effectiveness. Laws that are unclear, inconsistent, or have no implementing rules will be difficult to implement. Likewise, the substance of the law regarding the merit system, if it is not equipped with an operational implementing device, then the regulation will only become a norm on paper without real coercion. Therefore, efforts are needed to improve the substance of the law, both by drafting more technical implementing rules, clarifying the formulation of articles, and adjusting regulations to real conditions in the field.

Based on the results of this study, it can be concluded that the legal substance factor has a very large influence on the success of the implementation of the merit system in ASN management. Strong, clear, and consistent regulations will facilitate the implementation of the merit system, while weaknesses in the substance of the law are the main obstacles. Therefore, in addition to improving the structure and culture of the law, the central and regional governments must also focus on strengthening the substance of the law. In Muna Regency, especially BKPSDM, it is necessary to immediately make improvements in the aspects of needs planning, career development, promotion and mutation, and ASN protection so that the implementation of the merit system can run in accordance with the objectives of the ASN Law and the PANRB Ministerial Regulation. With this step, it is hoped

that ASN management can be carried out professionally, objectively, and free from interest intervention, so as to be able to support the realization of a quality and competitive bureaucracy.

3.2.2. Legal Structure

The legal structure is one of the important elements in the legal system that determines the extent to which a rule can be implemented effectively in society. Soerjono Soekanto emphasized that the legal structure is not only limited to institutions that focus on law enforcement, but also includes aspects of law enforcement and peace maintenance. Thus, the legal structure is not only understood as a formal institution, but also concerns the status and role of law enforcers in society. This position reflects a person's social and formal position in a legal institution, while role is the rights and obligations inherent in that position (Najamuddin 2020)

Lawrence Meir Friedman also expressed a similar view by asserting that the structure of the law is a subsystem of the legal system that functions to determine whether or not the law can be carried out. In Friedman's perspective, the structure of the law reflects the organization, institution, and bureaucratic apparatus that has the authority to implement the law (Fahrizal S. Siagian 2023) Therefore, both Soekanto and Friedman emphasized the importance of the existence of an effective legal structure as a prerequisite for the running of a legal system. Without a strong and well-functioning structure, laws and regulations will only be normative texts that are unable to have a real impact on society.

In the context of governance, the legal structure plays a role in ensuring that every action of state administrators, both officials and apparatus, can be accounted for administratively and legally. This principle of accountability is part of the concept of good governance which requires transparency, integrity, and responsibility from every stakeholder. In other words, the legal system not only regulates formal procedures, but also binds public officials to act in accordance with the principles of good governance.

The results of the research through interviews and field data collection at the Muna Regency Personnel and Human Resources Development Agency (BKPSDM) show that legal structure factors have a significant influence on the implementation of merit system policies in the management of the State Civil Apparatus (ASN). This influence can be explained through five indicators of the merit system used in ASN management, namely:

First, planning for ASN needs. In this indicator, careful planning is the key to the successful implementation of the merit system. ASN as the backbone of government administration needs to understand the preparation of position maps, position analysis, and workload analysis. However, in Muna Regency there are still obstacles in technical mastery of planning, so this process has not been fully effective.

Second, the procurement of ASN. In terms of procurement, the legal structure requires each government agency to prepare internal policies related to recruitment. However, in practice, the compliance of agencies in the regions, including the BKPSDM of Muna Regency, is still weak. This causes the procurement of ASN not to be entirely merit-based, but sometimes influenced by political interests and non-competency considerations.

Third, career development. One of the weaknesses found is the lack of a *talent pool* based on competencies and the results of ASN's work. Government agencies should provide an Assessment Center as an instrument to assess and classify the potential of ASN. The absence of this system causes a gap between the qualifications possessed by ASN and the needs of the available position competencies.

Fourth, promotion and mutation. This indicator shows that internal policies regarding the career pattern of ASN in Muna Regency have not been fully formalized. Although Law Number 20 of 2023 has been enforced for a long time, the implementation of the merit system was only implemented in Muna Regency in 2019. Even now, the ASN career pattern policy is still in the form of a draft and has not been implemented consistently.

Fifth, performance management. ASN performance measurement is an important instrument in ensuring the effectiveness of the merit system. Unfortunately, in many government agencies, including Muna Regency, performance measurement has not been carried out optimally. This has an impact on weak accountability and the quality of decision-making related to ASN development.

The condition of ASN human resources that are still limited in terms of competence ultimately affects the effectiveness of the implementation of the merit system. The gap between normative regulation and field practice shows that policy implementation has not fully gone as expected. In other words, the existing legal structure has not been able to function optimally because it is hit by limited human resources, weak organizational commitment, and the influence of local political interests.

Furthermore, the implementation of the merit system also often clashes with political dynamics, especially in the context of regional head elections (Pilkada). It is not uncommon for ASN to be placed based on political loyalty, namely partiality to certain candidates in local political contests. In fact, Law Number 20 of 2023 has clearly emphasized that the merit system must be applied in ASN management, so that appointments, promotions, or mutations should not be based on considerations outside of capacity and competence.

The reality on the ground shows that personnel coaching officials in Muna Regency still face a dilemma in enforcing the principles of the merit system. On the one hand, national regulations require the consistent application of the merit system. But on the other hand, the local political culture that is full of interests often hinders the realization of ASN professionalism. This indicates that the problem of legal structure is not only related to institutional aspects, but also to the bureaucratic and political culture that surrounds it.

For this reason, strengthening the legal structure is an urgent agenda that must be carried out. This strengthening can be done through several strategic steps, including: increasing the capacity of ASN through education and training, drafting strict internal regulations related to promotion and career patterns, building an Assessment Center as an objective instrument, and implementing a stricter supervision system so that merit-based policies are not violated. In addition, a commitment from personnel coaching officials is also needed to reject political intervention in the management of ASN management.

With these steps, it is hoped that the existing legal structure will not only become a formal instrument, but also be able to function in realizing a professional, accountable, and free bureaucracy from interference in political interests. The implementation of an effective merit system will make a major contribution to improving the quality of public services and ultimately strengthening public trust in the government.

3.2.3. Facilities or Facilities

Law enforcement, facilities and facilities are determining factors that cannot be ignored. Soerjono Soekanto emphasized that without certain facilities or facilities, it is impossible for law enforcement to run well and achieve its goals. Facilities include educated and skilled human resources, solid organization, adequate equipment, and adequate financial support. In other words, the successful implementation of a legal system or policy will depend heavily on the availability of supporting facilities and facilities.

The Great Dictionary of the Indonesian Language (KBBI) defines means as everything that can be used as a tool to achieve certain goals or objectives. This definition shows that means have an instrumental role in connecting goals with their achievements. Purbacaraka and Soerjono Soekanto even provide a more practical framework for thinking about law enforcement facilities. According to them, there are four things that need to be done regarding facilities, namely: (1) those that do not exist, need to be held; (2) which is damaged, must be repaired; (3) which is stuck, must be launched; and (4) those that retreat or deteriorate, must be advanced or abandoned. This view shows that facilities are not only about availability, but also about sustainability and improvement so that they are always relevant to the needs of the times (Yanto 2020)

In the context of the management of the State Civil Apparatus (ASN), facilities or facilities have a very vital role. The implementation of the merit system, which emphasizes the competence, qualifications, and performance of civil servants, cannot be carried out without adequate support of facilities. Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform Number 40 of 2016 concerning Merit System Guidelines in ASN Management explicitly emphasizes the importance of facilities in the form of *assessment centers* as an instrument for assessing ASN competencies. Article 16 letter d of the regulation states that government agencies must have and use *an assessment center* for career development for all employees.

However, the results of research in Muna Regency show that the facility factor is still a serious obstacle in the implementation of the merit system. Based on an interview with Mohammad Aqsa, the employee responsible for the input of the merit system self-assessment, it is known that the Muna Regency BKPSDM does not have a special building for the implementation of *the Computer Assisted Test (CAT)*. The selection process for ASN candidates is forced to be carried out in other buildings, such as vocational schools and UPTs, which have computer facilities. This condition clearly shows the limitations of physical facilities that hinder the smooth implementation of the merit system.

The same thing was expressed by La Ode Muhammad Syahrullah, Secretary of the Muna Regency BKPSDM. He emphasized that the absence of *an assessment center* is the main factor that hinders the effectiveness of the implementation of the merit system. According to him, the time provided for the implementation of CAT is very short, while the supporting facilities are inadequate. As a result, the implementation of ASN selection often experiences technical obstacles that have an impact on the quality of selection results.

The same information was also conveyed by the Head of the Sub-Division of ASN Development and the Legal Position of the Muna Regency BKPSDM. He explained that until 2021, the local government had actually proposed the construction of an *assessment center*, but the plan had not been realized. One of the reasons is budget limitations. The construction of *the assessment center building* requires a large cost, while the regional budget allocation is still limited. In addition to the availability of physical facilities, the funding factor is indeed an important variable that affects the effectiveness of the implementation of the merit system.

An assessment center is essentially an assessment method designed to comprehensively evaluate an individual's capacity. This method uses various assessment techniques and instruments, ranging from work simulations, competency-based interviews, psychological tests, to computer-based written tests. The goal is to ensure that ASN who are promoted or transferred really have qualifications in accordance with the demands of the position. Without an *assessment center*, the assessment process tends to be subjective and prone to being influenced by non-competency factors, such as personal proximity or political loyalty.

The importance of *the assessment center* in ASN management lies in its ability to create a match between organizational needs and individual potential. In the context of the merit system, this means that certain positions can only be filled by ASNs who really have the appropriate competence and integrity. Therefore, the existence of an *assessment center* is not just a complement, but is the main prerequisite for the implementation of a consistent and objective merit system.

However, the reality in Muna Regency shows that there is a wide gap between national regulations and field conditions. The absence of an *assessment center*, limited CAT facilities, and lack of budget allocation cause the merit system to not run optimally. As a result, the process of procurement, promotion, and mutation of ASN has not fully reflected the principle of meritocracy. In many cases, decisions related to ASN management are still influenced by subjective considerations, both bureaucratic and political.

In addition to the problem of physical facilities, organizational factors also have an effect. The institutional structure of the Muna Regency BKPSDM still faces challenges in terms of internal and external coordination. For example, there is no full integration between the ASN performance appraisal system and the overall needs of the organization. This causes data and information about ASN competencies to not be fully used as a basis for decision-making. Thus, the weakness of facilities is not only a physical issue, but also concerns a managerial system that has not run effectively.

Another factor that is no less important is human resources as non-physical means. Apparatus in charge of managing the merit system needs to be equipped with technical skills, both in using modern assessment tools and in analyzing assessment results. Without these skills, even the existing facilities will not function optimally. Unfortunately, in Muna Regency, technical training for BKPSDM employees is still very limited, so their competence in managing the merit system is inadequate.

The limitations of these facilities and facilities directly impact the effectiveness of the implementation of the merit system. The ASN procurement process has become less transparent, career development is not directed,

promotions and mutations tend to be subjective, and performance management is not based on objective data. This condition is contrary to the main purpose of Law Number 20 of 2023, which is to realize a bureaucracy that is professional, competent, and with integrity.

To overcome this problem, there are several strategic steps that can be taken. First, local governments need to increase budget allocation for the construction of *assessment centers* and the procurement of CAT supporting facilities. Second, BKPSDM needs to strengthen cooperation with central and provincial agencies in utilizing *existing assessment centers*, at least as a temporary solution. Third, increasing the capacity of human resources must be a priority, for example through technical training in the management of the merit system. Fourth, there is a need to strengthen internal regulations that regulate in detail the use of *assessment centers* in every ASN management process.

In addition, the use of information technology can also be a solution. Digital-based assessment systems, for example through ASN management applications, can help increase the transparency and accuracy of assessments. Technology can be used to integrate ASN competency data, performance, and track record so that the promotion and mutation process becomes more objective. With adequate facilities and facilities, it is hoped that the merit system can be implemented consistently in Muna Regency. This will not only improve the quality of ASN management, but also strengthen public trust in the bureaucracy. In the end, a professional and meritocracy-based bureaucracy will be able to provide better, transparent, and accountable public services.

3.2.4. Culture of Community Law

The dynamics of government administration are conditions that do not always go according to plan. One of them is certain circumstances that are emergency and require quick adjustments to the government management system, including in the implementation of the merit system policy in the management of the State Civil Apparatus (ASN). This particular situation can arise due to natural disasters, non-natural disasters, or other emergencies that require the government to take fast, precise, and adaptive steps. This is as affirmed in Article 1 Number 1 of Presidential Regulation No. 17 of 2018 concerning the Implementation of Disaster Management in Certain Circumstances, which defines certain circumstances as conditions in which the state of disaster emergency has not been established or has ended, but further action is still needed to reduce the risk of disasters and wider impacts.

The case of the Covid-19 global pandemic is a clear example of certain circumstances that pose a major challenge to the implementation of the merit system policy in ASN management. This pandemic not only has an impact on the health sector, but also spreads to various other fields, including law, economic, social, and governance. The State Civil Apparatus, as the backbone of the bureaucracy, is required to continue to carry out public service functions in the midst of limitations and high health risks. In this situation, bureaucratic flexibility is tested, including the extent to which the merit system can run consistently.

One of the direct impacts of the Covid-19 pandemic is the implementation of the Work from Home (WFH) policy for civil servants, both in central and regional agencies. For the Muna Regency Personnel and Human Resources Development Agency (BKPSDM), this condition requires rapid adaptation to changes in the work system that was originally based on face-to-face to digital-based. But in reality, not all ASN are ready for these changes. Limited mastery of information technology, internet network barriers, and lack of digital infrastructure in the regions are real challenges in maintaining the effectiveness of the implementation of merit system policies.

In addition, the pandemic also has an impact on the budget aspect. The central and regional governments are refocusing and reallocating the budget for handling Covid-19, which has implications for the postponement of several ASN competency development programs. In fact, within the framework of the merit system, competency development is a fundamental aspect that determines the success of the implementation of the policy. As a result, there is a gap between the need for ASN competency development and the realization of programs that can be implemented during the pandemic.

In the context of society's legal culture, emergencies such as pandemics also affect the level of legal compliance. Many new regulations have been issued, both in the form of Government Regulations, Ministerial Regulations, and Circular Letters that regulate the work patterns of ASN during the emergency period. However, the level of understanding and compliance of ASN with these regulations varies. Some ASN were able to adjust quickly, while others experienced confusion and delays in carrying out instructions due to the lack of socialization. This shows the importance of the role of legal culture in supporting the successful implementation of the merit system, especially in certain circumstances.

Furthermore, the pandemic has also revealed a classic problem in the Indonesian bureaucracy, namely political intervention in the management of civil servants. Although Law Number 20 Of 2023 and PANRB Ministerial Regulation Number 40 of 2018 have affirmed the principle of objectivity in the merit system, in fact, in some cases, the promotion, mutation, and demotion of civil servants are still influenced by local political interests. The pandemic conditions have actually strengthened these practices because supervision from supervisory institutions such as the State Civil Apparatus Commission (KASN) has been limited due to restrictions on activities. Thus, certain circumstances such as the pandemic can be a loophole that is used to weaken the application of meritocracy principles.

The results of field research at the BKPSDM of Muna Regency show that during the pandemic, the implementation of the merit system has not been running optimally. One of the main obstacles is the lack of understanding of ASN about the concept of the merit system itself. Many civil servants are not familiar with the terms and substance of the merit system, so its implementation tends to be administrative and has not touched the essence of competency-based human resource management. This was strengthened by the results of an interview with Mrs. Aminah Achrani, S.Sos, as the Head of Apparatus Competency Development, who emphasized that the merit system still needs to be socialized more widely so that it is understood by ASN and the community.

In line with that, Mr. La Faitu, Head of Finance of BKPSDM Muna Regency, stated that research related to the merit system is very helpful in increasing employees' knowledge about ASN management policies. However, he also acknowledged that there are still many obstacles faced, especially related to uneven policy socialization and limited human resources. This shows that certain circumstances such as the pandemic not only test the resilience of the bureaucracy, but also reveal structural weaknesses in the management of civil servants that already existed.

In a broader perspective, certain circumstances should be seen as a momentum for structural and cultural reforms in the bureaucracy. The Covid-19 pandemic, for example, can be a turning point to accelerate digital transformation in ASN management. The forced work of civil servants to work from home should be an opportunity to improve digital literacy, strengthen the electronic-based administration system, and reduce reliance on slow manual procedures. However, this can only be achieved if the merit system is truly implemented consistently, including in the aspects of competency development, recruitment, and promotion based on qualifications and performance, not political proximity.

Thus, it can be concluded that certain circumstances, especially the Covid-19 pandemic, have had a significant impact on the implementation of the merit system in ASN management. The challenges that arise include technological limitations, lack of competence of civil servants in the use of digital applications, reduced budgets for competency development, weak socialization of regulations, and the existence of political intervention in civil servant management. But on the other hand, this situation also opens up great opportunities to innovate and reform bureaucracy that is more adaptive, transparent, and technology-based.

In the end, the success of the implementation of the merit system in emergency situations is largely determined by the legal culture, the quality of human resources, and the political commitment of personnel supervisory officials. The central and regional governments need to strengthen synergy with supervisory institutions such as KASN so that supervision continues to run effectively despite limitations. In addition, improving legal and digital literacy for civil servants must be a priority so that the Indonesian bureaucracy is not only able to survive in

certain circumstances, but also able to transform towards a modern bureaucracy that is professional, accountable, and competitive.

4. Conclusion

This study demonstrates that the implementation of the merit system at the Personnel and Human Resources Development Agency (BKPSDM) of Muna Regency, when examined from the perspective of Law Number 20 of 2023 concerning the State Civil Apparatus, has not yet fully met the normative standards mandated by the legal framework. Although the law clearly emphasizes qualifications, competence, and performance as the primary bases for human resource management, gaps remain between the normative design of the merit system and its practical application at the regional level, particularly in personnel placement, promotion, and career development processes. From a theoretical perspective, these findings reinforce the view that the merit system is not merely an administrative mechanism, but a legal instrument intended to institutionalize the principles of professionalism, neutrality, and accountability within the bureaucracy. The persistence of discretionary practices and political influence at the local level indicates that the effectiveness of the merit system depends not only on the existence of legal norms, but also on the coherence between legal substance, institutional structure, and bureaucratic culture. This confirms the relevance of institutional and legal system theories in explaining why formal legal reforms do not automatically translate into effective governance practices. In terms of policy implications, this study suggests the need for strengthening derivative regulations and supervisory mechanisms to ensure consistent implementation of the merit system across regional governments. The role of oversight institutions, particularly the State Civil Apparatus Commission (KASN), should be enhanced through clearer authority and enforceable sanctions against violations of merit principles. In addition, BKPSDM at the regional level requires continuous capacity-building programs and standardized assessment instruments to reduce subjectivity in personnel decisions and to ensure compliance with the ASN Law. Finally, this research is limited to a normative analysis and does not empirically measure the effectiveness of merit system implementation through field data or stakeholder perceptions. Future studies are therefore encouraged to adopt an empirical or socio-legal approach to examine how legal norms on the merit system are implemented in practice, including their impact on bureaucratic performance and public service quality. Such research would provide a more comprehensive understanding of the merit system as both a legal framework and a governance practice in Indonesia's regional administration.

Bibliography

- Astomo, Putra. 2018. "Prinsip-Prinsip Negara Hukum Indonesia Dalam UUD 1945." *Jurnal Hukum Unsulbar* Vol. 1(1):8.
- Dadatashzadeh, Alireza, Ali Babaei Mehr, and Maryam Afshari. 2019. "Good Governance and Anti-Corruption Based on Patterns of Ombudsman Management." *Public Administration Issues* 2019(6):41–60. doi: 10.17323/1999-5431-2019-0-6-41-60.
- Fahrizal S.Siagian. 2023. "Optimizing Lawrence Meir Friedman's Legal System Theory in the Authority to Investigate Corruption Crimes in Indonesia." *JUSTICES: Journal of Law* 2(4):185–201. doi: 10.58355/justices.v2i4.93.
- Hasan, Zainudin, Sanyyah Majidah, Aldi Yansah, and Rahmi Fitri Noviana Salsabila. 2024. "Konstitusi Sebagai Dasar Hukum Dalam Pembangunan Sistem Hukum Nasional JIMA : Jurnal Ilmiah Mahasiswa Keberadaan Konstitusi Sebagai Sumber Hukum Dalam Pembangunan Sistem Hukum Nasional." *Jurnal Ilmiah Mahasiswa* 2(1):44–54.

- Hastia, andi azizah. 2025. "Dari Klik Ke Kontrak : Pertimbangan Hukum Dalam Perjanjian Jual Beli Online." *Indonesian Civil Law Review (ICLR)* 1(1):37–52.
- Herviani, Femilya, Erfaniah Zuhriah, and Raden Cecep Lukman Yasin. 2022. "Pertimbangan Hakim Dalam Pemberian Dispensasi Nikah Perspektif Teori Sistem Hukum Lawrence M. Friedman Di Pengadilan Agama Malang." *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11(1):117–27. doi: 10.19109/intelektualita.v11i1.10684.
- Irwansyah. 2022. "Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel." P. 172 in. Yogyakarta: Mirra Buana Media.
- Likadja, Jeffry Alexander Ch. 2015. "Memaknai 'Hukum Negara (Law Through State)' Dalam Bingkai 'Negara Hukum (Rechtstaat).'" *Hasanuddin Law Review* 1(1):75–86.
- Najamuddin, Alif. 2020. "Penegakan Hukum Terhadap Perokok Pada Kawasan Terbatas Rokok Di Pasar Tradisional Krempeyng Gresik." *NOVUM : JURNAL HUKUM* 7(4):37.
- Namang, Raimundus Bulet. 2020. "Negara Dan Warga Negara Perspektif Aristoteles." *Jurnal Ilmiah Dinamika Sosial* 4(2):247. doi: 10.38043/jids.v4i2.2449.
- Nur Khobiburrohma, Eviva, Priska Septiana Margareta, and MS. Habbie Hasbullah. 2020. "Penerapan Sistem Merit Dalam Birokrasi Indonesia Untuk Mewujudkan Good Governance." *Transparansi: Jurnal Ilmiah Ilmu Administrasi* 3(2):139–48. doi: 10.31334/transparansi.v3i2.900.
- Rachmawati, Dri Utari Christina, and Rosa Ristawati. 2023. "Neraca Spoil Sistem Dan Merit Sistem Dalam Merancang Kabinet Presidensial Yang Berkeadilan." *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara* 1(1):1075–1108. doi: 10.55292/5gpwwm49.
- Ramadhan, Choky. 2018. "Konvergensi Civil Law Dan Common Law Di Indonesia Dalam Penemuan Dan Pembentukan Hukum." *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 30(2):213. doi: 10.22146/jmh.31169.
- Saebani, Beni Ahmad, and Adrian Farhan Mubarak. 2024. "Nepotisme Politik Kekuasaan Dan Upaya Pemecahannya." *Polhum Sovereignty Law and Diplomatic Politics* 1(1):10–19.
- Sari, Suwarti. 2016. "Peran United Nations Development Programme (Undp) Dalam Mewujudkan Millenium Development Goals (MDGs) 2015." *JIPSI - Jurnal Ilmu Politik Dan Komunikasi UNIKOM* 4:1–12.
- Smi Nurhayati dkk. 2023. "Konsep Keadilan Dalam Perspektif Plato." *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humanioral* 1(September):1–17. doi: 10.11111/nusantara.xxxxxx.
- Son Hing, Leanne S., D. Ramona Bobocel, Mark P. Zanna, Donna M. Garcia, Stephanie S. Gee, and Katie Oraziotti. 2011. "The Merit of Meritocracy." *Journal of Personality and Social Psychology* 101(3):433–50. doi: 10.1037/a0024618.
- University of Oxford. 2023. "Oxford Learner's Dictionary - Collaboration." *Oxford University Press* (5).
- Yamani, Akhmad Zaki. 2024. "The Technical Preparation Of Legislation In The Legal System Of Indonesia." *Jurnal Hukum Sehasen* 10(1):39–46. doi: 10.37676/jhs.v10i1.5712.
- Yanto, Ahmad. 2020. "Kualitas Pembelajaran Siswa." 1(2019):10–19.
- Zufiyardi, Zufiyardi, Bobbi Chandra, Elva Susanti, Rosita Mangesa, and Henny Sanulita. 2023. "Peningkatan Pendidikan Karakter Dan Keagamaan Dalam Rangka Menyiapkan Generasi Emas Indonesia Tahun 2045." *Jurnal Pengabdian Kolaborasi Dan Inovasi IPTEKS* 1(3):253–59. doi: 10.59407/jpki2.v1i3.32.