

Reformulation of Regional Administrative Law: A Study of Civil Servant Dispute Resolution in Local Government

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Abstract

Civil service disputes within local governments are crucial issues that require an appropriate legal approach within the framework of state administrative law. In practice, the resolution of these disputes is often hampered by regulatory weaknesses and disharmony between the central and regional authorities. This study aims to analyze the characteristics of local administrative law related to civil service management, strengthen administrative law norms, and evaluate dispute resolution mechanisms. This study uses a normative juridical approach and literature review, focusing on the importance of synergy between the ASN Law, Government Administration Law, and regional regulations to create a fair, effective, and efficient dispute resolution system. This study found that the lack of clarity in authority and administrative procedures at the regional level hinders the resolution of ASN disputes. There is disharmony between the ASN Law, the Government Administration Law, and their implementing regulations, which weakens the role of the KASN and PTUN as institutions that guarantee administrative justice. In addition, limited institutional capacity and human resources in local government hinder the substantive implementation of administrative laws.

Keywords: *Administrative Law, Employment Disputes, Local Government, Civil Servant Dispute.*

Abstrak

Sengketa kepegawaian di lingkungan pemerintah daerah merupakan isu krusial yang membutuhkan pendekatan hukum yang tepat dalam kerangka hukum administrasi negara. Dalam praktiknya, penyelesaian sengketa ini sering terhambat oleh kelemahan regulasi dan disharmoni antara kewenangan pusat dan daerah. Artikel ini bertujuan untuk menganalisis karakteristik hukum administrasi daerah yang berkaitan dengan pengelolaan kepegawaian, penguatan norma hukum administrasi, serta mengevaluasi mekanisme penyelesaian sengketa. Penelitian ini menggunakan pendekatan yuridis normatif dan studi literatur, dengan fokus pada pentingnya sinergi antara UU ASN, UU Administrasi Pemerintahan, dan peraturan daerah untuk menciptakan sistem penyelesaian sengketa yang adil, efektif, dan efisien.

Penelitian ini menemukan bahwa lemahnya kejelasan kewenangan dan prosedur administratif di tingkat daerah menjadi faktor penghambat penyelesaian sengketa ASN. Terdapat disharmonisasi antara UU ASN, UU Administrasi Pemerintahan, dan peraturan pelaksanaannya melemahkan peran KASN dan PTUN sebagai institusi penjamin keadilan administrasi. Selain itu, keterbatasan kapasitas kelembagaan dan sumber daya manusia di pemerintah daerah menghambat implementasi hukum administrasi secara substantif.

Kata kunci: *Hukum Administrasi, Sengketa Kepegawaian, Pemerintah Daerah, Sengketa ASN.*

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Introduction

The post-authoritarian reform era in Indonesia marked a significant shift toward regional autonomy, granting local governments broad authority to manage their own affairs, including civil service administration.¹ Local governments were given the authority to manage the Civil Service (ASN) in their respective regions, covering the processes of recruitment, transfer, promotion, and dismissal.² However, in practice, this authority often gives rise to polemics and administrative disputes in the field. These problems are mainly rooted in overlapping authority between the central and regional governments, unclear legal norms, and weak internal oversight of personnel decisions made by regional leaders.³

In addition, the legal framework governing ASN personnel management, such as Law No. 5 of 2014 on State Civil Apparatus and Law No. 30 of 2014 on Regional

¹ Kusman, Airlangga Pribadi. *The politics of good governance in post-authoritarian East Java: Intellectuals and local power in Indonesia*. Diss. Murdoch University, 2015. <https://researchportal.murdoch.edu.au/esploro/outputs/doctoral/The-politics-of-good-governance-in/991005544190607891>

² Simandjorang, Bonataon Maruli Timothy Vincent, and Andhi Kurniawan. "Contextual bureaucratic reform in the recruitment system of the state civil apparatus of Indonesia." *KnE Social Sciences* (2022): 599-617. Doi <https://doi.org/10.18502/kss.v7i9.10967>

³³ Ali, Mohamad. "ALI Analysis Guarantee Law On State Civil Apparatus Decree As A Basis Of Guarantee For Banking Credit Application: Analysis Guarantee Law On State Civil Apparatus Decree As A Basis Of Guarantee For Banking Credit Application." *Jurnal Hukum Lex Generalis* 5.4 (2024).

Government, does not fully accommodate dynamic hierarchical and functional relationships within the regional bureaucracy.⁴ Many regional heads make personnel placement decisions based on local political considerations rather than adhering to the principles of meritocracy and neutrality. This practice results in legal uncertainty and injustice in public sector human resource management.⁵

Disputes involving civil servants at the regional level not only affect individual civil servants but also disrupt broader goals of achieving good governance. Public services are disrupted when there is instability in the structure and appointment of civil servants.⁶ Most of these disputes are reported to the Civil Service Commission (KASN), while others end up in litigation in the State Administrative Court (PTUN).⁷ However, in many cases, decisions issued by the KASN are ignored by regional heads due to the lack of binding law enforcement mechanisms.⁸

This issue highlights the need for regulatory reform and strengthening of regional administrative law to systematically regulate and resolve labor disputes, focusing on legal certainty, procedural justice, and protection of civil servants' rights.⁹ Beyond the regulatory dimension, the institutional structure and human resource capacity of local governments must be evaluated.¹⁰ Many local officials lack a basic understanding of administrative law principles, resulting in legally flawed administrative decisions. In this context, regional administrative law must be developed not only as a normative system but also as a system that is adaptive to the complexities of local bureaucracy. This effort

⁴ Fauzian, Nurhakim Ramdani. "Check for updates Digital-Based Talent Management in Public Sector: A Case from the West Java Provincial Government." *Proceedings of the Fourth International Conference on Administrative Science (ICAS 2022)*. Vol. 776. Springer Nature, 2023.

⁵ Elovainio, Marko, et al. "Combined effects of uncertainty and organizational justice on employee health: testing the uncertainty management model of fairness judgments among Finnish public sector employees." *Social science & medicine* 61.12 (2005): 2501-2512.

⁶ Mboneni, Asanda. *Political instability affects service delivery: an assessment of Dr Beyers Naude Local Municipality from 1994-2017*. Diss. Stellenbosch: Stellenbosch University, 2023. Doi <http://hdl.handle.net/10019.1/127294>

⁷ Pratama, Irfandi. "A social media study: the state civil apparatus commission's online presence." *Jurnal Studi Komunikasi* 8.2 (2024): 238-249. Doi <https://doi.org/10.25139/jsk.v8i2.7666>

⁸ Supriyadi, Supriyadi. "Neutrality of State Civil Apparatus in Regional Head Elections." *Jurnal Cakrawala Hukum* 15.1 (2024): 69-79. Doi <https://doi.org/10.26905/idjch.v15i1.14314>

⁹ Oslita, Oslita, Febrian Febrian, and Ridwan Ridwan. "Merit System Inefficacy: Analysis of ASN Vulnerability to Regional Head Authority Post-Elections in Indonesia." *Jurnal Public Policy* 11.2 (2025): 179-188. Doi <https://doi.org/10.35308/jpp.v11i2.11708>

¹⁰ Olowu, Dele. "Local institutional and political structures and processes: recent experience in Africa." *Public Administration and Development: The International Journal of Management Research and Practice* 23.1 (2003): 41-52. Doi <https://doi.org/10.1002/pad.258>

is in line with the spirit of asymmetric decentralization, which allows regions to develop according to their respective characteristics and capacities.¹¹

Previous studies have shown that civil service disputes in local governments are generally triggered by weaknesses in the administrative legal framework and procedural non-compliance,¹² ambiguity regarding the status of non-permanent employees, and inconsistencies in judicial practice at the local level.¹³ As a result, various studies have emphasized the urgency of codifying comprehensive local administrative procedures,¹⁴ the establishment of an independent vertical administrative court system,¹⁵ and the strengthening of alternative dispute resolution mechanisms such as administrative mediation, which has proven effective in several jurisdictions.¹⁶ However, systematic studies integrating these three reform instruments in the context of resolving disputes involving local government civil servants in Indonesia are still very limited and represent a research gap that needs to be filled.

Therefore, research on this issue is very important not only as a theoretical contribution to the development of administrative law, but also as a practical foundation for bureaucratic reform at the regional level. This study further explores the specific characteristics of regional administrative law in the context of bureaucratic management, the urgency of strengthening these laws, and the extent to which existing dispute resolution mechanisms can overcome the practical challenges encountered in the field.

¹¹ Rahmatunnisa, Mudiayati, Reginawanti Hindersah, and Tri Hanggono Achmad. "Why Regions with Archipelagic Characteristics in Indonesia Also Need Asymmetric Decentralization?." *Jurnal Bina Praja* 10.2 (2018): 251-261. Doi <https://doi.org/10.21787/jbp.10.2018.251-261>

¹² M. Kovaliv et al., "Public Law Disputes in the Field of Public Service: Interdisciplinary Approaches to Prevention and Settlement," *Social and Legal Studios* 8, no. 1 (2025): 224–37, <https://doi.org/10.32518/sals1.2025.224>.

¹³ J. Cantero Martínez, "Prevention Measures and Sanction of the Abuse of the Temporality in Local Administration," *Cuadernos de Derecho Local* 2022, no. 60 (2022): 70–121; I. Pyvovar et al., "Technology Application of Normative Evidence for Resolving Administrative Disputes Concerning the Operation of Small Architectural Forms and Temporary Structures," *International Journal of Recent Technology and Engineering* 8, no. 3 (2019): 5226–33, <https://doi.org/10.35940/ijrte.C5886.098319>.

¹⁴ C. Adams, "Home Rules: The Case for Local Administrative Procedure," *Fordham Law Review* 87, no. 2 (2018): 629–69; N.M. Davidson, "Localist Administrative Law," *Yale Law Journal* 126, no. 3 (2017): 564–634.

¹⁵ H. Ma, "Reform of China's Administrative Procedure: Building an Administrative Court as a Goal of Administrative Judicial System Reform," *Frontiers of Law in China* 9, no. 1 (2014): 31–41, <https://doi.org/10.3868/s050-003-014-0002-7>.

¹⁶ K.J. de Graaf, A.T. Marseille, and H.D. Tolsma, "Mediation in Administrative Proceedings: A Comparative Perspective," in *Alternative Dispute Resolution in European Administrative Law* (2014), 589–605, https://doi.org/10.1007/978-3-642-34946-1_19; A. Skoczylas and M. Swora, "Administrative Remedies in Polish Administrative Law," in *Alternative Dispute Resolution in European Administrative Law* (2014), 337–64, https://doi.org/10.1007/978-3-642-34946-1_11.

Using a judicial and conceptual normative approach, this article aims to provide a comprehensive and critical understanding of the need for a responsive and fair regional administrative law framework.¹⁷

This study provides policy formulations for managing and resolving civil service issues wisely and in accordance with the law.¹⁸ In addition, this article aims to propose applicable policy recommendations to encourage the establishment of regional regulations or regional head regulations that align with national laws. Thus, this study contributes to bridging the gap between legal norms, regional governance practices, and the protection of civil servants' rights as important components in realizing effective and democratic governance.¹⁹

Method

This study uses a normative juridical method, focusing on analyzing written legal norms through a statutory, conceptual, and comparative approach.²⁰ The normative approach is used to analyze various regulations related to civil service management and administrative authority at the regional level, including Law No. 5 of 2014 on Civil Servants, Law No. 30 of 2014 on Regional Governments,²¹ and Law No. 23 of 2014 on Regional Government. Meanwhile, a conceptual approach is applied to understand the principles of administrative law and the general principles of good governance (*Asas-Asas Umum Pemerintahan yang Baik*) in the context of labor dispute resolution.²²

The data analyzed consisted of primary legal materials in the form of relevant laws and regulations, as well as secondary legal materials, including legal literature, academic journals, previous research findings, and administrative court decisions that serve as

¹⁷ Adler, Michael. "A socio-legal approach to administrative justice." *Law & Policy* 25.4 (2003): 323-352. Doi <https://doi.org/10.1111/j.0265-8240.2003.00153.x>

¹⁸ Kingsbury, Benedict. "The concept of 'law' in global administrative law." *European Journal of International Law* 20.1 (2009): 23-57. doi <https://doi.org/10.1093/ejil/chp005>

¹⁹ Kersting, Norbert, and Angelika Vetter, eds. *Reforming local government in Europe: Closing the gap between democracy and efficiency*. Vol. 4. Springer science & Business Media, 2013.

²⁰ Brand, Oliver. "Conceptual comparisons: towards a coherent methodology of comparative legal studies." *Brook. J. Int'l L.* 32 (2006): 405.

²¹ Negara, Tunggul Ansari Setia. "Normative legal research in Indonesia: Its originis and approaches." *Audito Comparative Law Journal (ACLJ)* 4.1 (2023): 1-9. Doi <https://doi.org/10.22219/aclj.v4i1.24855>

²² Van Hoecke, Mark, and Mark Warrington. "Legal cultures, legal paradigms and legal doctrine: towards a new model for comparative law." *International & Comparative Law Quarterly* 47.3 (1998): 495-536. Doi <https://doi.org/10.1017/S0020589300062163>

precedents in the settlement of civil service disputes in the regional context.²³ The qualitative-descriptive data analysis technique involves interpreting and constructing legal norms to obtain a critical understanding of dispute resolution practices. Through this method, this study aims to identify the normative and implementation weaknesses that have hindered the fair and accountable resolution of civil servant disputes.²⁴

Results and Discussion

Characteristics of Regional Administrative Law in Regulating Civil Service Affairs

Regional administrative law is a subfield of state administrative law that specifically governs legal relationships, authority, and administrative decision-making procedures within local government.²⁵ Within the framework of regional autonomy, this branch of law possesses distinct characteristics as it interacts directly with the decentralization of authority derived from the Constitution and national legislation. Consequently, regional administrative law emphasizes the principles of clarity of authority, accountability, and alignment between central and local legal norms. In the context of civil service management, this legal framework must be capable of regulating the relationship between regional heads and as civil service supervisory officials—and the State Civil Apparatus (ASN) within their organizational structure.²⁶

One of the key characteristics of regional administrative law in civil service governance is the necessity to reconcile the spirit of regional autonomy with the merit-based system mandated by the central government.²⁷ Although regional heads hold administrative authority, their decisions regarding civil service matters should be grounded in the principles of merit, political neutrality, and ASN professionalism. When regional leaders exercise their authority without clear and detailed legal norms, the potential for administrative deviation increases. Therefore, regional administrative law

²³ Bone, Rahdian Ade Putra, and Chami Yassine. "Judicial and Administrative Approaches to Civil Service Dispute Resolution: A Comparative Study between Indonesia, India, and Egypt." *International Journal of Constitutional and Administrative Law* 1.1 (2025): 21-41.

²⁴ Bush, Robert A. Baruch. "Dispute resolution alternatives and the goals of civil justice: Jurisdictional principles for process choice." *Wis. L. Rev.* (1984): 893.

²⁵ Davidson, Nestor M. "Localist administrative law." *Yale LJ* 126 (2016): 564.

²⁶ Hutchcroft, Paul D. "Centralization and decentralization in administration and politics: assessing territorial dimensions of authority and power." *Governance* 14.1 (2001): 23-53. Doi <https://doi.org/10.1111/0952-1895.00150>

²⁷ Muabuay, Beatrix Cornelia Anar, and Janiscus Pieter Tanesab. "The Implementation of the Merit System in the Placement of Civil Servant Positions Within the Regional Government of Mimika Regency." Doi <https://doi.org/10.51505/IJEBMR.2025.9615>

must be technically regulated through local legal instruments, such as Regional Regulations (*Peraturan Daerah* or *Perda*) or Head of Region Regulations (*Peraturan Kepala Daerah* or *Perkada*), which further elaborate on law-based civil service governance.²⁸

Furthermore, regional administrative law is dynamic, allowing it to adapt to local needs while remaining within the bounds of the national legal system.²⁹ However, technical local regulations must still refer to the legal framework established in Law No. 5 of 2014 on the State Civil Apparatus and Law No. 30 of 2014 on Government Administration. This reflects the duality of interests between local needs and national standards, which must be harmonized through administrative legal instruments.³⁰ In practice, the lack of harmony between these two legal levels often becomes the primary source of civil service disputes.³¹

The absence of specific technical regulations governing procedures and authority in regional civil service decision-making creates a gap that is often exploited for political gain.³² Regional heads frequently exercise discretion that exceeds their legal mandate without due regard for the general principles of good governance (*Asas-Asas Umum Pemerintahan yang Baik*). Under such conditions, regional administrative law loses its function as a controlling mechanism. Therefore, technical regulations in the form of regional legislation (*Perda*) or head-of-region regulations (*Perkada*) are urgently needed to reaffirm the limits of authority and ensure that every personnel-related decision adheres to the principle of legality.³³

It is also essential to recognize that a robust system of regional administrative law is not only vital for ensuring legal certainty for civil servants but also functions as an instrument to strengthen both internal and external oversight systems within the local

²⁸ Peerenboom, Randall. "Globalization, path dependency and the limits of law: Administrative law reform and rule of law in the People's Republic of China." *Berkeley J. Int'l L.* 19 (2001): 161.

²⁹ Trubek, David M., and Louise G. Trubek. "New governance & legal regulation: Complementarity, rivalry, and transformation." *Colum. J. Eur. L.* 13 (2006): 539.

³⁰ Cassese, Sabino. "Global standards for national administrative procedure." *Law and Contemporary Problems* 68.3/4 (2005): 109-126.

³¹ Salzman, James. "Decentralized administrative law in the Organization for Economic Cooperation and Development." *Law & Contemp. Probs.* 68 (2004): 189.

³² Frant, Howard. "Rules and governance in the public sector: The case of civil service." *American Journal of Political Science* (1993): 990-1007.

³³ Rakodi, Carole. "Politics and performance: the implications of emerging governance arrangements for urban management approaches and information systems." *Habitat international* 27.4 (2003): 523-547.

government.³⁴ In many cases, civil service disputes arise due to weak internal complaint or objection mechanisms. Therefore, regional administrative law must clearly regulate procedures for administrative objections, internal appeal channels, and non-litigation dispute resolution mechanisms as integral components of administrative control systems.³⁵ Furthermore, the responsive nature of regional administrative law requires public participation in the formulation of civil service policies.³⁶ Transparency in decision-making, access to public information, and participatory norm formulation are principles that should be internalized in regional administrative legal systems. In this way, civil service policies will not only be legally valid, but also socially legitimate, as they incorporate public aspirations and interests.³⁷

The weaknesses in regional administrative law are also reflected in the limited institutional capacity of regional governments to comprehend and apply the fundamental principles of administrative law.³⁸ Many local officials lack sufficient understanding of administrative legal procedures, resulting in numerous decisions that are procedurally flawed. Therefore, institutional capacity building and continuous legal training for public officials are essential to ensure that administrative law is applied consistently and effectively.

In addition, regional administrative law must contain provisions regarding the accountability of local officials in making personnel decisions.³⁹ Frequently, regional heads cannot be held legally accountable for erroneous administrative actions due to the absence of regulations that explicitly impose administrative or ethical sanctions for the

³⁴ Wheeb, Hadeer Maad, and Mays Mahmoud Adai. "Oversight of Local Councils Between Effectiveness and Sizes-A Comparative Study." *Journal of Human Security* 20.2 (2024): 1-8.

³⁵ Aziz, Rosdi Bin Haji Abdul. *The effectiveness of public service complaint management processes in contexts of autocratic governance: the case of Brunei Darussalam*. Diss. University of Birmingham, 2016. Doi <http://etheses.bham.ac.uk/id/eprint/6213>

³⁶ Cramton, Roger C. "Why, Where, and How of Broadened Public Participation in the Administrative Process, The." *Geo. LJ* 60 (1971): 525.

³⁷ Speer, Johanna. "Participatory governance reform: A good strategy for increasing government responsiveness and improving public services?." *World development* 40.12 (2012): 2379-2398. Doi <https://doi.org/10.1016/j.worlddev.2012.05.034>

³⁸ Aman Jr, Alfred C. "The limits of globalization and the future of administrative law: From government to governance." *Ind. J. Global Legal Stud.* 8 (2000): 379.

³⁹ Rahmanurrasjid, Amin. *Akuntabilitas dan transparansi dalam pertanggungjawaban pemerintah daerah Untuk mewujudkan pemerintahan yang baik di daerah (Studi di Kabupaten Kebumen)*. Diss. Program Pascasarjana Universitas Diponegoro, 2008.

abuse of authority.⁴⁰ Therefore, regional administrative law must explicitly regulate the legal consequences of such misconduct. Another key characteristic of regional administrative law is the inclusion of coordination and inter-institutional synergies.⁴¹ Civil service management at the regional level cannot be handled in isolation; it must involve vertical institutions such as the National Civil Service Agency (*Badan Kepegawaian Negara*), State Civil Apparatus Commission (KASN), and Ministry of Home Affairs. This institutional collaboration is crucial to ensure that every administrative act at the regional level is aligned with the national legal system.⁴²

An ideal system of regional administrative law is adaptive, responsive, and contextual. Adaptive in the sense of being able to respond to social developments and local needs, responsive to current regional issues, and contextual by considering the specific capacity and conditions of each region.⁴³ With these characteristics, regional administrative law can function as an instrument to guarantee both procedural and substantive justice in implementing local governance.⁴⁴ However, the formulation of regional administrative law must not disregard the principle of the supremacy of law.⁴⁵ Every regional regulation must be in harmony with higher legal norms, both in terms of the regulatory hierarchy and substantive content. This alignment is essential to prevent normative conflicts between central and regional authorities, which could complicate the resolution of civil service disputes.⁴⁶

The current limitations of regional administrative law are also evident in the lack of academic studies that examine the character and function of this legal field in resolving

⁴⁰ Firmansyah, Vicky Zaynul, and Firdaus Syam. "Penguatan Hukum Administrasi Negara Pencegah Praktik Korupsi dalam Diri Pemerintahan Indonesia." *Integritas: Jurnal Antikorupsi* 7.2 (2021): 325-344. Doi <https://doi.org/10.32697/integritas.v7i2.817>

⁴¹ Susilo, Agus Budi. "Makna dan kriteria diskresi Keputusan dan/atau tindakan pejabat publik dalam mewujudkan tata pemerintahan yang baik." *Jurnal Hukum dan Peradilan* 4.1 (2015): 133-152. Doi <https://doi.org/10.25216/jhp.4.1.2015.133-152>

⁴² Esty, Daniel C. "Good governance at the supranational scale: Globalizing administrative law." *Yale IJ* 115 (2005): 1490.

⁴³ Urueña, René. "Global administrative law network-improving inter-institutional connections to promote inclusive growth: inter-institutional relations in global and national regulatory governance; final technical report (April 2012-December 2014)." (2015). Doi <http://hdl.handle.net/10625/54388>

⁴⁴ Lailam, Tanto. "Penataan Kelembagaan Pengujian Norma Hukum di Indonesia." *Jurnal Konstitusi* 15.1 (2018): 206-230. Doi <https://doi.org/10.31078/jk15110>

⁴⁵ RI, Badan Pengkajian MPR. "Penataan Ulang Jenis dan Hierarki Peraturan Perundang-undangan Indonesia." (2017).

⁴⁶ Al Arif, M. Yasin, and Panggih F. Paramadina. "Konstitutionalistas Perda Syari'ah di Indonesia dalam Kajian Otonomi Daerah." *As-Siyasi: Journal of Constitutional Law* 1.1 (2021): 49-62. Doi <https://doi.org/10.24042/as-siyasi.v1i1.8953>

personnel disputes.⁴⁷ Therefore, the development of regional administrative law requires collaborative contributions from academics, legal practitioners, and policymakers to enrich its substance and implementation. It must also be acknowledged that the character of regional administrative law is inseparable from the dynamics of the local political system. Often,⁴⁸ administrative personnel decisions are influenced by local political interests. In this context, regional administrative law must be capable of curbing the bureaucratic politicization and reinforcing the neutrality of the State Civil Apparatus as a professional and impartial provider of public services.⁴⁹

At the implementation level, regional administrative law must be translated into operational and applicable guidelines.⁵⁰ Every legal product should be elaborated into clear procedures and service standards so that they are easily understood and executed by field-level officials. This clarity can help reduce the number of civil service disputes caused by such uncertainty.⁵¹ The characteristics of regional administrative law must also reflect the principle of restorative justice, an approach to dispute resolution that seeks not only to impose sanctions but also to restore the administrative relationship between the official and the disputed civil servant. This approach is particularly relevant in the context of employment disputes, which are often sensitive and directly impact public service delivery continuity.⁵²

Ultimately, the characteristics of regional administrative law must reinforce the principles of efficiency and effectiveness in civil service administration.⁵³ Dispute resolution should not be protracted or costly, as this harms civil servants and disrupts public service functions. Therefore, the design of regional administrative law should be

⁴⁷ Iswahyudi, Fauzi. *Peran Perancang Peraturan Perundang-Undangan Dalam Pembentukan Produk Hukum Daerah*. Penerbit EnamMedia, 2020. Doi <http://hdl.handle.net/10625/54388>

⁴⁸ Hamidi, Jazim, et al. *Teori dan hukum perancangan perda*. Universitas Brawijaya Press, 2012.

⁴⁹ Hadiyantina, Shinta. "The most appropriate strategy to enhance civil servants' neutrality in the governance." *Journal of Economic and Administrative Sciences* 37.1 (2021): 61-78. Doi <https://www.emerald.com/insight/content/doi/10.1108/jeas-03-2019-0031/full/html>

⁵⁰ Knill, Christoph. "European policies: The impact of national administrative traditions." *Journal of public policy* 18.1 (1998): 1-28. Doi <https://doi.org/10.1017/S0143814X98000014>

⁵¹ Rutz, Suzanne I., et al. "Hiding complexity, uncertainty and ambiguity: how inspectorates simplify issues to create enforceable action." *Health, Risk & Society* 15.4 (2013): 363-379.

⁵² Fashoyin, Tayo. "Management of disputes in the public service in Southern Africa." *Journal of Industrial Relations* 50.4 (2008): 578-594.

⁵³ Rosenbloom, David H., Robert S. Kravchuk, and Richard M. Clerkin. *Public administration: Understanding management, politics, and law in the public sector*. Routledge, 2022.

oriented toward strengthening simple, fast, and low-cost dispute resolution mechanisms.⁵⁴ Overall, regional administrative law must be positioned as a strategic instrument for creating professional, accountable, and law-based civil service governance at the local level. Its characteristics must go beyond normative ideals and be implementable,⁵⁵ directly responding to the realities of local bureaucracy. Accordingly, strengthening regional administrative law is necessary to realize justice and legal certainty in the resolution of civil service disputes within local government administration.⁵⁶

The Urgency of Strengthening Regional Administrative Law in the Resolution of Civil Service Disputes

Civil service disputes within local governments are not merely administrative issues; they also implicate the fundamental aspects of good governance.⁵⁷ When personnel decisions are not based on clear legal norms, the potential for violations of civil servants' rights significantly increases. This situation is exacerbated by the absence of comprehensive local legal instruments that regulate the resolution of such disputes.⁵⁸ Divergent interpretations of authority between the central and regional governments often become the main trigger civil service conflicts. Regional heads frequently exploit these legal ambiguities to carry out transfers or dismiss civil servants based on political considerations rather than merit-based principles. Such practices create legal uncertainties and erode the integrity of local bureaucracies.⁵⁹

The lack of internal oversight and weak accountability mechanisms at the regional government level also contribute to the high incidence of civil service disputes in

⁵⁴ AMIROCH, IVA. *konstruksi regulasi mediasi pada sengketa tata usaha negara berbasis nilai keadilan*. Diss. Universitas Islam Sultan Agung Semarang, 2024.

⁵⁵ Lobubun, Muslim, Yohanis Anthon Raharusun, and Iryana Anwar. "Inkonsistensi Peraturan Perundang-Undangan Dalam Penyelenggaraan Pemerintahan Daerah Di Indonesia." *Jurnal Pembangunan Hukum Indonesia* 4.2 (2022): 294-322. Doi: <https://doi.org/10.14710/jphi.v4i2.294-322>

⁵⁶ MAWARDI, IRVAN. *Penegakan Hukum Administrasi Terhadap Sengketa Penetapan Pasangan Calon Oleh Komisi Pemilihan Umum Daerah Dalam Pemilihan Kepala daerah*. Diss. Universitas Hasanuddin, 2013.

⁵⁷ Frant, Howard. "Rules and governance in the public sector: The case of civil service." *American Journal of Political Science* (1993): 990-1007. Doi <https://doi.org/10.2307/2111540>

⁵⁸ Brewer, Brian. "Citizen or customer? Complaints handling in the public sector." *International review of administrative sciences* 73.4 (2007): 549-556. Doi <https://doi.org/10.1177/0020852307083457>

⁵⁹ Iqbal, Muhammad, and Eatnaz Ahmad. "Is good governance an approach to civil service reforms?[with comments]." *The Pakistan Development Review* (2006): 621-637. Doi <https://www.jstor.org/stable/41260642>

Indonesia.⁶⁰ Civil servants who feel harmed by unjust decisions have few options other than filing objections with the State Civil Apparatus Commission (KASN) or pursuing litigation before the Administrative Court (PTUN), both of which are time-consuming and costly.⁶¹ Unfortunately, the effectiveness of institutions such as the KASN remains limited. Many of KASN's recommendations are ignored by regional heads due to their lack of binding legal force on them. Consequently, civil servants who fall victim to arbitrary decisions do not receive the legal protection they deserve.⁶²

Thus, strengthening regional administrative law is essential for establishing a fair, prompt, and effective dispute resolution system.⁶³ One form of such strengthening involves formulating technical regulations at the local level through Regional Regulations (*Perda*) or Head of Region Regulations (*Perkada*), which detail the procedures for imposing administrative sanctions and internal dispute resolution mechanisms. These technical regulations should explicitly regulate administrative objection procedures, establish independent civil service dispute resolution units, and set standards for evaluating personnel decisions. Thus, civil servants will have access to fair and efficient dispute resolution mechanisms without immediately resorting to litigation.

Furthermore, it is essential to ensure that local regulations are aligned with and do not contradict national legislation, such as the Law on the State Civil Apparatus (UU ASN) and the Law on Government Administration (UU AP). This harmonization is critical to prevent normative conflicts and ensure the legality of policies adopted at the regional level. Strengthening regional administrative law must also include efforts to improve the capacity of human resources in the local government. Structural officials must understand the principles of state administrative law to ensure that their decisions do not violate prevailing legal norms.⁶⁴

⁶⁰ Maropo, Obotsamang James. *The lack of accountability and transparency in local government in South Africa*. Diss. University of the Free State, 2018. <https://scholar.ufs.ac.za/server/api/core/bitstreams/7fd75ae8-08de-4d59-96ab-ed30c243cdf8/content>

⁶¹ Samaratunge, Ramanie, Quamrul Alam, and Julian Teicher. "Public sector reforms and accountability: the case of south and Southeast Asia." *Public Management Review* 10.1 (2008): 101-126. Doi <https://doi.org/10.1080/14719030701763237>

⁶² Desta, Yemane. "Manifestations and causes of civil service corruption in developing countries." *Journal of Public Administration and Governance* 9.3 (2019): 23-35. Doi <https://doi.org/10.5296/jpag.v9i3.14930>

⁶³ Subrata, Rusli, Firdaus Arifin, and Ihsanul Maarif. "Hybrid Dispute Resolution in Administrative Law: Toward an Integrated Model for Government Conflict Management." *Journal of Judicial Review* 27.1 (2025): 137-162. Doi <https://doi.org/10.37253/jjr.v27i1.10462>

⁶⁴ Petersmann, Ernst-Ulrich. "Justice as conflict resolution: Proliferation, fragmentation, and decentralization of dispute settlement in international trade." *U. Pa. J. Int'l Econ. L.* 27 (2006): 273.

It is equally important to establish external oversight mechanisms for personnel decisions made by regional heads. The roles of regional inspectorates, local legislative councils (DPRD), and oversight institutions, such as the Ombudsman, must be reinforced to effectively fulfill their supervisory functions. In addition to regulatory formulation and institutional strengthening, a technology-based approach can offer solutions to civil service disputes.⁶⁵ The use of transparent and integrated personnel management information systems will facilitate monitoring processes and enhance the accountability of administrative decision-making. In the context of good governance, reinforcing regional administrative law is part of broader efforts to build a clean, responsive, and professional bureaucracy. Legal certainty in civil servant management is a key indicator of public sector governance quality.⁶⁶

This urgency must also be understood within the broader framework of national bureaucratic reforms.⁶⁷ The central government needs to encourage the formulation of progressive and locally adaptive regional regulations while ensuring alignment with national legal standards. Political support from regional heads and local legislative bodies is essential in the legislative process of issuing *Perda* or *Perkada* to govern civil service dispute resolution. Without strong political commitment, strengthening regional administrative law will remain a mere normative discourse. With effective legal reinforcement at the regional level, civil service disputes can be resolved more quickly and efficiently, thereby reducing the burden on administrative courts for cases that could otherwise be handled internally. Ultimately, the main objective of strengthening regional administrative law is to protect civil servants' rights, ensure legal certainty, and establish a professional and accountable local bureaucracy. This effort also represents a tangible

⁶⁵ El Husein, Rusmin, Isnaini Isnaini, and Wenggedes Frensh. "The Strategic Role of the Inspectorate as an Internal Supervisor of the Mandailing Natal Regency Government." *Journal of Public Representative and Society Provision* 5.1 (2025): 1-9. Doi <https://doi.org/10.55885/jprsp.v5i1.468>

⁶⁶ Engkus, Engkus, Cecep Wahyu Hoerudin, and Dedeng Yusuf Maolani. "Supervision and control of the government internal supervisory apparatus in the implementation of regional autonomy." *International Journal of Science and Society* 1.1 (2019): 56-69. Url <https://ijsoc.goacademica.com/index.php/ijsoc/arti...>

⁶⁷ Knill, Christoph. "Explaining cross-national variance in administrative reform: Autonomous versus instrumental bureaucracies." *Journal of Public Policy* 19.2 (1999): 113-139. Doi <https://doi.org/10.1017/S0143814X99000203>

realization of the general principles of good governance in the local government environment.⁶⁸

Evaluation of Civil Service Dispute Resolution Mechanisms and Legal Challenges

Currently, civil service disputes involving the State Civil Apparatus (ASN) at the regional level are resolved through three main mechanisms: internal objection mechanisms, oversight by the State Civil Apparatus Commission (KASN), and litigation through the Administrative Court (PTUN).⁶⁹ While these avenues provide civil servants with formal opportunities to seek justice, they have yet to fully address the complexity of the issues encountered in practice. Each mechanism faces structural and cultural challenges that undermine their effectiveness. Internal objection procedures are generally ineffective due to the lack of sufficient regulatory frameworks and are often influenced by the political interests of civil service supervisory officials.⁷⁰ Internal supervisory units at the regional level tend to function merely administratively and lack the authority to resolve substantive civil-service conflicts. Consequently, many civil servants are reluctant to use this channel, perceiving it as biased and partial to their superiors.⁷¹

The State Civil Apparatus Commission (KASN) plays a vital role in safeguarding merit-based principles and ensuring bureaucratic neutrality in Indonesia. However, the recommendations issued by the KASN are frequently disregarded by regional heads due to the absence of a legally binding force. In some cases, regional leaders openly rejected KASN's recommendations, setting a negative precedent for the protection of civil servants' rights. Litigation before the Administrative Court (PTUN) serves as the last resort for ASN seeking legal remedies. Nevertheless, lengthy legal procedures, high costs, and civil servants' lack of legal preparedness pose significant obstacles to accessing

⁶⁸ Bovaird, Tony, and Elke Löffler. "Moving from excellence models of local service delivery to benchmarking 'good local governance'." *International review of administrative sciences* 68.1 (2002): 9-24.

⁶⁹ Azharil, Ahmad, and Daly Erni. "Problems of State Civil Apparatus Governance Centralistic In Law No. 5 of 2015 Concerning State Civil Apparatus." *YURISDIKSI: Jurnal Wacana Hukum dan Sains* 19.2 (2023): 169-182.

⁷⁰ Stewart, Richard B. "Remedying Disregard in Global Regulatory Governance: Accountability, Participation, and Responsiveness+." *American Journal of International Law* 108.2 (2014): 211-270. Doi <https://doi.org/10.5305/amerjintelaw.108.2.0211>

⁷¹ Kahan, Dan M. "Neutral principles, motivated cognition, and some problems for constitutional law." *Harv. L. Rev.* 125 (2011): 1.

justice. Many civil servants ultimately withdraw from legal proceedings because of bureaucratic pressure or the absence of adequate legal support.⁷²

In addition to these procedural obstacles, normative and structural challenges complicate the resolution of civil service disputes. One key issue is the tension between the political authority of regional heads and the meritocratic system underpinning ASN management.⁷³ Regional heads frequently invoke political justifications for transferring or dismissing civil servants without professional or objective considerations.⁷⁴ This situation creates a grey area in the exercise of administrative authority, where personnel decisions are vulnerable to being used as political tools to either consolidate the power of regional leaders or marginalize civil servants deemed politically misaligned. In this context, a legal system for dispute resolution must be capable of neutralizing political domination and prioritizing the legal protection of civil servants.⁷⁵

A further challenge is the limited understanding of administrative law among regional officials. Many regional heads and structural officials are unaware of the boundaries of discretion permitted in personnel decision-making. This is exacerbated by the lack of ongoing training or education in state administrative law for regional government officials. The shortage of competent legal human resources at the local level further exacerbates the situation. In many regional governments, legal functions are treated as administrative formalities, lacking substantive authority to assess the legality of personnel decisions. Consequently, important decisions are often made without adequate legal consideration, increasing the risk of disputes.⁷⁶

The evaluation of the current dispute resolution mechanisms highlights the need for a comprehensive overhaul of the system. A new approach is required, one that integrates regulatory, institutional, and human resource dimensions into a structured, legally grounded system for resolving civil service disputes. At the institutional level,

⁷² Tyler, Tom R. "Citizen discontent with legal procedures: A social science perspective on civil procedure reform." *Am. J. Comp. L.* 45 (1997): 871.

⁷³ Sary, Juwita Sandy, et al. "Enhancing Good Governance through the Implementation of the Merit System in the Placement of State Civil Apparatus." *Pakistan Journal of Life & Social Sciences* 22.2 (2024).

⁷⁴ Bush, Robert A. Baruch. "Dispute resolution alternatives and the goals of civil justice: Jurisdictional principles for process choice." *Wis. L. Rev.* (1984): 893.

⁷⁵ Reuben, Richard C. "Constitutional gravity: a unitary theory of alternative dispute resolution and public civil justice." *Ucla L. Rev.* 47 (1999): 949.

⁷⁶ Menkel-Meadow, Carrie. "From legal disputes to conflict resolution and human problem solving: Legal dispute resolution in a multidisciplinary context." *Journal of Legal Education* 54.1 (2004): 7-29. Doi <https://www.jstor.org/stable/42893832>

establishing independent civil service dispute resolution units at the regional level is necessary.⁷⁷ These units must be founded on a strong legal basis and granted the authority to mediate, resolve, and issue binding recommendations in personnel disputes. This structure is vital to ensure that civil servants do not have to rely solely on the centralized Administrative Court (PTUN) system.⁷⁸

From a regulatory standpoint, harmonization is needed between the provisions of the ASN Law, the Government Administration Law, and relevant Government Regulations governing discipline and objection procedures for civil servants. Regional governments must also formulate local regulations (*Perda*) or head-of-region regulations (*Perkada*) that outline dispute resolution mechanisms in more technical terms and are adapted to local conditions. An effective resolution system must uphold the principles of procedural justice. In this context, civil servants must be granted the opportunity to file objections, obtain legal counsel, and receive clear justifications for personnel decisions made against them. Transparency and accountability in decision-making are essential elements that must be enforced.⁷⁹

Information technology can be leveraged to develop a transparent and accessible civil service dispute-reporting and monitoring system.⁸⁰ Through an integrated digital system, regional governments can build a dispute resolution database to facilitate the periodic evaluation and systematic improvement of the system. Enhancing the legal human resource capacity of local governments should be a priority within the broader bureaucratic reform agenda. The central government, through the National Institute of Public Administration (LAN) and the National Civil Service Agency (BKN), can collaborate with universities to organize administrative law training and certification programs for regional officials to improve their competence. This effort is essential for

⁷⁷ Carneiro, Davide, et al. "Online dispute resolution: an artificial intelligence perspective." *Artificial Intelligence Review* 41.2 (2014): 211-240.

⁷⁸ Akuna, Sandrawati. "The Role of the State Administrative Court as a Control Mechanism Over Government Administration." *Estudiante Law Journal* 7.2 (2025): 297-316.

⁷⁹ Masengi, Evi Elvira, Elvis Lumingkewas, and Brain Fransisco Supit. "Implementation of Government Regulation No. 53 of 2010 concerning civil servant discipline in the finance, asset, and Revenue Management Office of minahasa regency." *Technium Soc. Sci. J.* 40 (2023): 11.

⁸⁰ ERNY PUJI HARTANTI, ERNY PUJI HARTANTI. *PERSPEKTIF HAK ASASI MANUSIA DALAM MENGHADAPI ERA SOCIETY 5.0 DENGAN DIGITALISASI BIROKRASI DI LINGKUNGAN KEMENTERIAN AGAMA KABUPATEN TEMANGGUNG (The perspective of human rights in dealing with the era society 5.0 with the digitization of the bureaucracy within the Ministry Religion Temanggung Regency)*. Diss. UPT. Perpustakaan Undaris, 2023.

fostering a strong legal culture in administrative decision-making.⁸¹ Overall, the evaluation of the current dispute resolution mechanisms reveals that the existing system is still inadequate in ensuring optimal legal protection for civil servants.⁸² Therefore, a holistic and participatory reform of regional administrative law represents a strategic step toward establishing a fair, professional, and accountable civil-service dispute resolution system.⁸³

Conclusion

Strengthening regional administrative law has become an urgent necessity to establish a more just, swift, and effective civil service dispute resolution system. Disputes that frequently stem from overlapping authorities and unclear administrative procedures can only be resolved through clear and operational technical regulations at the regional level. These regulations must comprehensively define the limits of official authority, administrative objection mechanisms, and effective legal protections for civil servants (ASN) in Indonesia.

Synergy between the central and regional governments is a fundamental prerequisite for realizing an integrated and accountable regional personnel system. Harmonization between the State Civil Apparatus Law (UU ASN), Government Administration Law, and their implementing regulations must be consistently upheld to prevent normative conflicts that may hinder dispute resolution. In this regard, the roles of the State Civil Apparatus Commission (KASN) and the Administrative Court (PTUN) must be reinforced in terms of authority, effectiveness, and the legitimacy of their rulings to serve as guarantors of administrative justice.

Beyond regulatory aspects, enhancing institutional capacity and human resources at the regional level is a critical foundation for promoting the implementation of robust administrative law. Legal education, technical training, and strengthening internal oversight systems must become integral components of regional bureaucratic reform. Through these measures, it is hoped that a regional civil service legal system will emerge,

⁸¹ Ramadhani, Nabila Alinda. *Penerapan asas akuntabilitas dalam proses rekrutmen Aparatur Sipil Negara untuk mencegah terjadinya nepotisme perspektif Masalah Mursalah: Studi di Badan Kepegawaian dan Pengembangan Sumber Daya Manusia Kota Malang*. Diss. Universitas Islam Negeri Maulana Malik Ibrahim, 2025.

⁸² Bush, Robert A. Baruch. "Dispute resolution alternatives and the goals of civil justice: Jurisdictional principles for process choice." *Wis. L. Rev.* (1984): 893.

⁸³ Lan, Zhiyong. "A conflict resolution approach to public administration." *Public Administration and Law*. Routledge, 2015. 189-204.

one that is not only normative but also responsive and solution-oriented to the dynamics of local bureaucracy, while ensuring the sustained protection of civil servants' rights.

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