



The Future of Meritocratic Oversight of the State Civil Apparatus in Indonesia

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Abstract- *The recently enacted Law of the Republic of Indonesia Number 20/2023 on the State Civil Apparatus revokes the authority of the Commission of the State Civil Apparatus, which was previously responsible for monitoring the adherence to merit system and ethical standards of conduct within the state civil employee. Since its inception, the Commission of the State Civil Apparatus in Indonesia has utilized a merit-based selection process to appoint individuals to high-level leadership roles across federal, provincial, and district levels agencies. Some agencies have also applied the merit system to fill positions other than leadership positions. This paper seeks to examine the status quo of the Commission of the State Civil Apparatus in overseeing the implementation of meritocracy. Meritocracy embodies the principles of the merit system. Additionally, the forthcoming discussion will cover potential future enhancements for the organization tasked with supervising the execution of the merit system within the State Civil Service. The research is an empirical study conducted using a normative juridical approach using secondary data through literature and regulations regarding meritocracy and the State Civil Service. The research findings indicate that retaining the Commission of the State Civil Apparatus is crucial because it still plays a necessary role in overseeing the merit system. The future steps to be taken include changing the leadership structure of the Commission and enhancing the competency of the human resources responsible for handling the Commission.*

Keywords- *State Civil Apparatus; Meritocracy; Bureaucracy*

I. INTRODUCTION

The Republic of Indonesia Government, which has quality and competitive human resources, has been established by the President as one of the five national work priorities for 2020-2024.[1] To cultivate a skilled and competitive workforce, the government must implement effective human resource management through the State Civil Apparatus Management. This entails monitoring state civil servants to guarantee that they exemplify professionalism, and ethical values, and remain uninfluenced by political factors, corruption, collusion, and nepotism. To realize this, a merit system is needed, a framework that regulates the recruitment and development of individuals based on competence in the required field of work and does not rely on political relationships or personal connections.

The State Civil Apparatus Law Number 20/2023 explains that the merit system in the state civil employees is organized by the principle of meritocracy. That is the principle based on potential, competence, qualifications, and performance as well as integrity and morality without discriminating against backgrounds such as ethnicity, race, complexion, faith, origin, sex, relationship status, age, or special needs, which are carried out fairly and reasonably.

The merit system comes from the word meritocracy which was previously proposed by Young in 1958 in his book entitled "Rise of the Meritocracy". Meritocracy is a provision of opportunities or opportunities for someone to be selected based on their eligibility or achievements.[2] The merit system has been in place for the Indonesian State Civil employee since the creation of the Commission of the State Civil Apparatus on January 15, 2024. Following the principles of meritocracy, the Commission is independent in its structure and operation. This follows the definition of the merit system itself, which is a management and policy of the State Civil Apparatus based on performance, competencies, and qualifications. It is applied reasonably and fairly, and free of distinction based on political background, age, gender, ethnicity, origin, complexion, faith, relationship status, or special needs.[3] The Commission of the State Civil Apparatus is tasked with collecting data and the provision of

guidance on the execution of meritocracy in the context of District and City Government environments. Additionally, it assesses and supervises the execution of the merit system in the majority of Central Agencies and Provincial Governments.[4] This expanding reach has caused the quality of governance to continue to improve every year. Based on the Government Effectiveness Index (GEP) score released by the World Bank this year, Indonesia experienced an increase in score, from 64.76 in 2022 to 66.04 on a scale of 100 in 2023. The score ranks Indonesia 73 out of 214 countries.[5]

On October 31, 2023, the Statute of the Republic of Indonesia Number 20/2023 concerning the State Civil Apparatus was passed. The most notable alterations brought about by this legislation concern the absence of the Commission of the State Civil Apparatus, which was previously responsible for enforcing the merit system. The Academic Script of the Draft Law on Amendments to Law Number 5/2014 on the State Civil Apparatus, issued by the House of Representatives when drafting the State Civil Apparatus Statute Number 20/2023, states that there is no urgent need to establish a non-structural institution to oversee the merit system and impose sanctions for violations of the code of ethics and conduct of the State Civil Apparatus. The oversight is due to the Administrative and Bureaucratic Reform Ministry's role in overseeing the execution of the merit system, as well as its responsibility for enforcing ethical and behavioral standards within the Apparatus.[6] The law stipulates that the ministry responsible for formulating and determining strategic policies, as well as coordinating, synchronizing, and controlling State Civil Apparatus management policies, oversees supervising the execution of the merit system. This includes coordinating the work plans of institutions associated with State Civil Apparatus management and overseeing the execution of tasks and functions related to the supervision of the merit-based implementation. Indeed, the previous regulation, as outlined in Statute of the Republic of Indonesia Number 5/2014 regarding the State Civil Apparatus, prescribes that the Commission of the State Civil Apparatus is vested with the power to watch and evaluate the execution of management and the policies of the State Civil Apparatus, to ensure the execution of the merit system and supervise the application of the principles and code of ethics and code of conduct of the Apparatus. In essence, the Committee of the State Civil Apparatus is being dissolved, and the authority that was previously exercised by the Commission will henceforth be vested in the ministry that oversees the State Civil employee management. However, until now, there has been no derivative regulation regarding the mechanism for monitoring the merit system and the code of behavior and ethics.

With the abolition of the Commission of the State Civil Apparatus and the return of duty to supervise the meritocracy to the relevant ministries as outlined in the latest statute, it is concerned that it will affect the execution of the merit system. The execution of it will not be optimal and will result in an incompetent state civil apparatus who do not meet the required qualifications.

Recently, no research has explained the impact on the future of meritocracy in Indonesia if the State Civil Apparatus Commission is abolished. The existing research is only limited to the development of merit system implementation in Indonesia. Notable research in this field includes that conducted by Manuel (2022) on the merit-based system in Malinau Regency[7] and that of Pasiak et al. (2020) on the career development of apparatus in Bitung City.[8] The paper is based on the premise that the Commission of the State Civil Apparatus plays a role in the oversight of meritocracy. It seeks to assess whether the removal of this commission is justified. What should be done so that the supervision of the merit system in the state civil employees can continue in the future?

II. LITERATURE REVIEW

A. Merit System in Government

Meritocracy is described as an organization based on a structure of reward for one's achievements, a democratic organization where the organization's policies are determined by its competent members.[9] Meritocracy is a normative view of the organization that can sustain employee morale, create a sense of self-worth, and increase organizational productivity.

In addition, Hoffer (2002) states that meritocracy can be understood as individuals being selected for a job based on demonstrated performance. This performance does not only result from an individual's intelligence but also includes other things beyond intelligence such as the ability to think analytically, state things based on logic, and individual achievements, all of which represent a merit system. Broadly speaking, meritocracy consists of cognitive ability that is closely related to performance achievement, educational background, and workability that is not related to certain parties.[10] So it can be concluded that meritocracy is the ability of an individual's self that is not influenced by factors outside of that individual.

The merit system assumes that job performance is the most important thing, which also overrides things outside the merit system such as gender, ethnicity, and so on. The merit system provides equal opportunities for all human resources who have good work performance to be able to develop their careers to a higher level.

For the merit system to be implemented effectively, several conditions are needed, namely the establishment of high-performance standards needed to attract the best human resources. In addition, there must be a performance appraisal system that can attract human resources that match the criteria for the intended position. The next condition is the existence of trained human resources who can provide appropriate assessment and

feedback for existing resources. Then there are periodic performance appraisals for existing human resources. The last is to provide appropriate rewards for human resources who have good performance to maintain the performance of these human resources.[11]

Meritocracy is a rapidly growing trend in the current times. It can also improve the performance of existing human resources due to the reward or incentive system for human resources who have good performance. Human resources realize that the opportunity to improve their economy is still wide open due to this meritocracy. To occupy a certain position no longer requires a strong political background, but only focuses on achievement and performance.[12]

Law No. 20/2003 on the State Civil Apparatus defines meritocracy as the management of human resources that refers to potential, performance, competence, and qualifications as well as integrity and morality that is carried out reasonably and fairly without distinguishing political background, age, gender, ethnicity, origin, complexion, faith, relationship status, or special needs. Meritocracy is the principle that underlies the execution of the merit system in Indonesia.

De Sario (2003) states that meritocracy measures the ability of a person or individual to separate from other social elements. The measurement of someone's ability is done through a merit system whose results can vary from one individual to another. Matei (2006) argues that every organization, both private and government, has different norms, principles, and goals. In the context of the government sector, the merit system can be described differently from the private sector.

The merit system seems impossible to implement in government. But in fact, many studies explain that the merit system is very possible to be implemented in the government. There are many studies on the application of merit systems in government, including Lovrich and Hopkins (1980) and Matei (2012). The merit system is considered impossible because the state civil apparatus tends to be rigidly regulated based on existing laws, from the recruitment system, performance assessment, awarding, and even promotion and dismissal. Meritocracy applied in government will provide the reasons behind whether someone deserves an award or a good performance assessment, not just based on existing laws. Meritocracy can also stimulate the government to grow and develop in a better direction. Existing positions will be filled by individuals who are truly competent in their fields. This is a challenge for the existing government because political factors will be ruled out in filling positions.[13]

B. The Commission of the State Civil Apparatus in Bureaucracy

Weber discusses bureaucracy in terms of the concepts of authority and domination. This concept sees a power relationship that concerns the ability of the person in power to impose his will on those who are controlled. One of the dominations is a legal rationale, which means that authority comes from a set of rules made to achieve certain goals. This concept of bureaucracy is an important element in the development of organizations. Weber's view is known as the concept of ideal and rational bureaucracy where individual officials are free and do not use their positions for personal and family purposes. In addition, positions are arranged based on hierarchy so that there are officials who have greater power and there are officials who have less power. The duties and functions of each position are different from one another. Each official has a description and responsibility for their respective jobs. Each official is also selected based on their competence. Each official has different rights depending on their position. Furthermore, in this bureaucratic concept, there is a clear career development based on the merit system. Each official is not allowed to abuse his position and facilities. Each official is under the supervision and control of a system.[14]

Budi Setyono (2007) states that bureaucracy is a product born from a society with a difficult and complicated mechanism. Bureaucracy was born from human nature, which is a social creature that needs other individuals to survive. Individuals who have the same interests and outlook on life will come together and form a community that is the forerunner of a state. Thus, a state is born from a social contract that includes the functions of security, order, justice, public interest, welfare, and maintenance of natural resources and the environment. But along the way, individuals who have different views will cause conflict, so laws are needed to prevent conflict. In addition, leaders and apparatus are also needed, which in this case is referred to as government, to ensure the continuity of harmonization of these functions. Where two important aspects give rise to bureaucracy, namely the desire of the community to help them meet their needs and the existence of the ruler and his apparatus to realize the fulfillment of these needs.[15]

Bureaucracy has been the subject of criticism for several reasons, including its perceived inflexibility, inefficiency, excessive regulatory framework, lack of transparency and accountability, subjective nature, and political influence in decision-making. This has led to many experts trying to formulate how bureaucracy should be run. Kaufman (1977) argues that bureaucracy should be able to create a democratic decision because it is a characteristic of public administration. Bozeman (1993) posits that bureaucracy is a necessary component of a democratic system to prevent the abuse of authority. Kettl (2008) finally concludes that, in the end, bureaucracy is the optimal organizational structure for a complex government.[16]

The prevailing bureaucratic model employs the tenets of public management, which entails the implementation of private-sector business management techniques. The bureaucracy is designed in such a way that it adopts business processes. For example, in determining what decisions will be taken, it will consider the principle of efficiency which is one of the principles in business management. Another example of the principle is to prioritize customer satisfaction so that the decisions that will be made will be in favor of the interests of the community. As a result, the organizational structure will be leaner and more efficient and require lower costs. This will be seen in public service procedures that become simpler.[17]

However, one thing that cannot be avoided is that bureaucracy has a close relationship with politics. This relates to leading officials who come from certain political parties, such as regional leaders who are promoted by political parties. Regional leaders will exchange interests because of the political contracts that have been made. The government under the regional leader may be dominated by the supporting party in terms of both personalities and decision-making processes, to the extent that the bureaucracy will ultimately be contaminated by the political ideology.[18]

To prevent undue political interference in the bureaucracy, it is essential to apply a meritocracy-based system to select civil servants based on their required competencies. In the application of the State Civil Apparatus management, the power to supervise the merit system is given to the ministry that carries out government duties and functions in the field of formulating and determining strategic policies, as well as coordinating, synchronizing, and controlling Apparatus Management policies. The Commission of the State Civil Apparatus was charged with the responsibility of monitoring and evaluating the execution of policies and management of the State Civil employee to ensure the realization of the merit system, before the State Civil Apparatus Law 20/2023.

The Commission of the State Civil Apparatus is not an institution directly established by the Statute. It is a supporting organ, also known as a state auxiliary institution, that supports the activities of other state institutions included in the state organs. It is situated in the capital city and comprises a chairperson who concurrently serves as a member, a vice chairperson who also holds membership status, and five additional members. The Commission was founded to apply a merit system in the Apparatus policy and management. This would facilitate the realization of a high-performing, prosperous, and professional employee, which would, in turn, serve as the adhesive of Indonesia. In addition, the Commission was established to support the execution of an efficient, effective, and open state government, free from nepotism, collusion, and corruption. Another objective is to realize neutral State Civil Apparatus employees who do not differentiate the people they serve based on ethnicity, religion, race, and class. The State Civil Service Commission was established to foster the growth of a distinguished Apparatus profession and the advancement of a dynamic civil service culture that prioritizes performance achievement.

Furthermore, the Commission of the State Civil Apparatus is responsible for sustaining the impartiality of State Civil Apparatus employees, supervising the professional growth of the State Civil employee, and reporting on the supervision and evaluation of the application of Apparatus Management policies to the President. This task is defined in Article 31 of Statute No. 5/2014 on State Civil Apparatus. Upon reviewing the article, it is evident that the State Civil Service Commission's duty as an organization is under the authority of the President.

The State Civil Apparatus Commission may also be empowered to determine whether there has been a breach of the code of conduct and ethics for State Civil employees. If the State Civil Apparatus Commission finds such violations, including violations in the stages of the mechanism of filling High-Level Management formations, then the State Civil Apparatus Commission will convey the violations to the Personnel Supervisory Officials and authorized officials for follow-up. If the Civil Service Supervisory Official and the authorized official do not follow up, the Commission will recommend to the President to impose sanctions on the Civil Service Supervisory Official and the authorized official.

III. METHODS

The research is based on empirical methods, utilizing legal research and normative juridical analysis of laws, regulations, and other related legal materials concerning the State Civil Apparatus in Indonesia. This research uses secondary data through literature study. The literature search is carried out by looking for literature books, journals, articles, and news. The analysis method is qualitative data analysis. Data processing carried out in this research is by harmonizing several related regulations starting from the State Civil Apparatus Law and its derivative rules, as well as literature on bureaucracy and meritocracy which are poured into the descriptive form.

The legal products used are primary, secondary, and tertiary legal products. Primary legal products utilized include State Civil Apparatus Law Number 20/2023, the Academic Paper of the State Civil Apparatus Bill, and other related derivative statutes. Secondary legal materials used are journals on the state civil apparatus, meritocracy, merit system, and bureaucracy. Finally, the tertiary legal products are non-legal materials such as journals linked to the social science of human resource management and the social science of politics or government bureaucracy.

IV. RESULTS AND DISCUSSION

The merit system in government has been implemented in developed countries. However, in Indonesia, the merit system still encounters difficulties because the government's recruitment process is not serious about getting capable candidates for the State Civil Apparatus. A study conducted by Hangewa (2013) found that local governments often ignore the competency aspect in the selection process of the State Civil Apparatus. Nepotism and collusion practices still occur, especially in the regions.[19]

Indonesia's Law Number 20/2023 on the State Civil Apparatus outlines seven key agendas for the transformation of the State Civil Apparatus, as described by Abdullah Azwar Anas, Minister of State for Civil Apparatus Empowerment and Bureaucratic Reform. The agendas encompass matters about recruitment and positions, the mobility of personnel, the development of competencies within the Apparatus, the structuring of personnel employed by non-state entities, performance management, welfare, the digitization of State Civil employee management, and the strengthening of the work culture and institutional image. In a recent statement, the Minister outlined the objectives of the State Civil Apparatus Law, which was created to accelerate the transformation of the State Civil employee into a professional and world-class bureaucracy. This is to be achieved through the consistent and sustainable implementation and supervision of a merit-based system.

A properly implemented merit system is crucial to avoiding incompetent bureaucrats who hinder a country's goals. This is because employees or leaders in the bureaucracy have an essential role in fulfilling their obligations to the community, in the form of goods and services. So that the selection of employees or leaders who will occupy positions in the bureaucracy has a very important influence on the success of a country in achieving its goals. People who are placed in the bureaucracy must be selected using the principles of meritocracy. However, the problem is that political influence is very strong. This political influence can even affect the selection process of the meritocratic principle itself. One example of this is seen in a study initiated by Juan et al in their research on how much political engineering can affect a meritocratic principle applied in the selection of employees who run the bureaucracy. The result is that meritocracy that has undergone political engineering is proven to be unable to attract employees who do have the competencies needed. The employees who are caught in the politically engineered meritocracy have low ability to work. This is caused by three factors. First, there is no strong motive from employees who are netted in the meritocracy to become employees in the bureaucracy. Secondly, the abilities possessed by these employees do not meet the qualifications because they are selected only because of political motives. Third, political manipulation is often not well detected.[20]

Based on the research facts mentioned above, one of the things that should be highlighted is the elimination of the State Civil Apparatus Commission in the Law. Following Law No. 5/2014, the State Civil Service Commission is defined as an independent and politically neutral institution, whose purpose is to foster the creation of capable and impartial civil servants, the provision of impartial and equitable services, and the consolidation of national unity. The revision of the Statute is feared to hamper the acceleration of bureaucratic reform because the employees who run the bureaucracy are incompetent employees resulting from weak supervision in the execution of the merit system. The Commission is a non-structural and autonomous institution, unbound from political intervention. Its main responsibility is to ensure that State Civil Apparatus Employees maintain their neutrality, which helps to guarantee that the meritocratic process is free from political influence.

Furthermore, since its establishment in 2014, the Commission of the State Civil Apparatus has overseen the entirety of the procedure for fulfill high-management positions, including the compilation of agency selection committees, the publication of vacancies, the conduct of elections, the proposal of candidate names, the determination of candidates, and the announcement of up-level officials. The State Civil Apparatus Commission has a crucial task in preventing the practice of position trading related to the promotion, transfer, and demotion of high leadership positions and/or State Civil employees within the government. So, the Commission is needed to prevent political engineering from placing employees in the bureaucracy.

We can analyze the hierarchy of the Commission in the government bureaucracy in Indonesia based on the opinions of several experts. As quoted by Hanum (2021), Asimov argues that important state institutions can be formed independently in the executive realm with appointments made by the president. In addition, Gaus stated that institutions with the same authority can be combined into one commission which can later be led by a commission coordinator. This should be in line with Jimly's opinion, which states that the spirit of bureaucracy is to reduce the number of institutions and not by splitting institutions.[21] In other words, the State Civil Apparatus Commission should still be maintained but its members could be representatives of civil service-related institutions.

Furthermore, there are other opinions regarding the relationship between bureaucracy and the effectiveness of an institution or organization. In one study conducted by Sipayung et al (2022), bureaucracy can be considered effective if the institution is adaptive to the environment and able to respond to changing times. The way that can be done to be adaptive is to increase the competence of human resources in the organization.[22] Therefore, if the State Civil Service Commission is considered ineffective, the solution is to enhance the competence of its employees through regular training. The institution should not be abolished, but rather integrated into another institution.

V. CONCLUSIONS

The merit system should be implemented to establish a professional State Civil Apparatus that delivers high-quality work and adheres to the fundamental values of the State Civil employee. It must be prohibited from the influence of politics and immune to the corrupt practices of nepotism and collusion. Since the presence of the Commission, most government agencies and institutions have been able to implement the merit system so that the hiring of High Leadership Officials has been filled by talents who have the potential and competence as declared in the State Civil Apparatus Management. Nevertheless, after the amendment of the State Civil Apparatus Statute to Number 20 of 2023, the State Civil Apparatus Commission as the leader of the executor of the meritocracy was eliminated and the authority was transferred to the ministry handling the Apparatus. In terms of bureaucratic theory, there should be a special institution that comes from representatives of related institutions that function to oversee the execution of the merit system in Indonesia. In addition, it is also important to increase the competence of apparatus in the institution so that they can be adaptive to the apparatus environment. So, the State Civil Apparatus Commission itself should not be abolished but change the structure of the institution and increase the competence of existing human resources.

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