



# *Implementation of the Principle of Balance in Policies on Performance Appraisal of State Civil Apparatus Employees*

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**Abstract** - This study aims to analyze legal issues related to the performance appraisal policy of ASN employees whether it is by applicable laws and regulations and whether the principle of balance has been implemented in the performance appraisal policy that ensures fairness and equal treatment for all ASN employees. By analyzing the implementation of the principle of balance in ASN performance appraisal based on Government Regulation Number 30 of 2019 and other related regulations, this research is expected to contribute to realizing a fair, objective, and balanced performance appraisal system for all State Civil Apparatus Employees. This research uses a normative research method with two complementary approaches, namely, a statutory approach related to ASN performance appraisal and a conceptual approach by examining theoretical concepts associated with the principle of balance in ASN performance appraisal. The result of this study is that implementing the principle of balance in the policy on performance appraisal of State Civil Apparatus employees has gone well. However, improvements must still be made in monitoring mechanisms and increasing understanding of the performance appraisal process to help reduce subjectivity and improve fairness and equality of treatment for all employees.

**Keywords:** Balance Principle; Performance Management; ASN

## **I. INTRODUCTION**

State Civil Apparatus (ASN) employees are at the forefront of governance and nation-building. ASNs are civil servants and government employees with work agreements who are appointed by civil servants and assigned other state duties and paid based on statutory regulations.[1] Article 4 letter (d) Law 5/2014 on ASN states that ASN has basic principles to carry out tasks professionally and neutrally.

The State Civil Apparatus (ASN) includes all human resources in charge of managing the government, from the highest level to the lowest level. ASN is often referred to as apparatus resources, state apparatus, or government apparatus.[2] Human resources are a core requirement for government organizations. For the organization's goals to run well, it must have competent employees in their respective fields with a high level of professionalism and loyalty.[3]

The realization of professional human resources through individual performance management is one of the efforts to encourage organizational success in achieving predetermined goals and objectives. One of the integrated HR management can be done through a measurable employee performance management system in supporting organizational achievements. Employees in this case are defined as assets for the organization, so they need to be managed and fostered appropriately to produce performance that can support the achievement of organizational goals.[4]

Employee performance management is an instrument to ensure the achievement of government goals and objectives. In addition, employee performance management also aims to motivate employees to improve their performance more optimally by maximizing competence, expertise, and/or skills so that in the end the results of employee performance management can be used as a basis for determining appropriate follow-up to employee performance evaluation results.[5]

The evaluation of employee performance is conducted by examining both the agreed-upon performance targets and the individual's behavioral attributes within the organization's performance management system. To achieve optimal ASN performance, an effective and efficient performance appraisal system is needed. The objective of the performance appraisal of civil servants is to ensure objectivity in the development of civil servants through the implementation of a merit system and career path. The performance evaluation of civil servants is similarly designed to ensure objectivity in the development of civil servants using a merit system and career path. This evaluation encompasses performance planning at both the individual and unit or organizational levels, taking into account targets, achievements, results, benefits obtained, and civil servant behavior. Civil servant performance evaluation must be carried out objectively, measurable, accountable, involving participation, and

transparent. This process is part of the civil servant performance management system, starting with the preparation of Employee Performance Targets (SKP). SKP measurement is carried out by comparing performance realization with predetermined targets. Furthermore, performance appraisal is a combination of SKP assessment and work behavior assessment, using data from performance measurement results.[6]

Performance appraisal is one of the most important activities in an organization that can be used as a basis for policy-making related to the provision of rewards/compensation (reward and punishment) training and development of employees (training and development) as well as a means of providing feedback to employees related to the work they do. In the implementation of employee performance appraisals, there must be positive and sustainable interactions between superiors and subordinates, or between appraisers and employees whose performance is assessed so that it can create satisfaction for the employees being assessed. In other words, positive attitudes and behaviors will be formed if the performance appraisal is carried out by considering the element of fairness.[7]

According to Wexley & Yukl, Performance is the application of balance theory, implying that an individual will deliver optimal performance when they receive fair and reasonable benefits and incentives. Optimal performance is attained when employees perceive a sense of justice in their work environment. The performance of an organization or institution is strongly influenced by individual performance, so if organizational performance is to be improved, of course, individual performance needs to be considered.[8]

The principle of fairness is defined as the same as the "principle of balance", the principle of fair play, and the "principle of fair play".[9] The principle of balance as contained in the General Principles of Good Governance (AUPB) according to Crince Le Roy is the principle of proportionality which means that it requires a reasonable balance, if the decision contains sanctions, then the sanctions should be balanced with the mistake.[10]

According to Dworkin's view, the principle of equality includes recognition of the right to equal treatment and the right to be treated as an equal individual. The right to equal treatment requires a fair distribution of burdens and opportunities for everyone. The right to equal treatment is derived from this principle, namely the right to be treated fairly."[11]

To realize a fair and balanced performance appraisal, the government has issued Government Regulation Number 30 of 2019 concerning the Performance Appraisal of Civil Servants. This regulation explicitly regulates the application of the principle of balance in ASN performance appraisal. This principle of balance aims to ensure that every employee is treated fairly and objectively in the performance appraisal process, regardless of background or certain characteristics.

From the above background, there are legal issues that the author believes are important to further analyze regarding the implementation of the principle of balance in the policy on performance appraisal of State Civil Apparatus employees. For example, whether the ASN employee performance appraisal policy is by applicable laws and regulations and whether the principle of balance has been implemented in the performance appraisal policy that guarantees fairness and equal treatment for all ASN employees. By analyzing the implementation of the principle of balance in ASN performance appraisal based on Government Regulation Number 30 of 2019 and other related regulations, this research is expected to contribute to realizing a fair, objective, and balanced performance appraisal system for all State Civil Apparatus Employees.

## II. LITERATURE REVIEW

### A. Principle of Balance and Policy Implementation

The General Principles of Good Governance (AAUPB) was born from the practice of state and government administration so it is not a formal product of a state institution such as a law. The general principles of good governance can be understood as general principles that are used as the basis and procedures in the proper administration of government, in which way the administration of government becomes good, polite, fair, and honorable, free from injustice, violation of regulations, acts of abuse of authority and arbitrary actions.[12]

General Principles of Good Governance is one of the sources of law, in this case state administrative law. Jazim Hamidi in his writing describes the meaning of AAUPB as follows:

- a. The general principles of good governance are ethical values that live and develop in the environment of state administrative law;
- b. The general principles of good governance serve as a guide for state administrative officials in carrying out their functions, are a test tool for administrative law in assessing state administrative actions (in the form of stipulations), and as a basis for filing a lawsuit for the plaintiff;
- c. Most of the general principles of good governance are still unwritten principles, abstract, and can be explored in the practice of life in society;
- d. Other principles have become written legal rules and are scattered in various positive legal regulations.

Although some of these principles have turned into written legal rules, they remain as legal principles."[13]

AAUPB is closely related to the term good governance. Safri Nugroho defines good governance as good governance. Good governance, according to Safri Nugroho, can be seen as ordinary words or terms, namely good governance or concept labels, especially on the concepts of Good Government General Principles (AAUPB) and

good governance. In its development, the principles of good governance shift towards or are enriched by the application or best practice of various management principles. This symptom shows that State Administrative Law is always evolving at any time to be used as a guide in the administration of government.[14]

According to Prince Le Roy, the conception of the General Principles of Good Governance (AAUPB) encompasses the principles of legal certainty, balance, careful action, motivation for every decision made by government agencies, non-conflation of authority, equality in decision-making, fair play, justice or fairness, meeting reasonable expectations, eliminating the impact of void decisions, and protecting personal views of life, to which Koentjoro adds the principles of discretion and organizing the public interest. The principle of balance (principle of proportionality) is a principle that prioritizes the balance between the rights and obligations of state administrators.[12] In implementing the principle of balance of rights and obligations, the fulfillment of rights in the provision of public services must be proportional to the obligations that must be carried out, both by service providers and by service recipients.[10]

The state has the responsibility to improve the welfare and prosperity of its citizens, requiring a legal basis by applicable laws and regulations, also known as *Freies Ermessen*. However, to avoid conflict the government and citizens often occur due to abuse of power. Based on the formulation of the expert's understanding and the author's additional interpretation, Jazim Hamidi explains the components that make up a comprehensive understanding of AAUPB: AAUPB advocates for ethical principles that develop in the legal system of public administration. AAUPB helps public administration officials carry out their duties, provides evaluation tools for administrative judges to assess public administration activities, and provides a basis for plaintiffs to file lawsuits. Most of the principles of AAUPB are still abstract, unwritten, and can be understood from social experience. Some other principles have turned into broad legal standards and are written in various laws. However, most remain as legal principles.[15]

According to Article 1 paragraph (17) of Law Number 30 of 2014 concerning Government Administration, the General Principles of Good Governance are principles that guide government officials in exercising their authority to make decisions and/or actions in the implementation of government duties."[16]

The application of general principles of good governance in the implementation of public services aims to realize public welfare. In addition to those mentioned in Article 10 of Law Number 30 of 2014 concerning Government Administration, the scope of AAUPB also includes the principle of balance. This principle emphasizes the need for a balance between punishment for negligent officials and mistakes made by employees. The principle of balance also requires clear qualifications regarding the type and level of violation or negligence committed, to facilitate the application of sanctions in each case. It must also be by the principles of equality and legal certainty.[13]

Adam proposed the balance theory (equity theory), which fundamentally argues that organizations must maintain balance. The elements of this theory comprise input, outcome, comparison person, and equity. Wexley and Yukl also suggest tha:

1. "Input is anything of value that an employee perceives that he contributed to his job". (Input is all the value received by employees that can support the implementation of work). For example, education, experience, skills, and effort.
2. "Outcome is anything of value the employee perceives he obtains from the job." (Outcome is anything of value that the employee obtains and perceives). For instance, salaries, additional benefits, status symbols, recognition, and others.
3. "Comparison person may be someone in the same organization, someone in a different organization, or even the person himself in a previous job." (Comparison person may be an employee in the same organization, someone in a different organization, or even the person himself in a previous job).[8]

Policy is defined as a series of concepts and principles that form the basis of a plan for carrying out a task, leadership, or way of acting in government, organizations, and so on. Policy is also a statement of ideals, goals, principles, and guidelines for management to achieve goals. According to Agustino (2008: 7), a policy is a set of actions or steps put forward by individuals, groups, or governments in the context of a specific setting that faces challenges and chances in carrying out the guidelines to achieve the specified goals. This opinion confirms that the idea of policy involves intended and purposeful behavior, which is an important element of the policy definition. This is because policy should reflect what is done, not just a proposal in several activities related to a problem.[16]

Policy implementation is the process of realizing policy decisions that have been set in the form of laws, government regulations, presidential decrees, or judicial and executive decisions. According to the model of George C. Edward III model, four main factors influence the effectiveness of public policy implementation, namely:

1. Communication: Successful policy implementation relies heavily on effective communication. This includes the delivery of information that is clear, consistent, and free from miscommunication.
2. Resources: The availability of adequate resources, such as staff, information, authority, and facilities, is essential to support policy implementation.

3. Implementer Attitude: The attitudes and motivation of policy implementers, which are influenced by the hiring and incentivization process, determine the effectiveness of implementation.
4. Bureaucratic Structure: A bureaucratic structure that is supportive and adaptive to policy changes is an important factor in smooth implementation.[17]

## **B. Performance Assessment**

Civil servants (PNS) have duties in government and development, so they are required to provide the best service to the community. To carry out government and development tasks effectively, professional, honest, fair, and responsible civil servants are needed. As state servants, civil servants have a responsibility in development. To realize professional and responsible civil servants as mandated by the Law, a performance assessment is needed. Performance includes the results of work both in quality and quantity achieved by an employee in carrying out his main duties and functions according to the responsibilities given.

Performance is the result of work achieved by individuals or groups in an organization, by their respective authorities and responsibilities to achieve organizational goals legally and ethically. Performance appraisal is carried out to measure the extent of employee performance, as stated by Andrew E. Sikula employee appraisal is a systematic evaluation of employee work and potential. This assessment involves determining the value, quality, or status of a particular object, person, or item.

The quality produced in public services is the essence of service performance, which is an important aspect of public service delivery. The quality of public services is an indicator of the success of the services provided and serves as a barometer that the service is by the applicable laws and regulations.[18]

Performance appraisal is part of the human resource management process in a company or agency. The main purpose of performance appraisal is to have a positive impact on both the company and its employees. However, in practice, not all performance appraisals are received as a positive influence by employees. ASN performance appraisal is outlined in the SKP PP 30/2019. In practice, performance appraisals still often depend on the subjective assessment of superiors towards their subordinates, which can lead to demotivation and affect employee performance.

The findings indicate that performance appraisals do not always significantly enhance the quality of employee performance. This happens because even if the performance appraisal method is changed, its implementation still depends on the human resources involved. Whether the appraisal system is good or not and the objectivity of the appraisal is greatly influenced by the human resources who design and run the system.[19]

Performance is defined as the result of implementing a program, activity, or policy in achieving the goals, objectives, mission, and vision of the organization as outlined in the strategic plan. If performance shows positive results, the organization can easily achieve its goals. Conversely, if the results are negative, organizational goals can be hampered.

Performance appraisal is the process of evaluating employee work results against targets or work objectives that have been agreed upon in the planning stage. From an organizational perspective, the main purpose of performance appraisal is to help managers make informed decisions regarding pay, promotions, and training, and provide positive feedback to encourage employees. According to Lipsey et al (2010) in Kusuma (2021), ASN is required to be more professional, responsive, and sensitive to the demands of society. Therefore, performance appraisal is very important as a measure of the success of ASN's work in serving the public."[20]

Performance appraisal is also defined as an assessment of the work of individuals or employees produced and compared with existing standards of both quality and quantity that have been previously determined. Individual performance appraisal is very beneficial for the dynamics of organizational growth as a whole, through this assessment, the actual conditions of how employees perform can be known so that further career development can be planned for the employees concerned. In other words, this performance appraisal assesses and evaluates the skills, abilities, achievements, and growth of an employee.[21]

Performance appraisal of civil servants aims to develop the competence of civil servants, improve individual and organizational performance, form civil servants who are professional and have integrity, become the basis for making personnel decisions, and increase accountability and transparency in personnel management." [22]

Performance appraisal is very important to achieve company and employee goals. According to Cashmere, performance appraisal has the following objectives:

1. Improving the quality of work. Performance appraisals help company management identify weaknesses in employees and the systems used so that improvements can be made to both the system and employees.
2. Placement decisions. Performance appraisal determines whether an employee needs to be transferred to another department if his or her performance is inadequate. Conversely, employees with good performance need to be retained or promoted to ensure their performance remains optimal.
3. Career planning and development. Performance appraisal results are used to determine an employee's career path. Employees with improved performance may be promoted, while employees with poor performance may experience career decline or demotion.

4. Training and development needs. The training aims to improve employee performance. Employee development is important to increase their knowledge and skills.
5. Compensation adjustment. Performance appraisal results are used to adjust the compensation of employees whose performance improves, through increased salaries, bonuses, incentives, allowances, or other welfare.
6. Inventory of employee competencies. Performance appraisals provide data on employees' competencies, skills, aptitudes, and potential, which helps companies map out their strengths and weaknesses.
7. Fair employment opportunities. A good performance appraisal system provides a sense of fairness for employees, ensuring those who perform well are rewarded accordingly without discrimination.
8. Effective communication between superiors and subordinates. Performance appraisals also measure the effectiveness of communication between superiors and subordinates, helping superiors improve the way they communicate.
9. Work culture. Performance appraisals create a work culture that values quality and productivity. Employees are encouraged to improve their performance, changing the work culture for the better.
10. Application of sanctions. Performance appraisals are also used to sanction underperforming employees, ranging from reprimands to transfer or dismissal, to improve future performance.[23]

### C. Legal Basis for Performance Appraisal of Civil Servants

Law 5/2014 on ASN in Article 77 paragraph (5) explains to clarify Results of officials' performance appraisals are utilized to guarantee fairness in the progression of civil servants, and are employed as prerequisites in the designation of positions and promotions, granting of benefits, and penalties, transfers, and advancements, along with involvement in education and training. The article also means that every civil servant has the right to obtain an objective, fair, and transparent performance appraisal.

In PP 30/2019 concerning Performance Appraisal of Civil Servants in Article 2, it is explained that civil service performance appraisals aim to ensure fair development based on a merit and career system. Article 3 explains The performance evaluation of civil servants is conducted through performance planning at both individual and organizational levels, considering targets, accomplishments, outcomes, benefits attained, and the conduct of civil servants. Article 4 explains that performance appraisals are carried out based on objective, measurable, accountable, participatory, and transparent principles.

Menpan RB Regulation 6/2022 on ASN Employee Performance Management explains in Article 2 that employee performance management is carried out to achieve organizational goals and objectives. The purpose of performance management is to ensure ASN performance by organizational goals, to improve ASN performance accountability, and to provide a basis for career development, awarding, and sanctions for ASN.

Employee performance management is not just about assessing employee performance (performance appraisal) as an instrument to develop employee performance (performance development). Employee performance management is also intended to provide information that can be used as a basis for awarding and recognizing. Thus, employee performance management is not a punishment stick used to punish employees if the numbers or results achieved are poor. Leaders and employees must believe that employee performance management is beneficial to themselves and the organization. If this is not the case, then the mindset to process numbers to avoid sanctions will continue to develop in employees.

Employee performance reflects the results of work, not just the job description and the behavior shown in working and interacting with others. The key to managing employee performance is performance dialog. Through performance dialog, we are providing flexibility to leaders to set expectations for their employees that are not limited to the job description of the employee concerned. In the past, job descriptions were so rigid that they tended to limit employees' space. Often encountered conditions when what the leadership expects of employees is not included in the job description, then employees will tend to rule out and even refuse. In the future, employee performance management will build the perception that what must be prioritized by employees is the expectations of the leadership or the job to be done, not the job description. Thus, we will also slowly improve the formulation of job descriptions so that they are more dynamic following the dynamic conditions of the organizational environment. In addition to reflecting results, employee performance also reflects the behavior shown in the process of achieving these work results. Employee behavior in achieving work results is expected to be by the basic values of the BerAKHLAK state civil apparatus (Service Oriented, Accountable, Competent, Harmonious, Loyal, Adaptive, and Collaborative) along with the following behavior guidelines:

- (a) Service Orientation involves a dedication to providing exceptional service aimed at satisfying the community by: (1) comprehending and meeting the community's requirements; (2) demonstrating friendliness, efficiency, problem-solving abilities, and reliability; and (3) continuously enhancing service delivery.
- (b) Accountability involves being responsible for the trust bestowed by: (1) performing duties with honesty, responsibility, diligence, discipline, and high integrity; (2) utilizing state assets and property in a responsible, effective, and efficient manner; and (3) refraining from abusing the authority of one's position.

- (c) Competent refers to continually learning and enhancing capabilities, including: (1) Enhancing skills to address evolving challenges effectively; (2) Facilitating learning for others; and (3) Executing tasks with utmost quality.
- (d) Harmony entails showing mutual care and respect for differences by valuing everyone's background, offering assistance to others, and cultivating a supportive work environment.
- (e) Loyalty entails commitment and prioritization of the Nation and State's interests by: (1) Upholding the ideology of Pancasila, the 1945 Constitution, and demonstrating loyalty to the Unitary State of the Republic of Indonesia and its legitimate government; (2) Upholding the reputation of fellow ASNs, leaders, agencies, and the state; (3) Maintaining confidentiality of official and state information.
- (f) Adaptive means continuously innovating and enthusiastically leading and managing change. (1) Quickly adjust to changes; (2) Foster creativity and generate new ideas continually; (3) Take proactive approaches.
- (g) Collaboration involves fostering synergistic cooperation by enabling diverse parties to contribute, embracing teamwork to enhance value creation, and leveraging varied resources to achieve shared objectives.

### III. METHOD

This research uses a normative research method with two complementary approaches, namely, a statutory approach related to ASN performance appraisal and a conceptual approach by examining theoretical concepts related to the principle of balance in ASN performance appraisal. The supporting materials and tools in this research are deductive, meaning that they use existing theories and concepts to analyze data and draw conclusions. In this study, major premises are used, namely the principle of balance in ASN performance appraisal, and minor premises, namely PP 30/2019 on ASN Performance Appraisal and laws and regulations relating to ASN performance appraisal.

### IV. RESULT AND DISCUSSION

Employee performance can be measured based on the results of their work as measured by performance indicators. This indicator is a standard for employee performance appraisal. Performance appraisal is carried out according to predetermined procedures, starting with the preparation of SKP between employees and superiors. This SKP then becomes a performance contract. To determine employee performance in performance appraisal, several indicators are used. This indicator is used to measure the extent to which the level of achievement of employee performance during one year of service."[24]

In previous research, the journal titled "Implementation of Government Regulation Number 30 of 2019 concerning Performance Appraisal of State Civil Apparatus in Sepande Village, Candi District, Sidoarjo Regency" aimed to objectively describe the application of Regulation Number 30 of 2019 regarding ASN Performance Appraisal in Sepande Village, based on the achievement system and career path according to the standards for preparing Employee Performance Targets (SKP). The findings indicated that Sepande Village was not yet fully competent in policy implementation, particularly in the areas of communication and human resources. This shows that there is still a lack of good communication to ensure that all employees understand the process and results of performance appraisals.

There is further research in the research title Implementation of Government Regulation Number 30 of 2019 concerning Performance Appraisal of Civil Servants at the Sub-District Head Office of Talang Kelapa District, Banyuasin Regency. The results of this study explain that the implementation of PP Number 30 of 2019 has gone well, it's just that there are human resources who in doing their work are still accompanied by an attitude of indiscipline.[25]

In research related to whether the principle of balance has been implemented in performance appraisal policies that guarantee fairness and equal treatment for all ASN employees, the author takes an example of research with the title Analysis of the Implementation of Performance Appraisal of State Civil Apparatus as Part of the Human Resource Development Process: Motivation Booster or Demotivator. The results of the study explain that performance appraisals cannot have an impact on improving the quality of employee performance, even in some other cases performance appraisals can reduce morale. This is caused if the performance appraisal is not carried out according to its function, there is a wrong idea that performance appraisal is equalized for all employees, whether they have good or bad performance with the thought of "to be fair", performance appraisal is carried out only as a mere formality.

Other research related to the principle of balance in performance appraisal is found in research with the title Analysis of the Effect of Work Stress, Work Environment, Workload, and Job Satisfaction on Employees at PT Natural Nusantara (NASA) Yogyakarta. The results of this study explain that there is a positive and significant influence between job satisfaction with work stress, work environment, and workload. The interesting thing about this research is that it illustrates that if the principle of balance is not applied properly, it will have an impact on employee dissatisfaction at work. Like the theory explained by Adam, an organization must have balance. The factors of the theory are input, outcome, comparison person, and equity in equity. Employees who have good

performance should get a reward or appreciation from the organization where they work to create job satisfaction and the principle of balance.[26]

From previous research as described above, it can be concluded that the ASN performance appraisal policy is by applicable laws and regulations, namely PP Number 30 of 2019 with the mechanism for preparing SKP (Employee Performance Objectives). The existence of this policy helps ensure that performance appraisals are carried out objectively, accountably, and transparently, which are the basic principles in ASN management.

In terms of balance implementation, although the policy has been designed to ensure fairness and balance, implementation in the field still shows challenges, especially related to unobjective performance appraisals from superiors. Then in terms of reward or appreciation, it is still considered that it has not been done properly, so there are still employees who have good performance but are demotivated.

## V. CONCLUSION

Based on the results of the explanation above, it can be concluded that the implementation of the principle of balance in the policy on performance appraisal of State Civil Apparatus employees has gone well. However, improvements must still be made in terms of monitoring mechanisms, and increasing understanding of the performance appraisal process so that it can help reduce subjectivity and increase fairness and equality of treatment for all employees.

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