

The Effectiveness of Criminal Law Supervision on Regional Employee Management in the Era of Autonomy

¹Berlian Evi Yenni Pakpahan, ²Ismaidar, ³Suci Ramadani

^{1,2,3}Universitas Pembangunan Panca Budi, Sumatera Utara, Indonesia

¹berlianpakpahan@gmail.com, ²ismaidar@dosen.pancabudi.ac.id,

³suciramadani@dosen.pancabudi.ac.id

ABSTRACT

The purpose of this study is to analyze the importance of legal supervision in maintaining regional personnel management in accordance with the merit system and the principles of good governance. The method used in this study is a normative juridical approach by examining relevant legislation, legal literature, and public administration doctrines. The results of the analysis show that the effectiveness of legal supervision plays an important role in preventing abuse of authority, nepotism, and the politicization of positions in local government. Effective legal supervision can strengthen performance-based civil service systems, increase the professionalism of the civil service, and ensure a clean and accountable bureaucracy. In conclusion, the application of effective legal supervision in regional personnel management is a fundamental requirement in the era of autonomy. Strong legal supervision is not only a means of controlling the implementation of regional authority, but also a means of fostering and strengthening the integrity of the apparatus in realizing good governance.

Keywords: Legal Supervision, Regional Civil Service Management, Effectiveness, Regional Autonomy

ABSTRAK

Tujuan penelitian ini adalah untuk menganalisis pentingnya pengawasan hukum dalam menjaga tata kelola kepegawaian daerah agar tetap sesuai dengan asas merit system dan prinsip good governance. Metode yang digunakan dalam penelitian ini adalah pendekatan yuridis normatif dengan menelaah peraturan perundang-undangan, literatur hukum, serta doktrin administrasi publik yang relevan. Hasil analisis menunjukkan bahwa efektivitas pengawasan hukum berperan penting dalam mencegah penyalahgunaan wewenang, praktik nepotisme, serta politisasi jabatan di lingkungan pemerintah daerah. Pengawasan hukum yang efektif mampu memperkuat sistem kepegawaian berbasis kinerja, meningkatkan profesionalitas aparatur sipil negara, serta menjamin terselenggaranya birokrasi yang bersih dan akuntabel. Kesimpulannya, penerapan efektivitas pengawasan hukum dalam manajemen kepegawaian daerah merupakan kebutuhan mendasar dalam era otonomi. Pengawasan hukum yang kuat tidak hanya menjadi alat kontrol terhadap pelaksanaan kewenangan daerah, tetapi juga menjadi sarana pembinaan dan penguatan integritas aparatur dalam mewujudkan tata kelola pemerintahan yang baik.

Kata Kunci: Pengawasan Hukum, Manajemen Kepegawaian Daerah, Efektivitas, Otonomi Daerah

Introduction

The implementation of regional autonomy in Indonesia provides a great opportunity for regions to manage their own affairs, including the management of civil servants at the regional level. Regional personnel management is one of the strategic instruments in supporting the success of regional autonomy, because the quality of public services and bureaucratic performance is greatly influenced by the quality of human resources. Regional personnel management is specifically regulated in various regulations, including Law No. 20

of 2023 on the Civil Service, Government Regulation No. 17 of 2020 on Civil Service Management, and other technical regulations. These regulations contain the principles of merit, professionalism, transparency, and accountability as the basis for regional employee management. However, in practice, violations of these principles are still frequently found, such as the buying and selling of positions, the appointment of employees without valid procedures, the misuse of employee budgets, and gratuities related to job promotions. These phenomena not only violate administrative norms, but to a certain extent also constitute criminal offences, particularly corruption, bribery, and abuse of authority as regulated in the Criminal Code (KUHP) and special laws such as Law No. 31 of 1999 jo. Law No. 20 of 2001. Therefore, effective criminal law supervision is needed so that regional personnel management can avoid deviant practices that harm the state and society.

The effectiveness of criminal law enforcement is determined not only by the existence of regulations, but also by the capacity and integrity of law enforcement officials, coordination between supervisory agencies, and the protection of *whistleblowers*. Evidence shows that internal oversight through regional inspectorates is often insufficient, making external oversight through criminal law enforcement crucial as a last resort (*ultimum remedium*) in addressing serious violations.

However, the effectiveness of criminal law enforcement in this area faces various obstacles. Some of these include low reporting rates of violations due to a culture of fear of superiors, *conflicts of interest* between supervisory officials and those being supervised, and political intervention that hinders the legal process. On the other hand, a repressive approach through criminal law needs to be balanced with preventive measures such as anti-corruption education, transparency in recruitment, and digitisation of the civil service system to minimise opportunities for abuse. In the era of autonomy, the challenges of criminal law supervision of regional personnel management have become increasingly complex. This is due to differences in human resource capabilities in each region, weak coordination between regional governments and central law enforcement agencies, and the potential local political Public demand for professional public services that are free from corrupt practices is increasing, so criminal law supervision needs to be carried out using an adaptive, transparent approach based on strong evidence. This study aims to provide a deeper understanding of the extent to which criminal law supervision plays a role in overseeing regional personnel management in the era of autonomy. The results are expected to provide input for policymakers, law enforcement officials, and the public in strengthening a monitoring system that is not only legally effective but also fair and oriented towards improving bureaucratic performance. Regional autonomy has given local governments broad authority to regulate and manage the interests of their communities, including in terms of personnel management. However, this freedom is often accompanied by the potential for abuse of authority, conflicts of interest, and even criminal acts involving civil servants. Therefore, criminal law supervision is an important instrument to ensure that personnel management is carried out in accordance with the principles of integrity, accountability, and legal compliance.

Based on the description of the background of the problem, this study is titled "The Effectiveness of Criminal Law Supervision on Regional Personnel Management in the Era of Autonomy".

Methods Research

This study is a normative legal study that focuses on legal norms governing criminal law supervision of regional personnel management in the era of regional autonomy. The research focuses on examining the laws and regulations that form the

legal basis, including Law No. 23 of 2014 on Regional Government, Law No. 5 of 2014 on the State Civil Apparatus, and criminal law provisions relating to civil service violations. The approach used includes *a statute approach*, which analyses the laws and regulations governing regional personnel management and the criminal law instruments that can be used in its supervision. *A conceptual approach* is used to understand the concept of criminal law supervision, legal effectiveness, and the principles of good regional governance. In addition, *a historical approach* is also used to trace the development of civil service management policies from the era of centralisation to the era of regional autonomy, in order to understand the background to the current regulations. The literature study was conducted by tracing, reviewing, and analysing relevant literature, including laws and regulations, court decisions, books, scientific journals, and official government documents. The primary legal materials that were the focus of the study included laws and regulations that directly regulate civil service management in the regions, such as Law No. 23 of 2014 on Regional Government, Law No. 5 of 2014 on the State Civil Apparatus, Government Regulation No. 94 of 2021 on Civil Servant Discipline, and other technical regulations governing regional personnel management. Secondary legal materials were obtained from scientific works discussing the concepts of regional autonomy, decentralisation, bureaucratic reform, and the public personnel system. These included books by public administration academics, legal journal articles, previous research results, and official reports from government agencies providing critical analysis of the implementation of regional personnel management in the era of autonomy. Tertiary legal materials are used as supplements, such as legal dictionaries, legal encyclopaedias, regulation indexes, and other sources of information that help provide terminological definitions and literature search guides. In practice, this literature study not only collects descriptive data, but also analyses the relationship between legal norms, compares applicable provisions, and assesses the consistency of these rules with the principles of regional autonomy and good governance.

Results and Discussion

Regulations on the Implementation of Effective Legal Supervision of Regional Personnel Management in the Era of Autonomy

Legal supervision of regional personnel management is a crucial element in ensuring good, clean, and ethical governance in the era of regional autonomy. Since the enactment of Law No. 23 of 2014 on Regional Government, regional governments have been granted broad authority to regulate and manage government affairs in accordance with the principles of autonomy and assistance. However, the exercise of these powers must remain within the corridor of law through effective oversight mechanisms to prevent abuse of authority, violations of the principles of state administrative law, and violations of the general principles of good governance.

Normatively, regulations concerning supervision of regional personnel management are based on several interrelated laws and regulations. Law No. 23 of 2014 serves as the main foundation, particularly Articles 217 to 225, which emphasise the importance of guidance and supervision of regional government administration. In addition, Law No. 5 of 2014 on the State Civil Apparatus stipulates that guidance and supervision of the state civil apparatus must be carried out based on a merit system, which ensures that every decision in ASN

management is based on qualifications, competence, and performance, not on personal or political relationships. The Civil Service Commission (KASN) was established as an independent institution with a mandate to oversee the implementation of the merit system in national and regional personnel policies.

Furthermore, Government Regulation No. 12 of 2017 concerning the Guidance and Supervision of Regional Government Administration reinforces the role of the central government and provincial government agencies () in providing guidance and supervision to district and city governments. Meanwhile, technical regulations concerning civil service management are stipulated in Government Regulation No. 11 of 2017, as amended by Government Regulation No. 17 of 2020, which emphasises the importance of professionalism, accountability, and transparency in every aspect of personnel management.

The implementation of legal supervision of regional personnel management is carried out through internal and external supervision mechanisms. Internal supervision is carried out by the Regional Inspectorate and the Regional Personnel Agency, which are responsible for providing guidance and evaluating the implementation of personnel policies within the regional government. Meanwhile, external supervision is carried out by the Ministry of Home Affairs, the State Civil Service Agency (BKN), the State Civil Service Commission (KASN), and other institutions such as the Ombudsman and the Supreme Audit Agency (BPK), which have the authority to examine, evaluate, and provide recommendations on the implementation of personnel management in the regions. The effectiveness of legal supervision is not only determined by the level of administrative compliance, but also by the extent to which the results of such supervision can encourage changes in bureaucratic behaviour towards a professional and integrity-based civil service management system.

Although regulated by law, the implementation of legal supervision of regional personnel management still faces various obstacles. Overlapping authorities between central and regional supervisory agencies often cause confusion in the implementation of supervision. The weak capacity, independence, and integrity of supervisory officials are also major obstacles. In addition, low legal awareness and discipline among officials in applying the merit system principle have led to various irregularities in the recruitment, promotion, and transfer of employees. It is also not uncommon for sanctions for civil service violations to be merely administrative in nature and not have a deterrent effect, so that nepotism, collusion, and the politicisation of positions still frequently occur in local government circles.

In order to improve the effectiveness of legal supervision, systematic and sustainable strengthening measures are needed. Regulations need to be reformulated to avoid overlapping authorities between supervisory agencies, so that the supervisory mechanism becomes more focused and efficient. The use of information technology through the implementation of a digital-based civil service system or e-government is also very important to create transparency and accountability in every stage of ASN management. In addition, improving the capacity, professionalism, and integrity of supervisory officials at both the central and regional levels is an absolute requirement for effective supervision. The enforcement of strict and consistent legal sanctions for any violations in personnel management must also be strengthened in order to create a deterrent effect and demonstrate the government's commitment to a clean bureaucracy.

Thus, the regulation of the implementation of effective legal supervision of regional personnel management in the era of autonomy is not only oriented towards compliance with legal norms, but also towards the achievement of good governance values, which include transparency, accountability, professionalism, and fairness. Effective legal supervision will play an important role in building a competitive, integrity-based local bureaucratic system

that is oriented towards quality public services, in line with the spirit of responsible regional autonomy.

The Urgency of Implementing Effective Legal Supervision of Regional Personnel Management in the Era of Autonomy

In the context of regional governance, legal oversight of personnel management plays a highly strategic role in realising clean, professional and accountable governance. The era of regional autonomy, characterised by the granting of broad powers to local governments to regulate and manage their own affairs, requires strong oversight mechanisms to ensure that the implementation of autonomy does not deviate from the principles of law, administrative ethics, and good governance values. Legal supervision serves as an instrument to ensure that every policy and action taken by local governments in the field of personnel management remains in accordance with the provisions of laws and regulations as well as the principles of justice and professionalism of the state apparatus.

The urgency of implementing effective legal oversight is increasingly apparent when we consider the reality that regional personnel management is often marred by practices that are not in line with the principles of the merit system, such as nepotism, collusion, and the politicisation of positions. This phenomenon has the potential to undermine the integrity of the bureaucracy and reduce the quality of public services. In this regard, legal oversight serves as the last line of defence to ensure that the processes of appointment, promotion, transfer, and disciplinary action are based on competence and performance, rather than personal connections or political interests.

The effectiveness of legal oversight determines the extent to which the regional civil service system can operate objectively, transparently and accountably. In addition, the urgency of legal oversight is also closely related to efforts to prevent abuse of authority by regional officials. In the era of autonomy, the considerable authority vested in regional heads has the potential to lead to actions that exceed legal authority if not balanced with strict oversight. Legal oversight serves to control every action of local officials so that they remain within the corridor of law and the general principles of good governance (AUPB), such as the principle of legal certainty, the principle of proportionality, and the principle of accountability. Through effective legal oversight, policy deviations or violations in human resource management within local government can be minimised.

The urgency of implementing effective legal supervision is also evident from the importance of maintaining the quality of public services in the regions. Civil servants, as implementers of public policy, play a central role in determining the success of regional autonomy. If personnel management is not strictly supervised, it is highly likely that unprofessional, slow, and self- or group-oriented bureaucratic practices will emerge. Therefore, effective legal supervision is key to creating a work culture among civil servants that is disciplined, responsible, and oriented towards public service.

From the perspective of state administrative law, legal oversight is also a manifestation of the principle of checks and balances in the regional government system. Local governments cannot exercise their authority absolutely without control from supervisory institutions. Through normative supervisory mechanisms, such as those regulated by the State Civil Service Commission (KASN), the Regional Inspectorate, and the State Civil Service Agency (BKN), the supervisory function can ensure that personnel management is carried out in accordance with the principles of legality and public administration ethics. The effectiveness of legal oversight is thus a key measure of the success of decentralisation, as it reveals whether the implementation of autonomy is in line with the national goal of achieving public welfare.

Not only as a control tool, legal supervision also serves as a coaching instrument for regional officials. With effective supervision, any violations can be immediately detected and followed up, while weaknesses in the system can be corrected through clear legal recommendations. Supervision that is carried out constructively and continuously will help improve the quality of human resources among officials and strengthen the performance-based personnel management system. In the long term, this will have a positive impact on the stability of local government and public trust in government institutions.

The urgency of implementing effective legal oversight of regional personnel management ultimately aims to strengthen the integrity and professionalism of the civil service at the regional level. Without effective legal oversight, regional autonomy has the potential to become abused, where the power of regional heads or certain officials is not controlled by the principles of law and public accountability. Therefore, consistent enforcement of legal supervision is a prerequisite for the success of government decentralisation, as well as a key pillar in building a clean bureaucracy that is responsive to the needs of the community. Thus, the urgency of implementing effective legal supervision of regional personnel management in the era of autonomy lies not only in the normative aspect, but also in the practical and moral aspects of governance. Effective legal supervision is not merely an administrative mechanism, but a constitutional necessity in maintaining the balance between regional authority and responsibility. Through planned, measurable, and law-based supervision, it is hoped that regional personnel management can become the foundation for the creation of a clean, efficient regional government that is oriented towards fair and transparent public services.

Conclusion

Legal supervision of regional personnel management plays a very important role in ensuring transparent, accountable regional administration that complies with the principles of state administrative law. In the era of autonomy, where local governments have broad authority to regulate and manage their own affairs, legal supervision serves as a control mechanism to ensure that this authority is not abused and remains within the bounds of applicable law. The effectiveness of legal supervision reflects the extent to which the local civil service system can be managed professionally based on merit, as well as the extent to which local government officials uphold the values of integrity and public responsibility.

The urgency of implementing legal oversight is evident from the increasing need for a clean bureaucracy that is oriented towards public service. Without strong legal oversight, it will be difficult to avoid the abuse of authority, nepotism, collusion, and the politicisation of positions. Therefore, the effectiveness of legal oversight must be implemented comprehensively through the strengthening of regulations, increasing the capacity of supervisory officials, and implementing a digital-based staffing system to ensure transparency and accountability.

With effective legal oversight, it is hoped that regional personnel management can be carried out in accordance with the principles of professionalism, neutrality, and fairness, so that civil servants are able to perform their duties optimally for the benefit of the community. Ultimately, the effectiveness of legal oversight is not only an administrative necessity, but also serves as a moral and constitutional foundation for achieving clean, integrity-driven local government that aligns with the objectives of regional autonomy to enhance public welfare.

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