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## Legal implications of changes to State Civil Servants or Aparatur Sipil Negara (ASN) regulations on personnel management systems in Indonesia

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### ABSTRACT

The amendment of the State Civil Servants or Aparatur Sipil Negara (ASN) regulation through Law Number 20 of 2023 introduced significant normative changes to Indonesia's personnel management system. This study examines the legal consequences of these regulatory changes from the perspective of state administrative law, focusing on the merit system, institutional oversight, talent management, and the reorganization of non-ASN staff. The methodology utilized in this analysis is normative juridical, employing both statutory and conceptual approaches grounded in secondary legal resources such as statutes, legal theories, academic publications, and formal institutional documents. The findings indicate that Law Number 20 of 2023 enhances the merit system by implementing national talent management and a unified digital system for personnel administration, while offering a more defined legal structure for the reorganization of non-ASN staff. Moreover, the new regulation proposes modifications to the institutional framework governing ASN oversight, including the revision of the supervisory function previously held by the State Civil Service Commission or Komisi Aparatur Sipil Negara (KASN). From an administrative law perspective, these alterations have legal implications for the principles of legality, certainty, accountability, professionalism, and neutrality within public administration. This research contends that while the recent regulation signifies a movement towards modernizing and reinforcing ASN governance, various normative challenges persist, especially in relation to institutional oversight, the harmonization of implementation regulations, and the reliability of merit system protections amid Indonesia's bureaucratic reform initiatives. Consequently, there is a need for comprehensive derivative regulations and enhanced administrative oversight to guarantee legal certainty and the effective execution of the ASN personnel management system.

**Keywords:** state civil servants; juridical implications; merit system; administrative law; personnel management

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RESEARCH & PUBLISHING



## 1. INTRODUCTION

The enactment of Law Number 20 of 2023 concerning State Civil Servants or Aparatur Sipil Negara (ASN) constitutes a significant normative reform within Indonesia's state administrative law system, particularly in relation to the governance of personnel management and bureaucratic reform (Ilyas, 2020; Republic of Indonesia, 2023). The amendment replaced Law Number 5 of 2014 and introduced substantial changes to the structure of ASN management, including strengthening the merit system, restructuring institutional oversight, arranging non-ASN personnel, and digitalizing personnel administration (Effendy et al., 2024). From the perspective of constitutional and administrative law, the regulation of ASN represents an important legal instrument in realizing the constitutional principle of Indonesia as a state based on law, as stipulated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Therefore, ASN management is not merely administrative in character but also closely related to the implementation of the principles of legality (*rechtmatigheid*), legal certainty (*rechtszekerheid*), accountability, professionalism, and neutrality within public administration (Robuwan et al., 2025).

Prior to the enactment of Law Number 20 of 2023, ASN governance was regulated under Law Number 5 of 2014, which introduced the merit system as the principal paradigm of personnel management (Republic of Indonesia, 2014). The first article of Law Number 5 of 2014 describes the merit system as a set of policies and management practices for ASN that rely on qualifications, skills, and performance, executed fairly and justly without any discrimination. Additionally, the enforcement of the merit system was reinforced through the national development plan outlined in the 2020–2024 National Medium-Term Development Plan or Rencana Pembangunan Jangka Menengah Nasional (RPJMN), which prioritized merit-based ASN governance as a key initiative in bureaucratic reform (Sandinirwan et al., 2022; Sefullah et al., 2020). The application of the merit system is fundamentally rooted in several key components, including qualifications, abilities, potential, performance, integrity, and ethics. Normatively, these principles indicate that ASN governance aims to create a professional bureaucracy that adheres to objective criteria and remains free of political influence (Prasetya, 2019).

Nonetheless, academic research and earlier investigations reveal that the application of the merit system pursuant to Law Number 5 of 2014 faced various structural and institutional obstacles (Sandinirwan et al., 2022). Past studies have illustrated that political interference in job appointments, inadequate oversight frameworks, and variations in institutional capabilities continue to undermine the efficiency of merit-based ASN administration (Saputra, 2023; Septiani, 2023). From an administrative law perspective, these circumstances indicate a discrepancy between normative ideals (*das sollen*) and actual implementation (*das sein*), especially regarding the uniformity of administrative accountability and impartiality in workforce management. Consequently, the government enacted Law Number 20 of 2023 to advance a more comprehensive legal strategy focused on enhancing bureaucratic reform via a more flexible, cohesive, and competency-oriented personnel management system (Effendy et al., 2024).

One of the principal normative changes introduced by Law Number 20 of 2023 is the strengthening of the merit system through the development of national talent management (Republic of Indonesia, 2023). The new regulation reflects a shift from conventional personnel administration toward a strategic human resource governance model focused on the identification, development, and retention of ASN with superior competence. In addition, the law introduces integrated digital personnel administration systems intended to improve efficiency, transparency, and accuracy in ASN management (Effendy et al., 2024). These changes indicate the state's efforts to modernize administrative governance while reinforcing professionalism and performance-based public administration. From a doctrinal perspective, the strengthening of talent management and digital administration demonstrates an expansion of the legal framework governing ASN management beyond traditional bureaucratic administration toward a more structured and measurable governance model (Prasetya, 2019).

Another significant aspect regulated under Law Number 20 of 2023 is the restructuring of non-ASN personnel. Article 66 of the new ASN Law stipulates that the arrangement of non-ASN employees must be completed no later than December 2024, while government institutions are prohibited from appointing new non-ASN personnel after the enactment of the law (Republic of Indonesia, 2023). This provision

constitutes an important normative change because it seeks to establish legal certainty regarding employment status within government institutions while simultaneously restructuring the national personnel system (Wahyudin et al., 2023). Furthermore, in Constitutional Court Decision Number 119/PUU-XXII/2024, the Court affirmed that the regulation concerning non-ASN personnel does not eliminate the constitutional rights of honorary employees, since the legal framework of Government Employees with Work Agreements or Pegawai Pemerintah dengan Perjanjian Kerja (PPPK) continues to accommodate honorary personnel who meet the qualifications required by the government. From the perspective of administrative law, this policy reflects the application of the principles of legal certainty, equality before the law, and non-discriminatory administrative governance in the management of state personnel (Nurfransiska et al., 2025).

In addition to changes concerning talent management and non-ASN personnel, Law Number 20 of 2023 also introduced substantial institutional restructuring regarding the supervision of the merit system, particularly related to the State Civil Service Commission or Komisi Aparatur Sipil Negara (KASN). Under the previous legal framework, the KASN functioned as an independent institution responsible for supervising the implementation of the merit system and maintaining ASN neutrality (Hakiki et al., 2025; Wishesa, 2020). However, under the new regulation, the institutional structure of the KASN was removed, and its supervisory functions were transferred to ministries or government agencies, as regulated under Article 26, paragraph (2) of Law Number 20 of 2023 (Pekey et al., 2024). According to the statement delivered by the House of Representatives or Dewan Perwakilan Rakyat (DPR) in the Constitutional Court proceedings concerning the judicial review of the ASN Law, the removal of the KASN was considered part of a designed restructuring of ASN management institutions rather than the elimination of supervisory functions themselves. Nevertheless, from the perspective of state administrative law, the restructuring of supervisory authority raises important juridical questions concerning institutional independence, checks and balances, external administrative control, and the effectiveness of merit system protection in ASN governance. The transfer of supervisory authority from an independent institution to executive governmental institutions potentially creates concerns regarding conflicts of interest and the weakening of external oversight mechanisms in personnel management (Barus, 2022).

Numerous earlier studies have typically addressed bureaucratic reforms, the application of merit systems, and the governance of ASN from both practical and policy-driven viewpoints (Effendy et al., 2024). Nonetheless, there is a scarcity of legal research that specifically explores the legal consequences of implementing Law Number 20 of 2023, especially regarding institutional reorganization, modifications in supervisory powers, and the impact on the principles of legality, accountability, professionalism, and impartiality in Indonesia's staffing management framework. Most prior investigations emphasize the effectiveness of implementation and policy rather than a doctrinal examination of changes in ASN legal regulations (Nurfransiska et al., 2025). This study is distinct from earlier studies because it concentrates on the legal ramifications of institutional reorganization as dictated by Law Number 20 of 2023 through a doctrinal administrative law lens. Consequently, this study aims to explore the normative alterations brought about by Law Number 20 of 2023 and assess their legal impact on Indonesia's ASN personnel management framework from the standpoint of state administrative law (Robuwan et al., 2025).

Based on the foregoing explanation, this study aims to analyze the normative changes introduced by Law Number 20 of 2023 concerning the State Civil Apparatus and examine their juridical implications for the personnel management system in Indonesia (Republic of Indonesia, 2023). This study specifically focuses on changes related to the merit system, institutional supervision, talent management, restructuring of non-ASN personnel, and administrative accountability within ASN governance (Effendy et al., 2024). Through a normative juridical approach, this study is expected to contribute to the development of state administrative law scholarship, particularly concerning the legal framework of ASN governance and the sustainability of bureaucratic reform in Indonesia (Ilyas, 2020).

## 2. RESEARCH METHOD

This study employs a normative juridical legal research method with a doctrinal approach to analyze the juridical implications of the amendments to the ASN regulations on Indonesia's personnel management system. Normative legal research was used because the study focused on examining legal norms, principles, doctrines, and the harmonization of laws and regulations within the framework of state administrative law (Nurfransiska et al., 2025; Robuwan et al., 2025). Normative legal research is conducted to systematically and prescriptively analyze legal norms and doctrines as the basis for resolving legal issues. Therefore, this study emphasizes doctrinal legal analysis concerning the consistency, legal consequences, and administrative law implications arising from the enactment of Law Number 20 of 2023 concerning the State Civil Apparatus as a replacement for Law Number 5 of 2014 (Republic of Indonesia, 2014; Republic of Indonesia, 2023). This research specifically examines normative changes related to the merit system, institutional supervision, talent management, restructuring of non-ASN personnel, and digitalization of personnel administration (Effendy et al., 2024). This study does not employ empirical field research methods, surveys, or interviews but relies entirely on secondary legal materials and doctrinal legal analysis.

The approaches applied in this research consist of the statute, conceptual, and comparative approaches. The statute approach is used to examine the statutory regulations governing ASN management, particularly Law Number 5 of 2014 and Law Number 20 of 2023, including related implementing regulations concerning bureaucratic reform and personnel governance (Republic of Indonesia, 2014; Republic of Indonesia, 2023). The conceptual approach is used to analyze the doctrines and principles of state administrative law, including the principles of legality (*rechtmatigheid*), legal certainty (*rechtszekerheid*), accountability, professionalism, neutrality, and merit-based governance in public administration (Robuwan et al., 2025). Meanwhile, a comparative approach is employed to identify and compare normative changes between the previous ASN Law and the newly enacted ASN Law, particularly concerning the restructuring of institutional supervision, transfer of authority, strengthening of the merit system, and regulation of non-ASN personnel. Through these approaches, this study seeks to evaluate the juridical consequences of regulatory changes within Indonesia's administrative law system (Effendy et al., 2024).

The legal materials used in this research are entirely derived from secondary data, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations, constitutional provisions, official state documents, and judicial decisions relevant to ASN governance, including Law Number 20 of 2023 concerning the State Civil Apparatus (Republic of Indonesia, 2023), Law Number 5 of 2014 (Republic of Indonesia, 2014), the 1945 Constitution of the Republic of Indonesia, and Constitutional Court decisions related to ASN regulations and institutional restructuring. Secondary legal materials consist of legal textbooks, scientific journal articles, previous legal research, scholarly opinions, and official institutional reports issued by government agencies such as the State Civil Service Agency or Badan Kepegawaian Negara (BKN), the Ministry of Administrative and Bureaucratic Reform or Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi (Kementerian PANRB), and the KASN (Barus, 2022). Tertiary legal materials include legal dictionaries, encyclopedias, and reference materials used to support the understanding of legal concepts and doctrines relevant to this study.

Legal materials were collected through a literature study by identifying, reviewing, and classifying legal documents and academic literature relevant to the research topic (Sandinirwan et al., 2022). The collected legal materials were subsequently analyzed qualitatively through several stages: identification, classification, interpretation, evaluation, and legal argumentation. The identification stage was conducted to determine the relevance of legal materials to issues concerning amendments to ASN regulations and their legal implications. The classification stage grouped legal materials according to major themes, including the merit system, talent management, institutional restructuring, supervision mechanisms, digitalization of personnel administration, and the arrangement of non-ASN personnel (Effendy et al., 2024). The interpretation stage was carried out through a systematic and doctrinal interpretation of legal norms in relation to the principles of state administrative law. Furthermore, the evaluation and legal

argumentation stages were conducted to assess the consistency of legal norms, analyze the transfer of institutional authority, and formulate prescriptive legal arguments regarding the effectiveness of ASN governance after the enactment of Law No. 20 of 2023 (Saputra, 2023). Through these analytical stages, this study aims to produce a comprehensive doctrinal analysis of the juridical implications of amendments to ASN regulations within Indonesia's personnel management system.

### **3. RESULTS AND DISCUSSION**

#### **3.1. Changes to ASN Regulations in the Indonesian Civil Service Legal System**

The amendment of ASN regulations through Law Number 20 of 2023 constitutes a form of administrative law reform aimed at strengthening bureaucratic reform and realizing professional, effective, and merit-based governance (Ilyas, 2020; Republic of Indonesia, 2023). From the perspective of constitutional law, the existence of ASN serves as a constitutional instrument of the state in carrying out governmental functions as mandated by the Preamble of the 1945 Constitution of the Republic of Indonesia, particularly in achieving the objectives of protecting the nation and providing quality public services (Prasetia, 2019). Therefore, changes to ASN regulations should not be understood merely as administrative revisions to the state civil service system, but also as a legal policy with implications for the principles of the rule of law, bureaucratic professionalism, and governmental accountability (Robuwan et al., 2025).

Law Number 5 of 2014 previously introduced a merit system as the primary paradigm in ASN management. Article 1 of the 2014 ASN Law defines the merit system as a policy and management framework based on qualifications, competencies, and performance, implemented fairly and reasonably, without discrimination (Republic of Indonesia, 2014). The merit system became the basis for recruitment, promotion, transfer, and career development processes to establish a professional bureaucracy free from political intervention. Furthermore, Article 2 emphasizes that the implementation of the merit system must be based on the principles of qualifications, competence, performance, integrity, and morality (Sefullah et al., 2020). Theoretically, this concept aligns with the principle of professionalism in administrative law, which, according to Ridwan HR, places government officials as executors of public authority who must act based on competence, objectivity, and public interest. However, in practice, the merit system's implementation has faced various obstacles, including bureaucratic politicization, weak independent oversight, and inconsistencies in regional policy implementation (Sandinirwan et al., 2022; Saputra, 2023).

Law Number 20 of 2023 was subsequently enacted to improve the ASN system, which had not fully responded to the demands of a modern bureaucracy (Republic of Indonesia, 2023). These changes can be explicitly identified in the considerations section of the 2023 ASN Law, which emphasizes the acceleration of ASN transformation to create civil servants who are service-oriented, accountable, competent, harmonious, loyal, adaptive, and collaborative. Compared to Law Number 5 of 2014, which primarily focused on establishing a professional and neutral ASN, Law Number 20 of 2023 expands this orientation to strengthen national talent management and performance-based bureaucracy (Effendy et al., 2024). Consequently, this regulatory reform reflects a paradigm shift from a conventional personnel administration system to a more flexible and strategic human resource management approach within the bureaucracy (Ilyas, 2020).

A normative analysis contrasting Law Number 5 of 2014 and Law Number 20 of 2023 reveals significant alterations in the ASN management system. The 2014 law emphasized recruitment based on merit through a national selection process and a personnel management system linked to specific positions (Republic of Indonesia, 2014). In contrast, the 2023 legislation enhances the approach to talent pools and promotes the movement of talent across different institutions and sectors (Effendy et al., 2024; Republic of Indonesia, 2023). Moreover, considerable progress has been made in reinforcing the core values of the ASN. The 2014 law only mentioned ASN values via broad principles like professionalism, neutrality, and public service, while the 2023 law directly fortifies these values through the BerAKHLAK concept and the employer branding message "Proud to Serve the Nation." These modifications suggest that the new legislation oversees not only administrative elements but also aims to foster a contemporary and cohesive

bureaucratic work culture. From the standpoint of administrative law, the enhanced focus on ASN core values represents a commitment to good governance principles that highlight public service, accountability, and integrity of the bureaucracy (Prasetia, 2019).

Another significant change under the 2023 ASN Law concerns the regulation of non-ASN personnel, which had not been explicitly regulated under Law Number 5 of 2014. Article 66 of Law Number 20 of 2023 stipulates that the restructuring of non-ASN employees must be completed no later than December 2024, and government institutions are prohibited from appointing non-ASN personnel outside the ASN mechanism (Republic of Indonesia, 2023). This provision has major juridical implications because it provides legal certainty regarding the status of honorary workers while reinforcing a merit-based and professional national civil service system (Wahyudin et al., 2023). In Constitutional Court Decision Number 119/PUU-XXII/2024, the Court affirmed that such regulation does not contradict the principle of the rule of law and instead represents a form of fair legal protection for honorary employees, provided that they fulfill the qualifications determined by the government. Therefore, the regulation of non-ASN personnel under the 2023 ASN Law is not merely an issue of personnel administration but also relates to the constitutional guarantee of legal certainty and equal treatment by the government (Nurfransiska et al., 2025).

In addition to reinforcing the merit-based system and reorganizing non-ASN staff, Law Number 20 of 2023 also initiates the digital transformation of ASN management as a component of national bureaucratic advancement. Article 1 of the 2023 ASN Law characterizes the digital transformation of ASN management as a method of administering ASN via interconnected digital technology frameworks and data (Republic of Indonesia, 2023). Unlike the 2014 Law, which did not specifically address digital transformation, this clause highlights the focus on electronic governance. From an administrative law perspective, ASN digital transformation signifies the application of principles such as effectiveness, efficiency, transparency, and accountability within public administration (Effendy et al., 2024). However, ASN digital transformation encounters numerous obstacles, including uneven technological infrastructure, insufficient human resource capabilities, and inadequate integration of personnel information systems between central and regional entities. Consequently, the effectiveness of ASN digital transformation relies not only on the presence of legal guidelines but also on the preparation of institutions and the bureaucratic ability to implement digital changes (Prasetia, 2019).

The most fundamental change introduced by Law Number 20 of 2023 is the abolition of the KASN as an independent oversight body for the merit system. Under Law Number 5 of 2014, the KASN possesses the authority to supervise the implementation of the merit system, maintain ASN neutrality, and oversee the code of ethics and conduct of ASN employees (Hakiki et al., 2025; Wishesa, 2020). However, under Law Number 20 of 2023, these functions were transferred to the Kementerian PANRB and BKN (Republic of Indonesia, 2023). The House of Representatives argued that the abolition of the KASN was part of the restructuring of ASN management to improve bureaucratic efficiency and avoid overlapping authority. Nevertheless, from a doctrinal administrative law perspective, this transfer of authority raises serious concerns regarding oversight independence and the principle of checks and balances within the administrative system (Barus, 2022).

Previously, the KASN functioned as an external oversight institution relatively independent of political intervention (Pekey et al., 2024; Wishesa, 2020). Following the transfer of authority to ministerial and technical government institutions, merit system supervision potentially shifts to internal bureaucratic supervision. This condition creates the possibility of conflicts of interest because institutions responsible for formulating and implementing ASN policies simultaneously act as supervisors of these policies (Barus, 2022). In modern rule of law theory, as argued by Jimly Asshiddiqie, the mechanism of checks and balances is necessary to prevent the concentration of power and abuse of authority within government administration. Therefore, the abolition of the KASN may be regarded as a weakening of independent oversight over the ASN merit system (Septiani, 2023). Furthermore, Constitutional Court Decision Number 121/PUU-XXII/2024 explicitly affirmed that the supervision of the merit system, code of ethics, and code of conduct for ASN must be conducted by an independent institution to guarantee the protection of the rule of law principle as stipulated in Article 1, paragraph (3) of the 1945 Constitution. This decision

demonstrates that independent ASN oversight constitutes a constitutional element that cannot be disregarded in bureaucratic reform.

Accordingly, the amendment of ASN regulations through Law Number 20 of 2023 reflects a major transformation in Indonesia's civil service legal system (Republic of Indonesia, 2023). On the one hand, the new regulation strengthens the merit system, national talent management, bureaucratic digitalization, and restructuring of non-ASN personnel as part of administrative modernization (Effendy et al., 2024). However, the abolition of the KASN and the transfer of oversight authority to executive institutions raise juridical concerns relating to oversight independence, administrative accountability, and the principle of checks and balances. Therefore, the amendment of ASN regulations should not only be viewed as an administrative reform but also as an issue of constitutional and administrative law requiring regulatory harmonization and the strengthening of independent oversight mechanisms to ensure that the objectives of bureaucratic reform can be achieved optimally and sustainably (Robuwan et al., 2025).

### **3.2. Juridical Implications of Changes to ASN Regulations on the Personnel Management System**

The amendment to the ASN regulations through Law Number 20 of 2023 has generated significant juridical implications for the personnel management system in Indonesia, particularly concerning the principles of legal certainty, bureaucratic professionalism, administrative accountability, and supervision of the merit system (Republic of Indonesia, 2023). From the perspective of state administrative law, these regulatory changes reflect the state's effort to restructure ASN management to create a bureaucracy that is more adaptive to the development of modern governance. However, the transformation also raises several normative and institutional issues related to the synchronization of authority, institutional supervision, and consistency of merit system implementation in government practice (Nurfransiska et al., 2025). Consequently, the juridical implications of the new ASN Law are not merely administrative in nature but also closely connected to the protection of the General Principles of Good Governance or *Asas-asas Umum Pemerintahan yang Baik* (AUPB), particularly the principles of legality, legal certainty, professionalism, neutrality, and accountability within public administration (Robuwan et al., 2025).

One of the key legal repercussions of Law Number 20 of 2023 is the enhancement of the merit system as the central basis for managing the ASN. Law Number 5 of 2014 established the merit system as a policy and management framework that is reliant on qualifications, skills, and performance, and is carried out in an impartial manner (Republic of Indonesia, 2014; Sandinirwan et al., 2022). This concept was further solidified in Law Number 20 of 2023 through the establishment of a nationwide talent management system that focuses on mobility driven by competencies, talent pooling, and ongoing career development (Effendy et al., 2024; Republic of Indonesia, 2023). This regulatory change indicates a shift from a traditional personnel administration approach to a strategic human resource management model within the government. From a legal perspective, this advancement bolsters professionalism and efficiency in state governance because the allocation and growth of ASN careers are determined not only by bureaucratic rank but also by competence, integrity, potential, and quantifiable performance. Additionally, the enhancement of the merit system holds constitutional significance in relation to Article 28D, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees legal certainty and equal treatment under the law and government. In this context, the new regulation showcases the state's dedication to establishing a professional bureaucracy that operates independently of political influence and is focused on the quality of public service (Prasetia, 2019).

Another important juridical implication can be observed in the regulation of non-ASN personnel arrangements, which have not been comprehensively regulated under Law Number 5 of 2014. Article 66 of Law Number 20 of 2023 explicitly stipulates that the arrangement of non-ASN employees must be completed no later than December 2024 and prohibits government institutions from recruiting non-ASN employees outside the ASN mechanism (Republic of Indonesia, 2023). This provision constitutes a firm legal policy aimed at creating legal certainty in the national personnel system and eliminating the dualism of employment status that has long characterized the Indonesian bureaucracy. From the perspective of administrative law, the policy seeks to ensure equality and fairness in employment status while strengthening a merit-based civil service system (Wahyudin et al., 2023). The Constitutional Court

Decision Number 119/PUU-XXII/2024 further affirmed that the arrangement of non-ASN personnel does not contradict the 1945 Constitution because the state still provides legal protection and employment opportunities for honorary workers through the PPPK scheme. Therefore, normatively, the regulation strengthens the principles of legal certainty (*rechtszekerheid*) and justice within state administration (Nurfransiska et al., 2025). Nevertheless, practical implementation continues to face substantial challenges, particularly related to regional fiscal capacity, institutional readiness, and the transition mechanism for honorary workers in the national ASN framework.

The most complex legal implications emerge from the restructuring of ASN supervisory institutions, especially regarding the abolition of the KASN. Under Law Number 5 of 2014, the KASN functions as an independent supervisory body responsible for overseeing the implementation of the merit system, maintaining ASN neutrality, and supervising the code of ethics and conduct of civil servants (Hakiki et al., 2025; Republic of Indonesia, 2014). However, Law Number 20 of 2023 transferred these supervisory functions to executive institutions, particularly the Kementerian PANRB and BKN (Republic of Indonesia, 2023). The Government and the House of Representatives argued that the abolition of the KASN was intended to streamline bureaucratic structures, improve institutional efficiency, and avoid overlapping authority within ASN management. Nonetheless, from the perspectives of constitutional and administrative law, the transfer of supervisory authority raises serious concerns regarding institutional independence and the implementation of the checks and balances principle within the national personnel system (Barus, 2022).

Doctrinally, the presence of a separate entity like the KASN was crucial as an external body that guaranteed objectivity and fairness in the execution of the merit system (Wishesa, 2020). After the shift of power, the oversight of ASN management often transitions from outside supervision to internal bureaucratic governance, as the bodies in charge of creating and executing ASN policies also serve as the overseers of those policies (Barus, 2022). This situation may lead to a potential conflict of interest and undermine the principle of fairness in the administrative monitoring. This danger is especially significant in issues concerning promotions, transfers, and dismissals of ASN roles, which are particularly susceptible to political influence and partisan motivations (Pekey et al., 2024; Septiani, 2023). In contemporary constitutional theory, as outlined by Jimly Asshiddiqie, the concept of checks and balances is essential for preventing the accumulation of power and the misuse of authority within government operations. Thus, the dissolution of the KASN can be viewed as a reduction in the independent oversight of the merit system and bureaucratic fairness.

These concerns gained constitutional legitimacy through Constitutional Court Decision Number 121/PUU-XXII/2024, which essentially affirmed that the supervision of the merit system, ASN ethics, and the code of conduct must be carried out by an independent institution (Hakiki et al., 2025). The Court emphasized that independent supervision constitutes an integral element of the rule of law principle, as guaranteed under Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Accordingly, the abolition of the KASN cannot merely be viewed as an administrative restructuring policy but rather as a constitutional issue related to accountability, neutrality, and the protection of checks and balances within the state administration system (Robuwan et al., 2025). The Constitutional Court's decision also indicates that the restructuring of ASN institutions under Law Number 20 of 2023 still leaves unresolved constitutional issues that require further regulatory adjustments and the establishment of a new independent oversight mechanism capable of safeguarding the integrity of the merit system (Barus, 2022).

In addition to institutional changes, the modification of ASN regulations also carries legal ramifications for enforcing the legality principle and aligning laws and regulations. Various clauses in Law Number 20 of 2023 necessitate additional implementing regulations for effective real-world application (Republic of Indonesia, 2023). Delays in creating these derivative regulations could result in legal gaps and ambiguity in the application of ASN management policies. Furthermore, differences in institutional capabilities between the national and local governments could influence the uniformity of policy execution across Indonesia (Ilyas, 2020; Nurfransiska et al., 2025). From an administrative law perspective, this scenario illustrates the disparity between *das sollen* and *das sein*, highlighting the gap between desired legal principles and actual governance practices. Thus, the harmonization of regulations, enhancement of

institutional capabilities, and development of an independent and accountable oversight mechanism are crucial strategic initiatives to ensure that the reform of ASN regulations truly fosters the establishment of a competent, impartial, and enduring bureaucracy in Indonesia (Saputra, 2023).

#### **4. CONCLUSION**

The amendment of ASN regulations through Law Number 20 of 2023 reflects the government's effort to strengthen bureaucratic reform by implementing a merit-based, professional, and accountable personnel management system. The regulation introduces important changes, including national talent management, the regulation of non-ASN personnel, the digitalization of ASN management, and the restructuring of supervisory institutions. From the perspective of constitutional and administrative law, these changes strengthen the principles of legal certainty, professionalism and good governance. However, the abolition of the KASN raises juridical concerns regarding the independence of supervision and the implementation of checks and balances in ASN management. Therefore, the harmonization of implementing regulations, strengthening institutional capacity, and establishing effective independent oversight are necessary to ensure sustainable bureaucratic reform in Indonesia.

##### **Ethical Approval**

This study did not require formal ethical approval because it employed a normative juridical research method based exclusively on secondary legal materials, including legislation, court decisions, legal literature, and official documents. This study did not involve human participants, personal data, interviews, surveys, or experimental procedures. All legal materials were analyzed objectively and cited in accordance with the standards of academic integrity.

##### **Informed Consent Statement**

Informed consent was not required for this study because it did not involve human participants or the primary data collection. This research was conducted using publicly available legal documents and literature, ensuring that no personal or confidential information was used.

##### **Authors' Contributions**

MTA and MDP contributed to the conceptualization, legal analysis, methodology, and drafting of this manuscript. DST contributed to the data collection, legal materials analysis, and manuscript preparation. I and M acted as academic supervisors, providing validation, critical review, and substantive guidance throughout the research and writing processes. All authors have read and approved the final version of the manuscript.

##### **Disclosure Statement**

No potential conflict of interest was reported by the authors.

##### **Data Availability Statement**

The data used in this study were derived from publicly available legal documents, academic literature, and official institutional reports. All relevant data are included in this article or can be accessed through publicly available sources.

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## **Notes on Contributors**

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M. Tedi Ansori is an undergraduate law student at the Faculty of Law, University of Bengkulu, specializing in Constitutional Law. His academic interests are in state administrative law, bureaucratic reform, and public governance. He has been involved in academic writing related to civil service laws and regulatory development in Indonesia.

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