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## Implementation of Independent Study Tasks for Civil Servants (PNS) within the South Sumatra Provincial Government Based on Governor Regulation Number 19 of 2023

Hanny Syafitri<sup>1</sup>, Sri Suatmiati<sup>1</sup>, Erli Salia<sup>1</sup>

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*Civil Servants, Government, Learning Tasks, Regulation, South Sumatra*

### ABSTRACT

This study aims to analyze the implementation of independent study assignments for Civil Servants (PNS) in the South Sumatra Provincial Government under Governor Regulation Number 19 of 2023. The main focus of this research is to explore the mechanisms and obstacles faced by civil servants in carrying out independent study assignments, as well as evaluating related policies. Independent study assignments are intended for civil servants who want to continue formal education at their own expense and are carried out outside of official working hours. Although this policy aims to improve the competence of civil servants, several obstacles arise, such as the minimum age limit for applying for education which is considered unfair for young civil servants who are eager to continue their education, the lack of socialization about the application procedure, and geographical factors that hinder access to education. This research uses qualitative methods with interviews and documentation studies to collect relevant data. The results show that this policy has the potential to hinder the development of civil servants competencies, especially for those who are younger and highly motivated. Therefore, it is recommended to evaluate and revise this policy to provide more equitable opportunities for all civil servants to improve their competencies.

### INTRODUCTION

Management of Civil Servants (PNS) includes various aspects such as needs, procurement, rank, position, career development, promotion, transfer, performance appraisal, payroll, allowances, awards, discipline, dismissal, and pension and old age security, (Government Regulation No.11, 2017). Law No. 20 of 2023 underlines the need for the State Civil Apparatus (ASN) to have a digital mindset in facing technological challenges, bureaucratic transformation, and the demands of public services. Article 4 letter h of PP No. 94 of 2021 regulates the obligation of civil servants to provide competency development opportunities to subordinates, including attending meetings, seminars, training, and further education. Formal competency development is regulated in Menpan-RB Circular Letter No. 28 of 2021, which includes provisions on civil servants' study assignments, from requirements, funding, to monitoring and evaluation. Menpan-RB Circular No. 28 of 2021 regulates the development of civil servants through study assignments to increase competency-based capacity. Study assignments can be in the form of study assignments without leaving duty, study assignments at their own expense, or study assignments at government expense that require civil servants to leave their official duties. The purpose of providing learning assignments is to reduce the competency gap of civil servants so that they can fill positions better. This increase in competence is expected to increase the professionalism of ASN, as measured by the ASN Professionalism Index, which reflects the level of professionalism of ASN nationally, in central and

regional agencies, and position groups (ASN, 2022).

The acting head of BKN, Bima Haria Wibisana, stated that the performance of human resources in the Indonesian government is still low, with many ASNs considered to have poor performance (deadwood). To improve this, training and education, both formal and informal, are needed. Civil servants have a strategic role in achieving national goals, which include protecting the nation, advancing welfare, and educating the nation's life (Karunia, 2022). Therefore, civil servants must improve their abilities according to their competencies, while organizations also need to encourage the improvement of employee performance to develop their professional abilities. As stated in the Preamble of the 1945 Constitution, the national goals include protecting the Indonesian nation, promoting public welfare, educating its citizens, and establishing a world order based on freedom and social justice (Arifin *et al.*, 2024). Civil servants play a strategic role in achieving these goals and are required to improve their abilities through formal education, while organizations must also encourage increased employee performance. Developing the quality of civil servants is very important to achieve maximum results in government, especially to face the challenges of globalization. One of the efforts to improve quality is through education, which according to Law Number 20 of 2003, aims to develop the potential of students in various aspects, including intelligence and skills, which also applies to civil servants to improve their performance (Tarigan, 2024).

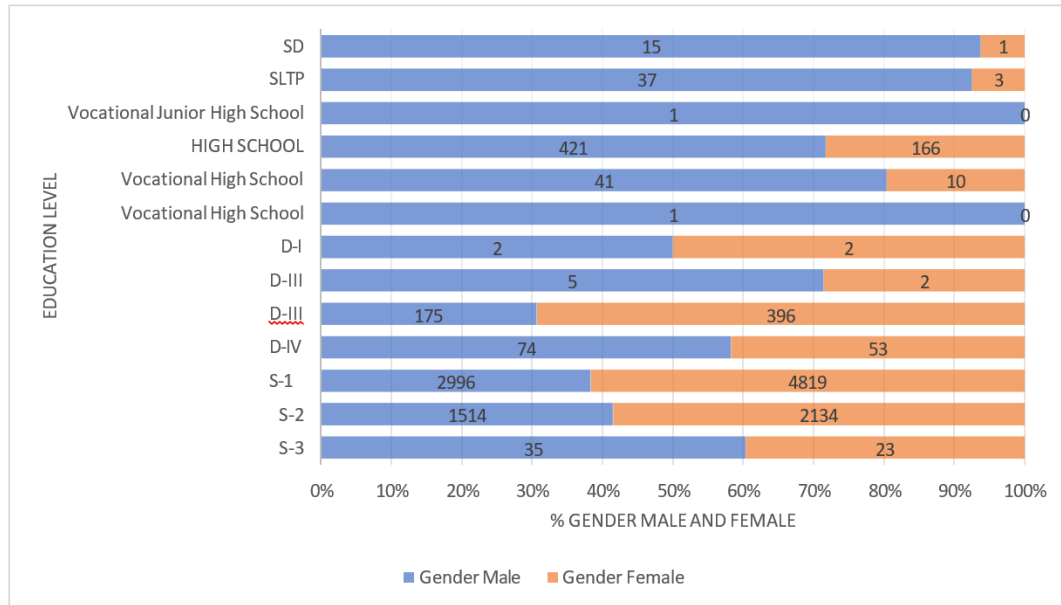
Based on data on civil servants in the South Sumatra Provincial Government, competency development

<sup>1</sup> University of Muhammadiyah Palembang, South Sumatera, Indonesia

\* Corresponding author's e-mail: [hannyfasilitasi@gmail.com](mailto:hannyfasilitasi@gmail.com)

through independent education is very important, considering that there are still many civil servants who only have high school and diploma education. This development can be carried out through independent formal education in accordance with applicable regulations, to improve the quality of civil servants in facing increasingly complex bureaucratic challenges in

the era of globalization and digitalization. The quality of human resources is needed for regional progress, especially among state officials who have an important role in the government system. The government encourages study assignment policies for civil servants to improve their quality, which in turn will result in better services for the community.

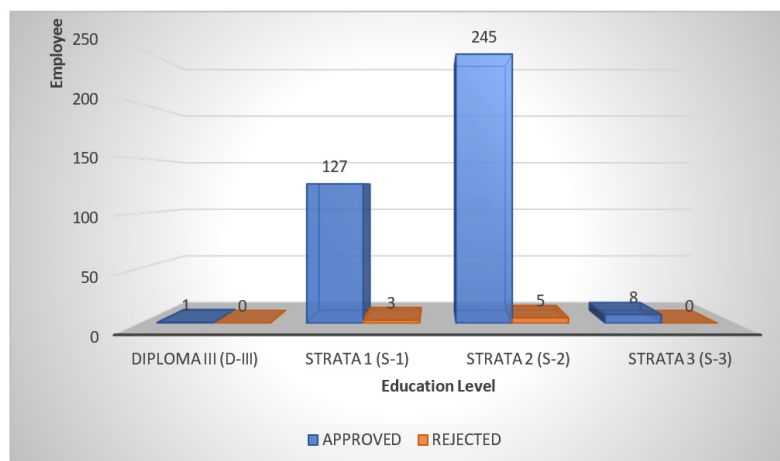


**Figure 1:** Number of civil servants detailed by general education and gender within the government South Sumatra Province State: October 2024.

Source: (BKD; SumSel, 2024)

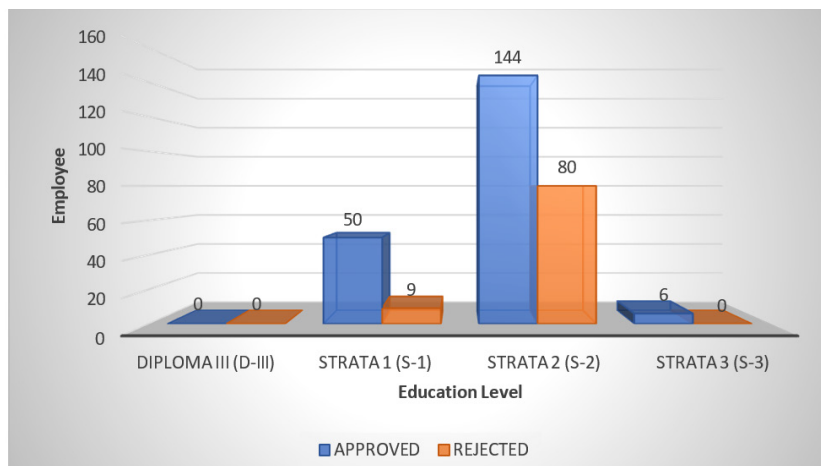
The quality of Human Resources (HR) is very important for the progress of a region, especially in the government system. Competent State Apparatus are needed to carry out their duties as servants of society and the state. The local government system will run well if the apparatus has adequate capabilities. Therefore, Civil Servants (PNS) must be responsible for the tasks they carry out, encouraging the government to implement a study assignment policy to improve the quality of civil servants and maximum service to the community (Implementation of the Policy

on Granting Study Assignments to Civil Servants within the Sabang City Government, 2023). Based on this, the South Sumatra Provincial Government issued South Sumatra Governor Regulation Number 19 of 2023 concerning Guidelines for granting study assignments for civil servants through formal education channels which came into effect from the date of enactment, namely November 2, 2023 (Regulation; Governor of South Sumatra Number 19, 2023).



**Figure 2:** Data on civil servants who proposed approved and rejected independent study assignments in 2023

Source: (BKD; SumSel, 2024).



**Figure 3:** Data on civil servants who proposed approved and rejected independent study assignments in 2024  
*Source: (BKD; SumSel, 2024)*

Based on the data, in 2023 in figure 1, the majority of independent study assignment proposals were accepted, namely 381 proposals, while only 8 were rejected due to study program accreditation issues. However, in 2024, the number of rejected proposals increased significantly to 89, mostly due to ineligible age limit issues. This change in the trend of constraints indicates the need to evaluate the policies and mechanisms for applying for study assignments, including the socialization of clear requirements to prospective participants. This research will examine two main issues, namely: first, how is the implementation of independent study assignments for civil servants in the South Sumatra Provincial Government based on South Sumatra Governor Regulation Number 19 of 2023 concerning Guidelines for Providing Study Assignments for Civil Servants Through Formal Education Pathways; and second, what are the obstacles or obstacles in the implementation of the regulation. This study aims to analyze the implementation of independent study assignments for civil servants in the South Sumatra Provincial Government based on South Sumatra Governor Regulation Number 19 of 2023 and explain the obstacles in its implementation, especially related to age requirements for civil servants who apply for independent study assignments. This research will clarify the implementation of the regulation and identify the obstacles faced in its implementation.

### MATERIALS AND METHODS

In this research, the author conducts a direct study in the field in order to obtain concrete and relevant data on the Implementation of South Sumatra Governor Regulation Number 19 of 2023 and the impact of age restrictions on civil servants on independent study assignments in accordance with these regulations with the following methods:

#### Data Type and Source

The data sources used in this research are secondary data in the form of primary legal materials, secondary legal

materials and tertiary legal materials, namely:

#### Primary Legal Materials

Primary legal materials are legal materials that are authoritative, meaning they have authority. Primary legal materials consist of laws and regulations that are sorted based on hierarchy such as laws and regulations related to this research, namely Presidential Regulation Number 12 of 61 concerning Civil Servant Study Assignments, Circular Letter of the Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia Number 28 of 2021 concerning Competency Development for Civil Servants through the Education Path, and South Sumatra Governor Regulation Number 19 of 2023 concerning Guidelines for Providing Learning Assignments for Civil Servants through the Formal Education Path.

#### Secondary Legal Materials

Secondary legal materials are legal materials consisting of textbooks written by influential jurists, legal journals, legal cases, jurisprudence, and the results of recent symposia related to the research topic In this research, secondary legal materials used are in the form of relevant reference books, the results of scientific papers, and various related papers.

#### Tertiary Legal Materials

Tertiary legal materials are legal materials that provide instructions or explanations for primary legal materials and secondary legal materials in the form of general dictionaries, language dictionaries, newspapers, articles, the internet.

#### Data Collection Technique

##### Primary data in this study was collected through:

- Interviews, meaning that the author conducts direct questions and to respondents on the Policy of Providing Learning Assignments for Civil Servants at the Regional Staffing Agency of the Government of South Sumatra

Province based on indicators in the Policy.

- Documentation, is data in the form of archives both in the form of books and those related to the Policy on Granting Study Assignments for Civil Servants at the Regional Staffing Agency of the South Sumatra Provincial Government.

**Secondary data was collected through:**

- From the literature and documentation. The literature in question is books related to the issue of Study Assignment Policy for Civil Servants in the Government of South Sumatra Province.

**Data Analysis Technique**

All theoretical data in the form of principles, conceptions and opinions of legal experts, including legal rules and norms, will be analyzed normatively juridically by using descriptive and perspective descriptions, which start from normative qualitative analysis and empirical juridical.

**RESULTS AND DISCUSSION**

Independent study assignments are a competency development mechanism for civil servants carried out without using government budgets and outside official working hours. South Sumatra Governor Regulation No. 19 of 2023 is used as a guideline for civil servants who wish to continue their education through formal channels, either funded by the government or independently. However, this policy does not distinguish the requirements between independent study assignments and study assignments funded by the government or sponsors, so that civil servants who want to continue their studies at their own expense are still limited by the minimum age requirement of 35 (thirty-five) years for Strata 1 (S1), at least 40 (forty) years for Strata 2 (S2), and at least 45 (forty-five) years for Strata 3 (S3).

Based on interviews with BKD officials in South Sumatra Province, this policy was made to maintain a balance between human resource development and organizational needs. However, for civil servants who pay for their own education, this age limit is considered unfair because they do not rely on the government budget. The flow of proposals for independent study assignments for civil servants in the South Sumatra Provincial Government is that civil servants submit a personal application first to the Head of the Regional Apparatus where they are

assigned, by completing the documents contained in the South Sumatra Regional Personnel Agency (BKD) e-service application as shown in figures 4 and 5, namely the Decree (SK) of the last rank / legalized photocopy, photocopy of Employee Performance Objectives (SKP) for the last 1 (one) year, photocopy of accreditation letter B for the study program, college certificate from the college institution concerned, lecture schedule (does not interfere with official working hours as a civil servant), list of work descriptions, and a statement letter containing independent tuition at personal expense, not demanding promotion and position, and not demanding educational adjustment. Civil servants submit a personal application letter to the Head of the Regional Apparatus where they are assigned along with attaching physical documents submitted to the General and Personnel sections of the Regional Apparatus, after which the e-service operator at the regional apparatus will upload all the physical files in the form of PDF files, which will then enter the South Sumatra Province BKD Secretariat. Here it will be filtered first by the South Sumatra Regional Personnel Agency e-service Operator at the South Sumatra Provincial BKD Secretariat, if all the files are complete, South Sumatra Regional Personnel Agency e-service Operator at South Sumatra Regional Personnel Agency Secretariat will forward South Sumatra Regional Personnel Agency (BKD) e-service account to the Head of the Civil Service Information, Performance and Facilitation of the ASN Profession, which will then be forwarded to the Head of the Sub-Division of Administration and Facilitation of the ASN Profession to be executed and a Decree (SK) issued granting permission to carry out independent study assignments for these civil servants. The decree since September 2024 has used an electronic signature.

In the appendix of the Regulation of the Governor of South Sumatra Number 41 of 2009 concerning Delegation of Partial Authority or Granting Power of Attorney to On Behalf of the Governor of South Sumatra to Sign Letters and Decisions in the Field of Personnel within the South Sumatra Provincial Government, it is written that those who have the authority to sign the Decree on Granting Independent Study Assignments for Civil Servants, which before the Circular of the Minister of Administrative Reform and Bureaucratic Reform Number 28 of 2021 was issued, was referred to as a study permit, attached in table 1 (Government of South Sumatra Province, 2019).

**Table 1:** Delegation of Study Permit Authority in accordance with South Sumatra Governor Regulation No. 41/2009

No.	Mutation Type	Space Class	Authorized official	Description
20.	Study Permit	IV/b and above	Regional Secretary of South Sumatra Province	Study Permit
		IV/a and below	Head of BKD South Sumatra Province	

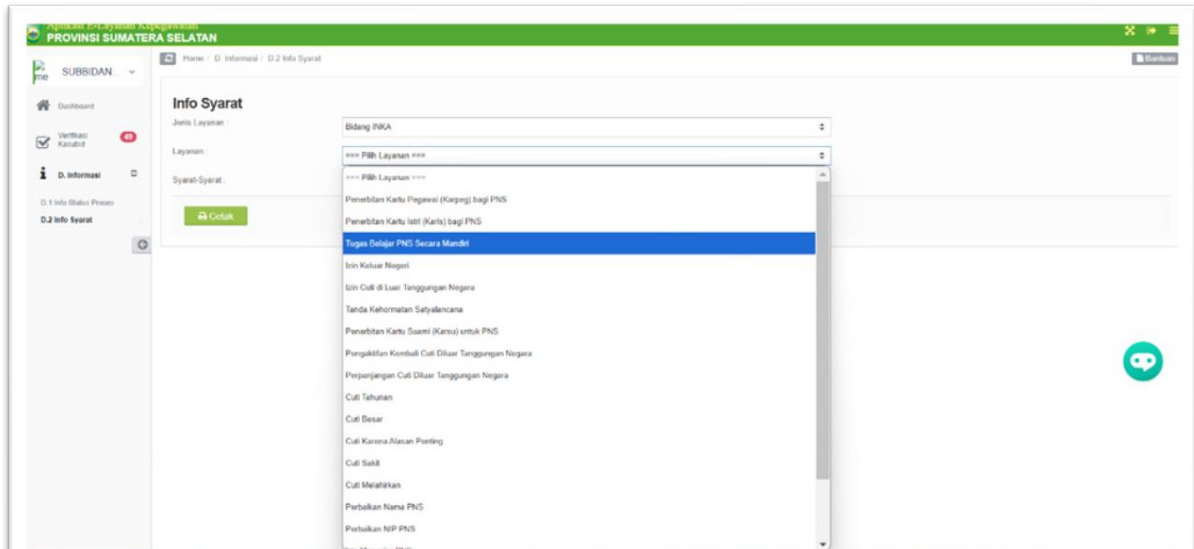


Figure 4: South Sumatra Regional Personnel Agency e-service application

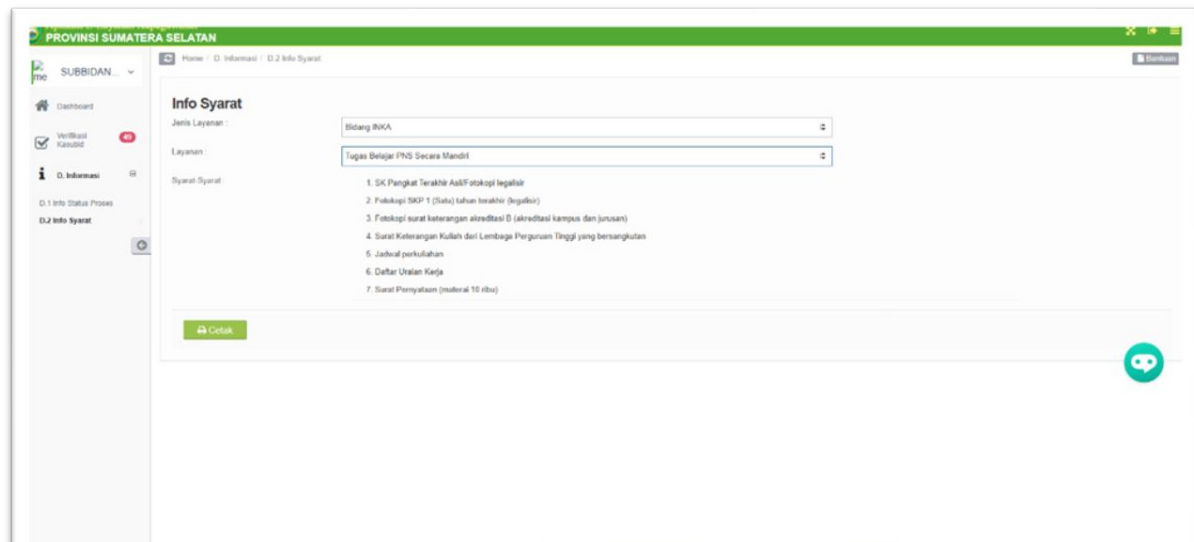


Figure 5: South Sumatra Regional Personnel Agency e-service application independent study assignment requirements

In connection with the absence of a new Regional Head Regulation related to delegation of authority, the South Sumatra Governor Regulation Number 41 of 2009 remains in effect and is guided.

#### A. Implementation of Independent Study Tasks for Civil Servants Based on South Sumatra Governor Regulation Number 19 of 2023

South Sumatra Governor Regulation Number 19 of 2023 regulates the requirements, mechanisms, and rights and obligations of civil servants who wish to continue formal education through an independent study assignment scheme. Article 6 of this Governor Regulation states that:

- (1) Learning assignments can be given for:
  - a. Government Bidding; or
  - b. Application from civil servants.
- (2) Study Assignments as referred to in paragraph (1) are determined and given through BKD.

Article 7 of this Governor Regulation states the

requirements in granting study assignments either with Government Offers financed by the Government or from the Application of civil servants referred to as Independent Study Assignments at their own expense, the absolute requirements include:

- a. Have a minimum service period of 1 (one) year since being appointed as a civil servant;
- b. The lowest age limit for applying for a study assignment is :
  1. 40 (forty) years for postgraduate level; and
  2. 45 (forty-five) years for doctoral level.
- c. Have a performance appraisal in the last 2 (two) years at the lowest with a good predicate.
- d. Physically and mentally healthy.
- e. Not under any of the following conditions:
  1. in the examination of disciplinary offenses and/or criminal offenses;
  2. serving imprisonment or confinement and/or moderate or severe disciplinary punishment, or

3. undergoing leave outside the state's responsibility and/or undergoing temporary dismissal as a civil servant.  
f. Never in the following conditions:

1. sentenced to disciplinary punishment of at least moderate level within the last 1 (one) year;
2. Sentenced to imprisonment or confinement based on a court decision with permanent legal force within the last 1 (one) year; or
3. Cancelled or dismissed from his/her learning duties in accordance with statutory provisions within the last 2 (two) years.

g. Fulfill other requirements and pass the selection carried out by the originating agency, the donor, and/or the university.

h. Sign agreements related to the granting of Learning Assignments.

Article 9 of this Governor Regulation states that the procedure for granting study assignments is carried out with the following provisions:

- a. Civil servants submit an application to take part in the selection of the Learning Task program to the Head of the Regional Apparatus where they are assigned;
- b. The Head of the Regional Apparatus in charge of forwarding the application to the Governor through the head of BKD by attaching:

1. Cover letter from the head of the Regional Apparatus;
2. A letter of request from the person concerned;
3. Legalized copy of civil servant decree;
4. Legalized copy of the last rank decree;
5. A photocopy of the diploma that has been listed in the last promotion decision and legalized transcripts of grades;
6. Legalized copy of the last position decree;
7. Photocopy of work performance assessment for the last 2 (two) years that has been legalized;
8. Education offer letters or brochures from universities, if the education followed is at the request of the civil servant concerned; and
9. A statement letter willing to bear all educational costs for Learning Assignments of their own accord.

c. The Head of BKD conducts administrative selection of submitted applications in accordance with the requirements that must be met and the available budget.  
d. If the application is submitted:

1. Meets the requirements, the Head of BKD forwards the application to the Governor; or Does not meet the requirements,
2. The Head of BKD returns the submitted application to the head of the regional apparatus along with explanations/comments.

e. If the Governor:

2. Approve, the Regional Secretary follows up on the approval by issuing a Letter of Permission / recommendation to Participate in the Selection of Study Assignments; or
3. Disapproving, the Regional Secretary forwards to the Head of BKD to be conveyed to the Head of the Regional Apparatus.

Article 16 of this Governor Regulation states that the rights of civil servants on study assignments are

(1) Civil servants who carry out Learning Tasks are dismissed from Structural positions (Supervisors / Administrators / JPT), are entitled to basic salary, wife / husband / child allowances, rice allowances and position allowances for the first 6 (six) months.

(2) Civil servants who carry out Learning Tasks who are not dismissed from their positions are entitled to basic salary, spouse / husband / child allowances, rice allowances and additional employee income.

(3) Civil servants who have completed their study assignments can propose educational upgrades in accordance with the provisions of the legislation.

(4) Civil servants who propose an increase in education as referred to in paragraph (3) are not entitled to demand a higher promotion unless there is a formation.

In this article 16, civil servants on independent study assignments in accordance with paragraph (2) that they are not dismissed from their positions, so they are entitled to basic salary, wife / husband / child allowances, rice allowances and additional employee income, but the implementation of lectures is carried out outside official working hours as civil servants.

Article 17 of this Governor Regulation regulates the Obligations of Civil Servants for Study Assignments, where this obligation applies to all civil servants who carry out Study Assignments both with Government Offers and Private Requests. The obligations of civil servants on Learning Duty are as follows

(1) Civil servants must sign a Learning Task agreement before carrying out Learning Tasks.

(2) The Learning Task Agreement as referred to in paragraph (1) contains at least :

- a. Subject of the agreement;
- b. Agreement of the parties; and

c. The agreed objects include the name of the University, the Study Program and the accreditation of the Study program, the period (period) of the Learning Task, the rights and obligations of the parties, the consequences or violation of obligations, force majeure, and dispute resolution.

(3) Civil Servants on Learning Assignments are required to report their educational progress at the end of each semester to the Head of BKD.

(4) Civil servants who have completed their study assignments must report to PPK no later than 15 (fifteen) working days from the end of the study assignment period.

(5) Civil servants who have completed their Study Assignments, are required to carry out service bonds for:

a. 2 (two) times the period of implementation of the Learning Task, for civil servants undergoing Learning Tasks who are dismissed from their positions;

b. 1 (one) time implementation of Learning Assignment, for civil servants undergoing Learning Assignment who are not dismissed from their positions;

c. 1 (one) time the implementation period of the

Learning Task, for civil servants who are on independent cost Learning Task who are dismissed from their positions.

(6) Civil servants who are on independent study assignments who are not dismissed from their positions are not required to undergo service bonds.

(7) While undergoing Service Bonds, civil servants are not allowed to submit resignations as civil servants.

(8) The Service Bond as referred to in paragraph (5) can be carried out in other Government agencies as long as it meets the requirements regulated by the PPK after obtaining the Minister's approval.

(9) The obligation to carry out the Service Bond as referred to in paragraph (5) ends when:

a. The period of service bond has been fulfilled;

b. Reaching retirement age; or

c. Dismissed as a civil servant in accordance with the provisions of the Laws and Regulations.

(10) Civil servants who have completed their continuous Study Assignments are required to undergo a Service Bond as referred to in paragraph (5) cumulatively.

(11) Civil servants who do not fulfill the obligation to carry out the Service Bond as referred to in paragraph (5), are obliged to return the costs incurred by the Regional Government during the Study Assignment period to the regional treasury in accordance with the provisions of laws and regulations.

(12) The format of the agreement as referred to in paragraph (2) is listed in the Appendix which is an inseparable part of this Governor Regulation.

Article 18 of this Governor Regulation states that study assignment financing includes:

(1) Funding for Learning Assignments can be sourced from:

a. Regional income and expenditure budget;

b. Self-funding; and/or

c. Other legal and non-binding sources in accordance with the provisions of the Laws and Regulations.

(2) The Provincial Government can provide cost assistance for components that are not funded for Civil Servants on Study Assignments that are funded by cost sharing according to the agreement.

Based on the results of interviews with the Head of Personnel Information, Performance, and Facilitation of Professional Institutions of BKD South Sumatra Province, the implementation of independent study assignments has the following provisions:

1. Civil servants must fulfill administrative requirements, such as a minimum service period of 1 year as a civil servant and get recommendations from direct superiors.

2. The study program taken must be relevant to the needs of the organization and in accordance with BKD recommendations.

3. Civil servants must still obtain permission from the Personnel Supervisory Officer (PPK), even though the education costs are borne by themselves.

4. The age limit is at least 35 years old for S1, at least 40 years old for S2, and at least 45 years old for S3,

this applies to all forms of learning tasks, including independent learning tasks.

## **B. Constraints in the Implementation of Independent Study Tasks Regulatory Constraints**

In an interview with the Apparatus Resources Analyst at the BKD of South Sumatra Province, it was explained that one of the main obstacles is the lack of clarity in the difference in rules between independent study assignments and government-funded study assignments. One of the civil servants interviewed, Mr. A, a civil servant at the South Sumatra Bina Marga Public Works Office whose proposed study assignment in 2024 was rejected by the system, said: "I am currently doing my master's degree at a private university in Palembang, but the study program I am taking has a B accreditation, but my proposal was rejected with the note that my age has not reached 40 years. I feel this policy is unfair to civil servants who want to improve their competence at their own expense".

Civil servants from the South Sumatra Provincial Health Office who also expressed their disappointment regarding the age-limiting Governor's Regulation said: "I wanted to take an independent study assignment to continue my undergraduate studies in nursing. However, because I am only 29 years old, my application was rejected. In fact, I did not use government funds and continued to carry out work obligations outside of class hours. I feel this policy is unfair to civil servants who want to improve their competence at their own expense."

In addition, based on the results of interviews with civil servants who apply for independent study assignments, there are several major obstacles in the implementation of this regulation:

### **Restriction**

Many civil servants under 40 and 45 years old feel disadvantaged because while they have the motivation and academic capacity, they are hampered by this provision.

2. From the interviews, it was found that 4 out of 10 civil servants who applied for learning assignments were rejected due to age.

### **Lack of Policy Socialization**

There are still many civil servants who do not understand the procedures and requirements for independent study assignments due to the lack of socialization from BKD. From the results of the interviews, some civil servants stated that they only found out about this regulation after getting information from their staff through the BKD service account at the regional apparatus that the proposal concerned was rejected.

### **Transparency in the Approval Process**

The civil servants interviewed revealed that the rejection was only obtained after they first asked the staff at the regional apparatus, or when they directly asked the BKD of South Sumatra Province.

### **C. Comparative Analysis of South Sumatra Governor Regulation No. 19 of 2023 with Menpan RB Circular Letter No. 28 of 2021**

#### **Differences in Age Limit Provisions**

South Sumatra Governor Regulation Number 19 of 2023 stipulates that independent study assignments for civil servants can only be submitted if the employee is at least 35 years old for S1 level, at least 40 years old for S2 level, and at least 45 years old for S3. This provision is very strict and limits the opportunity for young ASNs to improve their competence through formal education. Meanwhile, Menpan-RB Circular Letter No. 28 of 2021 does not apply a rigid age limit, but uses a flexible approach, which considers twice the normative time of the study program before the retirement age limit. In other words, civil servants who wish to take up study assignments still have the opportunity as long as their study period does not exceed the remaining working period that allows them to return to service after completing their education.

#### **Differences in Funding and Types of Study Assignments**

South Sumatra Governor Regulation Number 19 of 2023 does not clearly distinguish between government-funded study assignments and independent study assignments. This means that civil servants who want to pursue education at their own expense still have to meet strict requirements, including age limits and procedures. This can be an obstacle for employees who want to develop their competence without a burdening the government budget. On the other hand, Circular Letter of the Minister of Administrative Reform and RB Number 28 of 2021 provides more inclusive guidance by distinguishing between government-funded and self-funded study assignments. Thus, ASNs who self-fund their education are still given the space to continue their studies without having to be bound by overly restrictive rules.

#### **Impact on ASN Competency Development**

The policy in South Sumatra Governor Regulation No. 19 of 2023 has the potential to hinder the development of ASN competencies, especially for those who are at a productive age and want to continue their studies to improve their work capacity. The minimum age restriction of 35 years for S1 education level, minimum 40 years for S2 education level, and minimum 45 years for S3 education level deprives younger civil servants of the opportunity to develop themselves early, even though in many cases, they still have the energy and time to pursue education while still carrying out their duties. Meanwhile, Circular Letter of the Minister of Administrative Reform and RB Number 28 of 2021 adapts the policy more to the needs of ASN and organizations, so that competency development can be carried out more dynamically and is not hampered by overly strict regulations.

#### **Alignment with National Regulations**

South Sumatra Governor Regulation Number 19 of

2023 shows a significant difference with the national policy stipulated in the Circular Letter of the Minister of Administrative Reform and RB Number 28 of 2021. Stricter policies at the regional level can create injustice for civil servants within the South Sumatra Provincial Government compared to civil servants in other regions that apply more flexible national rules. Therefore, alignment is needed so that regional policies do not conflict with central policies, especially in aspects of age limits, accreditation of study programs, and flexibility of independent study assignments.

### **D. Analysis of Authority in the Determination of Independent Study Assignments in the Government of South Sumatra Province**

In administrative law, authority is the basis for the government to take action and issue policies. South Sumatra Governor Regulation Number 19 of 2023 which regulates independent study assignments for civil servants is a manifestation of the Governor's authority as the head of the region in personnel management. However, further analysis is needed to assess whether this policy has been implemented in accordance with the principles of administrative law.

#### **Authority Theory**

Attributive authority is the authority given directly by legislation to officials or government bodies (Hadjon, 2007). In this context, the Governor of South Sumatra has attributive authority derived from Law Number 23 of 2014 concerning Regional Government, which gives the regional head the right to regulate staffing in his territory. South Sumatra Governor Regulation Number 19 of 2023 can be said to be legally valid because it is issued based on the authority granted by higher laws and regulations. However, this regulation needs to be tested whether its implementation is in line with national policies such as Menpan RB Circular Letter No. 28 of 2021, which has more flexible provisions regarding the age limit for learning assignments.

#### **Theory of Delegated Authority**

Delegation of authority is the delegation of authority from higher officials to subordinate officials in order to effectively carry out tasks (Atmosudirdjo, 1981). In Pergub No. 19 of 2023, the Governor of South Sumatra delegated authority to BKD South Sumatra to manage independent study assignments for civil servants, including setting requirements and selecting applications. However, this delegation poses a problem because the minimum age limit of 40 years old is not found in national regulations such as Menpan RB Circular Letter No. 28 of 2021. This could lead to policy gaps and potential inconsistencies with higher regulations.

#### **Theory of Discretion**

Discretion is the authority given to officials to make decisions in situations that are not fully regulated by

law (Friedrich Carl von Savigny, 1995). In this case, the Governor of South Sumatra uses discretion in setting a minimum age limit of 35 years for S1, at least 40 years for S2, and at least 45 years for S3 for civil servants who apply for independent study assignments. Although discretion is necessary in government, this age limit is considered too strict compared to the Menpan RB Circular Letter No. 28 of 2021, which only regulates that the maximum age is twice the normative education time before the retirement limit. Therefore, the discretion applied needs to be evaluated so that it does not conflict with the principles of proportionality and fairness for civil servants.

#### **Authority Theory**

Authority in bureaucracy must be used in accordance with the main function of the organization, which is to improve the efficiency and effectiveness of services (Weber, 1964).

South Sumatra Governor Regulation No. 19 Year 2023 should aim to improve the competence of civil servants to optimize public services. However, strict age restrictions can actually hinder civil servants who want to develop themselves through higher education. In the perspective of Weber's theory, this policy needs to be reviewed so that it remains in accordance with the main objective of bureaucracy, which is to improve the quality of human resources in government.

#### **Theory of**

The principle of legality emphasizes that every government action must have a legal basis and must not conflict with higher laws in (Dicey, 1959). When compared to Menpan RB Circular Letter No. 28 of 2021, South Sumatra Governor Regulation No. 19 of 2023 appears to be more stringent in terms of age requirements and study program accreditation. This creates a potential legal conflict because national regulations provide greater flexibility. Therefore, from the perspective of legality, this Governor Regulation needs to be further reviewed so that it does not contradict the principle of hierarchy of laws and regulations in Indonesia.

#### **E. Analysis of Justice in the Determination of Independent Study Assignments in the Government of South Sumatra Province**

The implementation of independent study assignments based on South Sumatra Governor Regulation Number 19 of 2023 can be analyzed through a justice theory approach. Justice in the context of public policy, especially in the management of civil servant resources, must ensure that every individual has an equal opportunity to develop their competence.

Some theories of justice that are relevant in analyzing this policy include distributive justice (Aristotle), procedural justice (John Rawls), retributive justice (David Miller), comparative justice (John Finnis), and substantive justice (Amartya Sen).

#### **Justice Theory**

Distributive justice is justice that is oriented towards the distribution of rights and obligations in accordance with the capacity and contribution of individuals in society (Aristotle, 1925). In the context of South Sumatra Governor Regulation Number 19 of 2023, this policy sets a minimum age limit of 35 years for undergraduate level, 40 years for master level, and 45 years for doctoral level for civil servants who apply for independent study assignments. If examined based on distributive justice, this policy is potentially unfair because it limits the opportunity for younger civil servants to improve their competence, even though they have met the academic requirements and have a need to improve their skills.

In contrast, Menpan RB Circular Letter No. 28 of 2021 provides more freedom by only requiring that the maximum age of civil servants applying for study assignments is twice the normative education time before the retirement age limit. This regulation is more distributively fair because it considers the age diversity and needs of civil servants. Therefore, a more flexible policy on independent study assignments can better reflect the principle of distributive justice.

#### **Procedural Justice Theory**

Procedural justice is justice that focuses on fair processes and mechanisms in decision making. If analyzed from the perspective of procedural justice in (Rawls, 1971), South Sumatra Governor Regulation No. 19 of 2023 has weaknesses in the selection mechanism for independent study assignments, because the age limit of 35 years for S1, 40 years for S2, and 45 years for S3 is not based on the principle of transparency and sufficient public consultation. Younger civil servants with high academic ability and motivation are not given the same opportunity because this policy is made with a top-down approach, without taking into account the real needs of individual civil servants.

In contrast, regulations such as Menpan RB Circular Letter Number 28 of 2021 pay more attention to procedural principles that are more flexible by considering the retirement age limit as the main reference. This shows that regulations at the national level provide a fairer mechanism in making decisions related to ASN learning tasks.

#### **Retributive Justice Theory**

Retributive justice emphasizes the importance of granting rights and sanctions based on individual performance or contribution (Mille, 1999). In the context of learning assignments, ASNs who have demonstrated good performance, have competence, and meet academic requirements should be given the opportunity to obtain learning assignments, regardless of their age. However, with the strict age limit in South Sumatra Governor Regulation No. 19 of 2023, civil servants who have worked with dedication but have not reached the minimum age limit do not get rights commensurate with

their contribution. This policy risks violating the principle of retributive justice, as it does not reward ASN based on their achievements and dedication, but rather based on a factor that is not always relevant (age). Therefore, a more flexible policy such as Menpan RB Circular Letter Number 28 of 2021 better reflects this principle of justice.

### Justice Theory

Comparative justice demands that public policies treat individuals in the same situation equally (Finnis, 1980). In the application of South Sumatra Governor Regulation No. 19 of 2023, civil servants who are under 40 years old but have the same abilities, academic achievements, and motivation as older ASNs are treated differently only because of the age factor. This is contrary to the principle of comparative justice, because someone who has the same eligibility does not get equal treatment in applying for independent study assignments. In contrast, the national regulation of Menpan RB Circular Letter No. 28 of 2021 is more supportive of equality in learning assignment opportunities by considering aspects of competence, not solely age. Therefore, revisions to South Sumatra Governor Regulation No. 19 of 2023 need to be made to align with the principle of comparative justice.

### Substantive Justice Theory

Substantive justice focuses on creating real opportunities for each individual to develop according to their potential (Amartya Sen, 2009). In the perspective of substantive justice, the age restriction in South Sumatra Governor Regulation No. 19 of 2023 hinders young civil servants who want to improve their competence through higher education. In contrast, the national regulation of Menpan RB Circular Letter No. 28 of 2021 is more in line with the principle of substantive justice because it provides flexibility in the age limit of study assignments, so that more civil servants can benefit from this program. Therefore, to make this policy more substantively fair, South Sumatra Governor Regulation No. 19 of 2023 should be adjusted to the national policy.

### F. Comparison of Independent Study Task policies in other regions

Some comparisons of independent study assignment policies for civil servants in several provinces in Indonesia: 1. North Kalimantan Governor Regulation Number 29 of 2020 (Regulation: North Kalimantan Governor Number 29, 2020) concerning Guidelines for Granting Study Assignments for Civil Servants, as for the provisions for Civil Servants for Study Assignments in this Governor Regulation including:

- a. Implement a learning task application procedure with strict administrative requirements.
- b. Provide a mechanism for study assignments with government fees and independent fees.
- c. Emphasizes the obligation to refund tuition fees if government-funded civil servants do not return to work

after their study assignment.

d. This regulation regulates the special requirements as referred to in article 7 letter b of this regulation, including:

- 1) Have a minimum service period of 1 (one) year since being appointed as a civil servant;

- 2) Has the remaining service period of the employee by considering the education period and the service bond, with a minimum provision:

- a. 3 (three) times the normative time of the Study Program before the retirement age limit of the position, for Learning Tasks that are dismissed from Position; or

- b. 2 (two) times the normative time of the Study Program before the retirement age limit, for Learning Assignments that are not dismissed from the position.

2. Regulation of the Governor of North Sumatra Number 26 of 2024 (Regulation: Governor of North Sumatra Number 26, 2024) concerning Competency Development through the Education Pathway for Civil Servants, as for the provisions for Civil Servants Learning Assignments in this Governor Regulation including:

- a. Study assignments can be given on assignment from Government Agencies, and or requests from civil servants.

- b. Study assignments are financed both exempt / not exempt from Position Duties. As well as Independent Cost Learning Tasks both exempt and not exempt from Position Duties. Article 7 of this Regulation regulates, among others:

Learning assignments consist of:

- a. Study Assignments funded by the Regional Budget and/or other funding sources, namely: (1) Study Duties are funded and exempted from job duties; and (2) Study Duties are funded and not exempted from job duties.

- b. Self-financed Learning Duties, namely: (1) Independent fee Learning Assignments and exempted from job duties; and (2) Independent fee Learning Assignments and not exempted from job duties.

2) Learning Tasks that are exempted from the duties of the position in question are Learning Tasks carried out during working hours.

3) Learning assignments that are not exempt from the duties of the position as intended are given to officials who are currently occupying managerial and non-managerial positions by obtaining approval from the PPK.

- c. The procedure for determining Learning Assignments is regulated in Article 8 of this Regulation, which regulates, among others:

1) Learning assignments are given to civil servants who meet the following requirements:

- a) Have a minimum service period of 1 (one) year since being appointed as a civil servant;

- b) The education to be pursued is in accordance with the Regional Apparatus Learning Task Needs Plan and has relevance to the educational background and / or in accordance with the main duties and functions of the civil servants concerned;

- c) Considering the education and service bonding period, the normative age limit before assignment from PPK is;

1) 3 (three) times the normative time of the Study Program before the retirement age limit of the position, for Learning Assignments that are exempted from position;

2) 2 (two) times the normative time of the Study Program before the retirement age limit, for Learning Assignments that are not exempt from position.

d) Have a performance appraisal in the last 2 (two) years at the lowest with a good predicate;

e) physically and mentally healthy;

f) Civil servants who apply for Learning Assignments are not currently :

1) on leave outside the state's responsibility;

2) in the examination of disciplinary offenses; and/or criminal offenses;

3) in the process of imposing disciplinary punishment of moderate or severe level

4) undergoing disciplinary punishment of moderate or severe level;

5) undergo temporary dismissal as a civil servant.

d. This regulation does not regulate the minimum accreditation for the Study Program where civil servants will continue their education, as stated in article 13 of this Regulation, namely:

The Study Program chosen in the implementation of Learning Tasks at Higher Education must meet the requirements

a) according to the planning of educational needs of local government apparatus resources;

b) its implementation in academic, vocational or professional types; and

c) have accreditation from an authorized institution.

3. West Kalimantan Governor Regulation Number 71 of 2022 (Regulation: West Kalimantan Governor Number.17, 2022) concerning Competency Development through the Education Pathway for Civil Servants in the West Kalimantan Provincial Government, as for the provisions for Civil Servants on Study Assignments in this Governor Regulation including:

a. Learning Assignment Planning where learning assignments are set that are aligned with the needs of the organization.

b. Regulates the types of learning assignments as in article 8, namely:

Learning assignments are provided through 4 (four) types of funding, namely:

1) Fully third-party funded study assignments;

2) Study assignments are fully funded by the APBD;

3) Cost-sharing funding learning assignments, and

4) Self-funding learning tasks.

c. The requirements for civil servants for study assignments in this Regulation are regulated in Article 13, namely:

(1) Civil servants who get study assignments must meet the following requirements:

a) Status as a civil servant;

b) Have a service period of at least 1 (one) year since being appointed as a civil servant;

c) Have a service period of at least 1 (one) year starting from the date of transfer to the West Kalimantan Provincial Government;

d) Have a working period of at least 3 (three) years since completing the last formal education that has been followed;

e) Have a period of employee service by considering the period of education and the period of service bond, with the provisions of at least :

1) At least 3 (three) times the normative time of the study program before the retirement age limit of the position, for learning tasks that are dismissed from the position; and

2) At least 2 (two) times the normative time of the study program before the retirement age limit, for independent study assignments that are not dismissed from the position.

f) Performance appraisal for at least the last 2 (two) years with the lowest predicate of "good";

g) Qualify for rank/space classification according to the level of education and diploma, among others:

1) Diploma I, Diploma II and Diploma III Education Programs, have a high school diploma or equivalent, the lowest rank is Junior Registrar / (II/a);

2) Diploma IV Education Program, Diploma IV Program and Professional Education, have a high school diploma or equivalent rank of at least Junior Registrar Level I / (II / b);

3) Diploma IV transfer/level education program, Diploma IV transfer/level education program and Professional Education, have a Diploma III diploma, the lowest rank is Junior Registrar Level I / (II/b);

4) Bachelor Education Program, Master Education Program, Professional Education Program High school diploma or equivalent, lowest rank Junior Registrar Level I/ (II/b);

5) Professional Education Program, Master Education Program, Specialist Doctor Education Program, Sub-Specialist Doctor Education Program, the lowest rank is Junior Administrative Officer / (III/a); and

6) Doctoral Education Program or equivalent, the lowest rank is Junior Level I / (III / b).

h) Not currently:

1) in the process of examining disciplinary offenses and/or criminal offenses;

2) serving imprisonment or confinement and/or moderate or severe disciplinary punishment; or

3) Undergoing leave outside the state's responsibility and/or undergoing temporary dismissal for civil servants.

i) Never:

1) sentenced to disciplinary punishment of at least moderate level within the last 1 (one) year;

2) sentenced to imprisonment or confinement based on a court decision with permanent legal force within the last 1 (one) year;

3) canceled or dismissed from his/her learning duties in accordance with the provisions of laws and regulations within the last 2 (two) years.

- j) fulfill other requirements and pass the selection carried out by third parties and / or universities;
- k) sign agreements related to the provision of learning assignments; and
- l) willing to be dismissed from office.

## CONCLUSION

The findings of this study on the implementation of independent study assignments for civil servants in the South Sumatra Provincial Government under South Sumatra Governor Regulation Number 19 of 2023 indicate that, although independent study assignments are intended to enhance the competence of civil servants at their own expense and outside working hours, several obstacles persist. First, the age limit set by the regulation poses a challenge, despite the fact that independent study assignments do not rely on government funding. Second, the lack of dissemination regarding the mechanisms and procedures results in civil servants having limited understanding of the application process. Third, geographical constraints hinder civil servants from outside Palembang in accessing education, even though online learning options are available. Fourth, institutional support, particularly in terms of study permits and personnel administration, requires further improvement. Policy evaluation and enhanced institutional support are crucial to addressing these challenges and ensuring the effective implementation of independent study assignments.

## REFERENCES

Amartya, S. (2009). *The Idea of Justice*. Harvard University Press.

Arifin, M. Z., Nugraha, M., Putri, T. Y., Arifin, M. Z., Nugraha, M., & Putri, T. Y. (2024). *Jolasos: Journal of Social Society Grounding the Welfare State Theory in Strengthening Village Funds for Poverty Alleviation According to Distributive Justice* (pp. 29–42).

Aristotle. (1925). *Nicomachean Ethics*. Oxford University Press.

ASN., D. J. (2022). *ASN professionalism index*. Jakarta Directorate of ASN Position. BKN. E-Book.

BKD; South Sumatra. (2024). Regional Staffing Agency of South Sumatra Province.

Dicey, A. V. (1959). *Introduction to the Study of the Law of the Constitution*. Macmillan.

Finnis, J. (1980). *Natural Law and Natural Rights*. Oxford: Oxford University.

Friedrich Carl von Savigny. (1995). *Legal Discretion and Modern Law*. Oxford University Press.

Government Regulation No.11. (2017). On Civil Servant Management.

Hadjon, P. M. (2007). *Introduction to Indonesian Administrative Law*. Gajah Mada University.

Helmi, M. M. (2023). Implementation of the Policy of Giving Study Assignments to Civil Servants in the Sabang City Government Environment. *USK FISIP Student Scientific Journal*, 8(4), 1–16.

Karunia, A. M. (2022). 35 percent of ASN in RI has low performance, BKN: Like “Dead Wood” because of laziness. 1. <https://money.kompas.com/read/2022/07/21/142000926/35-persen-asn-di-ri-kinerjanya-rendah-bkn--seperti-kayu-mati-karena-malas>

Mille, D. (1999). *Principles of Social Justice*. Harvard University Press.

Government of South Sumatra Province, P. G. S. S. (2019). Delegation of authority or granting power to on behalf of the Governor of South Sumatra to sign Letters and Decisions in the Civil Service Sector within the South Sumatra Provincial Government. Palembang.

Regulation of the Governor of South Sumatra Number 19. (2023). About Guidelines for Providing Learning Assignments for Civil Servants through Formal Education Pathways.

Regulation: Governor of West Kalimantan Number. 17. (2022). Competency Development through Education Pathway for Civil Servants within the Government of West Kalimantan Province.

Regulation of the Governor of North Kalimantan No. 29. (2020). Guidelines for Granting Learning Assignments for Civil Servants.

Regulation of the Governor of North Sumatra Number 26. (2024). Competency Development through Education for Civil Servants. 26.

Prajudi Atmosudirdjo. (1981). *State Administrative Law*.

Rawls, J. (1971). *A Theory of Justice*. Harvard University Press.