

# Merit-Based Civil Service Management: A Rule of Law Perspective

Fitriyanti Rahman<sup>1</sup>, Fence M. Wantu<sup>1</sup>, Zamroni Abdussamad<sup>1</sup>

<sup>1</sup>Gorontalo State University, Indonesia

Email: [fitriyanti@ung.ac.id](mailto:fitriyanti@ung.ac.id)

**Abstract.** *This study examines the optimization of merit-based civil service management within the framework of the rule of law, focusing on the gap between normative legal provisions and bureaucratic practices in Indonesia. Despite bureaucratic reform mandates since the 1998 Reform Movement, civil service governance continues to face challenges such as inefficiency, weak accountability, and patronage culture. This research aims to analyze the effectiveness of the merit system as a legal instrument to promote professionalism, neutrality, and accountability within the Civil Service (Aparatur Sipil Negara/ASN), particularly following the enactment of Law Number 20 of 2023, which abolished the Civil Service Commission (KASN). Employing a normative juridical method with a descriptive-analytical approach, this study reviews statutory regulations, academic literature, and official reports from KASN and the National Civil Service Agency (BKN). The findings indicate that although the merit system is legally grounded in Law Number 5 of 2014 and Law Number 20 of 2023, its implementation remains inconsistent due to weak oversight mechanisms, limited regulatory clarity, and uneven digital infrastructure readiness. The elimination of independent supervision has reduced checks and balances, while disparities in the adoption of ASN digital systems hinder transparency. This study proposes strengthening derivative regulations, reconstructing independent oversight through a merit audit mechanism, and accelerating digital transformation. The study contributes by integrating administrative law, meritocracy, and good governance principles to position the merit system as a legal and managerial tool for building a professional and accountable bureaucracy.*

**Keywords:** Merit System, Civil Service, Rule of Law, Bureaucratic Reform, Civil Service Management

Received: November 5, 2025

Revised: December 23, 2025

Accepted: January 28, 2026

## INTRODUCTION

Bureaucratic reform in Indonesia is one of the fundamental mandates of the 1998 Reform Movement, which called for the establishment of a government that is transparent, accountable, and just (Maulana et al., 2022; Pramusinto & Quah, 2016; Azam & Bouckaert, 2025). However, the current state of Indonesia's bureaucracy is still frequently associated with classical problems such as inefficiency, resistance to change, and low levels of public accountability. A static and rigid bureaucracy often fails to adapt to social and technological developments, leaving room for maladministration that leads to corruption, collusion, and nepotism (KKN) (Azizah et al., 2024; Kurniawan et al., 2024).

This condition indicates that bureaucratic reform continues to face serious challenges in realizing a professional, competent, and integrity-based civil service. Within this context, the management of the *Aparatur Sipil Negara* (ASN) or Civil Service becomes a fundamental element determining the success of governance based on the principles of good governance (Kementerian

Pendayagunaan Aparatur Negara dan Reformasi Birokrasi, 2024). Civil servants act as the frontline implementers of public policies and services, and therefore their quality, integrity, and neutrality have a direct impact on the effectiveness of state administration (Fisk, 2025; Gani et al., 2024).

To strengthen bureaucratic professionalism, the government has implemented a merit-based civil service management policy, as stipulated in Law Number 5 of 2014 on the State Civil Apparatus and reaffirmed through Law Number 20 of 2023 (Republik Indonesia, 2023). The merit system is defined as a civil service policy and management system based on qualifications, competence, and performance, applied fairly and without discrimination (Nkgapele & Mofokeng, 2024; Siregar & Lubis, 2017; Fadilla et al., 2024; Park & Liang, 2020). It ensures that recruitment, promotion, transfer, and reward processes are determined by objective abilities rather than personal, political, or structural connections.

Consequently, the implementation of the merit system represents not merely an administrative reform but also a concrete manifestation of the rule of law, as enshrined in Article 1 Paragraph (3) of the 1945 Constitution of the Republik Indonesia (2017), which declares Indonesia as a state governed by law. Within this framework, merit-based civil service management should reflect the principles of legal supremacy, equality before the law, protection of human rights, and accountability in governance (Gie, 2019; Hakim, 2024).

Theoretically, the application of the merit system can be explained through the Civil Service Theory, which emphasizes professionalism, political neutrality, and technical competence in managing human resources in the public sector (Pemerintah Kota Bekasi, 2025). The Meritocracy Theory proposed by Young (1994) highlights that rewards and positions within an organization should be based on objective achievement and individual ability rather than ascriptive factors such as political connections or kinship.

The Professionalism Theory requires civil servants to possess technical expertise, moral integrity, and ethical commitment to public service, while the concept of Good Governance provides a normative basis for transparent, accountable, and responsive governance (Bello & Matthew, 2021; Nor et al., 2022; Singo & Mafunisa, 2023). These theories collectively assert that the merit system is an integral part of modern governance grounded in law and public morality (Setyowati & Lestari, 2023; Silitonga & Mariyanti, 2025). Despite the comprehensive legal framework governing the merit system, a significant implementation gap remains across government institutions (Sary et al., 2024; Sudrajat, 2023; Caihua & Saufi, 2025; Ménard et al., 2020).

From a regulatory perspective, the absence of clear operational standards for determining competencies, promotion mechanisms, and objective performance evaluations persists. Institutionally, the abolition of the Civil Service Commission (KASN) through Law Number 20 of 2023 has raised concerns over the weakening of independent oversight in merit system enforcement. The government justified this policy as part of efforts to improve efficiency and digitalization by transferring KASN's functions to the National Civil Service Agency (BKN) and the Ministry of State Apparatus Empowerment and Bureaucratic Reform (PAN-RB) (Organisation for Economic Co-operation and Development, 2023).

However, without stronger regulations and mechanisms for checks and balances, this transition risks creating conflicts of interest and diminishing oversight independence. In practice, civil service recruitment and promotion are still influenced by subjective and political considerations rather than by merit and performance. Institutional capacity also remains weak due to inadequate human resource training and limited information system infrastructure, which hinder the full internalization of the merit system within Indonesia's bureaucratic culture (Asshiddiqie, 2020).

A review of previous studies reveals that although many have examined the implementation of the merit system, most employed limited or partial approaches. Dwiyanto

(2018) found that the implementation of the merit system in Sinjai Regency remains largely administrative and lacks strong supervisory mechanisms. Khobiburrohma et al. (2020) analyzed the authority of KASN and highlighted the weak legal enforceability of its recommendations toward civil service officials. Similarly, Ridwan & Wahyudi (2024), in their study on career development management of civil servants in Malinau Regency, noted that implementation remains constrained by organizational culture and low technical competence.

While these studies provide valuable empirical insights, they have yet to integrate legal, institutional, and rule of law perspectives that are fundamental to state administrative governance. This study differs from previous research by focusing on developing an optimization model for merit-based civil service management within the framework of the rule of law (Stahl, 2004). It seeks to fill the existing research gap by integrating juridical-normative and institutional approaches, positioning the merit system not only as a managerial instrument but also as a legal mechanism to ensure certainty, fairness, and transparency in public administration (Wahyudi, 2024; Zahrani et al., 2025; Kholil et al., 2025).

The aim of this research is to analyze the regulatory and practical implementation of merit-based civil service management and to formulate an ideal concept for optimizing the merit system within a legal state that upholds the principles of legality, justice, and public accountability. The study also proposes an institutional model for independent oversight to strengthen meritocracy after the abolition of KASN, including through the use of digital technology to establish a transparent and integrated national civil service information system (Ramadhan et al., 2025).

The novelty of this research lies in its integrative approach that combines administrative law analysis, meritocracy theory, and good governance concepts into a coherent conceptual framework. Academically, this study contributes to the development of state administrative law by proposing a conceptual model for optimizing the merit system grounded in the constitutional values of the rule of law (Weber, 2019). Practically, it serves as a reference for policymakers to strengthen civil service management to make it more efficient, transparent, and equitable. The originality of this study is reflected in its broader, strategic, and conceptual focus compared to previous works, encompassing institutional strengthening, regulatory reconstruction, and digital merit system implementation based on the principles of the rule of law (Pomaza-Ponomarenko et al., 2024; Tkachenko et al., 2025; Mota, 2024).

The legal significance of this issue lies in ensuring that all civil service processes from recruitment to supervision adhere to principles of legality and accountability. In a state governed by law, bureaucracy must not only be efficient but also subject to legal norms that guarantee justice and equality for all citizens. Therefore, this study provides not only a conceptual contribution to the field of law and public administration but also concrete recommendations for policymakers in designing an effective, fair, and law-based merit system as a foundation for a professional, transparent, and just government in Indonesia.

## **METHODS**

This study employs a normative juridical method with a descriptive-analytical approach. This method was chosen because the research focuses on analyzing the positive legal norms governing the management of the Civil Service (Aparatur Sipil Negara or ASN) based on the merit system within the framework of the rule of law. The descriptive approach is intended to provide a comprehensive understanding of how legal principles are applied in civil service management policies and to examine the extent to which the implementation of the merit system aligns with the principles of legality, justice, and public accountability (Badan Kepegawaian Negara, 2024; Dwiyanto, 2018). The normative juridical method involves a systematic examination of statutory regulations, legal doctrines, and relevant previous studies. This method not only elaborates on the existing legal substance but also analyzes the conformity between legal norms and their practical implementation within government institutions (Asshiddiqie, 2020). Accordingly, this approach offers a holistic understanding of the legal and institutional framework underlying civil service management in Indonesia. The data utilized in this study consist of primary, secondary,

and tertiary legal materials. The primary legal materials include statutory instruments such as Law Number 5 of 2014 on the State Civil Apparatus, Law Number 20 of 2023 on the State Civil Apparatus, and their implementing regulations (Asshiddiqie, 2020). The secondary legal materials comprise scholarly literature, legal journals, expert opinions, and research findings related to the merit system and bureaucratic reform (Azizah et al., 2024). The analytical procedure is described in detail, applying doctrinal analysis and statutory interpretation, as well as a limited comparative legal analysis to evaluate how the merit system is implemented in other administrative law systems. The selection process of primary, secondary, and tertiary legal materials was conducted systematically and purposively based on their relevance to the research focus. Institutional documents such as official reports from the National Civil Service Agency (BKN) and the Civil Service Commission (KASN) were utilized to support the normative interpretation and to contextualize the legal framework within empirical administrative practices. The research design also recognizes inherent methodological limitations, particularly concerning interpretive bias and data-related bias commonly found in normative legal research. To address these issues, the study employs triangulation of legal sources and comparative cross-analysis to strengthen the analytical validity of legal interpretations. Furthermore, objectivity and analytical validity were maintained by adhering to the principles of methodological transparency, consistency in the interpretation of legal norms, and systematic cross-verification among legal documents, doctrines, and academic literature.

## RESULTS AND DISCUSSION

Based on an examination of statutory regulations, academic literature, and secondary data obtained from official reports of the Civil Service Commission (KASN) and the National Civil Service Agency (BKN), it can be observed that the implementation of the merit system in managing Indonesia's civil service (Aparatur Sipil Negara or ASN) has a strong legal foundation through Law Number 5 of 2014 on the State Civil Apparatus and Law Number 20 of 2023 on the State Civil Apparatus. The merit system is designed as a civil service management policy grounded in qualifications, competence, and performance, applied fairly and without discrimination (Republik Indonesia, 2023). However, the analysis reveals that the implementation of these principles still faces various structural, normative, and institutional challenges that hinder the optimization of the merit system as an instrument of bureaucratic reform and the enforcement of the rule of law (Dwiyanto, 2018).

The gap between legal norms and actual implementation (implementation gap) represents a key finding of this research. Although the merit system has been comprehensively articulated in a number of implementing regulations, many government institutions have not operationalized objective indicators in the recruitment, promotion, and performance evaluation of civil servants. Data from Badan Kepegawaian Negara (2024) indicate that out of 189 government institutions assessed, only about 45 percent fall under the "good" and "very good" categories in the application of the merit system, while the rest remain "fair" or "poor." This demonstrates that the merit system has not been uniformly applied and has yet to become an integral part of bureaucratic culture. This finding aligns with the study by Dwiyanto (2018), which noted that the recruitment and placement of civil servants are still frequently not based on objective competence, and with the findings of Oliveira et al. (2024), who highlighted persistent subjective interventions in promotion processes.

The findings of this study affirm that the implementation of the merit system in Indonesia continues to face complex challenges from legal, institutional, and bureaucratic cultural perspectives (Mau et al., 2020; Vikalista et al., 2025; Yuana et al., 2025; Simandjorang & Kurniawan, 2022). From the standpoint of administrative law, the existence of strong legal norms does not automatically ensure consistent implementation. This is largely due to weak law enforcement mechanisms in addressing violations of merit principles, such as nepotism, political interference, and patronage-based appointments. These conditions indicate that the merit system has not yet functioned effectively as a legal instrument for achieving a professional and just bureaucracy. Institutionally, the abolition of the Civil Service Commission (KASN) through Law

Number 20 of 2023 raises concerns regarding the diminishing independence of oversight in the enforcement of the merit system. Although the transfer of supervisory functions to the National Civil Service Agency (BKN) and the Ministry of State Apparatus Empowerment and Bureaucratic Reform (PAN-RB) was intended to enhance administrative efficiency, it also creates potential overlaps in authority and conflicts of interest.

The absence of an independent supervisory body makes it difficult to ensure objectivity in the processes of recruitment, promotion, and rotation of civil servants. From a bureaucratic culture perspective, the persistence of patronage practices and political loyalty has caused the merit system to operate more formally than substantively. Many civil servants still perceive the merit system merely as an administrative requirement rather than a foundational ethical value of professionalism. As a result, performance and integrity are often not prioritized as key criteria in career advancement. The real-world implications of these findings are significant. First, the weak enforcement of the merit system hampers broader bureaucratic reform, as personnel decisions continue to be influenced by short-term political interests. Second, inconsistency in the application of merit principles undermines public trust in the professionalism and neutrality of the civil service. Third, challenges in digitalization and data integration further exacerbate these issues, as many government institutions remain unprepared in terms of both infrastructure and human resource capacity to implement transparent and accountable personnel information systems.

Therefore, this study underscores the urgent need for detailed derivative regulations specifying competency standards, promotion mechanisms, and sanctions for violations of merit principles. Moreover, establishing an independent merit oversight institution and developing an integrity-based digital civil service system are essential to ensure transparency and accountability across all administrative levels. Socially, the transformation of bureaucratic culture toward genuine meritocracy must be supported by leadership training, public ethics education, and continuous professional development, ensuring that merit principles are not only legally mandated but also internalized within the behavior and practices of civil servants. Another major challenge emerged following the enactment of Law Number 20 of 2023, which explicitly abolished the Civil Service Commission (KASN). From a juridical standpoint, this policy potentially undermines the principle of independent oversight in enforcing the merit system. The transfer of supervisory functions to BKN and the Ministry of State Apparatus Empowerment and Bureaucratic Reform (PAN-RB) was intended to improve bureaucratic efficiency, yet institutionally it blurs the boundary between oversight and executive functions.

In the perspective of the rule of law (*rechtsstaat*) theory as developed by Asshiddiqie (2020), independent supervision is a fundamental requirement to prevent power centralization and ensure objectivity in the implementation of law. Without adequate checks and balances, the merit system risks devolving into a mere administrative formality devoid of substantive oversight. This concern is consistent with findings from Azizah et al. (2024), who warn that the abolition of KASN could weaken the protection of civil service neutrality, particularly in the context of the 2024 General Elections. In practice, the legal norms governing the merit system have not yet been fully realized within Indonesia's bureaucratic framework. Normatively, Law Number 5 of 2014 and Law Number 20 of 2023 on the State Civil Apparatus establish qualifications, competence, and performance as the fundamental principles of civil service management. However, empirically, the institutional accountability mechanisms designed to ensure adherence to these principles remain weak. Recruitment, promotion, and rotation processes are often influenced not solely by objective performance but also by political interests, bureaucratic patronage, and personal loyalty to senior officials. This has created a persistent gap between normative expectations and administrative realities, which directly undermines the effectiveness of civil service reform.

For instance, the enforcement of merit-based recruitment in several government institutions continues to face practical obstacles such as limited internal and external oversight, weak whistleblowing mechanisms, and cultural resistance within bureaucracies toward

transparency and performance-based evaluation. Furthermore, the absence of strong legal sanctions for violations of merit principles has rendered the legal norms largely declarative, lacking sufficient enforceability. Consequently, the merit system often functions as a symbolic reform agenda rather than as an effective legal instrument to establish a professional and accountable bureaucracy. From a comparative perspective, the experiences of countries with mature merit systems provide valuable lessons for Indonesia. In South Korea, for example, the *Korean Civil Service Commission* has successfully institutionalized a transparent meritocracy by integrating digitalization across recruitment and evaluation processes. Nationwide competency examinations and online performance tracking mechanisms have significantly minimized political interference in civil service management.

Similarly, Singapore's *Public Service Division (PSD)* emphasizes strategic leadership and performance-based incentives to strengthen meritocratic values within the public sector. The Singaporean model exemplifies a balance between administrative efficiency and public ethics, where promotion is determined by integrity, innovation, and demonstrable achievement rather than by seniority or affiliation. Moreover, the *OECD Principles of Public Administration* offer a global normative framework for public governance that prioritizes openness, objectivity, and accountability in civil service systems. When compared to these international standards, Indonesia demonstrates a robust legal foundation yet continues to face critical challenges in enforcement and institutional consistency. Drawing insights from these comparative models, Indonesia can enhance the effectiveness of its merit system through the development of more detailed implementing regulations, the digitalization of oversight mechanisms, and the internalization of professional ethics across all levels of bureaucracy.

Beyond the institutional dimension, this study also identifies that the capacity for digitalization and information management within the civil service system remains suboptimal. Although BKN has developed integrated platforms such as ASN Digital and the Civil Service Information System (SI-ASN), their adoption at the regional level remains limited. This indicates a digital divide between central and regional institutions, both in infrastructure and human resource competency. A reliable information system, however, is a fundamental prerequisite for the establishment of a transparent and data-driven merit system. Recent studies, including the ASN Digital Roadmap 2025 report by Badan Kepegawaian Negara (2024) and research by Sari & Subekti (2024), emphasize that the successful implementation of the merit system is largely influenced by technological readiness, standardized national competency data, and the integrity of employee information systems. In practice, non-merit practices such as politically motivated or patronage-based appointments remain prevalent, showing weak adherence to the principles of equal treatment and transparency as stipulated in Good Governance Theory (Mahyudin, 2025).

Some local governments still perceive the merit system merely as an administrative requirement to fulfill reporting obligations to BKN, rather than a substantive mechanism to ensure professionalism. In the framework of Meritocracy Theory (Young, 1994), such a condition creates a "pseudo-meritocracy," where formal compliance masks underlying subjectivity. The strengthening of the merit system within Indonesia's bureaucracy can be further operationalized through systematically designed digital governance initiatives. Digitalization should not merely function as an administrative tool but as a substantive mechanism for realizing meritocratic principles in civil service management. Through e-recruitment platforms, for example, the selection process for civil servants can be conducted transparently and data-driven, thereby reducing the potential for nepotism and non-merit interventions in appointment decisions. Such systems enable each recruitment stage from application submission, competency assessment, to final announcement to be digitally traceable and publicly auditable. Furthermore, the development of performance management dashboards (*e-Kinerja*) allows government institutions to objectively evaluate and monitor civil servant performance using measurable indicators.

Through this system, individual performance outcomes can be directly linked to promotion and reward mechanisms based on merit rather than seniority or personal connections. The Civil

Service Database (ASN Database) managed by BKN, integrated into the Civil Service Information System (SI-ASN), serves as the foundation for data-driven promotion and transfer mechanisms that are more consistent, objective, and accountable. The implementation of these technologies not only enhances administrative efficiency but also strengthens institutional accountability and minimizes opportunities for corruption, collusion, and nepotism. In this context, digital governance becomes a catalyst for bureaucratic culture transformation toward a truly substantive merit-based system. However, the success of these initiatives depends heavily on the readiness of digital human resources and the reliability of technological infrastructure across regions, which remain uneven and present significant challenges.

Moreover, international best practices provide valuable benchmarks for improving Indonesia's digital human resource management framework. For instance, South Korea's e-Gov platform has successfully integrated recruitment, performance evaluation, and promotion processes into a single transparent and automated system, minimizing subjective intervention. Similarly, Estonia's X-Road system demonstrates how inter-agency data interoperability can enhance public service efficiency and promote transparency through open access to personnel information. Both models illustrate that digitalization designed around meritocratic principles can substantially reinforce integrity, accountability, and public trust in government institutions. Therefore, strengthening the digital infrastructure of Indonesia's civil service, enhancing digital literacy among civil servants, and establishing national standards for personnel data interoperability are strategic imperatives. These measures ensure that meritocratic principles are not merely codified in legal norms but are genuinely realized in the daily practice of Indonesia's bureaucratic governance.

To strengthen the effectiveness of the merit system, this analysis proposes three strategic directions for optimization aligned with the principles of the rule of law. First, regulatory enhancement through the formulation of more detailed implementing regulations, such as government or ministerial decrees that specify competency indicators, promotion mechanisms, and administrative sanctions for merit violations. Second, institutional reconstruction by establishing an autonomous supervisory unit under BKN with independent oversight and periodic public reporting, or by forming an independent merit audit body involving academia and civil society representatives. Third, accelerating digital transformation by standardizing ASN metadata, conducting algorithmic audits, and ensuring data protection mechanisms to prevent manipulation in digital decision-making processes. Conceptually, these three directions are rooted in Good Governance and Rule of Law theories, asserting that bureaucratic effectiveness must be consistent with legal certainty and public accountability (Komisi Aparatur Sipil Negara, 2023, 2024).

Overall, the findings of this research indicate that optimizing merit-based civil service management from the perspective of the rule of law requires an integrated approach that connects legal norms, institutional oversight, and technological innovation. This study reinforces the argument that the success of the merit system depends not only on regulatory quality but also on consistent law enforcement and adherence to administrative ethics. Accordingly, the merit system serves as a legal instrument that guarantees justice, neutrality, and professionalism in the administration of government in Indonesia (Fatem et al., 2025; Rachman & Suryadi, 2023).

Table 1. Summary of Challenges and Strategic Directions for Optimizing the Civil Service Merit System

| Aspect of the Issue         | Key Findings (Research Results)  | Strategic Directions for Optimization (Discussion)   |
|-----------------------------|--|--|
| Regulation and Legal Norms  | There is a persistent gap between legal norms and administrative practices, with competency indicators remaining inconsistent across institutions. | Formulation of derivative regulations detailing competency indicators, procedural standards, and administrative sanctions for non-compliance.  |
| Institutional Oversight     | The abolition of the Civil Service Commission (KASN) has reduced the independence of merit-based oversight mechanisms.                             | Reconstruction of supervisory functions through the establishment of an autonomous oversight unit under BKN or the creation of an independent merit audit body involving academia and civil society. |
| Capacity and Digitalization | Significant disparities remain in infrastructure and human resources for implementing the ASN Digital system.                                      | Standardization of ASN metadata, algorithmic audits, and enhancement of digital literacy among civil servants to strengthen merit-based governance.  |
| Bureaucratic Culture        | Patronage practices and subjective promotion remain dominant in several institutions.  | Internalization of merit-based values through leadership training, performance-based evaluation, and strengthened ethical supervision mechanisms.  |

Source: Processed from research findings (2025).

Table 1 systematically illustrates the relationship between the research findings and the discussion outlined above, demonstrating the continuity between the theoretical framework, research methodology, and legal analysis of the merit system's implementation in Indonesia's civil service (Aparatur Sipil Negara or ASN). The four aspects presented regulation and legal norms, institutional oversight, capacity and digitalization, and bureaucratic culture represent the core dimensions identified in this study as determinants of the successful implementation of the merit system within the framework of the rule of law. The regulatory and normative aspect directly relates to the research finding that reveals a persistent gap between the existing legal provisions and their practical implementation. Although Law Number 5 of 2014 and Law Number 20 of 2023 on the State Civil Apparatus establish the merit principle as the foundation of civil service management, no detailed implementing regulations have been issued to define measurable competency indicators and performance evaluation mechanisms. This implementation gap causes the merit system to function primarily as an administrative formality rather than as a substantive tool for promoting professionalism within the civil service.

The scholarly discussion of this issue emphasizes the need for more detailed derivative regulations through government or ministerial decrees, consistent with rule of law theory, which asserts that every public policy must be grounded in clear, measurable, and legally accountable norms (Asshiddiqie, 2020). The institutional oversight aspect highlights the structural

transformation that followed the abolition of the Civil Service Commission (KASN) under Law Number 20 of 2023. The findings indicate that transferring oversight functions to the National Civil Service Agency (BKN) and the Ministry of State Apparatus Empowerment and Bureaucratic Reform (PAN-RB) risks weakening the independence of merit-based supervision, as both institutions belong to the executive branch. From the perspective of the *rechtsstaat* (state of law) doctrine advanced by Asshiddiqie (2020), independent supervision is a fundamental element ensuring objectivity and accountability in the enforcement of administrative law. Consequently, this study proposes the establishment of an autonomous oversight unit under BKN or an independent Merit Audit Body with its own supervisory mandate and transparent public reporting mechanisms (Damayanti et al., 2020).

The capacity and digitalization aspect reflects the importance of infrastructure readiness and human resource capability in supporting data-driven merit system implementation. The study found that a digital divide persists between central and regional governments in utilizing BKN's ASN Digital platform (Zainuddin & Ramadhani, 2022). This imbalance weakens data integration and the objectivity of performance-based evaluations. The discussion points toward the need for standardizing ASN metadata, conducting algorithmic audits, and enhancing digital literacy among personnel administrators across all government institutions. This aligns with the principles of good governance, which emphasize transparency, efficiency, and technological adaptation in public resource management, while also addressing the evolving intersection between administrative law and digital governance (Badan Kepegawaian Negara, 2024; Rachman & Suryadi, 2023).

The bureaucratic culture aspect reveals the sociological dimension of the merit system, which remains constrained by patronage practices and politically driven appointments. Such phenomena contradict the values of meritocracy, which demand professionalism and neutrality among civil servants. Based on the Bureaucratic Professionalism and Meritocracy theories discussed in the introduction, reform efforts aimed at establishing a merit-based system will not succeed without a corresponding cultural transformation within public institutions. Therefore, the proposed optimization strategy includes internalizing meritocratic values through leadership training, objective performance-based assessments, and ethical supervision mechanisms designed to foster a professional and accountable bureaucratic culture. Overall, the analysis presented in Table 1 demonstrates the logical interconnection between the research findings and the scholarly discussion previously elaborated. Each aspect of the table reflects a systematic response to the legal and administrative issues identified in the introduction and analyzed methodologically in the research design.

Through this integrated approach, the study illustrates that optimizing the merit system within the rule of law framework requires not only regulatory reform but also institutional restructuring, digital capacity enhancement, and cultural transformation within the bureaucracy. Accordingly, the table serves as a conceptual map that unites empirical findings, theoretical foundations, and policy recommendations, reaffirming this study's scholarly contribution to the advancement of administrative law in Indonesia. From an academic perspective, this research contributes to the development of state administrative law by integrating legal theory and public management practice into a unified meritocratic framework grounded in the rule of law. From a practical perspective, the findings provide a policy foundation for designing regulatory and institutional mechanisms that ensure the continuous professionalism of civil servants. By strengthening both the legal framework and independent oversight mechanisms, the merit system can serve as an effective legal instrument for ensuring a professional, transparent, and accountable bureaucracy in accordance with constitutional mandates (Republik Indonesia, 2014).

## CONCLUSION

Based on the normative review and descriptive analysis, this study concludes that the merit system constitutes a fundamental instrument for realizing a professional civil service within the

framework of the rule of law in Indonesia. Although the merit system has a strong legal foundation under Law Number 5 of 2014 and Law Number 20 of 2023, a substantial gap persists between normative provisions and their practical implementation, indicating that merit principles have not yet been fully internalized as core bureaucratic values. The effectiveness of the merit system depends not only on regulatory availability but also on the strength of institutional oversight, the readiness of digital governance infrastructure, and the transformation of bureaucratic ethics and culture. Strengthening the merit system therefore requires an integrative approach encompassing the reform of implementing regulations to ensure objective and measurable competency standards, the reconstruction of independent and accountable oversight mechanisms following the dissolution of KASN, and the acceleration of standardized digitalization to enhance transparency and administrative efficiency. Furthermore, continuous professional development and ethical reinforcement are essential to promote professionalism, neutrality, and performance-based orientation among civil servants. Ultimately, the merit system should be positioned not merely as an administrative instrument but as a legal mechanism that ensures justice, legal certainty, accountability, and good governance in accordance with Indonesia's constitutional rule-of-law principles.

## ACKNOWLEDGMENT

The author would like to express sincere gratitude to the Head of the Bureau of Finance, Cooperation, and General Affairs (BKKU) of the State University of Gorontalo, the Head of the Personnel Working Team of the State University of Gorontalo, as well as colleagues from the Administrative Staff of the Personnel Division of the State University of Gorontalo, for their valuable assistance and moral support that greatly contributed to the successful completion of this research in accordance with the planned objectives and timeline.

## REFERENCES

- Asshiddiqie, J. (2020). *Konstitusi dan Negara Hukum*. Jakarta: Konstitusi Press.
- Azam, M., & Bouckaert, G. (2025). The Narrative path of Indonesian public sector reforms 1998-2023. *Developments in Administration*, 6(1), 17-44. <https://doi.org/10.46996/dina.v6i1.8985>
- Azizah, U., Syahrul, L., & Yulihastri. (2024). Implementing the Merit System Through Talent Management as Career Development Basis. *Journal Publicuho*, 7(1), 312-323. <https://doi.org/10.35817/publicuho.v7i1.362>
- Bello, P., & Matthew, F. (2021). Good governance and civil service accountability in Nigeria-problems and prospects. *Good Governance and Civil Service Accountability in Nigeria-Problems and Prospects (June 5, 2021)*. <https://dx.doi.org/10.2139/ssrn.3860781>
- Caihua, H., & Saufi, A. (2025). Implementation of Merit System in China's Bureaucratic and Public Administration Sectors. *Asian Journal of Applied Business and Management*, 4(1), 381-388. <https://doi.org/10.55927/ajabm.v4i1.88>
- Damayanti, J. R., Rajab, R., & Hamka, H. (2020). Analysis of the Implementation of Merit System at the Ministry of Youth and Sports. *Jurnal Sosial Humaniora Terapan*, 6(1), 1. <https://doi.org/10.7454/jsht.v6i1.1102>
- Dwiyanto, A. (2018). *Reformasi Birokrasi Publik di Indonesia*. Gadjah Mada University Press.
- Fadilla, F., Jannah, L. M., & Muslim, M. A. (2024). Impact Transformation of Merit System in Civil Servant Selection System to Quality of Governance. *Asian Journal of Management, Entrepreneurship and Social Science*, 4(01), 1272-1300.
- Fatem, A., Sormin, S. P., Ohoiwutun, Y., & Rista, S. S. (2025). Digitalizing Employment Services: Infrastructure, Competency, and Cultural Challenges of Civil Servants. *Jurnal Penelitian Pendidikan Indonesia*, 11(3), 1-12. <https://doi.org/10.29210/020256001>
- Gie, T. L. (2019). *Administrasi Negara*. Yogyakarta: Liberty.

- Hakim, A. (2024). Strategi Optimalisasi Implementasi Sistem Merit dalam Pengelolaan Aparatur Sipil Negara di Lingkungan Kementerian Lingkungan Hidup dan Kehutanan (KLHK). *E-Journal IWI*, 5(1), 1-18. <https://doi.org/https://doi.org/10.56259/jwi.v5i03.327>
- Khobiburrohma, E. N., Margareta, P. S., & Hasbullah, M. S. H. (2020). Penerapan Sistem Merit dalam Birokrasi Indonesia untuk Mewujudkan Good Governance. *Transparansi: Jurnal Ilmiah Ilmu Administrasi*, 3(2), 139-148. <https://doi.org/10.31334/transparansi.v3i2.900>
- Kholil, A., Manurung, J. S., Agus, R., & Amelia, I. (2025). The Role of Youth Innovation and Collaboration in Driving National Economic Growth Towards Golden Indonesia 2045: A Legal Perspective. *Solo International Collaboration and Publication of Social Sciences and Humanities*, 3(03), 425-440. <https://doi.org/10.61455/sicopus.v3i03.352>
- Kurniawan, S. N. A., Salsabila, T. M., & Mahendra, W. (2024). Menimbang Dampak Pembubaran Komisi Aparatur Sipil Negara (KASN) terhadap Netralitas ASN pada Pemilu 2024. *Jurnal Ilmiah Wahana Pendidikan*, 10(13), 709-720. <https://doi.org/10.5281/zenodo.12806896>
- Mahyudin, M. (2025). Meritocracy in the Placement of Civil Servants in Indonesia: A Literature Review. In A. Y. Andi & I. Nuralamsyah (Eds.), *Proceedings of the 2nd International Conference on Administrative Science (ICAS 2024)* (p. 40). Atlantis Press. [https://doi.org/10.2991/978-94-6463-791-5\\_40](https://doi.org/10.2991/978-94-6463-791-5_40)
- Mau, S., Subarsono, A. G., & Purbokusumo, Y. (2020). The Merit System's Adaptation to the Implementation of Bureaucratic Official Recruitment and Promotion Policy in South Central Timor Regency. *Policy & Governance Review*, 4(3), 245-261. <https://doi.org/10.30589/pgr.v4i3.356>
- Maulana, A., Indriati, F., & Hidayah, K. (2022). Analysis of Bureaucratic Reform Through Delaying of Government Institutions in Indonesia. *Jurnal Borneo Administrator*, 18(2), 155-170. <https://doi.org/10.24258/jba.v18i2.1003>
- Ménard, C., Jimenez, A., & Tropp, H. (2020). Addressing the policy-implementation gaps in water services: the key role of meso-institutions. *OECD Principles on Water Governance*, 13-33. London: Routledge. <https://doi.org/10.4324/9780429448058>
- Mota Prado, M. (2024). Redundancy as a Legal Strategy to Combat Corruption: Exploring the Potential of Institutional Multiplicity to Create Fail-Safe Systems. *Current Legal Problems*, 77(1), 335-376. <https://doi.org/10.1093/clp/cuae010>
- Nkgapele, S. M., & Mofokeng, S. (2024). Merit-based recruitment in the South African Public Service: Challenges and opportunities. *International Review of Social Sciences Research*, 4(4), 148-170. <https://doi.org/10.53378/irssr.353136>
- Nor, R., Gani, A. J. A., Saleh, C., & Amin, F. (2022). Organizational commitment and professionalism to determine public satisfaction through good governance, public service quality, and public empowerment. *International Review on Public and Nonprofit Marketing*, 19(1), 191-217. <https://doi.org/10.1007/s12208-021-00297-0>
- Oliveira, E., Abner, G., Lee, S., Suzuki, K., Hur, H., & Perry, J. L. (2024). What Does the Evidence Tell Us about Merit Principles and Government Performance? *Public Administration*, 102(2), 668-690. <https://doi.org/10.1111/padm.12945>
- Park, S., & Liang, J. (2020). Merit, diversity, and performance: Does diversity management moderate the effect of merit principles on governmental performance?. *Public Personnel Management*, 49(1), 83-110. <https://doi.org/10.1177/0091026019848459>
- Pomaza-Ponomarenko, A., Leonenko, N., Cherniahivska, V., Lehan, I., & Puzanova, G. (2024). Dynamics of legal transformtins: Assessment of impact on society and analysis of

- determinations of changes in the legislative sphere. *Multidisciplinary Reviews*, 7. <https://doi.org/10.31893/multirev.2024spe037>
- Pramusinto, A., & Quah, J. S. (2016). Weak central authority and fragmented bureaucracy: A study of policy implementation in Indonesia. *The Role of the Public Bureaucracy in Policy Implementation in Five ASEAN Countries*, 9, 98.
- Rachman, F., & Suryadi, A. (2023). Digitalisasi Sistem Merit dan Tantangan Transformasi ASN di Era Pemerintahan Elektronik. *Jurnal Reformasi Dan Birokrasi Digital*, 3(2), 45–62. <https://doi.org/10.51903/jrdb.v3i2.155>
- Ramadhan, M. N. (2025). Threats to The Meritocracy and Neutrality of State Civil Apparatus. *South East Asian Journal of Advanced Law and Governance (SEAJ ALGOV)*, 2(1), 71-84. <https://doi.org/10.22146/seajalgov.v2i1.20290>
- Ridwan, S., & Wahyudi. (2024). Implementasi Sistem Merit dan Realitas Pertukaran Sosial: Analisis Kritis Proses Seleksi Pejabat Daerah di Indonesia. *Journal of Social Science Research*, 4(4), 12445–12460. <https://doi.org/10.31004/innovative.v4i4.13896>
- Sari, B. K., & Subekti, R. (2024). The Future of Meritocratic Oversight of the State Civil Apparatus After Law No. 20/2023. In *Proceedings of the 5th International Conference on Public Administration* (pp. 120–128). Atlantis Press. <https://doi.org/10.2991/icpa.2024.18>
- Sary, J. S., Sukmariningsih, R. M., Mulyani, S., & Noor, A. (2024). Enhancing Good Governance through the Implementation of the Merit System in the Placement of State Civil Apparatus. *Pakistan Journal of Life & Social Sciences*, 22(2). <https://doi.org/10.57239/PJLSS-2024-22.2.00407>
- Setyowati, D., & Lestari, M. (2023). Good Governance dan Merit System dalam Perspektif Hukum Administrasi. *Jurnal Ilmiah Kebijakan Hukum*, 18(3), 213–228. <https://doi.org/10.30641/kebijakan.2023.V18.213-228>
- Silitonga, M. C., & Mariyanti, E. (2025). Analisis Implementasi Sistem Meritokrasi Aparatur Sipil Negara (ASN) Pada Pemerintahan Provinsi Sumatera Barat di Biro Xyz. *Journal Educational Research and Development/ E-ISSN: 3063-9158*, 2(1), 589-593.
- Simandjorang, B. M. T. V., & Kurniawan, A. (2022). Contextual bureaucratic reform in the recruitment system of the state civil apparatus of Indonesia. *KnE Social Sciences*, 599-617. <https://doi.org/10.25077/jakp.9.2.293-316.2024>
- Singo, T. A., & Mafunisa, M. J. (2023). Professionalism: The quest for effective, efficient, accountable and responsive public Service in South Africa. *Journal of Public Administration*, 58(2), 385-398. <https://doi.org/10.53973/jopa.2023.58.2.a11>
- Siregar, Z. M. E., & Lubis, J. (2017, March). Merit system in the placement of civil servants and its effect toward performance of sub-district office in Labuhanbatu Region Nort Sumatera. In *IOP Conference Series: Materials Science and Engineering* (Vol. 180, No. 1, p. 012258). IOP Publishing. <https://doi.org/10.1088/1757-899X/180/1/012258>
- Stahl, F. J. (2004). *The Doctrine of Law and the Modern Rechtsstaat*. Berlin: Springer.
- Sudrajat, T. (2023, December). Assessing the Challenges of Implementing the Merit System in Local Governance. In *3rd International Conference on Law, Governance, and Social Justice (ICoLGaS 2023)* (pp. 887-894). Atlantis Press.
- Tkachenko, V., Kotviakovskiy, Y., & Zinchenko, S. (2025). Contemporary European Concepts of Public Administration in the Context of Digital Transformation and their Legal Framework. *Public Administration and Law Review*, (1 (21)), 99-109. <https://doi.org/10.36690/2674-5216-2025-1-99-109>

- Vikalista, E., Warsono, H., Martini, R., Erowati, D., & Muharam, R. S. (2025). Elite-centered regimes as barriers to meritocracy: the case of Indonesia. *Frontiers in Political Science*, 7, 1687026. <https://doi.org/10.3389/fpos.2025.1687026>
- Wahyudi, S. (2024). Reformasi Manajemen ASN dalam Perspektif Negara Hukum Modern. *Jurnal Hukum Dan Pembangunan*, 54(4), 399-418. <https://doi.org/10.21143/jhp.vol54.no4.5516>
- Weber, M. (2019). *Economy and Society: An Outline of Interpretive Sociology*. Berkeley: University of California Press.
- Young, M. (1994). *The Rise of the Meritocracy*. London: Thames and Hudson.
- Yuana, I., Tambunan, R., Syaban, A., & Nur, M. (2025). Decoding Organizational Culture Dynamics in Bureaucratic Reform: A Phenomenological Study Among Indonesian Public Sector Employees. *Jurnal Ilmiah Akuntansi Kesatuan*, 13(5), 1401-1410. <https://doi.org/10.37641/jiakes.v13i5.4069>
- Zahrani, F., Maghfirli, A. S., Zaimuddin, A. B., & ES, R. D. W. Q. (2025). The Principles of Ihsān and Efficiency in Public Services: A Study of Islamic State Administrative Law on Digital Bureaucratic Reform (E-Government). *Journalum Juris Islamicum Contemporaneum*, 1(1), 144-162.
- Zainuddin, M., & Ramadhani, F. (2022). Tantangan Implementasi Meritokrasi pada Aparatur Sipil Negara di Indonesia. *Journal of Governance and Integrity*, 5(2), 101-117. <https://doi.org/10.30641/jgi.2022.V5.101-117>