

## LEGAL RESPONSIBILITIES OF THE LOCAL GOVERNMENT TO REDUCE THE ADDITIONAL INCOME OF EMPLOYEES OF THE CIVIL SERVANT FOR HEALTH PROFESSIONALS

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### Abstract

The main objective of this study is to analyze the legal consequences of reducing the provision of additional income for health workers and to analyze the legal responsibility of local governments for reducing the right to provide additional income for health workers. The method used in this study is a normative juridical research method, so the approach taken in this research is a statutory approach (statute approach), historical approach (historical approach) and conceptual approach (conceptual approach). The results of the findings and studies in this study, it can be concluded that the legal consequences that occur if the actions taken by the local government to reduce the provision of additional income for Health Workforce Employees if they cannot be accounted for are revocable and invalid. So that the decision issued in February 2022 may be canceled, so that the Regent's regulation Number 1 of 2022 is reinstated. The legal responsibility of the local government regarding the reduction of the right to provide additional income for health workers is to return to the legal basis for providing additional income for employees based on government regulations number 12 of 2019 by looking at the principles of providing additional employee income which include the principles of justice, welfare and having legal certainty.

**Keywords:** *legal consequences, local government, legal responsibilities. Health professional*

**INTRODUCTION**

In general, the term employee is widely used as workers, staffing, employment which in essence administratively and juridically has no different meaning in relation to employees in the company. Apparatus can be in the form of administrative systems, government, courts, radio, television, religious institutions, all devices used by the authorities to exercise power in society.

Based on Law Number 5 of 2014 concerning the State Civil Apparatus as a new law regarding employment, in order to realize national goals, employees of the State Civil Apparatus (THE CIVIL SERVANT) are needed. THE CIVIL SERVANT employees are entrusted with the task of carrying out certain public service tasks, government tasks and development tasks. Public service duties are carried out by providing services for goods and services, and/or administrative services provided by THE CIVIL SERVANT employees. The government tasks are carried out in the context of implementing general government functions which include institutional utilization, staffing and management. Employees of the State Civil Apparatus, who are then referred to as THE CIVIL SERVANT employees, are divided into 2 (two), namely Civil Servants and Government Employees with Work Agreements. Article 1 number 3 that Civil Servants, hereinafter abbreviated as PNS, are Indonesian citizens who meet certain requirements, appointed as THE CIVIL SERVANT employees on a regular basis by staffing officials to occupy government positions. Article 1 point 4 of the Law on State Civil Apparatus, defines that a Government Employee with a Work Agreement, hereinafter abbreviated as PPPK, is an Indonesian citizen who fulfills certain requirements who is appointed based on a work agreement for a certain period of time in order to carry out government duties.

The rights and obligations of the State Civil Apparatus are contained in the THE CIVIL SERVANT Law, where in Article 21 it is stated that civil servants have the right to receive salaries, benefits, facilities, leave, pension and retirement benefits, protection and competency development. Then in Article 22 it is stated that PPPK has the right to receive salaries, benefits, leave, protection and competency development. The obligations of THE CIVIL SERVANT employees are regulated in Article 23 of the State Civil Apparatus Law.

Additional State Civil Apparatus Employee Income is a form of appreciation for State Civil Apparatuses that have a legal basis, guidelines, criteria, and assessment indicators that are measurable and uniform and apply thoroughly to State Civil Apparatuses so as to improve discipline, performance motivation and welfare of State Civil Apparatuses within the Regional Government.

Based on the provisions of Article 58 paragraph (1) Government Regulation Number 12 of 2019 concerning Regional Financial Management, Regional Governments can provide additional income to State Civil Apparatus Employees by taking into account Regional Financial capabilities and obtaining approval from DPRD (Regional People's Representative Council) in accordance with provisions of Laws -invitation. In PP No. 12 of 2019 there are arrangements regarding additional income. The regulation uses terminology that is different from the terminology used in the context of bureaucratic reform, namely performance allowances.

In principle, additional employee income is a function of the successful implementation of local government administration, the funds of which come from efficiency/optimization of regional government budget ceilings and/or increased regional revenues generated. provision of additional employee income using the following principles; legal certainty, accountability, professionalism, effectiveness and efficiency, justice and equality, welfare and optimization. in carrying out their duties, THE CIVIL SERVANT employees in the local government environment are given additional employee income with the following criteria; additional employee income based on workload, work performance, place of duty, working conditions,

scarcity of profession and/or other objective considerations. Determination of the amount of additional employee income is based on several parameters including the position class which is determined based on the results of job evaluation as a human resource management process that is used to assess a position systematically using criteria known as job factors. The additional deduction for the income of State Civil Apparatus Employees is determined based on the level of work discipline of the State Civil Apparatus by looking at several assessment components regulated in the law.

The additional income of the civil servant employees for health workers in West Lombok district has decreased from the previous one. Provision of additional income for health worker employees refers to regent regulation number 1 of 2022 where the additional income for health worker employees received is 50% of the additional basic employee income stated in the regent regulation. However, on February 24 2022, West Lombok Regent Decree No. 188.45/310/BPKAD/2022 and West Lombok Regent Decree No. 188.45/345/BPKAD/2022 dated February 25 2022 made all health workers in West Lombok feel disappointed because the decision there was a reduction in the additional employee income received by medical personnel, namely 35% from the 50% previously received. What is felt is the injustice in reducing the provision of additional employee income here is that only medical personnel are reduced, while other units experience additional provision of additional employee income. Based on information from the regional secretariat officials, the consideration for reducing the provision of additional income for health worker employees is because the health workers have already received services from the agency where they work. However, the problem here is that an analysis of the income of health workers is not carried out regarding the services provided, whether they are in accordance with the standard income or the minimum wage earned. This was the trigger for the action taken by medical personnel throughout West Lombok district to convey their aspirations against reducing the provision of additional income for health workers in front of the West Lombok Regent's office.

In their demands, representatives of health workers who were received in the hall of the regent's office stated that; sue the local government not to cut or reduce additional employee income based on the regent's decision in February 2022, demand justice if this cut is not only for health workers but applies to all THE CIVIL SERVANT within the scope of the West Lombok regional government when looking at financial capabilities regions and asked local governments to pay more attention to the welfare of medical personnel.

Based on the above, with the issuance of Regent Decree Number 188.45/310/BPKAD/2022, the implementation of which is not in accordance with Regent Regulation Number 1 of 2022, there may be an indication of abuse of authority described in Article 3 of Law Number 20 of 2001 Concerning Corruption crime which states that "Any person who benefits himself or another person or a corporation abuses the authority, opportunity or means available to him because of his position or position which can harm the state's finances or the country's economy shall be punished with life imprisonment or a minimum sentence of 1 year and a maximum of 20 years and/or a fine of at least 50 million, a maximum of 1 billion".

Based on the description above, there are several things that become legal consequences of reducing the provision of additional income for health worker employees and what is the responsibility of the regional government for reducing the right to provide additional income for health worker employees. Based on the formulation of the problem, the purpose of this study is to analyze the legal consequences of reducing the provision of additional income for health workers and to analyze the legal responsibility of local governments for reducing the right to provide additional income for professional health workers.

**RESEARCH METHOD**

The method used in this study is a normative juridical research method, so the approach taken in this research is a statutory approach (statute approach), historical approach (historical approach) and conceptual approach (conceptual approach). The technique for collecting legal materials in this study was to study documents or library materials by collecting secondary materials related to the legal issues under study to then be categorized, read, reviewed which were then studied, clarified, analyzed from the relevant books, literature, journal articles. The analysis of legal material in this study was carried out using normative analysis, because the legal materials in this study lead to theoretical studies in the form of legal principles, legal concepts, and legal principles.

**RESULT ANN DISCUSSION****Legal Consequences for Reducing the Additional Income Rights of State Civil Apparatus Employees for Health Workers**

Basically, the demands for justice being called out by health workers today are a form of dissatisfaction with the decisions issued by the local government regarding additional employee income. according to the researchers, the actions taken by the local government can be said to have violated legal provisions wherein the regent regulations that have been issued state that the provision of additional employee income is based on the principles of justice and equality, which means that there is no difference between health and non-health workers.

Based on government regulation number 12 of 2019, it confirms that the provision of additional employee income is based on the principles set forth including legal certainty, justice and equality and welfare. This means that it is clearly regulated in the legislation. the provision of additional employee income is different from performance allowances and regional governments are given authority according to regional capabilities with the approval of the DPRD. However, granting this authority does not mean that local governments can act arbitrarily without looking at the regulations that have been issued.

According to the provisions of Article 17 of Law Number 30 of 2014, government agencies and/or officials are prohibited from abusing authority, this prohibition includes a prohibition on exceeding authority, a prohibition on mixing authority, and/or a prohibition on acting arbitrarily.

Government agencies and/or officials are categorized as exceeding their authority if the decisions and/or actions taken exceed the term of office or the validity period of the authority, exceed the boundaries of the area where the authority is valid; and/or contrary to the provisions of laws and regulations. Government agencies and/or officials are categorized as mixing up authority if the decisions and/or actions taken are outside the scope of the field or subject matter of the authority granted, and/or are contrary to the purpose of the authority granted. Government bodies and/or officials are categorized as acting arbitrarily if decisions and/or actions are taken without the basis of authority, and/or contradict a court decision that has permanent legal force.

According to this study, indications of abuse of authority are more towards mixing up authority where decisions or actions taken are outside the substance of the authority given or not in accordance with the criteria for reducing the provision of additional employee income, and contrary to the purpose of the authority given where the purpose of providing additional employee income is for welfare the civil servant.

Regarding the source of funds used in providing additional income for health worker employees, especially working in blud hospitals where the sources of blud funds need to be analyzed by the local government in giving authority to the director of the hospital because there is no strong legal basis and a written decision to pay extra employee income with blud funding sources. so that in this case communication and quick response from the regional

government are needed so that there is no abuse of authority in the implementation of payments for providing additional income for employees, especially health workers in the scope of regional public service agencies.

The legal consequences that can occur if the government cannot be held accountable for the decisions that have been taken or take arbitrary actions or mix up authority, the legal consequences of the decisions taken can be canceled or the decisions become invalid. So that in this study, if the government is unable to account for the decisions that have been taken, the demands from THE CIVIL SERVANT health workers demanding that the Regent's decision be revoked in February 2022 can be cancelled.

### **The Government's Legal Responsibilities for Reducing the Additional Right to Income of Civil Servants for Health Workers.**

The form of the government's legal responsibility for the action of reducing the right to grant additional income for health worker employees can be stated as follows:

1. The local government is committed that the rights of health workers to receive additional employee income from the regional government will not be reduced and will be given an additional 5% of the previous employee's additional income.
2. The regional government suggested to the two blud hospitals to draw up a regent's regulation regarding remuneration in which the hospital's financial management fully belongs to the blud hospital without intervention from the local government, so that it can regulate the amount of income given to employees, except salaries and the civil servant benefits regulated in accordance with laws and regulations.
3. The source of funds for providing additional employee income comes from the regional budget which is still provided by the regional government and an additional percentage of contributions can be made if the blud hospital experiences a breakdown
4. The local government decides that the provision of additional employee income as a component of the regent's regulation regarding blud rsud remuneration will be carried out in accordance with the principles of providing additional employee income, including; legal certainty, justice and equality, as well as the welfare of employees of the state civil apparatus for health workers.

In principle, the community, in this case the health workers, especially want good governance and clean government. The implementation of good governance and clean government is used as an indicator of democratic practices in a country, where holders of public office must be able to be accountable to the public for what they have done, both privately and publicly. In the context of the Indonesian language, good governance is defined as good, clean and authoritative government. What is meant by good here is government related to social, cultural, political and economic resources is regulated according to the power exercised in society, while clean government is government that is effective, efficient, transparent, honest and responsible.

All civil servants have the right to obtain additional employee income which is regulated in government regulation number 12 of 2019. additional employee income is given by the regional government as a form of local government appreciation to all the civil servant with the aim of increasing work discipline, motivation work and welfare of the civil servant sourced from the ceiling of the regional expenditure budget. so the provision of additional income for employees in west lombok uses the principles of giving as regulated in the regent's regulations.

From the problems that occurred in 2022 related to the reduction in provision of additional income employees, especially health workers, clarification has been made by the regional government and in this case the regional government is responsible for the actions that have been taken by granting the right to provision of additional income employees for health workers in accordance with the regent regulations that have been issued in January 2022 and

the decree on the amount of additional employee income that was issued in February 2022 was revoked. the regional government is committed that the fulfillment of the Civil Servant rights related to additional employee income will not reduce the rights that civil servant should receive while still looking back at the budget ceiling. regions for the fulfillment of additional provisions of employee income. the regional government promises to fulfill the civil servant rights in accordance with the principles of justice and prosperity.

For Regional General Hospitals in the form of Regional Public Service Boards (BLUDs) in West Lombok Regency, as a solution to the problems faced, a Regent Regulation was formed regarding Remuneration of Regional Public Service Bodies for Regional Public Hospitals wherein this Regent Regulation listed the components the remuneration component is related to the income of BLUD Hospital employees, both THE CIVIL SERVANT and non-THE CIVIL SERVANT employee income. In this component, provision of additional employee income is included in the remuneration component with funds originating from the local government which has been budgeted for one year. The amount of additional employee income provided through this remuneration component is given authority to the hospital to regulate itself as set forth in the director's regulation. this means that the hospital has the right to add additional employee income to the civil servant employees if there is an increase in hospital income without having to equate the amount of additional employee income with other agencies.

## CONCLUSION

Based on the findings and studies in this study, it can be concluded that the legal consequences that occur if the actions taken by the local government to reduce the provision of additional income for Health Workforce Employees if they cannot be accounted for are revocable and invalid. So that the decision issued in February 2022 can be canceled, so that regent regulation number 1 of 2022 reapplies.

The legal responsibility of the local government regarding the reduction of the right to provide additional income for health workers, namely returning to the legal basis for providing additional employee income based on government regulation number 12 of 2019 by looking at the principles of providing additional employee income, namely the principles of justice, welfare and having certainty law. There is no difference between the provision of additional income for health workers and non-health workers. Uphold the principle of justice so that there are no more differences between them.

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