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Implementation of Official's Mutation in Bengkulu's Government: Fiqh Siyasah Perspective

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Abstract. implementation of the mutation of officials was carried out by the Mayor of Bengkulu, which based on a case study that occurred in 2018, the mutation was considered to violate the law and was also considered to be legally flawed and not in accordance with existing regulations. The purposes of this study include: (1) To explain the implementation of mutations in the government of Bengkulu City. (2) To analyze the views of figh siyasa on the implementation of the Bengkulu City transfer. The method used in writing this journal is field researchusing qualitative methods. The technique used in collecting data is by observing, interviewing, and documenting. The data analysis used in this study is qualitative analysis using deductive reasoning methods, namely describing general matters and then drawing specific conclusions according to the problems discussed in this study. The results of this study found that in practice, the transfer of officials in the Bengkulu City government had not been carried out properly, as evidenced by case studies of violations that occurred in 2018 and 2019 where the replacement of officials was carried out without written approval from the Minister of Home Affairs. Meanwhile, in the figh analysis, siyasah is known as the wizarah namely as a person who is an assistant to the head of state with authority or power in the field of government. And in practice it is still contrary to the principle of wizarah where every assistant to the caliph must pay attention to the rules and regulations that have been set.

Keywords: Job Mutation; Bengkulu City; Figh Siyasah

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Introduction

The presence of Law Number 5 of 2014 concerning the State Civil Apparatus (ASN), has breathed new enthusiasm into the administration of state government. The true spirit further emphasizes the assertion and urgency of bureaucratic reform policies as an effort to realize good governance. The spirit that places the central role of the bureaucratic apparatus in realizing a clean and strong government. The performance of the bureaucracy in public services has a clear basis and direction and is expected to become the basis for the development of a culture of bureaucratic law (rule of law), a culture of government bureaucracy that empowers its people.

Civil Servants (PNS) as government apparatus have a central presence in carrying out components of government policies or regulations for the realization of national goals. These components accumulate in the form of distribution of duties, functions and obligations of civil servants. The principle in carrying out mutations is to position employees who are in accordance with their jobs so that employee morale and productivity can increase and aim to support the success process of the bureaucracy, namely to increase and aim to support the success process of the bureaucracy, namely based on The right man in the right place and the right man in the right job, namely the transfer of employees based on foundations that are objective, scientific, and through the results of employee performance in accordance with their respective proportions.

Various indicators that greatly affect the implementation of mutations for an institution. One of the indicators that plays a very important role and gets a lot of attention is increasing employee productivity by implementing a transfer system and policy that is right on target according to each field, one of which is the mutation policy carried out by the Mayor of Bengkulu. The mayor as a leader in an area has high authority and very strong influence so that all issues regarding transfers, dismissals, promotions and positions seem to have to be based on the wishes of the mayor.

On January 19 2018 the Mayor of Bengkulu transferred officials of the State Civil Apparatus (ASN), namely echelon II, III and IV within the Bengkulu City government. The Mayor of Bengkulu has transferred 52 officials. However, the mutation must be canceled because the mutation has violated the rules. The

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cancellation was carried out by the minister of the interior (mendagri). The mutations carried out by the Mayor of Bengkulu are considered to have violated the rules because previously the Minister of Home Affairs had issued regulations for regional heads whose term of office will expire in January 2018 not to transfer officials. The decision to cancel the transfer of 52 Bengkulu municipal government officials was issued by Mandagri three days before the end of Helmi Hasan's tenure as Mayor of Bengkulu.

With the cancellation letter from the Minister of Home Affairs, the 52 echelon II, III and IV officials appointed by Helmi Hasan were returned to their original positions or returned to their previous positions. As regional leaders, they must comply with the principles and rules that apply, that is the basis of the Mandagri letter. It can be said that in practice the appointment of employees is not in accordance with what has been determined in the laws and regulations. The government should have implemented the regulations that have been set so as not to cause polemic in society.

The cancellation of the employee transfer caused the employees who had been inaugurated to return to their original positions. In the implementation of the transfer itself that must be really considered carefully, so as not to cause harm to some parties. The implementation of the transfer of officials received a chaotic polemic for and against. The implementation of the transfer of positions carried out by the mayor of Bengkulu was considered good in carrying out the transfer but it turned out that it was not in accordance with the procedure for carrying out the mutation which is contained in Law No. 10 of 2016 in article 71 paragraph 2 which reads: "Governor or Deputy Governor, Regent or Deputy Regent , and Mayors or Deputy Mayors are prohibited from replacing officials six months before the date of determination of pairs of candidates until the end of the term of office unless they obtain written approval from the Minister of Home Affairs (Mendagri).

The implementation of the mutation which is considered to have violated these rules seems to have given rise to the assumption in society that there is a politics of Job Mutation. The assumption in society is that demotion is a punishment that will be received by employees who are in the opposite direction to their leaders during elections. The attitude of collusion and nepotism carried out by the regional head made the transfer not based on staffing orientation. This should be eliminated to improve the structure of

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government in the future and also to eliminate negative perceptions in the eyes of the public. Transfer or mutation is part of coaching, in order to provide work experience, greater responsibility and ability to employees. Then the mutation of officials in the Bengkulu City government was considered legally flawed or contrary to the rules. Secretary I of the Bengkulu City DPRD, Hamsi, said that the mutation carried out was not in accordance with Mayor Regulation (Perwal) Number 07 of 2019 concerning provisions and procedures for transferring civil servants. Hamsi explained that in this transfer, many officials transferred from the Bengkulu Provincial Government were appointed as officials in the Bengkulu City Government. Apart from that, in this transfer, there were civil servants who were caught in legal cases but were still appointed as officials in one of the OPDs.

In accordance with Law Number 8 of 1974 concerning staffing matters (State Gazette of the Republic of Indonesia of 1974 Number 55 and Supplement to State Gazette Number 3041) which was amended by Law Number 43 of 1999 (State Gazette of the Republic of Indonesia of 1999 Number 169 and State Gazette Supplement Number 3890). Mandates the need to form a regional staffing agency by the regional head in the framework of the smooth running of officials in the regions. In accordance with what is written in article 34A, that is, for the smooth implementation of officials in the regions, BKDs are formed and BKDs as referred to in paragraph 1 are regional apparatuses formed by regional heads. With the reasons contained in Law Number 43 of 1999, this is not in accordance with national demands and the times, therefore Law Number 5 of 2004 concerning State Civil Apparatus was created.

However, the existence of BKD can be found in the Presidential Decree (Keppres) of the Republic of Indonesia No. 159 of 2000 concerning Guidelines for the Establishment of BKD. What is meant by BKD are regional apparatuses that carry out regional employee management in assisting the main tasks of regional staffing supervisor officials. One of the functions of the BKD is to prepare and carry out the appointment, transfer and dismissal of regional employees in accordance with the norms, standards and procedures stipulated in the laws and regulations. Article 2 of Presidential Decree No. 159 of 2000 states that the BKD is under the responsibility of the regional head through the secretary of the regional head. It is from this article that the full responsibility of the BKD is attached in carrying out its performance to assist regional civil

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service supervisors in carrying out regional employee management in accordance with the general principles of good governance, namely governance and development that can be efficient, successful and responsible. In a number of Islamic historical literature concerning appointments and changes in positions (mutation), it is described at the time of Umar bin Khattab, every time he appointed someone to become an employee, he announced that person first to the public, and Umar always announced it to the general public. Before Umar bin Khattab appointed and demoted employee positions during his leadership, this incident had also been carried out during the time of the Prophet Muhammad. The Prophet once appointed Muadz bin Jabal as Governor of Yemen. The Prophet appointed officials in the Medina, Makkah, Tayma', al-Jund, Bani Kindah, Najran al-Yaman, Badramawt and Bahrain areas. The Prophet appointed guardians for each region and indicated that his duties were to uphold and enforce laws, enforce laws, and prepare special regulations relating to justice. As well as including guardians who are appointed also take care of zakat as amil in their respective areas.

Research methods

Will examine how the Implementation of Transfers of Officials in the Bengkulu City Government Perspective of Fiqh Siyasah, with case studies that occurred in the Bengkulu City Regional Personnel Agency (BKD). Researchers will conduct this research by exploring the cases that occurred in the form of interviews with the Regional Personnel Agency (BKD), to obtain results that are in accordance with the objectives of this research, of course. In this study, the authors used a type offield research, namely the Bengkulu city regional staffing agency using a qualitative approach, qualitative research is one of the research procedures that produces descriptive data in the form of speech from the people observed. All the data that has been successfully extracted and collected comes from the field, namely from parties related to the implementation of the transfer of officials in the Bengkulu city government based on the perspective of siyasa figh.

Informants are people who provide information about the circumstances that occur in the problem to be studied. The selection of informants in this study used a purposive sampling technique, namely taking informants not randomly, but through considerations and criteria determined by the researchers themselves so that they were worthy of being used as informants in this study. In appointing informants, the researcher chose several informants after going through a survey of

research locations, in which the informants were the ones who knew best and had information related to the circumstances of the case that the researcher raised and the formulation of the problem that the researcher raised.

Data analysis is describing data in the form of sentences that are arranged systematically, clearly and in detail which are then interpreted to obtain a conclusion a conclusion that is specific in accordance with the problems discussed in this study. Based on the hypothesis that was formulated based on this, then the data was searched again and again so that it could be concluded whether the hypothesis was accepted or rejected based on the data collected. If based on data that can be collected repeatedly using triangulation techniques, the hypothesis is accepted, then the hypothesis develops into a theory.

Discussion

1. Implementation of Job Mutation in Bengkulu's Government

Law Number 5 of 2014 concerning State Civil Apparatus. Article 1 explains that ASN management is the management of ASN to produce ASN employees who are professional, have basic values, professional ethics, free from political intervention, clean from corruption, collusion and nepotism. ASN management itself includes preparation and determination of needs, procurement, rank and position, career development, promotions, transfers, performance appraisal, payroll and benefits, awards, discipline, dismissal, pension and old age benefits, and protection. In article 73 in paragraph 7 it is explained that to prevent conflicts of interest ASN who have marital relations and direct blood relations in one work unit can be transferred to a different unit based on the decision of the staffing supervisor. From this article it can be concluded that the application for a transfer may not be made for the reason that you want to be close to your place of residence or close to your family, but must be in accordance with the needs of the employee at the place where the transfer is assigned. While the reality in the field is that there are still many mutations for reasons like that where mutations are used as a tool to make work easier but without paying attention to existing regulations.

Article 71 paragraph (2) of Law Number 10 of 2016 concerning the second amendment to Law Number 1 of 2015 concerning the stipulation of government regulations in lieu of Law Number 1 of 2014 concerning the election of the Governor, Regent or Deputy Regent, Mayor or Deputy Mayor is

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prohibited replace officials 6 (six) months before the date of determination of pairs of candidates until the end of the term of office, unless approval is obtained in writing from the Minister. The Mayor of Bengkulu (Helmi Hasan) performs mutations for the replacement of echelon II, III, IV officials. The mutation is considered to violate the rules of legal proportions towards the interests of power. Thus causing the cancellation of mutations and officials who had been appointed to be returned to their original positions or returned to their previous positions. As regional leaders, they must comply with the principles and rules that apply, that is the basis of the Mandagri. It can be said that in practice the implementation of official transfers is not in accordance with what has been determined in the laws and regulations. The government should have implemented the regulations that have been set so as not to cause polemic in society.

Efforts to realize the activity of administering the government sector properly and correctly (good governance) are of course the basic elements of the public service sector, namely government administration and public service actors in the professionalism sector. Considerations related to the placement of employees carried out by the mutation process need to be based on the principle of professionalism, namely rank, competence, work performance and other requirements that are determined objectively without any discriminatory elements that differentiate ethnicity, religion, gender, race or class.

The results of the interview with Mr. Syahrul Mubarak, SE, MM, the Sub Coordinator of BKD, said that the implementation of a transfer can occur at any time depending on the situation that is developing in the city of Bengkulu. The implementation of transfers always refers to the applicable laws and regulations, in this case the Bengkulu City BKD refers to Law No. 5 of 2014 concerning the State Civil Apparatus (ASN), Law and Regulations 17 of 2020 concerning Management of the State Civil Apparatus (ASN) and several Other laws and regulations according to needs are therefore different, for example for echelon II there are provisions in the laws and regulations themselves regulated in PERMENPAN No. 15 of 2019. One of the mutations that occurred in the Bengkulu City Government was a violation of rules that did not in accordance with the procedure for carrying out transfers contained in Law Number 10 of 2016 in article 71 paragraph 2 which reads: "Governors or Deputy Governors, Regents or Deputy Regents, Mayors or Deputy Mayors are prohibited from

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replacing officials six months before the date of determination of pairs of candidates until by the end of the term of office unless it obtains written approval from the Minister of Home Affairs (Minister of Home Affairs)".

List of Names of Esellon II, II and III, IV Officials of Bengkulu City at Mutation

No	Nama	Esellon	Jabatan
1	Ir.Arif Gunadi,M.Si	11	Head of Regional Financial and Asset Management Agency
2	Dra.Zuliyati	11	Head of Regional Financial and Asset Management Agency of Bengkulu City
3	H.Romadhan Indosman	11	Secretary of the Regional People's Representative Council of Bengkulu City
4	Dra.Rosmidar	11	Head of the Office of Women's Empowerment, Child Protection, Population Control and Family Planning, Bengkulu City
5	Syafriandi,SE,M.Si	11	Head of Public Works and Spatial Planning Office of Bengkulu City
6	Drs.Riduan,S.Ip,M.Si	11	Head of Research and Development Planning Agency of Bengkulu City
7	Ali Armada, S.H	11	Head of National Unity and Politics of Bengkulu City
8	Dra.Lia Kamalia Heryati	111	Head of Public Agency of Bengkulu City Regional Secretariat
9	Drs.Zazwardi	111	Head of Transfers, Functional Positions and Apparatus Welfare at

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			the Personnel, Education and
			Training Agency for Bengkulu City
10	Drs.Sehmi,M.Pd	111	Implementation at the Statistics
			Service Bengkulu City
1.1	F 'I 1	111	II 1 CD : 1A
11	Fauzi Indra	111	Head of Regional Autonomy
	Rahendra,SSTP		Subdivision in the Governance
			Section of the Bengkulu City
			Regional Secretariat
12	Syofyan Tosoni,S.E	111	Head of Protocol Section at the
			Bengkulu City Regional Secretariat
13	Budi Antoni,SE,M.Si	111	Head of Budget Division at Bengkulu
			City Regional Financial and Asset
			Management Agency
14	Reza Zardin,S.Ip	111	Head of Sub-Division of Finance and
1	1102a 2arani,5.1p	111	Equipment at the Secretariat of the
			Bengkulu City Public Works and
			Spatial Planning Office
			Spatial Flamming Office
15	Beni Irawan,ST	111	Executor at the Bengkulu City Public
			Works and Spatial Planning Office
1.6	D 1 E 00	111	II I CIV IC I I I I
16	Dedy Erawan, S. Sos	111	Head of Verification and Reporting
			Subdivision in the Financial
			Administration Section of the
			Secretariat of the Regional People's
			Representative Council of Bengkulu
			City
17	Hourul	111	Head of Assets Division in the Field
	Mu'Asy,St,M.Si		of Financial Management and
			Regional Assets of Bengkulu City
18	Ir.Ernadi,M.Si	111	Secretary of the Bengkulu City Food

			and Agriculture Service
19	Desi Aneri,Sp,M.Si	111	Executive at the Bengkulu City Statistics Service
20	Abdur Ro'Up.B,Skm	111	Secretary to the Bengkulu City Health Service
21	Alzan Sumardi,S.Sos	111	Secretary to the National Unity and Political Agency of Bengkulu City
22	Achram,S.Pd,MH	111	Executor to the Bengkulu City Education Office
23	Yudi Susanda,S.Stp.M.Si	111	Secretary of the Bengkulu City Research and Development Planning Agency
24	H.Firman Romzi,S.Sos,M.Si	111	Executive at the Bengkulu City Research and Development Planning Agency
25	Fahleza Guntara,S.T	lV	Head of Provision and Executor Section Public Housing Sector Public Housing and Settlement Area Office of Bengkulu City
26	Alby Merry Sandy,S.T	lV	Executor at the Bengkulu City Investment and One-Stop Services Service
27	Yopie Irawan,S.H,M.H	lV	Executor at the Regional Revenue Agency of Bengkulu City
28	Hasano Candra Ipan,S.P	lV	Head of Cooperation Subdivision with Third Parties in the Cooperation and Procurement Services Section of the Bengkulu City Regional

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			Secretariat
29	Suardi Edison, S.Km	lV	Head of UPTD Pukesmas Sawah Lebar at Ko Health Office ta Bengkulu
30	Lenny Mulina Muin,ST	lV	Executor at the General Section of the Bengkulu City Regional Secretariat
31	Zulkarnain,S.Km	lV	Head of the Pharmacy Service Technical Implementation Unit (UPTD) at the Bengkulu City Health Service
32	Asdian Asikin, S.Sos	lV	Head of Sub Division for Preparation Programs and Finance at the Secretariat of the Personnel, Education and Training Agency of Bengkulu City
33	Nengsi Rosita,SE,MM	1V	Executor at the Investment and One- Stop Service Office of Bengkulu City
34	Ilen Safitry, S.E	lV	Head of Equipment and Household Sub-Division in the General Section of the Secretariat Bengkulu City Region
35	Syaiful Zuhri, A.Md	lV	Agricultural Extension Officer at the Bengkulu City Food Service

2. Views of Fiqh Siyasa on the Implementation of Mutations of Officials in the City of Bengkulu

As a constitutional science in Islam, Fiqh Siyasah, among other things, discusses who is the source of power, who is the executor of power, what is the basis and how do the executors of power exercise the power given to them and to whom

is the executor power is responsible for its power. The concept of Fiqh Siyasa that is used is by using Wazir Al-Tafwidh which means a high state institution can also be called the main assistant to the head of state with authority or power in the field of government, without any intervention from any party in carrying out their duties to deal with problems that occur indicating violations human rights. Wazir tafwidh has authority in matters of legal policy, such as finalizing and issuing legal political policies based on his ijtihad for the sake of realizing the benefit of society.

The meaning wazir in etymology and terminology has a very close meaning. Because, the word is directed at something that is covering and can help, or a place of refuge, including the minister or government as a helper for the people. According to the term, vizier is the name for a ministry in a country or kingdom. According to Ibn Khaldun, wazir or the term he uses, namely alwizarah means the highest institution of government. In the formula, it is stated that wizarah or ministry in the element of the highest government institution is in a position of power.

Viziers in Siyasah Dusturiyyah are divided into 2 namely, viziers and tanfidh viziers. The two viziers have different powers and duties. If you look further, what distinguishes these two viziers is the special tanfidh wazir regarding employees who assist in administrative processes within a country. Which task is to assist the caliph in the administrative field only and can only carry out tasks according to what is ordered by an imam. As for tafwidh vizier is a wazir who is entrusted with the task of completing state affairs based on his own ijtihad, meaning that he does not always have to obey what is ordered by an imam.

Every citizen who has been appointed as a wazir, whether wazir tafwidh or wazir tanfidh, must be able to carry out all of his duties as well as possible or not deviate from existing regulations, even though a tafwidh wazir can complete state affairs in accordance with the results of his own ijtihad, he must still consider everything wisely, so that the regulations made by the caliph do not deviate from the rules set by Islamic law so as not to cause harm to all people.

In Islamic law, it has been liberated for its people to be able to determine their respective jobs, but as long as what they do is lawful work and does not harm other people. In accordance with the word of God in QS. At-Taubah ayat 105:

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وَقُلِ اعْمَلُوْا فَسَيَرَى اللهُ عَمَلَكُمْ وَرَسُوْلُهُ وَالْمُؤْمِنُوْنَ ۖ وَسَتُرَدُّوْنَ اِلٰى عٰلِمِ الْغَيْبِ وَالشَّهَادَةِ فَيُنَيِّئُكُمْ بِمَا كُنْتُمْ تَعْمَلُوْنَ

Meaning:

"Work, and Allah and His Messenger and the believers will see your work, and you will be returned to the One who knows the unseen and the manifest, and He will tell you what you have done."

From the verses of the Koran above, it can be seen that when working, you have to be serious and responsible, you have to be honest in any case, including being an ASN, because ASN has been given full trust by the community to serve and protect every need of the community, because of that is one form of obedience and obedience to the caliph for every command. If indeed there is a government that continues to abuse authority for personal gain, that is a mistake that must be corrected immediately, because Islamic law has also taught us to be selfless in all matters of society.

One form of selfishness is in the ASN mutation process, because in a mutation there is a violation of the rules without giving importance to the party that has been transferred to the detriment of many parties. This is what Allah hates because of the trust that has been given to him to serve and help the caliph with actions that are not in accordance with Islamic law and also violate applicable regulations. For every proven violation, the government and government assistants must be held accountable for their actions in accordance with the applicable law.

The obligations of the leader regarding the mandate given by the people to him such as appointing officials and employees by selecting people who are experts in their fields, honest and trustworthy. As well as being able to use its policies not only selfishly but for the country and all its people. Apart from that, it also forms the departments needed to run the country, manage people's money, and state money from zakat, infaq, shadaqah and ghanimah and also everything related to wealth mandates.

As a good ASN, they must be able to carry out everything that is ordered by the priest in an honest, trustworthy, fair and responsible manner. In accordance with Islamic law that in carrying out every job must prioritize the attitude of trust, because they all carry out the mandate that has been given to them by the people to serve every community need. In accordance with the concept of

Siyasah Syar'iyyah, the caliph in making regulations regarding ASN has adhered to Siyasah Syar'iyyah. Siyasa Syar'iyyah is a regulation for the benefit of mankind in accordance with Islamic demands so that the rules made must be obeyed by the people as long as the product does not deviate from the teachings of Islam.

Conclusion

Implementation of the transfer of Bengkulu city officials from the figh siyasah perspective has not been carried out properly, as evidenced by the case that occurred in 2018 which was considered to have violated the rules, which is not in accordance with Law Number 10 of 2016 article 71 paragraph 2 which reads "Governor or Deputy Governors, Regents or Deputy Regents, Mayors or Deputy Mayors are prohibited from replacing officials six months prior to the determination of the pair of candidates until the end of the term of office unless they obtain written approval from the Minister of Home Affairs. Then in 2019 the transfer of officials within the Bengkulu city government was deemed legally flawed and not in accordance with Mayor Regulation Number 07 of 2019 concerning provisions and procedures for transferring employees. This proves that the Regional Personnel Agency (BKD) of Bengkulu City as the preparation and implementation of regional policies in the field of personnel affairs has not been thorough in implementing these regulations. On the other hand, the authority given and delegated by the central government to regional heads, of course, has limitations where provisions and mechanisms for implementing transfers are regulated. One of the stipulations that regional heads make transfers must be with prior approval and permission from the Minister of Home Affairs. Based on the implementation of the transfer of officials in the City Government of Bengkulu, the figh siyasa perspective is still contrary to the principle of wizarah (Caliph's assistant) where each assistant to the caliph must pay attention to the regulations that have been set and must be more careful so that there are no overlapping provisions. The authority is fully the right of the governing government. Thus, the implementation of the transfer of officials must be based on existing regulations. And the authority to replace employees or officials is fully the right of the caliph or amirul mukminin in the area. Like what was practiced by Caliph Umar bin al-Khathtab during his reign. So that by doing so it can eliminate the disadvantages in implementing existing mutations.

Conclusion

In order to further streamline Indonesia's role in the political-security dimension and also to streamline the vision of establishing an ASEAN Security Community, Indonesia needs to encourage other ASEAN member countries to

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streamline the implementation of the peaceful dispute settlement mechanism within the ASEAN framework. With Indonesia encouraging other ASEAN member countries to have the same perception regarding security and anticipating strategies, the mechanisms in the region that have been made in detail to anticipate security issues, both in terms of insurgency, separatism, terrorism, and transnational crimes will again meet a glimmer of hope. However, if Indonesia's playing style in the political-security dimension of ASEAN has not changed and tends to regard ASEAN as a "house of cards" which is very vulnerable to the dynamics of its member countries, then Indonesia's previously adequate leadership role in promoting ASEAN regionalism will only become a paradox that does not bring ASEAN closer to its vision as a regional community.

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