

RESEARCH ARTICLE

STATE AUTHORITY IN APPOINTING ASN: COMPARISON OF ISSUES BETWEEN KPK EMPLOYEES AND HONORARY TEACHERS

Syarifa Khasna^{1✉}, Ayon Diniyanto²

^{1,2} Department of Constitutional Law, IAIN Pekalongan, Indonesia
Jl. Kusuma Bangsa No.9, Panjang Baru, Pekalongan Utara, Kota Pekalongan, Jawa
Tengah 51141, Central Java, Indonesia
✉ syarifa.khasna@iainpekalongan.ac.id

CITED AS

Khasna, S., & Diniyanto, A. (2021). State Authority in Appointing ASN: Comparison of Issues between KPK Employees and Honorary Teachers. *Journal of Law and Legal Reform*, 2(2), 211-224. <https://doi.org/10.15294/jllr.v2i2.46347>

Submitted: December 27, 2020 Revised: February 22, 2021 Accepted: May 1, 2021

ABSTRACT

Government Regulation No. 41 of 2020 on the Transfer of Employees of the Corruption Eradication Commission into Civil Servants unilaterally makes KPK employees as ASN. In fact, not all KPK employees are willing to be ASN and there is public rejection of the policy. On the other hand, there are honorary teacher want to be appointed as ASN. Until now there is no certainty of transfer of honorary teacher status to ASN. Although there has been policy related to the appointment of honorary teachers to become ASN, but the policy is different from the policy transferring status of KPK employees to ASN. This study aims to find the motives of the state to transferring KPK employee status into ASN and find policy differences in the appointment of ASN between KPK employees and honorary teachers. This research showed that the transfer of KPK employee status to ASN has pros and cons motives. The pro motive is that the transfer of KPK employee status to ASN aims to have (1) KPK employees well coordinated; and (2) the need for ASN support to KPK as part of KPK strengthening. The counter motive sees the transfer of KPK employee status to ASN as an effort to control KPK and strengthen the independence of KPK employees or

weaken KPK. Meanwhile, ASN appointment policy inequality between KPK employees and honorary teachers has not been in accordance with the principles of equality right and economic equality.

Keywords: *State Authorities; ASN; KPK; Honorary Teacher*

INTRODUCTION

Appointment of the State Civil Administration (ASN) is basically the domain or power of the state. Countries can appoint ASN according to their needs, at any time, and in institutions, as well as in any profession. The withdrawal of state power in the appointment of ASN sometimes creates imbalances. It is not surprising that state power through state policy in the appointment of ASN cause pros and cons. The state policy in appointing ASN or changing the status of an employee of the Corruption Eradication Commission (KPK) to ASN can rationally be said to be inequality. The inequality at least be seen from the issues circulating in the public. The State through the government with existing legal instruments will transfer the status of KPK employees to ASN.

Government Regulation No. 41 of 2020 on Transfer of Corruption Eradication Commission Employees to State Civil Administration Employees unilaterally makes KPK employees as ASN. In fact, at the issue level, there are KPK employees who are not willing to be made ASN. Many people have refused to change the status of KPK employees to ASN. Interestingly, the response of the government stated that KPK employees who were not willing to become civil servants could resign. This position clearly indicates the government's domination of KPK employees and the public who reject it. The state in this case shows its power in the appointment of ASN. It seems that the state does not care about public issues related to the refusal of KPK employees to become ASN. Furthermore, the state seems to impose it will transfer the status of KPK employees to ASN ([Harianja, 2020](#); [Ricardo, 2019](#)).

On the other hand, there are other professions that want to be appointed as ASN. Honorary teachers or non-permanent teachers (*Guru Tidak Tetap*, GTT) or other names, based on issues circulating in the public space, want to be appointed as civil servants. The reasons are very diverse, one of the reasons is wanting an increase in welfare. However, the fact is that until now there is no certainty about the transfer of the status of honorary teachers to ASN. The certainty referred to is certainty as occurs in the transfer of the status of KPK employees. Although there have been policies related to the appointment of honorary teachers to become ASN teachers. However, this policy is different from the policy regarding the transfer of the status of KPK employees to ASN. In this

context, based on the issue, there is an imbalance in the appointment or transfer of status as ASN ([Hikam, 2020](#); [Liputan6.com, 2021](#)).

The imbalance is that there are pros and cons in changing the status of KPK employees to ASN, but the state still insists on the transfer of status to ASN. On the other hand, many honorary teachers want an appointment or transfer of status as ASN, the state in this case has not provided policies such as KPK employees. There is a policy for the appointment of teachers through government employees with a work agreement or PPPK. This imbalance raises a big question. What is the state's motive in changing the status of KPK employees to ASN? Why is the state policy in the appointment of ASN between KPK employees and honorary teachers different? This research aims to find the state's motives for transferring the status of KPK employees to ASN and to find differences in the policy of appointing ASN between KPK employees and honorary teachers.

METHOD

This research uses a qualitative research approach. A qualitative research approach is research conducted by photographing social phenomena in society and then narrating it by analyzing and drawing conclusions. This study portrays a phenomenon that occurs in society, which is related to the appointment or transfer of the status of KPK employees to ASN. The researcher also analysed the issue of honorary teachers' desire to be appointed as civil servants. Researchers then compared both with the comparison treatment by the state. The results of photographing social phenomena and the results of these comparisons then drawn to conclusions in response to big questions written by researchers ([Hardani et al., 2020](#)).

This type of research conducted by researchers used a type of doctrinal research with a normative juridical type. This type of juridical normative research is conducting studies related to legal products or legislation and then analyzed using theory and various literature sources ([Sonata, 2014](#)). This study analyzes the laws and regulations related to the transfer of the status of KPK employees to ASN. This study also analyzes regulations or legal foundations in the form of laws and regulations relating to the appointment of honorary teachers to become civil servants.

THE STATE'S MOTIVE IN CHANGING THE STATUS OF KPK EMPLOYEES TO ASN

Changing the status of KPK employees to ASN actually causes pros and cons in the public. The pros and cons of issues occurring in the media and social media. There are many wild allegations that have developed in the public

regarding the transfer of the status of KPK employees to ASN. One of the widely circulated public allegations that the transfer of status was none other than to weaken the KPK. The reason is also circulating, that the existence of KPK employees to become ASN will be easier to control by the state. This is because management of ASN under the Ministry of State Apparatus Utilization and Bureaucratic Reform (KemenPAN-RB) and National Civil Service Agency (BKN). Actually, there are two more institutions related to ASN, the State Civil Administration Commission (KASN) and the National Institute of Public Administration (LAN). However, the duties and functions of KASN are more to the supervision of ASN. Then the duties and functions of LAN are more to learning and development institutions for the state apparatus. The Ministry of PAN-RB and BKN are ministries and implementing agencies for policies related to ASN. These ministries and institutions are agencies/institutions under the government. It is not surprising that many KPK employees eventually chose to resign because they did not want to become ASN (Dialeksis, 2020; Risalah, 2020).

The attitude of the state towards the issue of pros and cons, especially the contra of transferring the status of KPK employees to ASN, is still at the normative level. The state, through the government, has the opinion that the KPK is an executive so that it needs to be supported by ASN. In addition, the transfer as ASN is carried out so that it can be more integrated and coordinated so that it is not wild (Alfian, 2019; Kamil, 2021). The state's attitude that seems normative and has not answered the allegations of weakening the KPK certainly provides wilder speculations in public. Although the evidence related to the weakening of the Commission as a result of transferring the status of employees can be seen after the completion running in a few years. State responses that seem normative basically make the public even more wondering. What is the state's real motive for transferring the status of KPK employees to ASN? Is it true that only normative motive as has been mentioned? Or is there another motive that the state wants to aim for in relation to the transfer of the status of KPK employees to ASN?

This question is certainly difficult to answer because motives are actions that have not occurred or desires that have not yet been realized. But based on the outstanding issues and policies that have been issued by the state, at least a hint can be found associated with a pattern appointment employees of the Commission into ASN. In fact, there are two issues circulating regarding the transfer of KPK employees to ASN. The first issue is an issue that is pro towards the transfer of the status of KPK employees to ASN, while the second issue is a contra issue. The pro issue states that the transfer of the status of KPK employees to ASN is so that it can be well coordinated so that it is not illegal. In addition, the transfer of the status of KPK employees as ASN is also so that there is support for the KPK from ASN, remembering that the KPK is an executive. There is a contra issue that states is an attempt to control the KPK through transferring KPK employees to ASN. The next contra issue is the transfer of KPK employees to ASN

is nothing but to assert the independence of KPK employees. Even more, the transfer of the status of KPK employees to ASN is part of the weakening of the KPK (Alfian, 2019; Dialeksis, 2020; Kamil, 2021; Risalah, 2020).

Table 1. Motive Pros and Cons Based on Circulating Issues Regarding the Transfer of Status of KPK Employees to ASN

No.	Motive Pro	Motive Cons
1	KPK employees are well coordinated (not wild)	Controlling the KPK
2	The need for ASN support to the KPK	Negating the independence of KPK employees / weakening the KPK

Based on the pros and cons, it can be seen which motive is actually appropriate. Motives that are pro or motive that are contra to the transfer of the status of KPK employees as ASN. Of course, these two motives have several possibilities. Either both are true, it can be either wrong, or it can be both wrong. The researcher will test the pros and cons of the motives one by one. The researcher first examines the motives of the pro.

1. Pro motive for the transfer of KPK employee status to ASN

The motive for the pro-change of the status of the KPK to ASN, as mentioned earlier, has two motives. First, KPK employees are well coordinated. Second, the need for ASN support to the KPK. Researchers analyzed further related to the pro motive for the transfer of the status of KPK employees to ASN.

1) KPK Well Coordinated

This pro motive is a motive issued by the government as the executor of state power and also the policy maker, in this case the House of Representatives (DPR) and the President/Government. They are argued that KPK employees must be coordinated so as not to run wild. These opinions are actually in line with the policies issued by the state, in this case the government. Policies issued by the government through Government Regulation No. 41 of 2020, which implies strengthening the KPK through the word support in the preamble to consider is a goal.

The policy is real, but the intention of strengthening is an issue because there is no evidence that the transfer of the status of KPK employees to ASN strengthens the KPK. The same is true with regard to coordination. The purpose of the coordination conveyed by the government is certainly an issue because once again, there is no evidence that there is coordination due to the transfer of the status of KPK employees to ASN.

2) The Need for ASN Support to the KPK

This motive seems normative because it is stated in the preamble to consider Government Regulation No. 41 of 2020. This motive was motivated by the pretext that the KPK is part of a clump of branches of executive power. Article 1 paragraph (3) of Law (No) 19 of 2019 regarding the Second Amendment to Law (No) 30 of 2002 on Corruption Eradication Commission states that Corruption Eradication Commission is the agency states power executive who carry out the task of prevention and eradication of Criminal Corruption in accordance with the Act's. This provision is re-explained in Article 3 which states that the Corruption Eradication Commission is a state institution within the executive power carrying out its duties and powers is independent and free from the influence of any power. The consequence of this is KPK employee arrangements are adjusted to the executive branch of the institution or agency. Including the position or status of KPK employees.

In fact, the transfer of the status of KPK employees has been drafted in the regulations governing the KPK. Article 24 paragraph (2) of Law No 19 of 2019 on the Second Amendment to Law No 30 of 2002 on the Corruption Eradication Commission states that the Corruption Eradication Commission employees are members of the professional corps of civil servants of the Republic of Indonesia in accordance with the provisions of the regulation. This paragraph explicitly states that KPK employees are ASN. This means that KPK employees have indeed been designed to become civil servants. In Law No 19 of 2019 on the Second Amendment to Law No 30 of 2002 on the Corruption Eradication Commission, there is no mention of the reasons why KPK employees must have ASN status. There are two reasons implied in the law why KPK employees must be ASN.

First, in the preamble letter c of Law No 19 of 2019 regarding the Second Amendment to Law No 30 of 2002 on the Corruption Eradication Commission stated that the implementation of the tasks the Corruption Eradication Commission needs to be continuously improved through prevention and eradication strategy of criminal corruption that is comprehensive and synergistic without ignoring the respect of the right to basic human accordance with the provisions of regulation law. According this provision, it can be implicitly interpreted that the transfer of the status of KPK employees to ASN is part of the enhancement of the KPK's duties. Second, according at Article 1 number (3), Article 3, and Article 24 paragraph (2) in the law implicitly states that the KPK is an executive office so that KPK employees have the status of ASN.

Regulations related to KPK employees are Government Regulation No 41 of 2020 and Law No 19 of 2019 on the Second Amendment to Law Number 30 of 2002 on the Corruption Eradication Commission implicitly means that the transfer of the status of KPK employees to ASN is to support the performance of the KPK. However, the question is, has the KPK employees not been ASN status so far, the KPK's performance has not improved? The next question is, is there any

guarantee that the transfer of the status of KPK employees to ASN will definitely or automatically improve the KPK's performance? These questions will be answered over time. If after transfer the status of KPK employees to ASN, there is no increase in the performance of the KPK from the aspect of KPK employees, then the policy of transfer the status of KPK employees to ASN can be said have not been successful.

The pro motive analysis is the result of a study on the issue of the status transfer of KPK employees to ASN. This issue is derived from issues circulating in the public, especially the media. Apart from being based on issues, there is also an analysis from the aspect of legislation. The next motive is the contra motive related to the transfer of the status of KPK employees to ASN. Researchers also analyzed counter motives based on issues circulating in the public. The researcher analyzed two counter motives.

II. Counter motive for the transfer of KPK employee status to ASN

The motive against the transfer of the status of KPK employees to ASN is divided into two motives. First, controlling the KPK. Second, negating the independence of KPK employees or weakening the KPK. Researchers succeeded in analyzing the contra motive based on a comparative study with employees in state institutions with ASN status. The following are the results of the analysis conducted by the researcher.

1) Controlling the KPK

Many former KPK leaders, anti-corruption activists and non-governmental organizations have expressed this contra motive. This motif is a motif that differs from the first pro motif. The first pro motive states that the transfer of the status of KPK employees to ASN is to coordinate KPK employees so that they are not wild and in accordance with the regulation. The word coordination can be interpreted to actually strengthen or solidarity. The first pro motive seems to be refuted by the first contra motive. That the transfer of the status of KPK employees to ASN is not for strengthening coordination but rather for controlling the KPK. The rational reason for the opinion that there is a contra motive that changing the status of KPK employees to ASN will cause KPK employees to be controlled by the government. This is because ASN is an civil servant under government, in this case the Ministry of PAN-RB and BKN. It is not surprising that the counter motive argue that KPK employees who become ASN can be controlled by their superiors. This reason is rational because of the duties and functions of the PAN-RB and BKN Ministries. It does not rule out that the two agencies/institutions can control KPK employees who have ASN status. At

least by doing a rotation or a *tour of duty* and a *tour of area* (Akhmad, 2019; Radarcirebon.com, 2020).

However, the opinion related to KPK employees with ASN status can be controlled by the government is also not necessarily correct. This example can be seen in institutions / agencies that are not part of the executive power as the House of Representatives (DPR), the People's Consultative Assembly (MPR), the Regional Representative Council (DPD), the Constitutional Court (MK), the Supreme Court (MA), The Judicial Commission (KY), and the Supreme Audit Agency (BPK). These institutions have employees who come from ASN. These institutions have many ASN as their employees, and this has been happening for decades. But until now there is no statement that ASN who is an employee in these institutions controls the institution or the government controls the institution. Interestingly, the recruitment of ASN in these institutions continues and there are no problems related to institutional control.

It means that statements related to the transfer of the status of KPK employees to ASN can be controlled is a temporary perception or suspicion from the public. Evidence of the existence of the KPK being controlled is of course not available, until this article created. There has been no implementation of transferring the status of KPK employees to ASN and it has not been proven that the KPK is controlled. This clearly indicates that there has been a war on issues between pro motives and contra motives. The issue of coordination and the Commission controlled being played in public through statement and media. The public was asked to judge the issue related to the war. This condition actually benefit the public, because the public can see the direct and immediate evaluation of how role KPK employees after becoming ASN, coordinated or controlled.

The public can also prove directly whose issue is right. Evidence made by the public can be seen over time after a change in the status of a KPK employee to ASN. The public can prove the issue of coordination that is really happening or the issue of being controlled by the Corruption Eradication Commission (KPK). Here the public can draw conclusions about who is right and who is wrong. These circulating issues can also arouse public sensitivity to participate in the supervision of state institutions, especially in this case the KPK. Community involvement and obtaining evidence by the community can be used as material for bottom-up policy formulation.

2) Negating KPK employee independence or weakening the KPK

This motive is actually a motive that is very opposite to the pro motive in the second motive. The second pro motive states that the transfer of the status of KPK employees to ASN is part of the support. However, the opposing parties are the opposite, that the transfer of the status of KPK employees to ASN is part of the weakening of the KPK. This motive is clearly an issue from the community that is conveyed to the wider community. That there are efforts to weaken the KPK by transferring the status of KPK employees to ASN. Why is this an issue? Because

there is no evidence of weakening at the KPK. As mentioned earlier, many civil servants are employees of state institutions such as the DPR, MPR, DPD, MK, MA, KY, and BPK. However, there has been no statement or evidence that ASN who are employees of these state institutions have weakened their institutions.

Why is that? Because the weakening depends on the authority possessed by the institution. If there is a weakening of authority, then the institution will automatically weaken it. Meanwhile, those who exercise authority are members or leaders in the institution. In the DPR, MPR and DPD those who exercise the main authority are members of the DPR, MPR and DPD. In the Corruption Eradication Commission, the KPK leadership is exercising authority. The main decision maker is the KPK leadership. So, weakening in the KPK can occur if there is a weakening of the authority of the KPK leadership. This means that the weakening of the KPK that was expressed by the public regarding the transfer of the status of KPK employees to ASN until now can be said to be still an issue.

POLICY DIFFERENCES IN THE APPOINTMENT OF ASN BETWEEN KPK EMPLOYEES AND HONORARY TEACHERS

Transferring status of KPK employees to ASN, of course, there are various kinds of motives from the state. But what is certain is that the appointment or transfer of status has a legal regulation is Government Regulation No 41 of 2020. This means that it is certain that many KPK employees will change their status as ASN. This condition is different from the appointment of honorary teachers. Until now, there has been no similar policy regarding the appointment or transfer of honorary teacher status to ASN. The fate of honorary teachers to become ASN with schemes such as KPK employees is not certain. Honorary teachers who want to become ASN can follow the recruitment scheme for Civil Servant Candidates (CPNS) as in general. Indeed, there are issues and policies related to the appointment of honorary teachers to become government employees with a work agreement (PPPK). As for the policies that are like those of the KPK employees, it seems that until now there has not been any ([Hikam, 2020](#)).

The policy for the appointment of honorary teachers as PPPK is contained in:

- 1) Law Number 5 of 2014 on State Civil Administration ;
- 2) Government Regulation Number 49 of 2018 on Government Employee with Work Agreements Management;
- 3) Presidential Regulation Number 38 of 2020 on Types of Positions Can Fill by Government Employees with a Work Agreement;
- 4) Presidential Regulation Number 98 of 2020 on Salary and Allowances for Government Employees with a Work Agreement; and

- 5) Regulation of the National Civil Service Agency Number 1 of 2019 on Technical Guidelines for the Procurement of Government Employees with a Work Agreement.

These policies are the legal basis for the appointment of PPPK. Indeed PPPK is part of ASN in accordance with Law Number 5 of 2014 on State Civil Administration or the ASN Law. Article 1 point (1) of the ASN Law states that the State Civil Administration is a profession for civil servants and government employees with a work agreement who works for government agencies. This means that there are two types of ASN there are Civil Servants (PNS) and Government Employees with Work Agreements (PPPK). Regarding PPPK, Article 2 paragraph (1) of Government Regulation Number 49 of 2018 on Government Employee with a Work Agreement Management states that the ASN Position that can be filled by PPPK includes: (1) JF; and (2) JPT.

JF according to Article 1 number (8) Government Regulation No. 49 of 2018 is the position of Functional is a group of office which contains the function and tasks associated with the service function based on the expertise and skills specific. JPT in Article 1 number (6) Government Regulation No. 49 of 2018 is a High Leadership Position is a group of high positions in government agencies. Then where are the teacher positions that can be filled by honorary teachers? Article 4 Presidential Regulation Number 38 of 2020 on Types of Positions Can Filled by Government Employees with a Work Agreement or Presidential Regulation No. 38 of 2020 states that the JF Criteria that can be filled by PPPK are as follows:

- a. Positions that competence is not available or limited in the civil service;
- b. Positions are needed to accelerate the increase in the capacity of the organization;
- c. Positions are needed to accelerate the achievement of objectives of strategic national;
- d. Positions that require certification of technical of organization of the profession;
- e. not the position in the field of secret state, defense, security, management apparatus of the state, secretarial country, management of source power of nature, the management of the financial state, and relationships outside of the country; and
- f. not the position which according to the provisions of law, rule government and regulation of president shall be filled by civil servants.

Then in the attachment to Presidential Regulation No. 38 of 2020, which contains a list of functional positions that can be filled in by government employees with a work agreement, one of which is a teacher. This means that teachers in this case are included in a Functional Position or JF and can become PPPK. The policy or legal basis regulates the appointment of honorary teachers to become ASN with the type of PPPK. Regarding the appointment of honorary teachers to civil servants with the type of civil servants, it seems that

they have to follow the CPNS selection with certain requirements. This condition is different from the policy of changing the status of KPK employees to ASN. KPK employees who become ASN are civil servants. If he is not willing to become a civil servant to become a PPPK if he meets the requirements. This is stated in the Corruption Eradication Commission Regulation Number 1 of 2021 on Procedures for Transferring Corruption Eradication Commission Employees to State Civil Service Employees, hereinafter referred to as Commission Regulation No. 1 of 2021.

Article 5 paragraph (6) Commission Regulation No. 1 of 2021 states that Corruption Eradication Commission employees who are not willing to become civil servants as referred to in paragraph (2) letter a can change to become PPPK with positions adjusted to the provisions of laws and regulations. Article 16 states that Corruption Eradication Commission employees who are not willing to become civil servants as referred to in Article 5 paragraph (6) are transferred to PPPK after fulfilling the requirements of Article 5 paragraph (2) letters b to f with Structural Position, Functional Position or Executive Position as stated in Attachments II to V which constitute an inseparable part of this Commission Regulation.

This policy is certainly different from the appointment of honorary teachers as PPPK. The transfer of the status of a KPK employee can become a PNS or PPPK. As for the appointment of honorary teachers to become PPPK. If honorary teachers want to become civil servants, they can participate in the CPNS selection. In this condition, of course there are differences in policies in the appointment of ASN between KPK employees and honorary teachers? It seems that it is easier for KPK employees to change their status to become ASN in the PNS or PPPK types, while honorary teachers become PPPK. The question is what causes these differences in policies? Are KPK employees more privileged and have a service to the state? So that it seems special related to the status change to ASN, especially PNS? Are not honorary teachers also contributed to the state, especially in realizing one of the goals of the Indonesian state to intellectual life of the nation?

The state through the government should provide an explanation to the public regarding these policy differences. The government must provide rational reasons why the fate of honorary teachers is not the same as KPK employees who are converted to ASN with two choices of PNS or PPPK. What are the factors that cause honorary teachers not to have the same foundation as the Corruption Eradication Commission in the appointment of ASN? Is it the budget factor, formation factor, or there are other factors. The government must explain clearly to public so that it is known to the wider community, especially honorary teachers. The public is of course waiting for reasons from the government to issue a different policy related to changing the status of employees to ASN. Do not let the state appear to discriminate against various professions. The attitude of discrimination is certainly contrary to the 5th Precept of the Pancasila is Social

Justice for All Indonesians. If the state discriminates against various professions, it will undermine the order of the nation and state.

The difference in policy analysis uses the political theory of law and the theory of justice. The political theory of law is basically a legal policy issued by the state in order to realize the goals of the state. The objectives of the state as set out in the Preamble the 1945 Constitution, there are four of them, namely (1) protecting the entire Indonesian nation and all Indonesian bloodshed; (2) promote public welfare; (3) educating the nation's life; and (4) participate in implementing world order (Mahfud MD, 2009). So, the legal politics related to the policy of transferring the status of KPK employees to ASN and the policy of appointing honorary teachers to ASN are policies issued by the state in order to realize the state's goals. The question is what is the purpose of the policy? Have the policies related to the transfer of the status of KPK employees to ASN and the policy of appointing honorary teachers to ASN have led to realizing the goals of the country in accordance with the Preamble 1945 Constitution?

Here, it shows that there are questions related to the policy of changing the status of KPK employees to ASN and the policy of hiring honorary teachers to ASN in terms of legal politics. The state through the government must provide an explanation regarding the policies issued, especially the explanation based on the objectives of the country. This is so that there are no questions in the public space and the policy can get a positive response in the wider community.

Then the policy of changing the status of KPK employees to ASN and the policy of appointing honorary teachers to ASN is seen from the theory of justice. One of the theories of justice is the theory of justice from John Rawls. John Rawls argues that in the theory of justice, there are three important things, there are (1) social contract; (2) fairness; and (3) economic and social. First, the social contract is related to the agreement of the parties. Justice in the view of John Rawls is difficult to achieve if there is no agreement. The social contract aims to realize the agreement by accommodating all the interests involved in the social contract. The social contract provides guarantees for the parties who make an agreement based on reason and mind or morals. Second, fairness in this case has a contractual nature. Fairness can be realized by the existence of rationality, freedom and democracy. Third, economic and social. Justice must also be seen from an economic and social perspective. Economic and social causes injustice. Therefore, it is necessary to realize economic and social justice in order to realize true justice. Then John Rawls also provides principles in justice. There are two principles that must be realized in justice. First, Equal Right which relates to human rights or the existence of equal rights. Justice can be realized by prioritizing human rights and equal rights. Second, Economic Equality which provides the principle that justice can be realized if there is economic equality. Human rights or equality of rights must be realized together with economic equality (Anggara, 2013; Dwisvimiar, 2011).

The question is whether the policy of training the status of KPK employees to become ASN and the policy of appointing honorary teachers to become ASN reflects justice based on justice according to John Rawls. If measured from the two principles of justice according to John Rawls are equality right and economic equality, the policy of transferring the status of KPK employees to ASN and the policy of appointing honorary teachers to ASN can be said to have not fulfilled equality right and economic equality. This is because in terms of equality rights, a policy transfer into the ASN Commission employee status and teacher hiring policy honorary be ASN has not equally happen equality. Should, if it is said to be equality right, then the policy of changing the status of KPK employees to ASN and the policy of appointing honorary teachers to ASN are carried out with the same policy based on equal rights. Then related to economic equality is also different. The policy of changing the status of KPK employees to ASN has higher economic rights when compared to the policy of hiring honorary teachers to become ASN. This is because of the policy of changing the status of KPK employees to ASN, KPK employees can choose to become PNS or PPPK. As for the policy of appointing honorary teachers to become civil servants, honorary teachers can only become PPPK. If an honorary teacher is going to become a civil servant, then it must follow the general civil servant appointment policy.

CONCLUSION

Changing the status of KPK employees to ASN in the level of issues in the public can be classified into two motives. The first is the motive that is pro towards the transfer of the status of KPK employees to ASN. The two motives were contradictory to the transfer of the status of KPK employees to ASN. The pro motive argued that changing the status of KPK employees to ASN is nothing but so that (1) KPK employees are well coordinated (not wild); and (2) the need for ASN support to the KPK and as part of strengthening the KPK. The motives that contra see the transfer of the status of KPK employees to ASN are (1) controlling the KPK; and negating the independence of KPK employees or weakening the KPK. The motive is displayed in the public space as an issue. But what is certain is the policy of changing the status of KPK employees to ASN. This condition is different from the policy for the appointment of honorary teachers as civil servants. Honorary teachers can be appointed as ASN with the status as PPPK. Meanwhile, KPK employees can choose to become ASN as PNS or PPPK. This policy difference, if analyzed based on legal political theory, certainly raises questions. Then when viewed from the theory of justice according to John Rawls, the policy of changing the status of KPK employees to ASN and the policy of appointing honorary teachers to ASN are not in accordance with the principles of equality right and economic equality.

REFERENCES

- Akhmad, HT (2019). *The Status of KPK Employees Becomes ASN, This Is Said Menpan-RB*. Okezone.Com. <https://nasional.okezone.com/read/2019/09/17/337/2106004/status-pegawai-kpk-jadi-asn-ini-kata-menpan-rb>
- Alfian, A. (2019). *KPK Employee Becomes ASN, Wiranto: He is not a illegal organization*. Rmol.Id. <https://politik.rmol.id/read/2019/09/20/403548/pegawai-kpk-jadi-asn-wiranto-dia-bukan-Organizations-liar>
- Anggara, S. (2013). John Rawls's Theory of Justice: A Critique of Liberal Democracy. *JISPO*, 1, 1–11.
- Dialectical. (2020). *Transfer of KPK Employees to ASN, Laode Syarif: Affirms the Form of Weakening*. Dialeksis.Com. <https://dialeksis.com/Nasional/pengalih-pegawai-kpk-jadi-asn-laode-syarif-pertegas-bentuk-pelemahan/>
- Dwisvimiar, I. (2011). Justice in the Perspective of Legal Philosophy. *Journal of Legal Dynamics*, 11 (3), 522–531.
- Hardani, Auliya, NH, Andriani, H., Fardani, RA, Ustiawaty, J., Utami, EF, Sukmana, DJ, & Istiqomah, RR (2020). *Book of Qualitative & Quantitative Research Methods (March Issue)*. Science Library.
- Harianja, AJ (2020). *KPK Employees Become ASN, ICW: Corruption Case Handling Will Be Disturbed*. Idntimes.Com. <https://www.idntimes.com/news/indonesia/axel-harianja/pegawai-kpk-jadi-asn-icw-panganan-perkara-korupsi-akan-terganggu/1>
- Hikam, HA Al. (2020). *Starting from next year, teachers can only become PPPKs, not civil servants*. Detik Finance. <https://finance.detik.com/berita-ekonomi-bisnis/d-5313514/mulai-tahun-depan-guru-cuma-bisa-jadi-pppk-bukan-pns>
- Kamil, I. (2021). *PAN-RB Ministry Supports KPK in Strengthening Functional Position*. Kompas.Com. <https://nasional.kompas.com/read/2021/02/12/11414871/kementerian-pan-rb-dukung-kpk-dalam-penguatan-jabat-functional?page=all>
- Liputan6.com. (2021). *Honorary Teachers Ask to Be Appointed as Civil Servants without*. Liputan6.Com. <https://www.liputan6.com/bisnis/read/4456189/guru-honorer-minta-diangkat-jadi-pns-tanpa-sertifikasi>
- Mahfud MD, M. (2009). *Political Law in Indonesia*. Rajagrafindo Persada.
- Minutes, DF (2020). *Abraham Samad Reveals Three Consequences*. Republika.Co.Id. <https://republika.co.id/berita/qestyn430/abraham-samad-disclosed-tiga-consequences-employees-kpk-so-asn>
- Radarcirebon.com. (2020). *IPW Encourages the Status of KPK Employees to Become ASN*. Radarcirebon.Com. <https://www.radarcirebon.com/2020/08/08/ipw-dorong-agar-status-pegawai-kpk-menjadi-asn/>
- Ricardo, R. (2019). *Menpan RB: If You Don't Want to Be ASN, KPK Employees Please Resign*. Ceknricek.Com. <https://ceknricek.com/a/menpan-rb-jika-tak-ingin-jadi-asn-pegawai-kpk-silakan-mundur/13276>
- Sonata, DL (2014). Normative and Empirical Legal Research Methods: Typical Characteristics of Legal Research Methods. *Fiat Justisia Journal of Legal Studie*, 8 (1), 15–35.