

EKSISTENSI BADAN PERTIMBANGAN KEPEGAWAIAN SEBAGAI BANDING

ADMINISTRATIF DALAM UPAYA PENYELESAIAN SENGKETA

KEPEGAWAIAN BAGI PEGAWAI NEGERI SIPIL

Oleh:

Rizda Ardyati,¹ Hendry Julian Noor.²

INTISARI

Penelitian ini bertujuan untuk memperoleh gambaran mengenai eksistensi Badan Pertimbangan Kepegawaian (BAPEK) sebagai Banding Administratif dalam upaya penyelesaian sengketa kepegawaian bagi Pegawai Negeri Sipil serta untuk mengetahui kelebihan dan kelemahan penyelesaian sengketa kepegawaian melalui Banding Administratif di Badan Pertimbangan Kepegawaian.

Jenis penelitian ini adalah penelitian hukum normatif. Bentuk data dalam penelitian ini terdiri dari data primer yang diperoleh dari narasumber dan data sekunder yang diperoleh dari peraturan perundang-undangan, buku dan karya ilmiah. Hasil penelitian dianalisis dengan metode kualitatif yang bersifat deskriptif.

Berdasarkan penelitian ini diperoleh hasil bahwa Upaya Banding Administratif adalah upaya yang ditempuh oleh PNS yang merasa tidak puas terhadap penjatuhan hukuman disiplin berat berupa Pemberhentian Dengan Hormat Tidak Atas Permintaan Sendiri (PDHTAPS) atau Pemberhentian Tidak Dengan Hormat (PTDH) sebagai PNS. Upaya Banding Administratif tersebut diajukan kepada Badan Pertimbangan Kepegawaian (BAPEK). Berdasarkan dari data yang diperoleh, keberadaan Badan Pertimbangan Kepegawaian dirasa belum maksimal dalam melakukan Banding Administratif yang diajukan oleh PNS. Masih ditemukannya kendala-kendala sebagai faktor kurang maksimalnya kinerja Badan Pertimbangan Kepegawaian.

Kata Kunci: Sengketa Kepegawaian, Banding Administratif, BAPEK.

¹ Mahasiswi Magister Hukum, Fakultas Hukum Universitas Gadjah Mada Yogyakarta.

² Dosen Hukum Administrasi Negara, Fakultas Hukum Universitas Gadjah Mada Yogyakarta.

THE EXISTENCE OF PERSONNEL ADVISORY BOARD AS AN

ADMINISTRATIVE APPEAL IN EFFORTS OF COMPLETING CIVIL SERVICE

DISPUTES FOR CIVIL SERVANTS

By:

Rizda Ardyati,³ Hendry Julian Noor.⁴

ABSTRACT

This study aims to obtain an overview of the existence of the Personnel Advisory Board (BAPEK) as an Administrative Appeal in efforts to resolve civil service disputes for civil servants, as well as, to find out the strengths and weaknesses of dispute settlement through Administrative Appeals in the Personnel Advisory Board.

This type of research was normative legal research. The form of data in this study consisted of primary data, which were obtained from interviewees, and secondary data, which were obtained from laws and regulations, books, and scientific works. The results of the study were analyzed using descriptive qualitative methods.

Based on this research, the results showed that Administrative Appeal was an effort taken by civil servants who were dissatisfied with the imposition of strict disciplinary action in the form of Honorably Discharged Not on Employee's Request (PDHTAPS) or Dishonorably Discharged (PTDH) as a civil servant. The Administrative Appeals were submitted to the Personnel Advisory Board. Based on the data obtained, the existence of the Personnel Advisory Board was not considered to be maximum in conducting the Administrative Appeal submitted by the PNS. Constraints were still found as a factor of the not-maximal performance of the Personnel Advisory Board.

Keywords: Civil Service Disputes, Administrative Appeals, BAPEK.

³Master of Law Student, Faculty of Law Universitas Gadjah Mada Yogyakarta.

⁴Lecturer in State Administration Law, Faculty of Law Universitas Gadjah Mada Yogyakarta.