

ABSTRACT

JURIDICAL REVIEW AGAINST STATE CIVIL APPARATUS THAT WILL RUN FOR STATE OFFICIALS

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The enactment of Law No. 5, 2014 about State Civil Apparatus has given limits to the Civil Servants to be state officials, civil servants have to resign in writing since running for state officials. Indonesian civil servants as one element of state personification have been given the privilege of protection against the profession, of course in addition to improving the competence and qualifications themselves. The firmness of the rules contained in Articles 119 and 123 of Law No. 5, 2014 about State Civil Apparatus.

The Problems in this research are (1) how is the law regulation of the State Civil Apparatus who will run for state officials and (2) How is the law protection against State Civil Apparatus who will run for state officials if in associate with constitutional rights. The Problem Approach used in this research is normative and empirical to obtain primary and secondary data.

Based on the results obtained a conclusion that, in accordance with Law No. 5, 2014 about State Civil Apparatus Article 119 and 123 that the ASN of civil servants who will run for state officials such as a middle high leadership official and first high leadership officials who will run for governor and vice governor, regent and vice-regent shall declare in writing resignation of civil servants since registering as candidates, while if the ASN employee of civil servants appointed as chairman, vice chairman, and members of the Constitutional Court, the chairman, vice-chairman and member of the Financial Administration; chairman, vice chairman, and members of the judicial commission; chairman, vice chairman of the Corruption Eradication Commission; ministers and ministerial-level positions; Chief representative of the Republic of Indonesia in Foreign Affairs serves as Ambassador Extraordinary and Plenipotentiary of the suspended position and not lose their status as civil servants.

Civil servants law protection who run for state officials if the state in its Constitution the right to associate with the civil servants can submit yudicial a review that is the characteristics of the state of democracy and of law whereby people are as the holder of the supreme power in a state (depends on the people sovereignty), constitutional rights of citizens must remain be protected and guarded to protect from power.

Keywords: Juridical review, State Civil Apparatus, State Officials