

## **ABSTRACT**

### **POSITION OF STATE OFFICIALS IN CONNECTION WITH RIGHTS AND OBLIGATIONS OF THE STATE CIVIL APPARATUS IN THE PROVINCE LAMPUNG**

**BY**

**TRY GILBERT HUTAGALUNG**

Establishment of Act No. 5 of 2014 concerning the civil state apparatus provide discriminatory treatment to the profession of civil servants. The discriminatory treatment is the restriction of the right to equality in government. In the provisions of Article 119 and 123 (3), which essentially is every civil servant who nominate or be nominated as state officials must resign in black and white as a civil servant since registering as a candidate. This provision is not in accordance with the provisions of Article 27 (1) and Article 28D (3) of the constitution of The Republic of Indonesia 1945. That every citizen has the right to obtain equal opportunities in government. As for the formulation of the problem in this research is any rights granted to civil servants who resigned due to run as regent or mayor in Lampung Province? And legal action if that can be used by civil servants who resigned because of the provisions of this Act of ASN.

Approach to the problem which is used in this research is to use a normative juridical approach. As for the sources and types of data in this research is secondary data. The data obtained are then processed, after the data is processed and analyzed qualitatively in order to get a conclusion that lays out the facts obtained from research.

Based on the result of research and discussion, it can be concluded that the rights which can still be retained after the servant civil resigned due to run for state officials are right to pension based on provision and Retirement Widow or Widower Employees, requirements that must be met to apply for retirement is reached the age limit at least 50 years and have been through years and have been .....ough years of service at least 20 years, and in article 91 (3) of the Act states that ASN also guarantee public pensions and retirement PNS is given as old age income protection continuity, as the right and recognition of civil service. And remedies that can be done is to ask for a Judicial Review to the Constitutional Court pursuant to Act No. 24 Year 2003 regarding the Constitutional Court.

Suggestions in this study is that civil servants should have resigned to retain the right to pension and Trustees Personnel Officer should be able to consider if there is a civil servant who resigned to become state officials elected not to repent as a

civil servant considering especially its performance or experience and expertise, it would be unfortunate if there is a civil servant who has a high flying hours not recovered his ability.

Keywords: Status, State Officials, Rights and Obligations of the State Civil Apparatus.