

ABSTRAK

Penyelesaian sengketa kepegawaian harus dilakukan melalui upaya administratif terlebih dahulu sebelum mengajukan gugatan ke jalur peradilan. Upaya administratif diatur dalam Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintah, tetapi dalam penelitian ini berpedoman dengan Undang-Undang Nomor 20 Tahun 2023 tentang Aparatur Sipil Negara. Upaya administratif terdiri dari keberatan dan banding. Keberatan diajukan kepada pejabat yang mengeluarkan keputusan tata usaha negara, sedangkan banding diajukan kepada Badan Pertimbangan Kepegawaian (BAPEK). Penelitian ini dilakukan untuk mengetahui urgensi dari penyelesaian sengketa kepegawaian beserta prosedur penyelesaiannya, baik melalui (BAPEK) maupun melalui Peratun, dan untuk mengetahui peran dari BAPEK di Kabupaten Tegal. Penelitian dilakukan dengan metode pendekatan yuridis normatif yakni berdasarkan peraturan perundang-undangan yang berhubungan dengan permasalahan dalam penelitian dan didukung dengan studi kepustakaan. Hasil yang diperoleh bahwa prosedur penyelesaian melalui BAPEK yang saat ini berubah menjadi BPASN memiliki peran penting dalam penyelesaian sengketa kepegawaian, contohnya di Kabupaten Tegal sendiri, sengketa kepegawaian dapat selesai melalui banding tanpa harus ke peradilan, yang artinya otomatis dapat menghemat dari segi tenaga, waktu, maupun biaya. Banding dapat diajukan secara tertulis dalam jangka waktu 14 (empat belas) hari kerja sejak keputusan tata usaha negara diterima oleh pegawai negeri sipil.

Kata Kunci : Sengketa Kepegawaian, Upaya Administratif, BAPEK.

ABSTRACT

Settlement of employment disputes must be carried out thorough administrative measures first before filling a lawsuit in court. Administrative efforts are actually regulated in Law Number 30 of 2014 concerning Government Administration, but this research is guided by Law Number 20 of 2023 concerning State Civil Apparatus. Administrative efforts consist of objections and appeals. Objections are submitted to the superior official who issued the decision, while appeals are submitted to the Personnel Consideration Board (BAPEK). This research was conducted to determine the urgency of resolving employment disputes and their resolution procedures, both through BAPEK and through Peratun, and to determine the role of BAPEK in Tegal Regency. The research was carried out using a normative juridical approach method, namely based on statutory regulations relating to the problems in the research and supported by literature study. The results obtained are that the settlement procedure thorough BAPEK, which has now changed to BPASN, has an important role in resolving employment disputes, for example in Tegal Regency itself, employment disputes can be resolved through appeals without having to go to court, which means it can automatically save in terms of energy, time, and costs. Appeals can be submitted in writing within 14 (fourteen) working days after the state administrative decision is received by the civil servant

Keywords : Personnel Disputes, Administrative Efforts, BAPEK.