

## **Analysis Of the Ministry of ATR/BPN Employee Scholarship Program in The Framework of The Realization of The Concept of Welfare State of The United State of The Republic of Indonesia**

**Agung Setiawan<sup>1</sup>, Khairul Umam<sup>2</sup>, Riska Ari Amalia<sup>3</sup>, Rahmadani<sup>4</sup>**

Universitas Mataram

---

### **Article Info**

#### **Article history:**

Accepted: 28 May 2024

Published: 31 May 2024

---

#### **Keywords:**

Scholarship program

Ministry of Agrarian Affairs

Welfare State

Republic State

---

### **Abstract**

Welfare State ideology teaches about the role of the State which is broader than the "night watchman". The ideals of a welfare state that have been outlined in the 1945 Constitution are continued with Law number 20 of 2023 concerning State Civil Apparatus (ASN). ASN Ministry of ATR/BPN has issued scholarships for employees as a form of employee and institutional welfare. The research uses the statue approach which shows that the ATR/BPN ministry's efforts in realizing the Welfare State can be seen, only the educational qualifications are still for certain education, in fact every ASN has the same opportunity to get a scholarship according to the Utrecht Welfare State theory.

---

*This is an open access article under the [Creative Commons Attribution-ShareAlike 4.0 International License](#)*



---

### **Corresponding Author:**

**Agung Setiawan,**

Mataram University

Email: [Agungsetiawan@unram.co.id](mailto:Agungsetiawan@unram.co.id)

---

## **1. INTRODUCTION**

Constitutional history has recorded that in a country, especially countries that adhere to a democratic system, there are three state institutions, each of which has power, namely; legislative power (la puissance legislative), executive power (la puissance de executrice) and judicial power (la puissance de juger) which, according to Montesquieu's teachings, each state institution in question has its own field of work separately from one another. The people's representative council carries out legislative functions, the king (government) carries out executive functions, and the judicial function is carried out by the judiciary. Montesquieu's theory is usually called the trias politica theory. (E. Utrecht, 1985) Montesquieu, in continuing John Locke's thoughts on the separation of powers, emphasized that the three powers must be balanced, while JJ Rousseau in his social contract theory implied that both the formation of institutions and their operations should be based on law. (Juanda, 2004) So all government functions that are carried out according to the will of the law are the same as a state based on law (rechstaat).

The Welfare State ideology teaches about the role of the State which is broader than the "night watchman", according to what Utrecht said that the government's job field in a modern state is very broad in maintaining security in a very broad sense, social security in all areas of society in a welfare state. The embodiment of welfare state ideology by Anglo Saxon countries whose version of the legal state concept is influenced by the rule of law system as introduced by AV. Dicey with the concept of rule of law which has the following elements: (Ridwan, 2007)

1. Supremacy of legal rules (supremacy of the law), namely the absence of arbitrary power (absence of arbitrary power) in the sense that a person may only be punished if he violates the law;
2. Equal position before the law (equality before the law);
3. Guarantee of human rights by law (by the Constitution in other countries such as Indonesia) as well as court decisions.

It was this concept of the welfare state that inspired and became the obsession of activists in the Indonesian independence movement, especially "Bung Hatta" as the fighter and founder of the Republic of Indonesia, and even became its central figure. Based on the thoughts of the founding fathers of the state, especially "Bung Hatta", the 1945 State Constitution contained the spirit towards establishing a welfare state model with the goals to be achieved; namely: (Marilang, 2010) Controlling and utilizing socio-economic resources for the public interest; Ensure fair and equitable distribution of wealth; Reducing poverty; Providing social insurance (education and health) for the poor; providing subsidies for basic social services for disadvantaged people; provide social protection for every citizen.

The ideals of the welfare state which have been outlined in the 1945 Constitution are continued through the regulations below, namely the Law and its derivative regulations. In terms of the State's welfare for the people who work as government public servants or what are usually called Civil Servants, the government has established a law, namely Law number 20 of 20223 State Civil Apparatus. Quoting a statement from the Deputy for Human Resources for Apparatus at the Ministry of PANRB, Alex Denni, in general, it contains seven important points, one of which is the third point, namely the Welfare of State Civil Apparatus. (Tirto.id, 2023)

If you examine the 2023 ASN Law, article 21 civil servants have the right to receive salaries, allowances, facilities, leave, pension security, old age security, protection and competency development. (Law number 20 of 2023 concerning State Civil Apparatus, 2023) This basic article is used as a guideline for institutions or ministries, in this case ATR/BPN (Agrarian and Spatial Planning/National Land Agency). The ATR/BPN Ministry is trying to inspire the concept of a welfare state not only externally but internally, by creating the ATR/BPN Human Resources Development Center. The formation of this division was in order to develop the capacity of human resources or civil servants and PPPK ATR/BPN so that it would also improve the quality of public services to the wider community and create sustainable prosperity (welfare state).

One of the programs established by PPSDM ATR/VBPN is the ATR/BPN HR scholarship. Superior Human Resources which are valuable assets for achieving the vision and mission of the Ministry of ATR/BPN need to be immediately prepared and developed in an incubator program for Superior Young State Civil Apparatus which includes academic potential to increase the professionalism index of qualification dimensions and managerial, socio-cultural and technical competencies to improve Competency dimension professionalism index.

In order to improve the competence of Young Apparatus within the Ministry of ATR/BPN, formal education can be implemented. In this regard, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency has launched a program to facilitate young ATR/BPN officials who wish to continue their studies to a higher level, namely Strata-2 (S2) and Strata-3 (S3) abroad. (ppsdm.atrbpn.go.id, 2024) However, the problem is the lack of knowledge of ASN ATR/BPN regarding this program, uneven socialization, and the strict conditions that must be met. Meanwhile, each ATR/BPN HR in various regions has different complexities, so they require different and more specific approaches. Therefore, the author is interested in studying the Ministry of ATR/BPN Employee

Scholarship Program in the Context of Realizing the Concept of Welfare State of the Unitary State of the Republic of Indonesia.

## 2. RESEARCH METHOD

This type of research is empirical juridical research or socio-legal research, namely research that discusses how the law applies in society. The nature of this writing research is analytical descriptive. It is descriptive in nature, meaning that from this research it is hoped that a detailed and systematic picture of the problem under study will be obtained. Analytical means that based on a description of the facts obtained, a careful analysis will be carried out on how to answer the problem. (Sunaryati Hartono, 1994)

There are several approach methods used in this research, namely the Statutory Approach and the Conceptual Approach, and the Sociological Approach. The Statutory Approach is carried out by examining various statutory regulations. related to consumer protection and contract law. The conceptual approach is used based on the views and doctrines that have developed in legal science, especially in the fields of contract law and consumer protection law. Sociological approach, namely going directly to the field to find out how the law applies in a particular area.

The data in this research was obtained by collecting primary secondary data. Primary data is data obtained from agrarian conflicts in the field and secondary data is data collected through document studies of library materials. Based on its binding strength, legal materials for obtaining data are divided into 3 (three), namely:

- a. Primary legal materials are laws that are binding in terms of basic norms, basic regulations and statutory regulations. (Soerjono Soekanto, 1995) In this research the primary legal materials are the 1945 Constitution, Law number 20 of 2023 concerning State Civil Apparatus.
- b. Secondary legal materials are legal materials that provide explanations of primary legal materials in the form of books, research results and/or scientific works, results of seminars or other scientific meetings, opinions of legal experts that are closely related to the research object.
- c. Tertiary legal materials are legal materials that are supporting in nature to provide guidance and explanations for primary and secondary legal materials (Soerjono and Sri Mulyadi, p. 23), such as legal journals, scientific journals, general dictionaries and legal dictionaries, newspapers, the internet as well as papers related to research objects.

Data analysis activities in this research were carried out by taking an inventory of laws and regulations related to the problem that was the object of study. The collected data will be identified and then analyzed qualitatively in the form of discussion, between various secondary data related to various statutory regulations and legal materials that have been inventoried and in the final stage the concrete law will be found, so that conclusions are drawn using deductive thinking logic. , which analyzes generally applicable laws and regulations related to this research.

## 3. RESEARCH RESULTS AND DISCUSSION

Similar to other institutions or ministries in Indonesia, ATR/BPN in providing the welfare of its Human Resources is guided by Law number 20 of 2023 concerning State Civil Apparatus (ASN). As previously stated, ASN ATR/BPN have the right to receive salary, allowances, facilities, leave, pension security, old age security, protection and competency development.

If it is related to the concept of the Welfare State, this can be seen from two points of view, it can be seen from a limited point of view and a broad point of view. From a limited perspective, the welfare state is government financial management aimed at the household sector (domestic consumption, income, insurance), as well as subsidies or social funds for children's health, education, general health and care for the elderly. From a broad perspective, the welfare state can be described as government intervention through public policy, including housing policy, labor regulations, tax law, and environmental policy, with the aim of public welfare.

History records that there were at least 2 (two) ideologies of the concept of the state before the welfare state, including, first, the socialist school where this ideology sought to eliminate the social evils caused by a state system with a liberal capitalistic ideology only by means of full socialization. Pioneered by Karl Marx, he clearly described his ideology that the social evils caused by the concept of a state with an individualistic liberal ideology were rooted in the justification of individual ownership rights over the means of production and at the same time being given freedom of business to pursue personal gain.

The second school of thought seeks to maintain the level of freedom as far as possible in a rule of law by justifying the need for the state to intervene in maximizing the welfare of the general public. This ideology seeks to combine the principles of a legal state with the principles of a socialist state. In its development, this school views that the state no longer functions as a mere instrument of power (instrument of power) but as a tool or means of service (an agency of service). (W Riawan, 2008) So in this kind of thinking atmosphere, the phenomenon of "welfare state" emerged and developed as the answer of philosophers or constitutional thinkers to the social evils caused by the concept of a liberal individualist capitalist state and the concept of a socio-capitalist state.

Referring to Spicker, Midgley, Tracy and Livermore, Thompson, and Suharto, the definition of welfare contains at least four meanings; First, as a condition of well-being. This understanding usually refers to the term social welfare as a condition of fulfilling material and non-material needs. Midgley, defines social welfare as "...a condition or state of human well-being". (James Midgley, 2000) Second, as a social service, in England, Australia and New Zealand, social services generally include five forms, namely social security, health services, education, housing and personal social services. ). Third, as a social allowance which, especially in the United States (US), is given to poor people. Because the majority of welfare recipients are poor, disabled, and unemployed people, this situation gives rise to negative connotations of the term welfare, such as poverty, laziness, dependency, which are actually more appropriately called "social illfare" rather than "social welfare." (Edi Suharto, 2006) Fourth, as a planned process or effort carried out by individuals, social institutions, communities and government agencies to improve the quality of life (first meaning) through the provision of social services (second meaning) and social benefits (second meaning). third).

The welfare state is closely related to social policy which in many countries includes government strategies and efforts to improve the welfare of its citizens, especially through social protection which includes social security (both in the form of social assistance and social insurance), as well as social safety nets ( social safety nets). The welfare state was introduced in the 18th century through the idea of Jeremy Bentham (1748-1832), that the government has the responsibility to guarantee its people the greatest happiness (the greatest happiness/welfare, of the greatest number of their citizens).

Indonesia as a rule of law has the aim of improving the welfare of the people, so it can be called the concept of the Indonesian Welfare Rule of Law. According to Bagir Manan, the welfare state law places the state or government not only as the guardian of security or public order, but has the responsibility to realize social welfare and general

well-being for its people. Bagir Manan in another work states that the concept of a modern legal state or welfare legal state contains three aspects, namely: political, legal and socio-economic aspects. The political aspect requires limitations on state power in political life. The legal aspect requires the state to have the principle of supremacy of law in the law enforcement process, the principle of legality and the rule of law, while the social aspect requires the creation of social justice and general welfare. ( Bagir Manan, 1996 )

The characteristics of a welfare law state according to Muchsan are that the state aims to make the lives of its citizens evenly prosperous, and the state is required to provide the best and widest possible services to the community. Without good and equitable service, it is impossible to achieve prosperity in people's lives. In connection with these characteristics, there are two symptoms that definitely emerge in a welfare state, namely, firstly, government intervention in aspects of people's lives is very extensive and secondly, in the implementation of government functions, the principle of discretion is often used. Government intervention in this aspect of society's life is required to create equal social welfare, not prosperity according to the liberal conception. "With this intervention, free ght liberalism can be avoided, which will only benefit the strong." (Muchsan, 1992)

The ideal of a welfare law state where the state plays an active role in regulating the economy is enshrined in the preamble to the 1945 Constitution of the Republic of Indonesia. Many terms are used and they all lead to the welfare of society. The founding fathers of our country used the term "fair and prosperous" as stated in the second paragraph of the preamble to the 1945 Constitution of the Republic of Indonesia. Other terms are "general welfare" and social justice as stated in the fourth paragraph of the preamble to the Constitution of the Republic of Indonesia. 1945. In Article 33 of the 1945 NRI Constitution. (Yohanes Suhardin, 2007)

That in order to implement the ideals of the nation and realize the goals of the state as stated in the preamble to the 1945 Constitution of the Republic of Indonesia, it is necessary to build a state civil apparatus that has integrity, professionalism, neutrality and is free from political intervention, free from corrupt practices, collusion , and nepotism, as well as being able to provide public services for the community and being able to carry out its role as an element of unity and integrity of the nation based on Pancasila and the 1945 Constitution of the Republic of Indonesia and remembering Article 20 and Article 21 of the 1945 Constitution of the Republic of Indonesia , it is necessary to establish Law number 20 of 2023 concerning State Civil Apparatus. This means that the ASN Law already follows the mandate of the 1945 Constitution (the founding fathers' version of the welfare state concept), so it is appropriate for institutions and/or ministries that have ASN human resources to be guided by Law number 20 of 2023 concerning State Civil Apparatus.

### **The concept of the ATR/BPN Employee Scholarship Program in the realization of Welfare State in the Unitary State of the Republic of Indonesia**

The recognition of the wafare state in the Constitution has been manifested in derivative laws such as Law number 20 of 2023 concerning State Civil Apparatus. ATR/BPN in realizing the welfare state concept by developing human resource capacity, one of the programs launched is the S2/23 overseas scholarship. Even though this progressive program is not supported by concrete data about the conditions on the ground in the ATR/BPN environment throughout Indonesia. The conditions for following Overseas scholarship program for superior young ATR/BPN graduate and doctoral officers:

1. Active ASN of the Ministry of ATR/BPN is at least Group III/a
2. The work period is at least 1 (one) year from the time you are appointed as a

- civil servant
3. Minimum education: S1/D4 diploma
  4. Not currently in the process of undergoing disciplinary punishment
  5. Maximum age 32 years on 31 December 2021 (S2), and 40 years on 31 December 2021 (S3).
  6. Have a minimum Grade Point Average (GPA) of 3.00 on a scale of 4 (for foreign graduates, the GPA score can be converted at the following link: <https://www.scholaro.com/gpa-calculator/>)
  7. Make a Personal Statement & Study Plan
  8. Attach a valid LoA (if any)
  9. Attach valid TOEFL / IELTS test results (if any)

As a critical study, not all ASN in ATR/BPN have a final diploma of S1/D4, in fact there are still many in ATR/BPN HR areas who have a final diploma of D1-D3. Regarding the maximum age of 32 years for S2 and 40 years for S3, the fact is that there are quite a few ATR/BPN employees who are over 32 years old with a Bachelor's degree and also over 40 years with a Master's degree, this is due to the busy schedule of ATR/BPN services in various regions, making it difficult for time and opportunities to continue education, and also very minimal socialization information. As a result, the actualization of programs that are in accordance with the welfare state concept is not effective, resulting in the welfare state itself not being achieved in the Internal ATR/BPN environment from the ministry level to the provinces throughout Indonesia.

#### 4. CONCLUSION

The founding fathers of our country used the term "fair and prosperous" as stated in the second paragraph of the preamble to the 1945 Constitution of the Republic of Indonesia. Other terms are "general welfare" and social justice as stated in the fourth paragraph of the preamble to the Constitution of the Republic of Indonesia. 1945. In Article 33 of the 1945 Constitution of the Republic of Indonesia. Based on Pancasila and the 1945 Constitution of the Republic of Indonesia and considering Article 20 and Article 21 of the 1945 Constitution of the Republic of Indonesia, it is necessary to establish Law number 20 of 2023 concerning Civil Apparatus Country. This means that the ASN Law already follows the mandate of the 1945 Constitution (the founding fathers' version of the welfare state concept), so it is appropriate for institutions and/or ministries that have ASN human resources to be guided by Law number 20 of 2023 concerning ASN.

That not all ASN in ATR/BPN have a final diploma of S1/D4, in fact there are still many in ATR/BPN HR areas who have a final diploma of D1-D3. Regarding the maximum age of 32 years for S2 and 40 years for S3, the fact is that there are quite a few ATR/BPN employees who are over 32 years old with a Bachelor's degree and also over 40 years with a Master's degree, this is due to the busy schedule of ATR/BPN services in various regions, making it difficult for time and opportunities to continue education, and also very minimal socialization information. As a result, the actualization of programs that are in accordance with the welfare state concept is not effective, resulting in the welfare state itself not being achieved in the Internal ATR/BPN environment from the ministry level to the provinces throughout Indonesia.

#### 5. ACKNOWLEDGEMENT

By giving thanks to the presence of Allah SWT, the authors would like to express their deepest gratitude for the completion of this research article. Alhamdulillah, with the

permission of Allah SWT and His grace, this article was prepared well and completed on time.

I would like to thank my fellow writers who have been able to complete this article. May Allah SWT reward the kindness and assistance that has been given with double rewards. Hopefully this article can provide great benefits for the development of science and become a charity from which the rewards will continue to flow. May Allah SWT always give His grace and guidance to all of us. Amen ya rabbal 'alamin. Wassalamualaikum warahmatullahi wabarakatuh.

## 6. BIBLIOGRAPHY

Bagir Manan, 1996, *Politik Perundangundangan dalam Rangka Mengantisipasi Liberalisme Perekonomian*, FH UNLA, Bandar Lampung

E. Utrecht, *Pengantar Hukum Administrasi Negara*, Jakarta, Ichtiar Baru, 1985

Edi Suharto, “Negara Kesejahteraan dan Reinventing Depsos”, *Seminar*, Seminar “Mengkaji Ulang Relevansi Welfare State dan Terobosan melalui Desentralisasi-Otonomi di Indonesia”, Institute for Research and Empowerment (IRE) Yogyakarta dan Perkumpulan Prakarsa Jakarta, Wisma MM UGM, Yogyakarta, 2006

Edi Suharto, *Peta dan Dinamika Welfare State di Beberapa Negara: Pelajaran apa yang bisa dipetik untuk membangun Indonesia?*, Makalah disampaikan pada Seminar “Mengkaji Ulang Relevansi *Welfare State* dan Terobosan melalui Desentralisasi Otonomi di Indonesia”, Institute for Research and Empowerment (IRE) Yogyakarta dan Perkumpulan Prakarsa Jakarta, Wisma MM Universitas Gadjah Mada, Yogyakarta, 2006.

James Midgley., “The Handbook of Social Policy”, dalam Michelle Livermore, Sage, London, 2000

Juanda, *Hukum Pemerintahan Daerah : Pasang surut hubungan kewenangan antara DPRD dan Kepala Daerah*, Bandung : Alumni, 2004

Marilang, *Nilai keadilan sosial dalam pertambangan*, disertasi makassar, program pascasarjana UNHAS, 2010.

Muchsan, 1992, *Sistem Pengawasan Terhadap perbuatan Pemerintah dan Peradilan Tata Usaha Negara di Indonesia*, Liberty, Yogyakarta

Ridwan, HR, *Hukum Administrasi Negara*, Jakarta, Raja Grafindo Persada, 2007

Undang-undang Aparatur Sipil Negara nomor 20 tahun 2023

W. Riawan Tjandra, *Hukum Administrasi Negara*, Yogyakarta : Universitas Atmajawa, 2008

[www.ppsdm.atrbpn.go.id](http://www.ppsdm.atrbpn.go.id). Program aparatur muda unggul ATR/BPN S2/S3 Luar Negeri.

[www.tirto.id](http://www.tirto.id). Penjelasan isi uu asn 2023 terbaru, diakses tgl 10 oktober 2023 Yohanes Suhardin, peran hukum dalam mewujudkan kesejahteraan masyarakat, jurnal hukum projustitia, no 3 , 2007