

Legal Certainty in Performance-Based Civil Servant Promotions: The Role of Individual Performance Targets

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Abstract: Civil servant (PNS) performance assessment constitutes a fundamental basis for career advancement, particularly in promotion processes, and therefore must ensure legal certainty and objectivity. From a state administrative law perspective, performance assessment represents an administrative act with direct legal consequences for the status and rights of civil servants. This study aims to analyze the legal framework governing civil servant promotions and to examine the role of Individual Performance Targets (SKP) as a parameter of legal certainty. This research employs a normative legal method using statutory and conceptual approaches to assess relevant legal norms and doctrines. The findings indicate that promotion decisions qualify as administrative decisions whose validity depends on objective, measurable, and procedurally compliant performance assessments. However, in practice, SKP is frequently treated as a formal administrative requirement and does not adequately reflect substantive performance. The novelty of this study lies in positioning SKP as a legal parameter in determining the validity of promotion decisions. The study recommends strengthening the substantive implementation and monitoring of SKP to ensure legal certainty and protection of civil servant rights.

Keywords: Legal Certainty, Civil Servants, Performance Assessment, Promotion, Administrative Law.

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Introduction

Civil Servant (PNS) performance assessment is a crucial part of the state personnel administration system because it serves as the basis for career development, particularly promotion. From the perspective of state administrative law, performance assessment serves not only as a managerial instrument but also as a government administrative action that has legal consequences for the status and rights of civil servants. Therefore, performance assessment must be conducted objectively, measurably, and ensure legal certainty so that personnel administration decisions do not give rise to injustice or legal disputes (Harmaini et al., 2024).

In Indonesia, the civil servant performance appraisal system through the Employee Performance Targets (*Sasaran Kinerja Pegawai / SKP*) still tends to combine administrative aspects and work behavior. Although it has moved toward target-based measurement, in practice it still faces challenges such as evaluator subjectivity and weak linkage to actual organizational outcomes. This is consistent with international studies indicating that performance appraisal in the public sector is often vulnerable to bias and lacks full objectivity when not supported by a robust evaluation system.

In contrast, in countries such as Singapore, the civil service performance appraisal system places strong emphasis on meritocracy and measurable achievements. A study by The University of Manchester highlights that Singapore's talent management and performance appraisal systems demonstrate strong integration between performance evaluation, competency development, and incentive structures (Kim, 2016). Appraisal is conducted rigorously, based on strategic contributions, and directly linked to promotion and remuneration. This reflects an *incentivizing appraisal* approach, where high performance is rewarded systematically. Meanwhile, in developing countries such as Kenya, civil service performance appraisal has been directed toward a *results-based management* approach. Studies indicate that reforms in Kenya's public sector appraisal system aim to improve bureaucratic efficiency and accountability by emphasizing measurable performance targets as key indicators (Schleicher, 2009).

The civil servant performance appraisal system in Indonesia is implemented through Employee Performance Targets (SKP) and work behavior

assessments. SKP is designed as an individual performance planning instrument that contains employee performance targets and indicators for a single assessment period and serves as the primary benchmark for evaluating civil servant performance achievements (Hendi et al., 2019). The results of the SKP assessment have direct implications for the career development of civil servants, including promotions and promotions, so that the SKP cannot be viewed merely as an administrative requirement.

However, the implementation of Employee Performance Targets (Sasaran Kinerja Pegawai–SKP) in practice has not fully achieved its normative objectives. In many instances, SKP are formulated merely to satisfy administrative requirements rather than being grounded in comprehensive workload analysis and clearly defined, measurable performance indicators. As a result, they often fail to accurately capture the actual performance of civil servants. This condition weakens the fundamental function of SKP as both a credible performance measurement instrument and a reliable basis for career development, particularly in promotion and advancement decisions. Moreover, the disconnect between planned targets and realized outcomes creates inconsistencies in performance appraisal results, undermining the principles of objectivity, accountability, and legal certainty within the framework of public personnel administration (Denisi, 2017). From a broader governance perspective, such limitations not only reduce the effectiveness of performance management systems but also risk eroding institutional trust and fairness in bureaucratic decision-making. Therefore, strengthening the design and implementation of SKP—through the integration of evidence-based workload analysis, transparent indicators, and outcome-oriented evaluation—is essential to ensure that performance appraisal systems function in line with the principles of good governance and administrative justice (Hendi et al., 2019).

This problem directly impacts the performance appraisal and promotion process for civil servants. In practice, performance appraisals still tend to focus on attendance and completing administrative documents, rather than on substantive performance achievements as mandated by the SKP system (Kusuma, 2021). The absence of measurable performance indicators and the suboptimal supervision of the assessment process opens up room for subjectivity among assessing officials, which ultimately weakens the principles of objectivity and legal certainty in personnel administration decision-making.

Furthermore, inconsistencies in performance assessments also impact the effectiveness of civil servant career development. Inappropriate performance assessments and career development can lead to delayed promotions and a decline in civil servant motivation and work performance (P & Permatasari, 2022). This shows that performance assessments that do not guarantee legal certainty not only harm civil servants individually, but also affect the performance of government organizations as a whole.

Based on a review of previous research, it can be concluded that studies on civil servant performance assessment still predominantly place the SKP from a managerial and empirical perspective. Studies specifically analyzing the SKP as a performance assessment parameter from a state administrative law perspective, particularly regarding the guarantee of legal certainty in the promotion process, are still relatively limited. Therefore, this article offers a novelty by analyzing the concept of state administrative law in the civil servant promotion process and examining the legal certainty of the SKP as a performance assessment parameter.

Based on a review of previous studies, it is evident that research on civil servant performance assessment has largely been dominated by managerial and empirical perspectives, primarily focusing on efficiency, effectiveness, and performance measurement techniques. These studies generally position the Employee Performance Targets (*Sasaran Kinerja Pegawai*—SKP) as an administrative and managerial tool, without sufficiently addressing its legal implications within the framework of state administrative law. In contrast, this article identifies a significant gap in the literature, particularly the limited attention given to analyzing SKP as a legally consequential instrument that directly affects the rights and status of civil servants, especially in relation to promotion decisions. Prior research has not comprehensively examined how SKP, as a basis for administrative decision-making, should fulfill the principles of legal certainty, objectivity, and protection against arbitrariness in the promotion process.

Therefore, the novelty of this study lies in its normative juridical approach, which reconceptualizes SKP not merely as a managerial instrument but as a form of government administrative action with binding legal consequences. This article specifically emphasizes the importance of ensuring legal certainty in the use of SKP as a performance assessment parameter,

particularly in the context of civil servant promotion, thereby contributing a new perspective that integrates performance management with principles of state administrative law.

Method

The research method used in this study is normative research or normative legal research. Normative legal research is an approach used to examine and analyze legal norms, rules, legal principles, legal doctrines, legal theories, and statutory regulations governing a particular legal event (Muhaimin, 2020). In the context of this research, a normative approach is used to examine legal certainty in the performance assessment of Civil Servants (PNS) based on Individual Performance Targets as the basis for the promotion process.

Result and Discussion

The Concept of State Administrative Law in the Civil Servant Promotion Process

Within the framework of state administrative law, the promotion of Civil Servants (PNS) is part of a government action that is a *beschikking* or state administrative decision (KTUN). This decision is concrete, individual, and final and has direct legal consequences for the civil servant's employment status, financial rights, and career development. Therefore, every promotion decision must comply with the principles of legality and general principles of good governance (AUPB) to prevent abuse of authority (Harmaini et al., 2024).

Normatively, the civil servant career development system, including promotions, is based on the merit system principle, which places qualifications, competency, and performance as the primary basis for personnel administration decisions. This principle is affirmed in Law Number 20 of 2023 concerning the State Civil Apparatus, which emphasizes that ASN management is carried out based on the principles of legal certainty, professionalism, accountability, and fairness. Therefore, performance assessment cannot be separated from the concept of state administrative law as an instrument for controlling the use of discretion by personnel development officials.

Furthermore, Government Regulation Number 30 of 2019 concerning Civil Servant Performance Assessment emphasizes that performance assessment aims to ensure the objectivity of civil servant development based on a merit and career system. Performance assessment, in this context, is not merely a

managerial mechanism, but rather a legal prerequisite for the validity of promotion decisions. This means that any promotion decision not based on objective and measurable performance assessments has the potential to violate the principles of legal certainty and accountability.

However, in personnel administration practices, there is still a tendency for performance appraisals to be treated as an administrative formality. Several studies have shown that civil servant performance appraisals still focus on document fulfillment and attendance, rather than evaluating substantive performance achievements in accordance with the objectives of the SKP (Hendi et al., 2019; Kusuma, 2021). This condition indicates a gap between legal norms (*das sollen*) and administrative practices (*das sein*).

This discrepancy indicates that performance appraisals have not fully functioned as a tool to control the discretion of administrative officials. In a merit system, performance appraisals should serve as a tool to limit authority so that promotion decisions are not based on subjective considerations, personal affinities, or other non-legal factors. If performance appraisals are not conducted objectively and measurably, the legal oversight function over the authority of personnel development officials is weakened.

From the perspective of state administrative law, every personnel administration decision must fulfill the elements of authority, procedure and substance in order to be considered legally valid (Ardiansyah, 2022). In the context of promotion of Civil Servants, fulfillment of the procedural and substantive elements is highly dependent on the implementation of the performance assessment mechanism regulated in laws and regulations.

Based on the provisions of Government Regulation No. 30 of 2019 concerning Civil Servant Performance Assessment, performance assessments are conducted through the stages of performance planning, performance implementation and monitoring, and performance evaluation. If these stages are not implemented fully and consistently, then doctrinally, promotion decisions have the potential to be procedurally flawed because they do not comply with the administrative mechanisms required by law.

In addition to procedural aspects, the substance of promotion decisions must also reflect the actual performance of the civil servant being assessed. Research in public administration shows that performance assessments that focus solely on administrative fulfillment have the potential to underrepresent

the employee's substantive performance achievements (Hendi et al., 2019). From the perspective of state administrative law, this condition can be qualified as a substantial defect because the content of the decision does not correspond to the objective facts that should be the basis for the assessment.

The legal consequence of procedural or substantial flaws is the diminished legal legitimacy of promotion decisions. Such administrative decisions can theoretically be subject to administrative objections and, if unresolved, can be filed with the state administrative court in accordance with the principle of legal protection for civil servants.

Therefore, the concept of state administrative law positions performance assessment as an instrument of legal control over the authority of administrative officials in developing civil servant careers. Performance assessments conducted objectively, measurably, and transparently not only guarantee fairness for civil servants but also strengthen the legal legitimacy of administrative personnel decisions. Thus, civil servant promotions are not only formally valid but also meet the principles of legal certainty and substantive justice.

The concept of state administrative law in the civil servant promotion process reflects how governments structure authority, discretion, and legal safeguards in making personnel decisions. In Indonesia, the promotion of civil servants is formally categorized as a state administrative action (*bestuurshandeling*) that must comply with principles such as legality, objectivity, transparency, and legal certainty. Promotion decisions are generally based on administrative requirements, including rank, tenure, and performance evaluation through the Employee Performance Targets (SKP). From a legal perspective, such decisions can be challenged before administrative courts if they are deemed to violate procedural or substantive principles, thereby emphasizing the importance of accountability and protection of civil servants' rights.

In comparison, countries such as Singapura adopt a more managerial-legal hybrid approach, where promotion processes are strongly driven by meritocracy and performance outcomes, but still operate within a structured legal framework. Administrative discretion is broader, allowing agencies to make strategic talent management decisions, yet remains guided by clear institutional rules and oversight mechanisms. Legal challenges are relatively rare due to the high level of procedural clarity and institutional trust, indicating a

system where legal certainty is achieved through consistent and transparent administrative practices rather than litigation (Rosenbloom, 2007).

In many European countries, particularly those influenced by continental administrative law traditions such as German and France, civil servant promotion is deeply rooted in formal legal frameworks. Promotions are treated as legal rights under certain conditions, especially within career-based civil service systems (Mashaw, 1985). The principle of *Rechtsstaat* (rule of law) ensures that every administrative decision, including promotion, must be legally justified, proportionate, and open to judicial review. Courts play a significant role in safeguarding fairness and preventing arbitrariness, making legal certainty a central pillar of the promotion system.

Legal Certainty of Employee Performance Targets as a Performance Assessment Parameter

In state administrative law, the principle of legal certainty is one of the main principles that must be met in every government action. Legal certainty requires that every authority exercised by administrative officials be based on clear legal norms, measurable procedures, and predictable legal consequences for the subjects affected by the decisions. In the context of civil service, this principle serves to protect State Civil Apparatus from arbitrary and unaccountable administrative actions (Damanik et al., 2024).

Employee Performance Targets (SKP) are normatively the primary parameter for assessing civil servant performance, directly impacting the promotion process. SKP are designed as annual performance plans containing individual performance targets and indicators, thus serving as the primary measuring tool for assessing civil servant performance. Government Regulation Number 30 of 2019 concerning Civil Servant Performance Assessment emphasizes that individual performance indicators must be formulated in a specific, measurable, realistic, and time-bound manner to provide objective performance measures.

From a state administrative law perspective, the legal certainty of SKP lies in the clarity of the norms governing the substance of SKP, its preparation procedures, and its assessment mechanism. SKP, developed through performance dialogue between superiors and subordinates, as stipulated in Regulation of the Minister of Administrative and Bureaucratic Reform Number

6 of 2022 concerning Management of Civil Servant Performance, reflect the application of participatory and transparent principles in performance assessment. Through performance dialogue, civil servants have certainty regarding the performance expectations to be achieved and the administrative consequences arising from those achievements.

However, the legal certainty of the SKP in practice still faces challenges. Several studies have shown that performance indicators in SKP are often formulated in general terms and are not based on workload analysis, making them difficult to use as objective performance measurement tools (Hendi et al., 2019). In practice, the SKP is still often treated as an administrative formality. Performance assessments in practice tend to emphasize administrative compliance and attendance, while substantive performance achievements have not yet fully become the primary basis for assessment. This situation results in the SKP's normative objective as an instrument of legal certainty not being optimally achieved. Furthermore, weak oversight of the assessment process opens up room for subjectivity among assessors, potentially leading to unfairness in promotion decisions (Farida et al., 2025).

This situation indicates that the SKP has not fully fulfilled its legal function of guaranteeing legal certainty for civil servants. Performance assessments that are not based on clear and measurable indicators can lead to a mismatch between actual civil servant performance and the assessment results, ultimately resulting in delayed promotions and decreased work motivation (P & Permatasari, 2022). In the long term, this situation has the potential to harm government organizations because the performance of the apparatus does not develop optimally.

From a state administrative law perspective, strengthening the legal certainty of the SKP requires consistent implementation of Government Regulation No. 30 of 2019 and Ministerial Regulation No. 6 of 2022, particularly in the development of measurable performance indicators, the implementation of periodic performance evaluations, and the mechanism for objections to assessment results. Thus, the SKP serves not only as a managerial instrument but also as a legal instrument that ensures objectivity, fairness, and the protection of civil servants' rights during the promotion process.

Conclusion

This study finds that civil servant promotion decisions constitute state administrative decisions whose legal validity is contingent upon objective, measurable, and procedurally sound performance assessments. However, the implementation of Individual Performance Targets (SKP) remains largely formalistic and has not fully functioned as a substantive instrument for evaluating performance, thereby weakening legal certainty in promotion processes.

Theoretically, this research contributes to the development of state administrative law by introducing SKP as a legal parameter in assessing the validity of administrative decisions related to civil servant promotions. Practically, it provides a framework for policymakers and administrative institutions to strengthen performance-based promotion systems through more substantive and accountable assessment mechanisms.

This study is limited to normative legal analysis and does not incorporate empirical data on implementation practices across institutions. Future research is recommended to adopt empirical or socio-legal approaches to examine the effectiveness of SKP implementation and its impact on governance quality and civil servant professionalism.

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Author Contributions Statement

SL, contributed to the conceptualization of the study, development of the theoretical framework, legal analysis, and drafting of the main manuscript. RR, contributed to the collection of legal materials, secondary data analysis, methodological design, and revision and refinement of the manuscript.

AI Usage Statement

During the preparation of this article, the authors utilized artificial intelligence tools to assist in language editing and improving the structure of the writing. However, all

ideas, analyses, interpretations, and conclusions presented in this article are entirely the responsibility of the authors.

Conflict of Interest

The authors declare that there is no conflict of interest in relation to the research, authorship, and publication of this article. The research was conducted independently without any influence from external parties that could affect the objectivity of the findings.

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