

**Administrative Law Discipline Measures for Civil Servants in
Musi Rawas Regency**

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ABSTRACT.

The success of the government program and national development depend primarily on the perfection of the state apparatus and in essence depends on civil servants. To achieve full dedication of the civil servants, they need to be well nurtured in accordance with to achieve full dedication of the civil servants, they need to be well nurtured in accordance with Pancasila and the 1945 Constitution. Discipline behavior of employees as servants of the state should be applied properly so that the administration of government can run smoothly, effectively, and efficiently. How is the implementation of disciplinary action for civil servants in Musi Rawas Regency, what factors cause dishonored dismissal of the civil servants, and what factors hinder disciplinary action for civil servant in the regency are among the problems discussed in this study. The purpose of the study is to reveal the causes of indiscipline and to find out the restriction of punishment. This paper belongs to normative and empirical legal research as the data were gathered through normative law and literature with statute and comparative approaches. How is the implementation of disciplinary action for civil servants in Musi Rawas Regency, what factors cause dishonored dismissal of the civil servants, and what factors hinder disciplinary action for civil servant in the regency are among the problems discussed in this study.

Keywords: Civil Servant Discipline, Dishoned Discharge, Inhibiting Factors

INTRODUCTION

The success of the government program and national development depend primarily on the perfection of the state apparatus and in essence depends on civil servants. To achieve the goal of the state, namely to carry out the welfare and happiness of its people, or to organize a just and prosperous society, the utilization of the state apparatus should be continuously improved, especially those related to the quality, efficiency of services and protection of the community as well as the professional ability and welfare of the apparatus should be main priority for supporting the implementation of duties. To achieve full dedication of the civil servants, they need to be well nurtured in accordance with to achieve full dedication of the civil servants, they need to be well nurtured in accordance with Pancasila and the 1945 Constitution.

Article 1 of Law Number 5 of 2014 concerning State Civil Servants (ASN), state civil servants, hereinafter referred to as ASN employees, are civil servants and government employees with a work agreement appointed by a civil service officer and

assigned to a government position or entrusted with other state duties and paid according to statutory regulations. Civil Servants, hereinafter abbreviated as PNS, are Indonesian citizens who meet certain conditions, are appointed as ASN Employees on a permanent basis by Civil Service Officers to occupy government positions.

The discipline culture among civil servants has not been fully implemented, even though a new civil servant discipline regulation has been issued, namely Government Regulation No. 53/2010 as a substitute for Government Regulation No. 30 of 1980 regarding the discipline of civil servants. However, in reality there are still many deviant behaviours committed by civil servants against applicable laws and norms in the form of disobedient and disobedient attitudes and behavior towards existing regulations such as obeying the provisions of working days and working hours.

Dismissal as a Civil Servant is a dismissal which results in the person concerned losing his/her status as a Civil Servant, while Civil Servants are dishonourably discharged due to among other things. During the validity period of the Law Number 5 of 2014 concerning State Civil Servants, this regulation is reaffirmed in Article 87 paragraph (4) letter b, with a slightly different formula.

The position of the Civil Servant is very important and decisive. The success or failure of the mission of the government depends on the state apparatus because civil servants are the state apparatus to organize the government in realizing the ideals of national development. The smooth running of government and the implementation of national development mainly depends on the perfection of civil servants. Dismissal as a Civil Servant is a dismissal which results in the person concerned losing his/her status as a Civil Servant, while Civil Servants are dishonorably discharged due to among other things. During the validity period of Law Number 5 of 2014 concerning State Civil Servants (ASN Law), this regulation is reaffirmed in Article 87 paragraph (4) letter b, with a slightly different formula.

Musi Rawas as a district that has a vision and mission of realizing its Civil Servants to become Qualified, Moral, Professional, dignified and Prosperous Civil Servants, of course many have also encountered disciplinary cases committed by their civil servants. Even though the disciplinary actions have been imposed on the transgression committed by the Civil Servants, there are still several problems with the employee performance and behavior of Musi Rawas Civil Servants, such as absent from their duties, misconduct, corruption, or even they carry out joint activities with superiors, colleagues, subordinates, or other people inside or outside their work environment for the benefit of personal, group, or other parties, which directly or indirectly harm the State.

A range of issues surrounding job performance and behavior of the Indonesian bureaucracy are competency mismatches, misplacement and uncertain profession paths that may be taken. A fact that occurs in everyday life regarding the bureaucracy is that

Regional Civil Servants work relaxed, come home early and complicate matters and are identical with an adage why should it be made easier if it can be complicated.

Law enforcement in the form of sanctions is also implemented in order to create a deterrent effect for both perpetrators of disciplinary violations and other civil servants from committing the same mistakes. The decision to impose severe disciplinary action against the person concerned has been made in a professional manner. This is the end result of an integrated group working independently, thru methods as regulated in Government Regulation Number 53 of 2010 concerning Civil Servant Discipline.

METHOD

The types of research are under the normative research method which utilizes a legal approach in analyze the disciplinary measures of civil servants in Musi Rawas Regency. This research also uses an empirical legal research, meaning that this research is carried out by conceptualizing law as a pattern of behavior in the legal community and/or law as an act of social interaction that reviews existing practices.

Normative legal research is often referred to legal studies. The research uses legal approach and case studies. The legal approach is carried out by stressing those regulations relating to the issue while the case approach is carried out by evaluating the case related to regulations.

FINDING AND ANALYSIS

The Disciplinary Measures of Civil Servants in Musi Rawas Regency

Efforts to realize the system of democratic governance, clean and reliable government has become a top priority in Indonesia. Bureaucratic reform as one of the records made the initial awareness of the bureaucracy and became a milestone for government awareness to organize a good government system.

Civil Servants (PNS) as the principle detail of the assets of the state apparatus have a function in figuring out the achievement of governance and development. Civil servants who are able to play these roles are civil servants with competence that is indicated on the discipline that high, good performance and the attitudes and behaviour that are full of loyalty and obedience to the state, morally and mentally good, professional and aware of its responsibility as a public servant.

Law Number 5 of 2014 concerning State Civil Apparatus article 1 paragraph (1) states that a Civil Servant is any Indonesian citizen who has fulfilled the specified requirements, is appointed by an authorized official and assigned to a government

position or assigned to other state duties, and also paid according to the prevailing laws and regulations. The elements of Civil Servants are as follows:

1. Indonesian citizens who have met the requirements according to statutory regulations;
2. Appointed by an authorized official;
3. In charge of duties in a state position;
4. Paid according to the prevailing laws and regulations.

In line with the development of science and technology, at this time there has been a fundamental change in the form of a democratic and good governance. In the concept of good governance, BAPPENAS regulates the principles that must be implemented in realizing good governance, including:

1. Visionary;
2. Transparent;
3. Responsive;
4. Accountable;
5. Professionally;
6. Efficient and effective;
7. Decentralization;
8. Democratic and consensus oriented;
9. Participative;
10. Partnership;
11. Rule of law;
12. Gap reduction;
13. Commitment to the market;
14. Commitment to the environment.

Bureaucracy is an important part in implementing government functions in order to create good governance. The bureaucracy as a front liner is always related to the development of human resources in government and therefore there will be a paradigm shift in public services which will automatically create system changes in civil service law including the institutional arrangement of the government bureaucracy, systems and personnel management arrangements.

The mindset of developing civil service law has the meaning of a paradigm shift in the government system to ensure the implementation of general governmental tasks and development in an efficient and effective manner, in order to create a just and prosperous society, both material and spiritual. State duties and positions carried out by Civil Servants in order to run smoothly and to support the smooth running of National

development, each of these civil servants must have the ability and high quality and with a high level of discipline. This is not only the ability in the field of skill but also total self-quality, because human quality is determined by knowledge, skills, and mental attitude.

Civil servants are government officials as state servants and public servants, whose duties and obligations involve the public interest, of course, demand to be able to play an active role as a clean and authorized government apparatus to become role models for society and transform themselves into an apparatus full of sacrifice and responsibility, so that can carry out the duties of the apparatus that do not abuse power and abuse. The abuse of power is often done out by government officials will result in disciplinary punishment for the offender and must be responsible for his actions according to the level of his guilt.

Work discipline is an important asset and must be owned by the state apparatus because it is binding on providing services to the public. In general, the quality of work ethic and work discipline of the apparatus is still low, so the implementation of an easy and authorized government have to start with the enforcement of countrywide field in the state apparatus. Lack of adherence to employee disciplinary regulations can hinder governance and national development, Civil Servants should be role models for society as a whole so that people can believe in the role of Civil Servants.

In an attempt to enhance the field of civil servants, the Indonesian authorities has supplied a coverage with the issuance of Government Regulation number 53 of 2010 regarding Civil Servant Discipline. As authorized officers and public servants, civil servants are requested to constantly be equipped to perform the responsibilities which have end up their responsibility, however in reality it frequently occurs in an agency, personnel dedicate violations that reason useless worker's performance.

In the form of producing reliable, professional, and moral civil servants, disciplinary regulations for civil servants are fully required which can be used as guidelines in upholding discipline, so as to guarantee the maintenance of order and smooth execution of their duties and can encourage civil servants to be more productive based on the career system and work performance system. The Government Regulation at the subject of civil servants includes responsibilities, prohibitions, and disciplinary consequences that may be imposed on civil servants who have been tested to have dedicated an offense. The imposition of disciplinary sentences is supposed to manual civil servants who have dedicated violations so that they have a mindset of regret and try not to repeat and improve themselves with inside the future.

Discipline of Civil Servants as stated in Article 1 point 1 of Government Regulation Number 53 of 2010 is the capacity of Civil Servants to comply with responsibilities and keep away from prohibitions stipulated in statutory rules and/or professional rules which, if not obeyed or violated, could be challenge to disciplinary action. Furthermore, Article 4 of Government Regulation No. 53/2010 also regulates prohibitions for civil servants.

Civil servants who do not comply with the above responsibilities or prohibitions may be problem to disciplinary consequences without prejudice to the provisions in the criminal law, civil servants who dedicate disciplinary violations could be challenge to disciplinary action. The stages and styles of disciplinary consequences regulated in Article 7 of Government Regulation Number 53 of 2010 are the disciplinary stages consist of: light discipline punishment, medium disciplinary punishment, and severe discipline punishment.

Light disciplinary punishment as regulated in Article 8 of Government Regulation Number 53 of 2010 is imposed for violations of the following obligations:

1. Fully loyal and obedient to Pancasila and the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia and the Government as referred to in Article 3 point 3, if the violation has a negative impact on the work unit;
2. Comply with all laws and regulations as referred to in Article 3 point 4, if the violation has a negative impact on the work unit;
3. Perform respectable obligations entrusted to civil servants with complete dedication, awareness, and responsibility as referred to in Article 3 point 5, if the violation has a negative impact on the work unit;
4. Upholding the respect of the state, the authorities, and the honor of civil servants as referred to in Article 3 point 6, if the violation has a negative impact on the work unit;
5. Prioritizing the interests of the state over the interests of one's own, individual, and / or group as referred to in Article 3 point 7, if the violation has a negative impact on the work unit;
6. Holding secret positions which according to their nature or according to orders must be kept secret as referred to in Article 3 point 8, if the violation has a negative impact on the work unit;
7. Work honestly, orderly, carefully, and passionately for the interests of the State as referred to in Article 3 point 9, if the violation has a negative impact on the work unit;
8. Report immediately to his superior if he finds out that there is something that could endanger or harm the state or government, especially in the security, financial and

material fields as referred to in Article 3 point 10, if the violation has a negative impact on the work unit;

9. Go to work and follow the operating hours provisions as stated in Article 3 point 11;
10. Guiding subordinates in carrying out the tasks referred to in Article 3 point 15, if the violation is committed accidentally;
11. Provide opportunities for subordinates to develop careers as referred to in Article 3 point 16, if the violation is committed accidentally; and
12. Obey the official regulations stipulated by the authorized official as referred to in Article 3 point 17, if the violation has a negative impact on the work unit.

Disciplinary penalties are being regulated in Article 8 of Government Regulation Number 53 Year 2010 for violations of the following obligations:

1. Take the civil servant oath / promise as referred to in Article 3 number 1, if the violation is committed without a valid reason;
2. Take the oath/promise of office as referred to in Article 3 point 2, if the violation is committed without a valid reason;
3. Fully loyal and obedient to Pancasila and the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia and the Government as referred to in Article 3 point 3, if the violation has a negative impact on the relevant agencies;
4. Comply with all laws and regulations as referred to in Article 3 point 4, if the violation has a negative impact on the agency concerned;
5. Carry out official duties entrusted to civil servants with full dedication, awareness and responsibility as referred to in Article 3 point 5, if the violation has a negative impact on the agency concerned;
6. Upholding the honor of the state, government, and dignity of civil servants as referred to in Article 3 point 6, if the violation has a negative impact on the agency concerned;
7. Prioritizing the interests of the state rather than the interests of individuals, individuals and / or groups as referred to in Article 3 point 7, if the violation has a negative impact on the relevant agency;
8. Holding a secret position which according to its nature or according to an order must be kept secret as referred to in Article 3 point 8, if the violation has a negative impact on the agency concerned;
9. Work honestly, orderly, carefully, and passionately for the interests of the State as referred to in Article 3 point 9, if the violation has a negative impact on the agency concerned;

10. To report immediately to his superior if he finds out that there is something that could endanger or harm the state or government, especially in the security, financial and material fields as referred to in Article 3 point 10, if the violation has a negative impact on the agency concerned;
11. Go to work and follow the operating hours provisions as stated in Article 3 point 11;
12. Achieve the stipulated employee work targets as referred to in Article 3 point 12, if the achievement of work targets at the end of the year only reaches 25% (twenty five percent) to 50% (fifty percent);
13. Using and maintaining state property as well as possible as referred to in Article 3 point 13, if the violation has a negative impact on the agency concerned;
14. Providing the best possible service to the community as referred to in Article 3 point 14, in accordance with the provisions of statutory regulations;
15. Guiding subordinates in carrying out the tasks referred to in Article 3 point 15, if the violation is committed on purpose;
16. Provide opportunities for subordinates to develop careers as referred to in Article 3 point 16, if the violation is committed on purpose; and
17. Comply with the official regulations stipulated by the authorized official as referred to in Article 3 point 17, if the violation has a negative impact on the agency concerned.

Article 10 of Government Regulation Number 53 of 2010 stipulates that severe disciplinary penalties are imposed for violations. Regarding the implementation of civil servant discipline law, the author conducted research on Civil Servants in the Musi Rawas Regency Government. The demand for autonomous governance in the regions has emerged, and the Law No. 22/1999 on Regional Government regulates that the regional authorities carry out regional autonomy in a broad, real and responsible manner. In accordance with this Law, Musi Rawas Regency with the Regent as the Regional Head. Musi Rawas Regency is a regency in South Sumatra Province with its capital city in Muara Beliti. Geographically, Musi Rawas Regency is located between 2° to 3° south latitude and 102° to 103° east longitude. Musi Rawas Regency is an agricultural area with an area of 6,357.17 km².

Initially Musi Rawas Regency was included in the residency area of Palembang (1825-1966). This was preceded by the fall of the Palembang Sultanate and the resistance of Benteng Jati and Six Pasirah from Pasemah Lebar into the hands of the Dutch government. Since then the Dutch have expanded and formulated the government of the Ulu Palembang area which they managed to control. The system used is DE concentration.

The number of Civil Servants in the Musi Rawas Regency Government is 5822 people with details, 2832 male employees and 2990 female employees. The vision of Musi Rawas Regency is "MURA SEMPURNA 2021 Prosperous, Independent, Productive, Excellent, Religious, Comfortable, and Safe". While the mission of Musi Rawas District are to:

1. Improve the quality of human resources and infrastructure;
2. Develop superior commodity agribusiness and agro-industrial systems and businesses;
3. Developing a productive economy of non-farmer communities;
4. Increasing the independence and empowerment of the community in regional development and environmentally friendly natural resource management;
5. Improve governance that is clean, authoritative and excellent service;
6. Strengthen the development of a religious community towards Musi Rawas Darussalam; and
7. Ensuring conditions in Musi Rawas Regency are safer and more comfortable to invest in, attractive, and memorable to visit.

Civil Servant Discipline is very important to create reliable, professional, and moral civil servants. For this reason, regulations are absolutely necessary in order to guarantee the maintenance of order and the smooth execution of their duties and to encourage Civil Servants to be more productive based on a career system and work performance system so that supervision and enforcement of disciplinary law for civil servants who violate them are needed. Implementation of law is the process of making efforts to uphold or function legal norms in a clear manner as a code of conduct in traffic or legal relations in social and state life.

The process of implementing the law in a broad sense involves all legal subjects in every legal relationship. Anyone who carries out normative rules or does something or does not do something based on the norms of the prevailing law, means that he is carrying out or enforcing the rule of law. In a narrow sense, law enforcement is defined as an effort by certain law enforcement officials to guarantee and ensure that a rule of law runs as it should. In ensuring the implementation of the law, if necessary, the law enforcement apparatus is permitted to use force.

The definition of law enforcement can also be viewed from the point of view of the object, namely in terms of the law. In a broad sense, law enforcement includes the values of justice contained in the sound of formal rules and the values of justice that live in society. However, in a narrow sense, law enforcement only concerns the enforcement of formal and written regulations.

In an interview with Mr. Bonar, regarding the discipline of Civil Servants in the Musi Rawas District Government, the Regency Government referred to Government Regulation Number 53 of 2010 concerning Civil Servant Discipline. This is because the government regulation has determined the discipline of Civil Servants that must be implemented, in the form of prohibitions that cannot be violated or obligations that must be carried out by Civil Servants.

According to Mr. Bonar, the discipline level of Civil Servants in Musi Rawas Regency is generally good, although there are still some Civil Servants who are subject to disciplinary penalties for violating obligations or prohibitions that are not allowed. As stated in the National Civil Service Agency Regulation, civil servant discipline is the ability of Civil Servants to comply with obligations and avoid prohibitions stipulated in statutory regulations and / or official regulations which, if not obeyed or violated, are subject to disciplinary action.

For civil servant discipline violations within the Musi Rawas Regency Government, Mr. Bonar said that in 2018, there were 5 (five) civil servants who violated employee discipline, 3 civil servants received light sentences and 3 civil servants received heavy sentences. Whereas for 2019, there were 62 (sixty two) civil servants who violated employee discipline, 53 civil servants received light sentences, 5 civil servants received moderate sentences, and the remaining 4 civil servants received severe punishment. Then for 2020, there were 28 (twenty eight) civil servants who violated employee discipline, 24 civil servants received light sentences, 3 civil servants received moderate sentences, and 1 civil servant received severe punishment.

Regarding the implementation of the imposition of penalties on civil servant discipline, it is carried out in accordance with the Regulation of the Head of the State Civil Service Agency Number 21 of 2010 concerning Provisions for the Implementation of Government Regulation Number 53 of 2010 concerning Civil Servant Discipline. To carry out coaching, the implementation of duties for civil servants is an obligation of the superior, this is because with coaching, of course, discipline will be enforced. Musi Rawas Government Regency provides rewards related to welfare to disciplined civil servants, in addition to rewards, for civil servants who violate discipline, then the rights of these civil servants will be reduced.

Mr. Bonar said that in the supervision of civil servant discipline there is a special agency, namely the ad hoc team and the monitoring team. BKPSDM Musi Rawas Regency directly monitors the relevant regional apparatus during the sentence. The ad hoc team and the monitoring team have the duties and functions as a supervisor and supervisor of the implementation of civil servant discipline in Musi Rawas District.

Based on the explanation above, the enforcement of disciplinary law for civil servants is very important so that every civil servant has a high discipline, good performance and attitude and behaviour that is full of loyalty and obedience to the state, is moral and has good mentality, is professional and aware of responsibility as a public servant. The implementation of discipline applied by the Musi Rawas Regency Government is in accordance with the Regulation of the Head of the State Personnel Agency Number 21 of 2010 and Government Regulation Number 53 of 2010 which regulates the discipline of Civil Servants. The disciplinary punishments that have been carried out by the Musi Rawas Regency Government against undisciplined civil servants are light punishment, moderate punishment, and severe punishment. In 2018, there were 5 (five) Civil Servants who violated employee discipline, 3 civil servants received light sentences and 2 civil servants received severe sentences. In 2019, there were 62 (sixty two) civil servants who violated employee discipline, 53 civil servants of whom received light sentences, 5 civil servants received moderate sentences, and 4 civil servants received severe sentences. Then in 2020, there were 28 (twenty eight) civil servants who violated employee discipline, 24 civil servants received light sentences, 3 civil servants received moderate sentences, and 1 civil servant received severe punishment.

The factors cause the dishonored discharge of civil servants in Musi Rawas Regency

Stahl argues that the characteristics of a constitutional state (Rechstaat) are the validity of recognition of human rights protection, a judiciary that is free from intervention by power and other forces and is impartial, and legality in all its forms in law. In "Article 1 paragraph (3) of the 1945 Constitution, it is formulated that Indonesia is a constitutional state," in which law becomes a reference for all matters relating to legal issues. The law is applied equally and fairly to all levels of society, including in the field of civilization law. All activities carried out by the Government and civilians must be based on law. Likewise in relation to the legal relationship that exists between the government and its staff.

In the order of community life globally and nationally, producing Good Governance and Clean Government are fundamental demands. Democracy as a form of good governance, transparency, accountability, rule of law and justice are the main things in implementing government work, therefore, interdisciplinary is needed in enhancing the role of government to be good and clean. As for the inhibiting factors, such as the tendency of civil servant performance ethos to be quite low, discipline and a sense of loyalty to put the interests of the community ahead of their own interests, in this case the

family, as well as certain groups and entrenched groups and habits, for example acts of corruption, collusion and nepotism that has been around for generations.

Position of Civil Servants based on Article 3 paragraph (1) of Law no. 43 of 1999 concerning Personnel Principles, namely being part of the components of the state apparatus which play a role in being part of professional, honest, fair, and equitable public service in the implementation of state, governance and development obligations. The position of civil servants is guided by the idea that the government can carry out and mobilize development functions in the interests of the wider community for the sake of welfare, meaning that it is not only a matter of general function for state order. A civil servant can be dismissed from his position at any time if he is negligent and does not heed his duties, this is in line with the enactment of regulations related to the discipline of the Civil Servant. As for the rules that formulate matters related to civil servant discipline, namely Government Regulation Number 53 of 2010 concerning Civil Servant Discipline relating to Law Number 5 of 2014 concerning the State Civil Apparatus.

Regulations related to Employee Discipline are absolutely necessary in becoming a reference for enforcing and improving discipline, so that discipline and professionalism are guaranteed in carrying out useful tasks for civil servants so that they are more productive in accordance with the career system and work performance system. Therefore, a person serving as a Civil Servant must be disciplined in carrying out his duties and work, because apart from helping national development, civil servants also have the responsibility to serve the community. Regarding the imposition of sanctions for employee indiscipline, those with the authority have the right to punish and impose disciplinary sanctions against civil servants who violate the provisions of officials who have the authority to punish, namely the President, Ministers, Governors, Regents and representatives of the Republic of Indonesia in other countries.

Dismissal of civil servants with no respect will result in the concerned losing his pension rights. Disrespectful discharge can be caused by several things, such as the following:

1. Breaking oaths / promises / disciplinary rules.
2. Sentenced to imprisonment based on a court decision that has permanent legal force for committing a crime punishable by a maximum imprisonment of four years or more.
3. Doing business aimed at changing Pancasila and / or the 1945 Constitution or engaging in activities that are against the state or government.
4. Leaving his job illegally for six months straight.

Judging from the status and position, there are two kinds of dismissal of civil servants. First, dismissal as a civil servant, namely dismissal which results in the person concerned losing his / her status as a civil servant. Second, dismissal from a state position, namely dismissal which causes the person concerned to no longer work in a state organization unit, but still has the status of a civil servants in addition, the term temporary dismissal is known, which is the dismissal of a civil servant because he is accused of committing a criminal act and it is not yet certain whether the person concerned is wrong or not.

Temporary dismissal is the dismissal of a civil servant if there is certainty that he or she has done: a) which must be condemned; b) a breach or neglect of an obligation that is contrary to the interests of the office or the state; c) is suspected of having committed a crime and in connection with the indictment is put in detention by the authorities. If later there is convincing evidence, the temporary dismissal becomes a dismissal from a government position if he is a permanent employee and a dismissal from his job if he is a temporary employee in Government Regulation Number 8 of 1952.

According to the information the author got from the informant, namely Mr. Bonar, that is for Civil Servants who commit criminal acts will be detained, after being detained they will be temporarily dismissed from their employment status. After that, if the employee gets a sentence of less than 2 years, then it can be reactivated, if it has been reactivated, the suspect still has to carry out disciplinary punishment, possibly demotion or paying a fine. However, if the suspect gets a sentence of 2 years or more, he will be dismissed with honour or dishonoured discharge.

Related to that, there is one Civil Servant who was dismissed because of a drug case and was sentenced to more than 2 years, namely getting a verdict of 5 years in prison. And also previously this Civil Servant had made a mistake, then received a sentence of under 2 years and has been reactivated with a drug case. Then the second time the employee had the same case and the sentence was even more severe, namely 5 years in prison. The initials of the name of the employee who committed the violation are DP from the investment office.

Initially the suspect had not been dismissed, but because the suspect made the same mistake and received a criminal sentence of more than 2 years, namely 5 years. And also the case has been processed until now there is no longer an appeal against the case. If at Personnel and Human Resources Development Agency Musi Rawas Regency, one of the efforts to enforce discipline is by monitoring the presence of every employee. Monitoring is carried out such as visiting regional officials to the sub-district as well, seeing attendance through absenteeism and then there are those who are late and often

do not come to work, a report will be made, the report is to be given guidance by their superiors.

The factors hampering the disciplinary measures of civil servants in Musi Rawas Regency

The smooth running of government and national development depends on the perfection of the State apparatus. This perfection basically depends on the perfection of civil servants. A perfect civil servant is a civil servant who is full of loyalty to the Pancasila, the 1945 Constitution and the government, has a good mentality is highly disciplined, dignified, efficient, of high quality and aware of his responsibilities as an element of the state apparatus.

The quality of work of a civil servant concerns the quality produced by a civil servant. They are required to prioritize quality in the implementation of their duties. The higher the quality of work, the better the performance. Civil servants as resources who carry out and carry out their duties as government officials must have a quality work life, namely a condition in which Civil Servants can meet the needs of the community by working in an organization called the government.

As an element of the state apparatus whose task is to provide services to the community in a professional, honest, fair and equitable manner in the implementation of state, government and development tasks. Civil servants have an important role, because civil servants are elements of the state apparatus to organize governance and development in order to achieve state goals. The smooth running of government and national development depends primarily on the perfection of the state apparatus. The reality that occurs about the bureaucracy is that Civil Servants in the regions work casually, come home early and complicate matters and are synonymous with an adage why should it be made easier if it can be made difficult. This general picture has been embedded in the minds of the public so that many people argue that the difference between the world of thugs and the bureaucracy lies only in official clothing.

One indication of the low quality of regional civil servants is the existence of disciplinary violations that have been committed. This can lead to disorder in the life of the nation and state. Increasing discipline in the environment of the state apparatus is one of the efforts to overcome this disorder. The application of discipline in order to improve performance shows that the human element ranks at the top and is the most important and decisive factor in improving employee performance, especially with regard to productive mental attitudes, namely mental attitudes that prioritize work and respect time as part of good life habits.

The human factor is the most important factor in improving the performance of the apparatus, because if an organization wants to achieve an optimal level of performance, one of the most decisive elements is to increase the work discipline of the employees themselves. Work discipline is an attitude of respect, respect, obedience and obedience to all applicable regulations, both written and unwritten and able to carry out, not to avoid receiving sanctions if it violates the duties and authorities given to him/her. Discipline of the State Civil Apparatus is the ability of the State Civil Apparatus to comply with obligations and avoid prohibitions stipulated in statutory regulations and / or official regulations which if not obeyed or violated are subject to disciplinary penalties.

Discipline for civil servants includes elements of obedience, loyalty, seriousness in carrying out their duties and ability to sacrifice. This means we have to sacrifice personal and group interests for the benefit of the state and society. Civil Servant Disciplinary Regulations are regulations that regulate obligations, prohibitions, and sanctions if the obligation is not obeyed or the prohibition is violated by a Civil Servant.

Civil Servant Discipline Regulations are regulated in Government Regulation No. 53/2010 concerning Civil Servant Discipline Regulations. An employee who is aware of his duties and responsibilities will certainly carry out the obligations assigned to him and stay away from restrictions that will reduce his credibility. As a civil servant, of course he must carry out his obligations as stated in Article 2 of Government Regulation Number 53 of 2010. Enforcement of discipline within the Civil Servant environment is very important, because without discipline there will be chaos.

In Government Regulation Number 53 of 2010, it is explained that what is meant by the discipline of Civil Servants is the ability of Civil Servants to comply with obligations and avoid prohibitions stipulated in statutory regulations and / or official regulations which if not obeyed or violated will be subject to disciplinary penalties. Disciplinary breach is any words, writings, or actions of a Civil Servant who does not comply with the obligations and / or violates the prohibitions on the disciplinary provisions of Civil Servants, whether done inside or outside working hours. Meanwhile, disciplinary punishment is a sentence imposed on Civil Servants for violating the disciplinary regulations of Civil Servants.

Employees who work according to regulations and carry out all duties and obligations properly, of course, will also provide good work results. Thus, increasing discipline will also improve employee performance. Performance is defined as the result of the execution of a job, both physical/material and non-physical/non-material. Civil Servant disciplinary regulations regulate obligations, prohibitions, and sanctions if the obligation is not obeyed or the prohibition is violated by the Civil Servant concerned.

Disciplinary violation is any words, writings and actions of a Civil Servant that violates the provisions of the disciplinary regulations.

In the interview, Mr. Bonar mentioned that for Civil Servants in the Musi Rawas District Government, the types of violations that occurred were only related to attendance or working hours. The reasons for these civil servants also vary, such as family problems that cannot be left behind and having to take their children to school first. Factors that are considered to be obstacles in enforcing the discipline of Civil Servants in the Musi Rawas Regency Government according to Mr. Bonar are:

a. Consistency from superiors to provide punishment

Some disciplinary offenders are sometimes quickly followed up and given punishment, but sometimes there are Civil Servants who violate discipline but are not given disciplinary punishment. Because the authority to impose disciplinary sentences rests with the direct offender's superior, there are direct superiors who consistently supervise and provide penalties. There are also those who seem indifferent to the violations that occur even though they are very unlikely to occur. Weak supervision from direct superiors means that subordinates do not need to make good regulations regarding work procedures properly and correctly. There is a sense of discomfort in imposing punishment from superiors to their subordinates. The result of this attitude results in slow service, decreased work performance which can be seen from the fast or slow service factor.

b. Lack of understanding from civil servants of the rules related to employee discipline.

Civil servants mostly do not pay much attention to the rules that apply, such as attendance and working hours because most of them consider it normal rules. Thus if there are Civil Servants who are unable to come to work or arrive late, they do not know the follow-up action to overcome this and because of this ignorance results in disciplinary punishment.

Civil servants as elements of the state apparatus in running the government are required to carry out their functions and duties as state servants and public servants. Civil Servants must also be able to uphold the dignity and image of employment for the benefit of society and the State, but the reality is different in the field where there are still many Civil Servants who are not aware of their duties and functions so that often imbalances arise in carrying out their duties and often too cause disappointment that arises from the community. By understanding the importance of the discipline of Civil Servants in development, especially in the environment of the Musi Rawas Regency Government, it

is the obligation of every Civil Servant in carrying out discipline, namely by carrying out their duties and obligations with full responsibility, thus the discipline of Civil Servants will be achieved.

Based on the explanation above, the factors that hampering the implementation of disciplinary law are the inconsistency of superiors in giving sentences and the lack of understanding from civil servants of the rules related to employee discipline. Weak supervision from direct superiors, feelings of discomfort from superiors to impose punishment on their subordinates, so subordinates also don't need to make good provisions regarding work procedures properly and correctly. The result of such an attitude results in slow service, decreased work performance which can be seen from the fast or slow service factor and the ignorance of Civil Servants of the rules relating to the discipline of Civil Servants to make mistakes that are always repeated.

CONCLUSION

Based on the results of the discussions that have been carried out, the following conclusions can be drawn:

The disciplinary measures applied by the Musi Rawas Regency Government is in accordance with the Regulation of the Head of the State Civil Service Agency Number 21 of 2010 and Government Regulation Number 53 of 2010 concerning the discipline of Civil Servants. Disciplinary punishments that have been carried out by the Musi Rawas Regency Government against undisciplined Civil Servants are light punishment, moderate punishment and severe punishment. In 2018, there were 5 (five) Civil Servants who violated employee discipline. Of the 5 civil servants, 3 civil servants received light sentences and 2 civil servants received heavy penalties. In 2019, there were 62 (sixty-two) civil servants who violated employee discipline, 53 of them received light sentences, 5 civil servants received moderate sentences and the remaining 4 civil servants received severe penalties. Meanwhile, in 2020, there were 28 (twenty eight) civil servants who violated employee discipline, 24 civil servants received light sentences, 3 civil servants received moderate penalties, and 1 civil servant received severe penalties.

The factor that caused dishonored discharge in the Musi Rawas Regency Government was related to drug crimes committed by one of the employees in Musi Rawas Regency. Repeated errors resulted in the employee being sentenced to more than 5 years in prison and dishonourably discharged from his position as a Civil Servant.

Factors that hinder the disciplinary measures are the lack of intensive supervision by superiors to punish civil servants who commit violations and the lack of

socialization of the rules relating to employee discipline. Weak supervision from direct superiors, the feeling of discomfort to reprimand subordinates directly, then subordinates additionally don't want to perform appropriate provisions concerning work procedures properly and correctly. As a result of such a mindset that results in slow service, decreased work overall performance which may be visible from the quick or gradual issue of carrier and ignorance of civil servants to the rules related to civil servant discipline, errors made are continually repeated.

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