

Enforcement of State Civil Servant Discipline from Government Regulation Number 53 of 2010 Concerning Civil Servant Discipline

Faisal Santiago¹, Untung Saritomo²
faisalsantiago@borobudur.ac.id¹, abanguntung2023@gmail.com²

Universitas Borobudur^{1,2}

Abstract. Civil service disciplinary laws are enforced by various structural units and individuals. According to the Republic of Indonesia Government Regulation Number 53 of 2010 concerning Civil Servant Discipline, every violation of disciplinary law is carried out conditionally or in stages depending on the type of violation and position class. The Mayor's Office has various civil servant disciplinary law enforcers, including the Governor, Mayor, Assistant Head, Head of Division, and Head of Subdivision. Minor violations are enforced by the Chief Assistant Mayor/Head of Division/Head of Subdivision according to where the civil servant works. The form of disciplinary sanction given to civil servants who commit violations is in the form of a verbal warning. Medium violations are enforced by the Mayor, Assistant Chief, and Head of Division according to the class and place of civil servant duty. The form of disciplinary sanctions given to civil servants who commit moderate-level violations is in the form of postponing periodic salary increases for a year based on the report of the Head of Department/Head of Assistant, delaying promotions in rank/class for one year based on the report of the Head of Department/Head of Assistant, and demotion for the position of a lower level for one year is carried out by the Mayor.

Keywords: Disciplinary Action; Violation; ASN

1 BACKGROUND

The state must ensure that every citizen's rights are maintained and can be obtained as they should. This obligation is inherent in every country as a logical consequence of citizen participation. Pancasila and the 1945 Constitution of the Republic of Indonesia as the way of thinking and underpinning of the Indonesian state play a significant part in deciding the bearing of government for the acknowledgment of the beliefs of the country and state as Indonesia is a welfare state.[1] The 5th principle of Pancasila states "Social Justice for all Indonesian citizens" which means that all levels of society have the right to social justice provided by the state, especially in the form of public services by the government.

Government workers are Indonesian residents who meet the prerequisites to be named as long-lasting ASN representatives by being appointed obligations in government places that are paid in view of legal guidelines.[2] A system that controls the behavior and habits of civil servants is needed to ensure the quality of civil servants in carrying out their duties well and complying with the policies of authorized officials. Every civil servant is subject to a disciplinary system that directs him or her to carry out certain duties and policies.

Public access to public services will be affected if there are problems with the disciplinary behavior of civil servants. This problem will give rise to public service goals that deviate or even directly conflict with what has been decided. Challenges for civil servants include demands for fast response times in public services and rapid societal growth. Every federal employee has a responsibility to respond to this by offering the best service and complying with all rules.

Challenges do not only come from the community, sometimes they also come from civil servants themselves. Low quality, incompatibility of competencies possessed, and unclear career paths to be taken are problems in themselves for the discipline of civil servants. This results in the ineffectiveness of civil servants who are placed, thus hampering the administration of government and development, which often results in disappointment for society.[3] Discipline, which includes elements of obedience, loyalty, and seriousness in carrying out duties, must be ensured. An indication of the low quality of civil servants can be seen from the frequent violations of discipline.[4] The higher number of disciplinary violations means that public services are not being carried out well.

Regulation Number 5 of 2014 concerning State Common Device, the replacement to Regulation Number 28 of 1999 concerning State Heads who are Spotless and Liberated from Defilement, Intrigue, and Nepotism, contains comprehensive regulations for civil officials. The government created a unique law that became the standard for every civil servant to improve civil servant discipline. By State Common Help Organization Guideline Number 6 of 2022 concerning Carrying out Guidelines of Unofficial law Number 94 of 2021 concerning Government employee Discipline, Unofficial law Number 30 of 1980 concerning Government employee Discipline as altered by Unofficial law Number 53 of 2010, and Unofficial law Number 94 2021 concerning Government employee Discipline.[5]

Article 2 - 5 Unofficial law Number 53 of 2010 concerning Government employee Discipline stresses that government employees are obliged to agree with their commitments and stay away from any controlled restrictions. If it is found that there is a violation of their obligations then they can be subject to disciplinary sanctions ranging from mild, moderate, to heavy.

2 METHOD

In this case, the researcher used qualitative research based on legal research. Qualitative research is a study that produces descriptive data regarding spoken and written words and observed behavior of the people being examined.[6] The approach used is a statutory approach, in this research, the author takes Civil Servant disciplinary problems that often occur in Indonesia while still looking at Unofficial law Number 53 of 2010 concerning Government employee Discipline.

3 RESULTS AND DISCUSSION

3.1 State Civil Apparatus (ASN)

State Civil Apparatus better known as Civil Servants are employees who have fulfilled the specified requirements, are delegated by approved authorities and are depended with obligations in a State position, or are endowed with other state obligations, and are paid in light of the pertinent regulations and guidelines. Three huge foundations, to be specific the Service for Managerial Change and Regulatory Change (Menpan-RB), the State Common Help Office (BKN), the State Administrative Agency (LAN), and the Regional Civil Service Agency (BKD), are responsible for this. appointment and management of civil servants in Indonesia. [7] As appointed officials, according to experts such as Kranenburg and Logemann, this definition excludes people who hold representative offices such as president or members of parliament. [8]

3.1.1 Legal Basis for State Civil Apparatus

A set of disciplinary regulations is needed that contains basic obligations, prohibitions, and sanctions if one of the obligations mentioned above is violated and there are violations in carrying out duties, to realize efforts to maintain authority. civil servants and realizing civil servants as clean and authoritative government officials.

The legal bases for implementing Civil Servant discipline are as follows:

- 1) Law of the Republic of Indonesia Number 43 of 1999 concerning Revisions to Law of the Republic of Indonesia Number 8 of 1974 concerning Staff Standards.
- 2) Republic of Indonesia Unofficial law Number 96 of 2000 concerning Authority, Move, and Excusal of Government workers.
- 3) Republic of Indonesia Unofficial law Number 97 of 2000 concerning Government employee Arrangement.
- 4) Republic of Indonesia Unofficial law Number 98 of 2000 concerning Acquisition of Government workers.
- 5) Republic of Indonesia Unofficial law Number 53 of 2010 concerning Government employee Discipline
- 6) Regulation of the Top of the State Common Assistance Organization Number 21 of 2010 concerning Arrangements for Executing Unofficial law Number 53 of 2010 concerning Government worker Discipline.

The legitimate reason for executing the Government employee discipline referenced above is supposed to give consolation and backing to Government workers in completing their obligations.

3.1.2 Obligations, Prohibitions, and Rights of State Civil Servants

Obligations and prohibitions that must be obeyed by Civil Servants include:

Obligation	Prohibition
Take the civil servant oath and promise.	Abusing authority.
Take the oath/promise of office.	Becoming an intermediary to obtain personal/or other people's

	benefits by using other people's authority.
Completely faithful and respectful to Pancasila, the 1945 Constitution of the Republic of Indonesia, the Republic of Indonesia, and the Public authority.	Without government permission, become an employee or work for another country and/or international institution/organization.
Comply with all provisions of laws and regulations.	Work for a foreign company, foreign consultant, or foreign NGO.
Carry out official duties entrusted to civil servants with full devotion, awareness, and responsibility.	Illegally owning, buying, leasing, pawning, renting, or loaning state property, securities, or government securities.
Maintain the distinction of the State, government, and the nobility of government employees.	Participating in activities with colleagues, acquaintances, superiors, or other people for personal, collective, or third-party interests that endanger the State either directly or indirectly, both inside and outside the workplace.
Prioritize the interests of the State over the interests of oneself, a person, or a group.	Giving or undertaking refers to giving something to someone directly or indirectly under any guise of securing a position.
Holding position secrets which according to their nature or according to orders must be kept secret	accept gifts or rewards in any form from anyone in connection with their work or employment.
Work honestly, orderly, carefully, and enthusiastically for the interests of the State.	Acting arbitrarily towards his subordinates.
If he knows something that could be dangerous or detrimental to the State or government, especially in the security, financial, or material sectors, he must inform his superiors.	acting in such a way as to hinder or make things difficult for one of the parties receiving services, thereby causing harm to that party.
Come to work and agree with working hours guidelines.	Obstructing the performance of official duties.
Achieve the expected employee work targets.	Support candidates for president/vice president, DPR, DPD, or DPRD by: a. Participate as a campaign implementer b. Become a campaign participant by utilizing party or civil servant attributes c. organizing other civil

	servants as campaign participants; and or d. Using State facilities as a campaign participant
Use and maintain State property as best as possible.	Providing support to presidential/vice presidential candidates in a way that benefits or harms one of the candidate pairs during the campaign period
provide the best service to the community.	give a letter of help joined by a copy of KTP or personality card to imminent DPD individuals or provincial head/delegate local head competitors by legal guidelines.
Guiding subordinates in carrying out tasks.	Offering help to provincial head/agent territorial head up-and-comers as per how it advantages or damages one of the competitor matches during the mission time frame
Comply with official regulations established by authorized officials	

Apart from having obligations and prohibitions, Civil Servants also have rights listed by the provisions in Article 21 of Law Number 5 of 2014 concerning State Civil Servants, the rights of Civil Servants include:

- 1) The right to receive salary, allowances, and facilities;
- 2) Leave rights;
- 3) Pension security rights and old age security;
- 4) Protection rights;
- 5) Competency development rights.

3.1.3 Functions and Duties of Civil Servants

As regulated in Article 10 of Law Number 5 of 2014 concerning State Civil Apparatus (ASN), State Civil Apparatus (ASN) employees in Indonesia function and have duties as follows:

- 1) Implementing public policy
- 2) Public services
- 3) Glue and unite the nation

In Article 11 of Regulation Number 5 of 2014 concerning State Common Device, State Common Contraption (ASN) workers are entrusted with:

- 1) Implementing public strategies made by the Common Assistance Advancement Official by the arrangements of rules and guidelines;
- 2) Providing expert and quality public administrations;
- 3) Strengthening the solidarity and honesty of the Unitary Condition of the Republic of Indonesia.

3.2 Laws Regulating Employment in Indonesia

State Administrative Law which influences State Administrative Law, including Civil Service Law. Civil servants are covered by civil assistance law. Civil servants are seen from their position in constitutional law but from their path in state administrative law. In this case, civil servants are examined and studied from various angles, including aspects of position, aspects of duties, rights, and growth of civil servants.[9]

As per Regulation Number 43 of 1999 concerning Revisions to Regulation Number 8 of 1974 concerning Work force Standards, these administration representatives were at first just government employees. Since the institution of Regulation Number 5 of 2014 concerning State Common Device which expresses that State Common Contraption (ASN) is a calling of government employees and government representatives who have work concurrences with government organizations, these regulations have been changed. In Indonesia, there are only two jobs known to fall within the civil service. Based on the applicable regulations, the current employment law is not only binding on civil servants but also on government employees with work agreements commonly known today as PPPK.

The principles of civil service law are regulated in Article 2 of Law Number 5 of 2014 concerning State Civil Apparatus, consisting of:

- 1) The principle of legal certainty is the principle that every ASN policy and management implementation prioritizes the basis of statutory regulations, propriety, and justice.
- 2) The standard of impressive skill, is a rule that focuses on mastery in view of a set of principles and legal arrangements.
- 3) The rule of proportionality, is a rule that focuses on the harmony between the freedoms and commitments of ASN workers.
- 4) The guideline of reconciliation, is the rule of overseeing ASN representatives in view of a broadly coordinated administration framework.
- 5) The standard of appointment, is the rule that a portion of the power to oversee ASN representatives can be designated to services, non-pastoral government organizations, and territorial states.
- 6) The guideline of nonpartisanship, is a rule that exists in each ASN worker by not favoring one side from any type of impact and not favoring one side to anybody's greatest advantage.
- 7) The guideline of responsibility, is the rule that each action and end-product of the exercises of ASN representatives should be responsible to general society by the arrangements of legal guidelines.
- 8) The guideline of adequacy and effectiveness is the rule that the execution of ASN the executives is by targets or goals speedily by laid out plans.
- 9) The guideline of transparency is that the execution of ASN the executives is available to the general population.
- 10) The standard of non-separation is that in completing the administration of ASN, KASN doesn't separate treatment in view of orientation, nationality, religion, race, and between bunch
- 11) The standard of solidarity and honesty is a rule found in ASN workers as the paste of the Unitary Condition of the Republic of Indonesia (NKRI).

- 12) The standard of equity and equity is the rule that the guideline and organization of ASN representatives should mirror a feeling of equity and balance to get valuable open doors for capabilities and jobs as government authorities.
- 13) The guideline of government assistance, is the rule that the guideline and organization of ASN is aimed at understanding an improvement in the personal satisfaction of ASN workers.

3.3 Enforcement of Civil Service Discipline in Indonesia

Government employee Discipline is a request for Government employees to apply discipline in completing government administration. As expressed in Indonesian Unofficial law No. 94 of 2021 concerning Government workers, the Republic of Indonesia Unofficial law No. 53 of 2010 concerning Civil Servants is now a legally binding provision and document for every civil servant. Any civil servant who is contacted by an angry official who is exerting effort to smooth out bureaucracy likely needs to smooth out civil servant discipline. Apart from carrying out the mandated bureaucracy, the position of Civil Servants also functions as a state apparatus and a loyal ally of Pancasila, the 1945 Constitution, and the state in its efforts to carry out government duties.

There are several forms of civil servant discipline in Indonesia, as follows:

- a. Time Discipline
 - 1) Time discipline is the accuracy of a civil servant arriving and working at the office where he is assigned before the specified time, including:
 - 1) Working hours are Monday-Thursday, starting at 08.00 WIB and ending at 16.00 WIB, except Fridays which start at 08.00 WIB and ending at 16.30 WIB;
 - 2) Morning roll call which is held regularly every Monday, led directly by the leadership of each agency
 - 3) Carry out attendance electronically using Fingerprint;
 - 4) If a civil servant is late or leaves the office before the end time, they are required to report or ask permission from their superior.
- b. Dress Discipline
 - 1) According to Guideline Number 183 of 2017 concerning the Second Revision to Guideline Number 23 of 2016 concerning Official Apparel, Dress Discipline is the capacity of a government employee to wear official dress, with the accompanying arrangements:
 - 2) wear official clothes according to working days, such as wearing Khaki daily service clothes (PDH) on Mondays and Tuesdays, white shirt PDHs on Wednesdays, Batik PDHs on Thursdays, Regional Typical PDHs on Fridays, KORPRI uniforms on national holidays, LINMAS uniforms on weekdays. LINMAS days, and ceremonial service clothing (PDU), full civil clothing (PSL), and civil service clothing (PSR) on official occasions;
 - 3) Wear shoes according to the official clothing used, such as loafers for daily and official official clothing and sports shoes if you have a sports agenda.
 - 4) Do not use luxurious and flashy clothes, objects, and accessories.
- c. Work Quality Discipline

Work Quality Discipline depends on Article 3 Section 12 of the Republic of Indonesia Unofficial law Number 53 of 2010 concerning Government employee Discipline which expresses that "Achieving specified employee work targets" is a requirement for civil servants to be disciplined. This measures the suitability of a civil servant to work by the main tasks and intended work targets. Civil officials must be able to carry out their duties and obligations well and be able to complete all types of work on time.

d. Regulatory Discipline

Republic of Indonesia Unofficial law Number 53 of 2010 concerning Government worker Discipline which states "Obey the statutory regulations stipulated by authorized officials", emphasizes that Regulatory Discipline is the attitude of civil servants who carry out their duties and obligations by applicable regulations.

e. Behavioral Discipline

The mindset of a civil servant who behaves well and helps the community is known as behavioral discipline. A civil servant has a responsibility to provide a positive example for society. Every Monday at the morning assembly, a civil servant is expected to act honorably and help the community.

Civil service disciplinary laws are enforced by various structural units and individuals. According to Government Regulation of the Republic of Indonesia Number 53 of 2010 concerning Civil Servant Discipline, every violation of disciplinary law is carried out conditionally or in stages depending on the type of violation and position class. The Mayor's Office has various civil servant disciplinary law enforcers, including the Governor, Mayor, Assistant Head, Head of Division, and Head of Subdivision.

Minor civil servant disciplinary violations are enforced by the Chief Assistant Mayor/Head of Division/Head of Subdivision according to the place where the civil servant is on duty. The form of disciplinary sanctions given to civil servants who commit violations is in the form of a verbal warning by being summoned directly by the Head of the relevant Department, a written warning through a warning letter issued by the Head of the relevant Department, and a written statement of dissatisfaction through a letter issued by the Head of the Department related. The scale of violations applied is increased by 1 level for each violation committed.

Disciplinary violations of medium-level civil servants are enforced by the Mayor, Assistant Chiefs, and Heads of Divisions according to the class and place of service of civil servants. The form of disciplinary sanctions given to civil servants who commit moderate-level violations is in the form of postponing periodic salary increases for 1 year based on the report of the Head of Department/Head of Assistant, delaying promotions in rank/class for 1 year based on the report of the Head of Department/Head of Assistant, and demotion. the position of a lower level for 1 year is carried out by the Mayor.

Serious violations of civil servant discipline are enforced by the Mayor and Governor. The form of disciplinary sanctions given to civil servants who commit violations at a serious level is in the form of demotion to a lower level for 3 years by the Mayor, transfer to reduce their position to a lower level by the Mayor, release from office by the Mayor, honorable dismissal not at the request of himself as a civil servant by the Mayor, and dishonorable dismissal as a civil servant by the Mayor and Governor.

As a rule, the Republic of Indonesia Police, the Head legal officer's Office of the Republic of Indonesia, and the High Court of the Republic of Indonesia are the three

most well-known law enforcement agencies in Indonesia. This assumption is correct, but it is important to remember that disputes can also take an administrative form, which includes decisions or actions of civil officials, in addition to criminal and civil forms. State administration decisions taken by authorized officials and disciplinary actions taken by every civil servant are two ways of resolving state administration problems.

In the extent of the general set of rules (discipline), policing specified in Regulation Number 5 of 2014 concerning State Common Contraption is a revision to Regulation Number 43 of 1999 concerning Changes to Regulation Number 8 of 1974 concerning Faculty Standards is an approved authority at a more significant level above him. Differences in positions and groups in the organizational structure of government agencies position officials or higher groups as having the authority to enforce violations of civil servant discipline, regardless of the existence of civil service sub-sections that have these work duties. Articles 15 - 16 of the Republic of Indonesia Government Regulation Number 53 of 2010 concerning Civil Servant Discipline regulate the officials who have the authority to enforce violations of disciplinary law. This refers to Article 1 paragraph 5 which states "Central Civil Service Development Officials, Provincial Regional Civil Service Development Officials, Regency/City Regional Civil Service Development Officials" as implementers who have the authority to appoint, transfer and dismiss disciplinary civil servants, including enforcing disciplinary laws

4 CLOSING

Civil service disciplinary laws are enforced by various structural units and individuals. According to Government Regulation of the Republic of Indonesia Number 53 of 2010 concerning Civil Servant Discipline, every violation of disciplinary law is carried out conditionally or in stages depending on the type of violation and position class. The Mayor's Office has various civil servant disciplinary law enforcers, including the Governor, Mayor, Assistant Head, Head of Division, and Head of Subdivision. Minor violations are enforced by the Chief Assistant Mayor/Head of Division/Head of Subdivision according to where the civil servant works. The form of disciplinary sanction given to civil servants who commit violations is in the form of a verbal warning. Medium violations are enforced by the Mayor, Assistant Chief, and Head of Division according to the class and place of civil servant duty. Form of disciplinary sanctions given to civil servants who commit moderate-level violations in the form of postponing periodic salary increases for one year based on the report of the Head of Department/Head of Assistant, delaying promotions to rank/class for one year based on the report of the Head of Department/Head of Assistant, and demotion to a lower level for one year carried out by the Mayor. Serious violations, enforced by the Mayor and Governor. The form of disciplinary sanction given to civil servants who commit violations at a serious level is in the form of demotion to a lower level for 3 (three) years by the Mayor.

References

- [1] Eny Kusdarini, *Asas-Asas Umum Pemerintahan Yang Baik Dalam Hukum Administrasi Negara*. 2019: UNY Press, 2019.
- [2] Sri Hartini dan Tedi Sudrajat, *Hukum Kepegawaian Di Indonesia*. Jakarta: Sinar Grafika,

2017.

- [3] Teguh Sulistiyani Ambar, *Memahami Good Governance Dalam Perspektif Sumber Daya Manusia*. Yogyakarta: Gaya Media.
- [4] Liberti Pandiangan, *Manajemen Pegawai Negeri Sipil*. Jakarta: Mitra Wacana Media, 2019.
- [5] Achmad Sudrajad, *Memahami Peraturan Disiplin Pegawai Negeri Sipil*. Jakarta: iro Hubungan Masyarakat, Hukum, dan Kerjasama Badan Kepegawaian Negara, 2022.
- [6] Bagong Suyanto & Sutinah, *etode Penelitian Sosial : Berbagai Alternatif Pendekatan*. Jakarta, 2015.
- [7] Sahya Anggara, *Administrasi Kepegawaian Negara*. Bandung: CV Pustaka Setia, 2016.
- [8] Sri Hartini dkk, *Hukum Kepegawaian Di Indonesia*. Jakarta: Sinar Grafika, 2010.
- [9] Bagus Sarnawa dan Hayu Sukiyoprati, *Manajemen Pegawai Negeri Sipil (Suatu Pengantar)*. Yogyakarta: Citra Prima Persada, 2007.