

EFFECTIVENESS OF ENFORCEMENT OF CIVIL APPARATUS DISCIPLINE AT THE CLASS II BALI LAND TRANSPORTATION MANAGEMENT CENTER

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Abstract

The discipline of State Civil Apparatus (ASN) constitutes one of the primary indicators of professional, accountable, and integrity-based public administration. The implementation of disciplinary measures aims not only to establish compliance with statutory regulations but also to ensure the delivery of effective and high-quality public services. Nevertheless, disciplinary violations among civil servants remain a recurring issue within various government institutions, including the Class II Bali Land Transportation Management Center. This study aims to analyze the effectiveness of disciplinary law enforcement under Government Regulation Number 94 of 2021 concerning Civil Servant Discipline and to examine the legal remedies available for civil servants subjected to disciplinary sanctions. This research employs an empirical legal research method using statutory, conceptual, and sociological approaches. Data were collected through literature review, document analysis, and interviews with authorized officials at the Class II Bali Land Transportation Management Center. The collected data were analyzed descriptively using qualitative methods. The results indicate that disciplinary enforcement has generally complied with Government Regulation Number 94 of 2021. However, its effectiveness remains influenced by legal awareness among employees, internal supervision, consistency in imposing sanctions, organizational culture, and leadership commitment. Furthermore, legal protection for civil servants is guaranteed through administrative objections and administrative remedies provided under Indonesian administrative law.

Keywords: Civil Servants, Discipline, Law Enforcement, Administrative Law.

INTRODUCTION

Indonesia, as a nation based on the rule of law, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, requires all government officials to exercise their authority based on the law. This principle of a state based on the rule of law requires good governance, professionalism, transparency, and accountability, and the ability to provide optimal public services. One important instrument in realizing good governance is the creation of discipline among State Civil Apparatus (ASN).

The existence of ASN holds a strategic position in government administration because it functions as the implementer of public policy, public servants, and also serves as a unifying

force for national unity. Therefore, every ASN is required to possess integrity, professionalism, neutrality, and uphold work ethics and discipline. These provisions are affirmed in Law Number 20 of 2023 concerning State Civil Apparatus, which positions ASN as a profession obligated to work based on a system of merit, competence, and accountability.

In the practice of government administration, various forms of disciplinary violations are still found, such as abuse of authority, absence without justifiable reason, deviations in public service, and even acts of corruption committed by individual ASN. This situation demonstrates that existing regulations are not fully capable of creating legal compliance without effective oversight and an organizational culture that supports integrity.

As a follow-up to ASN development, the government enacted Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, which replaces Government Regulation Number 53 of 2010. This regulation clarifies obligations, prohibitions, inspection mechanisms, types of disciplinary sanctions, and procedures for resolving objections to disciplinary sanctions. This regulation is expected to improve the effectiveness of ASN development while providing legal certainty in the application of administrative sanctions.

ASN discipline issues were also found at the Class II Bali Land Transportation Management Center. One case that garnered public attention was the sting operation against an employee of the Cekik Gilimanuk Motor Vehicle Weighing Implementation Unit (UPPKB) who was committing illegal levies on freight vehicles. This incident not only resulted in criminal consequences but also demonstrated a serious disciplinary violation that has eroded public trust in government institutions.

This phenomenon demonstrates that the effectiveness of civil servant discipline enforcement depends not only on the existence of regulations but is also influenced by legal culture, leadership, the supervisory system, the professionalism of civil servant development officials, and employee legal awareness. According to Soerjono Soekanto's theory of legal effectiveness, the success of law enforcement is influenced by five factors: legal factors, law enforcement officers, facilities and infrastructure, the community, and legal culture. Therefore, an empirical study is needed to assess the extent to which the implementation of Government Regulation Number 94 of 2021 is able to achieve civil servant discipline at the Class II Bali Land Transportation Management Center.

Based on this description, this study focuses on two main issues: the effectiveness of civil servant discipline enforcement at the Class II Bali Land Transportation Management Center and the legal remedies available to civil servants against disciplinary sanctions.

RESEARCH METHODS

This research is empirical legal research, examining the operation of law in society through field data collection combined with literature review. Empirical research was used to determine the effectiveness of the implementation of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline at the Bali Class II Land Transportation Management Center and to identify factors influencing the success and obstacles in implementing ASN discipline.

The approaches used consisted of a statutory approach, a conceptual approach, and a sociological approach. The statutory approach was conducted by examining various provisions governing Civil Servant discipline, while the conceptual approach was used to examine theories of state administrative law, the rule of law theory, the theory of legal effectiveness, and law enforcement theory. The sociological approach was used to determine the implementation of legal norms through facts found in the field.

The data sources in this study consisted of primary and secondary data. Primary data were obtained through interviews with authorized officials at the Bali Class II Land Transportation Management Center who have authority over personnel development. Secondary data was obtained through primary legal materials, including the 1945 Constitution of the Republic of Indonesia, Law Number 20 of 2023 concerning the State Civil Apparatus, Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, and various other laws and regulations. Secondary legal materials consisted of law books, scientific journals, previous research results, and expert opinions related to state administrative law and civil service law.

Data collection techniques included document review, literature review, and in-depth interviews. All data was then analyzed descriptively and qualitatively, linking positive legal provisions with empirical evidence obtained during the study, resulting in comprehensive conclusions regarding the effectiveness of civil servant discipline enforcement at the Class II Bali Land Transportation Management Center.

RESULTS AND DISCUSSION

Effectiveness of Civil Servant Discipline Enforcement at the Class II Bali Land Transportation Management Center

Enforcing discipline among Civil Servants is an integral part of good governance. Civil Servant discipline relates not only to adherence to working hours or official regulations, but also to integrity, professionalism, loyalty to the state, and responsibility in providing services

to the public. Therefore, the government has enacted Government Regulation Number 94 of 2021 as a legal instrument that provides certainty regarding the obligations, prohibitions, and types of disciplinary sanctions that can be imposed on Civil Servants. According to Lawrence M. Friedman, the effectiveness of a legal system is determined by three main components: legal structure, legal substance, and legal culture. These three components are interrelated in determining the success or failure of a legal policy's implementation in society.

When it comes to enforcing civil servant discipline at the Bali Class II Land Transportation Management Center, all three elements are in place. The legal structure is realized through the existence of a Civil Servant Development Officer, direct superiors, supervisory officers, and a disciplinary inspection team authorized to investigate alleged employee disciplinary violations. The legal substance is realized through the enactment of Law Number 20 of 2023 concerning the State Civil Apparatus and Government Regulation Number 94 of 2021. Meanwhile, legal culture is reflected in the level of employee awareness in complying with disciplinary provisions and the commitment of leadership to consistently enforcing the rules. Interviews with officials at the Bali Class II Land Transportation Management Center revealed that the disciplinary enforcement mechanism has been implemented in accordance with the procedures stipulated in Government Regulation Number 94 of 2021. Each alleged disciplinary violation begins with an examination of the employee concerned, gathering evidence, providing an opportunity to present a defense, and then proceeding with the imposition of disciplinary sanctions according to the severity of the offense. This procedure aims to ensure the fulfillment of the principles of legal certainty, justice, and proportionality in the imposition of administrative sanctions.

The implementation of this mechanism demonstrates that disciplinary enforcement is no longer solely repressive but also prioritizes employee development to prevent similar errors from recurring. Disciplinary sanctions are viewed as a means of employee development, with the primary goal being to improve the behavior of civil servants in carrying out government duties. However, research results indicate that the effectiveness of disciplinary enforcement still faces several obstacles, including low legal awareness among some employees, suboptimal internal supervision, and differences in understanding of employee disciplinary provisions. These factors result in the continued discovery of both minor and serious disciplinary violations. Soerjono Soekanto stated that the success of law enforcement is influenced by five factors: legal factors, law enforcement officers, facilities and infrastructure, the community, and legal culture. If any of these factors does not function optimally, the effectiveness of law

enforcement will be hampered. In the context of the Class II Bali Land Transportation Management Center, the legal culture factor is the most dominant aspect. An organizational culture that upholds integrity, transparency, and professionalism will encourage employees to comply with regulations more effectively than relying solely on the threat of administrative sanctions.

Legal Actions Civil Servants Can Take Due to Disciplinary Punishment

A state governed by the rule of law requires that every government action be legally accountable and not be carried out arbitrarily. This principle also applies to the imposition of disciplinary sanctions on State Civil Apparatus (ASN). Although civil service development officials have the authority to impose disciplinary sanctions on Civil Servants (PNS), this authority is limited by the principles of legality, accuracy, proportionality, transparency, and the principle of protection of employee rights. Therefore, the state administrative law system provides civil servants with the opportunity to obtain legal protection through administrative remedies if they feel aggrieved by the decision of the official imposing the disciplinary sanction.

Legal protection for civil servants is part of the protection of citizens' rights in legal relations with the government. Philipus M. Hadjon explains that legal protection in a state governed by the rule of law aims to guarantee individual rights so that they are not harmed by government actions that violate the law. This protection is realized in two forms: preventive legal protection and repressive legal protection. Preventive legal protection is provided before a decision is issued through transparent procedures and the opportunity to express opinions, while repressive protection is provided after the decision is issued through objection mechanisms or dispute resolution in court. In the civil service sector, this legal protection has been accommodated in Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. This regulation not only regulates obligations, prohibitions, and types of disciplinary sanctions, but also governs the procedures for examinations, employees' rights to defend themselves, and the mechanism for submitting administrative remedies against disciplinary decisions. These regulations demonstrate that the civil servant disciplinary system is not solely oriented toward punishment but also ensures the principle of due process in resolving civil service disciplinary cases.

Based on interviews with civil service officials at the Bali Class II Land Transportation Management Center, before disciplinary sanctions are imposed, employees suspected of committing violations are first formally summoned for questioning. During this process,

employees are given the opportunity to explain the chronology of events, provide mitigating reasons, present supporting evidence, and provide clarification regarding the alleged violation. The results of the examination are then recorded in a report of the examination, which serves as the basis for authorized officials in determining the type of disciplinary sanction to be imposed.

The implementation of this audit mechanism reflects the application of the General Principles of Good Governance (AUPB), particularly the principle of accuracy (*zorgvuldigheidsbeginsel*) and the principle of non-abuse of authority (*verbod van detournement de pouvoir*). Thus, administrative officials' decisions are based not only on formal authority but also on an objective, transparent, and legally accountable audit process. If a Civil Servant feels that the disciplinary sanction imposed is inconsistent with statutory provisions or that there was a procedural error in the audit, the employee can file an administrative action according to the established mechanism. Administrative action is an important instrument in state administrative law because it provides an opportunity for government agencies or officials to review decisions they have issued without having to directly bring the dispute to court.¹

According to Law Number 30 of 2014 concerning State Administration, administrative remedies consist of objections and administrative appeals. Objections are submitted to the official who issued the decision or to the official's superior, in accordance with statutory provisions. If the objection is still deemed detrimental, the interested party may pursue an administrative appeal, provided that the specific provisions governing it are available. In civil service practice, the administrative remedy mechanism serves several purposes. First, it provides an opportunity for government officials to correct any errors that may have occurred in the issuance of decisions. Second, it avoids resolving disputes through the court process, which is more time-consuming and expensive. Third, it maintains a professional relationship between employees and their employing agencies, ensuring that dispute resolution prioritizes the principle of fostering.

If all administrative remedies have been exhausted but the employee still feels their rights have been violated, the dispute can be submitted to the State Administrative Court (PTUN). Filing a lawsuit with the PTUN is a form of repressive legal protection provided by the state to citizens who have suffered losses due to the issuance of a state administrative

¹ Philipus M. Hadjon dkk., 2015, *Pengantar Hukum Administrasi Indonesia*, Gadjah Mada University Press, Yogyakarta, hlm. 312.

decision. In the context of civil servant discipline, the object of the dispute is a State Administrative Decision regarding the imposition of disciplinary sanctions that allegedly violates legal provisions and the General Principles of Good Governance.

The existence of the State Administrative Court (PTUN) is crucial in realizing the principle of checks and balances in government administrative actions. Through this mechanism, civil servant development officials cannot act arbitrarily, as every decision issued can be tested for legality by an independent judicial institution. Thus, a balance between the interests of fostering employee discipline and protecting civil servant rights can be maintained. Based on research results, the available legal remedy mechanisms have provided legal certainty for civil servants at the Class II Bali Land Transportation Management Office. However, several obstacles remain in their implementation, including a lack of employee understanding of administrative remedy procedures, minimal outreach regarding employee rights, and a tendency for some employees to accept disciplinary decisions without utilizing available legal mechanisms. This situation indicates that the effectiveness of legal protection is not solely determined by the completeness of regulations but also influenced by the level of legal awareness of employees. Thus, increasing the effectiveness of civil servant disciplinary enforcement must be balanced with increased understanding of employee rights and obligations, strengthening employee development, and optimizing internal oversight functions. This approach will create a balance between legal certainty, justice, and legal benefits within the civil service management system.

CLOSING

Conclusion

Based on the results of research and discussions regarding the effectiveness of civil servant disciplinary enforcement at the Class II Bali Land Transportation Management Center, it can be concluded that disciplinary enforcement has been implemented in accordance with the provisions of Law Number 20 of 2023 concerning the Civil Servant and Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. These provisions have been implemented through a mechanism of guidance, supervision, inspection, and the imposition of disciplinary sanctions according to the level of violation committed by civil servants. However, the effectiveness of disciplinary enforcement has not been fully optimized. Based on field research, several factors still influence the implementation of civil servant discipline, including uneven levels of employee legal awareness, weak internal oversight, suboptimal ongoing employee development, and persistent differences in perceptions

regarding the application of disciplinary sanctions. Furthermore, an organizational culture that is not fully oriented towards integrity is also a factor influencing employee compliance with disciplinary provisions. Viewed from the perspective of Soerjono Soekanto's theory of legal effectiveness, this condition indicates that the effectiveness of disciplinary enforcement is not only influenced by the existence of regulations, but also by the quality of law enforcement officers, the availability of facilities and infrastructure, the level of legal awareness of the legal community (employees), and the legal culture that develops within government agencies. Therefore, the success of disciplinary enforcement requires the synergy of all these factors so that the goal of ASN development can be optimally achieved. For Civil Servants who are subject to disciplinary sanctions, the state administrative law system has provided legal protection through administrative remedies mechanisms in the form of objections and other mechanisms regulated by statutory provisions. If administrative resolution does not provide legal satisfaction, then employees can seek dispute resolution through the State Administrative Court in accordance with the provisions of Law Number 5 of 1986 concerning State Administrative Courts as last amended by Law Number 51 of 2009. This mechanism shows that the state provides a balance between the government's authority to foster ASN discipline and the protection of the rights of Civil Servants as citizens

Suggestion

Based on the research findings, several recommendations can be made to improve the effectiveness of Civil Servant disciplinary enforcement at the Bali Class II Land Transportation Management Center.

1. First, the Bali Class II Land Transportation Management Center needs to improve its employee development program through regular education and training on Civil Servant discipline, professional ethics, integrity, and an understanding of Government Regulation Number 94 of 2021. This training should be aimed not only at new employees but also at all ASN to ensure a strong understanding of disciplinary provisions.
 2. Second, internal oversight needs to be strengthened by optimizing the functions of direct superiors, inspectorates, and internal oversight units so that any disciplinary violations can be detected early. Consistent oversight will increase employee compliance and prevent deviations that could harm the agency or the public.
 3. Third, personnel development officials should apply disciplinary sanctions objectively, professionally, proportionally, and free from interference so that every decision taken
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truly reflects the principles of justice, legal certainty, and benefit. Consistency in the application of sanctions will increase employee trust in the personnel development system.

4. Fourth, the government needs to continue improving regulations in the civil service sector, particularly regarding the mechanism for resolving civil servant disciplinary disputes, to provide more effective legal certainty and accommodate the development of a modern, digital-based government administration system.
5. Fifth, as public servants, Civil Servants should increase their legal awareness, integrity, professionalism, and commitment to the core values of civil servants (BerAKHLAK) so that the implementation of government duties can be carried out effectively, transparently, accountably, and oriented towards quality public service.

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