
Juridical Analysis Of Discipline Enforcement State Civil Apparatus Within The Batam City Government

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ABSTRACT

State Civil Apparatus (SCA) as state and public servants have a vital role in government. Every State Civil Servant must apply absolute discipline as a public servant. This research aims to determine the implementation of disciplinary enforcement of State Civil Apparatus within the Batam City Government. This research uses qualitative research. This research method is empirical normative research. Empirical normative legal research examines the factual implementation or implementation of favorable legal provisions and contracts in each specific legal event. So, this research requires primary data and secondary data. Data sources were obtained from primary, secondary, and tertiary legal materials. The research results show that enforcement of state civil servant discipline is based on Government Regulation 94 of 2021 concerning Civil Servant Discipline. There are still disciplinary violations committed by the State Civil Apparatus within the Batam City Government. The obstacles faced in enforcing discipline are caused by five factors, namely legal factors themselves, law enforcement factors, advice and infrastructure factors, community factors, and cultural factors. The solution for enforcing discipline from legal factors is that the government immediately issues government regulations regarding the management of salaries and allowances. Law enforcement factors with an increase in the role and function of leadership. Facilities and supporting facilities factors by improving facilities and infrastructure. The societal factor is making dreams a role model and role model for their subordinates. Cultural factors by increasing SCA awareness and understanding of the importance of discipline.

Keywords: *Juridical Analysis, Discipline Enforcement, State Civil Apparatus*

INTRODUCTION

The State Civil Apparatus (SCA), as a servant of the state and servant of the community, has a vital role in government. The role of SCA as an element of the human resources of the apparatus aims to achieve the successful implementation of governance

and development. According to Nainggolan¹ the smooth implementation of national governance and development mainly depends on the perfection of SCA.

The government has established unique rules related to SCA; this is a legal basis, guideline, or reference for creating a professional SCA. Regarding SCA, the government has enacted Law Number 5 of 2014 concerning the State Civil Apparatus (SCA Law). This regulation replaces the previous regulation regarding Civil Servants, namely Law Number 8 of 1974 concerning the principles of employment, amended by Law Number 43 of 1999 concerning Amendments to Law Number 8 of 1974 concerning the principles of employment.

As a State Civil Apparatus in carrying out their duties, Civil Servants and Government Employees with Work Agreements must uphold discipline. Every State Civil Apparatus must apply discipline in their work as public servants. Discipline is closely related to performance work motivation that impacts excellent service to the community, which is also one of the goals of bureaucratic reform.

The government's effort to improve employee discipline is by issuing regulations related to discipline enforcement. Law Number 5 of 2014 concerning SCA also regulates discipline contained in article 86, which states that to ensure the maintenance of order and smooth implementation of tasks, civil servants must comply with the rules of civil servant discipline. Civil servants who commit disciplinary violations will be subject to disciplinary punishment. Furthermore, the provisions regarding discipline in the SCA Law are further regulated in Government Regulation 94 of 2021 concerning Civil Servant Discipline.

Apart from the SCA Law, discipline is also mentioned in Government Regulation Number 11 of 2017 concerning SCA management in Article 229; more specifically, in this PP, it is stated that disciplinary penalties for civil servants who commit disciplinary violations are imposed by officials authorized to punish.

Government Regulation 94 of 2021 also states the types of disciplinary penalties that can be imposed on Civil Servants who commit disciplinary violations. The types of disciplinary punishment consist of light disciplinary punishment, moderate disciplinary

¹ Nainggola, *Pembinaan Pegawai Negeri Sipil*, PT. Pertja, Jakarta, 1987, hlm 23

punishment, and severe disciplinary punishment. This is a guideline for authorized officials in imposing disciplinary penalties.

Enforcement of Civil Servant discipline has yet to be maximally implemented by employees. This has become a spotlight in the eyes of the community. One of the facts encountered in the field is that the author found and read an article about the existence of civil servants of the Batam City Government who violated the disciplinary provisions that have been enacted. The article contained several civil servants of the Batam City Government who seemed to obey the rules that had been enacted. The civil servants were busy telling stories and ignoring the working hours. This was observed at a Tali Roso Ice House in the Tiban Center area.² In the initial research, the author also obtained data from the Batam City Personnel and Human Resources Development Agency related to disciplinary violations in the Batam City Government Environment.

RESEARCH METHOD

The type of research in writing this thesis is empirical normative research. The research location is in the Batam City Government Environment. The population in this research is the number of enforcement of disciplinary penalties by imposing disciplinary sanctions against employees who violate the Batam City Government Environment. The sampling technique is carried out by purposive non-random sampling technique, namely the technique of determining the sample with special consideration so that it is feasible to be sampled. Data collection techniques used in this research are primary data collection techniques, secondary data, and Tertiary Legal Materials. Data analysis used in this research uses data obtained in the field, and then qualitative analysis is carried out.

RESULT AND DISCUSSION

Juridical Analysis

Juridical analysis is a series of behaviors to observe, describe, and reconstruct an object using legal parameters as a standard in order to conclude that the object is against

² <https://bataminfo.co.id/2022/09/06/asik-bercerita-di-kedai-hingga-lupa-jam-kerja-sejumlah-pegawai-pemko-diduga-tidak-patuhi-aturan/>, diakses 27 Mei 2023 pukul 17.00 WIB

the law.³ In this study, the author defines juridical analysis as an activity to observe and describe discipline enforcement to find and solve problems to be studied more deeply, then connect it with legal rules and legal norms that apply to solve these problems.

Discipline Enforcement

Discipline enforcement is one of the variables in reforming personnel issues, which is part of government reform to achieve good governance. Therefore, discipline enforcement is the key to success to be able to improve work results and performance in order to achieve good governance.

Article 1 point 4 of Government Regulation Number 94 of 2021 states that discipline is the ability of civil servants to obey obligations and avoid prohibitions specified in laws and regulations. In the Big Indonesian Dictionary, discipline is obedience (compliance) to rules.⁴ Meanwhile, discipline enforcement is an effort to foster staffing to improve the discipline and performance of civil servants in an organization.

State Civil Apparatus

The legal subject of human resources in employment is the State Civil Apparatus. Based on Article 1 number 1 of Law number 5 of 2014, the State Civil Apparatus is a profession for civil servants and government employees with work agreements who work in government agencies. Civil servants are people who work for the government or the State.⁵

Article 1 point (3) of Law Number 5 of 2014 concerning Civil Servants states that "Civil Servants, from now on abbreviated as PNS, are Indonesian citizens who meet certain requirements, appointed as permanent SCA employees by civil service officials to occupy government positions".

³ <https://kamushukum.web.id/arti-kata/analisis-yuridis/> diakses tanggal 28 April 2023 pukul 16:00 WIB

⁴ <https://kbbi.kemdikbud.go.id/entri/disiplin> diakses tanggal 1 Mei 2023 pukul 13:39 WIB

⁵ W.J.S. Poerwadarminta, *Kamus Umum Bahasa Indonesia*, Lembaga Penyelidikan Bahasa dan Kebudayaan, Jakarta, 2014, hlm 514

Disciplinary Regulations

In Article 86, paragraph (1) of Law number 5 of 2014, it is stated that to ensure the maintenance of order in the smooth implementation of their duties, civil servants are obliged to comply with civil servant discipline. Civil Servant Discipline Regulations are further regulated in Government Regulation 94 of 2021 concerning Civil Servant Discipline. This regulation is an amendment to Government Regulation Number 53 of 2010. This change to the rules contained in Government Regulation Number 94 of 2021 is one of the elements of personnel management regulated in Law Number 5 of 2014 concerning State Civil Apparatus.

Violation of Discipline

Based on Article 1 Point 6 of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, it is stated that a violation of discipline is any speech, writing, or action of a Civil Servant that does not comply with the obligations and violates the prohibitions of Civil Servant discipline both inside and outside working hours. The limitations related to speech, writing, and actions, as referred to in the definition, are defined as follows:

- 1) Speech is any words that are spoken in front of or can be heard by others, such as in meetings, lectures, discussions, via telephone, radio, television, recordings, or other communication devices.
- 2) Writing is a written statement of thoughts and feelings either in the form of
- 3) writing in the form of drawings, caricatures, scribbles, and others similar.
- 4) Actions are any behavior, attitude, or action carried out by civil servants or not doing something that the laws and regulations should do.

Batam City Government

The Batam City Government, in this case as a Regional Government, is the administration of government affairs by the local government and the regional people's representative council according to the principles of autonomy and assistance with the principle of the broadest possible autonomy within the system and principles of the

Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.⁶

Batam City Government was formed based on Law Number 53 of 1999 concerning the Establishment of Pelalawan Regency, Rokan Hulu Regency, Rokan Hilir Regency, Siak Regency, Karimun Regency, Natuna Regency, Kuantan Singingi Regency, and Batam City, as amended several times lastly by Law Number 34 of 2008 concerning the Third Amendment to Law Number 53 of 1999 concerning the Establishment of Pelalawan Regency, Rokan Hulu Regency, Rokan Hilir Regency, Siak Regency, Karimun Regency, Natuna Regency, Kuantan Singingi Regency and Batam City.

CONCLUSION

1. Discipline Law Enforcement Arrangement (Research Study of Batam City Government) by the laws and regulations.
2. Implementation of Discipline Enforcement (Research Study of Batam City Government) is carried out by the laws and regulations.
3. Factors that become obstacles and solutions in enforcing the discipline of the State Civil Apparatus in the Batam City Government Environment, namely
 - a. There is no employee awareness to enforce discipline in carrying out their duties.'
 - b. Not optimal coaching to employees;
 - c. Inadequate facilities and infrastructure;
 - d. Weak supervision of direct supervisors;
 - e. Lack of understanding of applicable laws and regulations due to lack of socialization of regulations related to discipline.

⁶ Pasal 1 angka 2 Undang-Undang Nomr 23 Tahun 2014 tentang Pemerintah Daerah

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