

Legal Analysis Of The Effectiveness Of Disciplinary Punishment Enforcement In Improving The Discipline Of State Civil Apparatus

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Legal Analysis Of The Effectiveness Of Disciplinary Punishment Enforcement In Improving The Discipline Of State Civil Apparatus (Research Study Of The Port Master And Special Port Authority Office (KSOP) Batam)

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Abstract. Enforcement of discipline among the State Civil Apparatus (ASN) is an important component in maintaining professionalism and efficiency of public services. This study aims to analyze the effectiveness of disciplinary punishment enforcement in improving ASN discipline at the Batam Municipal and Special Port Authority (KSOP) Office. The background of this research includes various challenges in enforcing discipline, such as long and bureaucratic procedures, low awareness of discipline, and political intervention. The research method used is normative juridical using secondary data through library research, and also an empirical juridical approach with primary data through field research. Primary data collection was carried out through in-depth interviews, observations, and document analysis. The research respondents consisted of KSOP employees, related officials, and other parties related to discipline enforcement in the environment. The results of the study show that the effectiveness of disciplinary enforcement in KSOP Batam is still not optimal. Convoluted enforcement procedures, lack of employee understanding of the importance of discipline, and political intervention were the main obstacles found. In addition, limited human resources and facilities also hinder the effective discipline enforcement process. This study also found that efforts to simplify procedures, increase socialization and education, and strengthen transparent supervision can increase the effectiveness of disciplinary punishment enforcement. Suggestions include the need for bureaucratic reform to simplify discipline enforcement procedures, the implementation of training and education programs on an ongoing basis, and the establishment of an independent internal oversight unit. Additionally, it is important for governments to ensure that discipline law enforcement is free from political interference and supported by adequate resources. With these steps, it is hoped that the discipline of ASN at KSOP Batam can be improved, which will ultimately contribute to improving the quality of public services and the reputation of government agencies.

Keywords: Effectiveness, Enforcement of Disciplinary Punishment, Discipline, ASN, KSOP Batam

1. INTRODUCTION

In achieving development goals and providing good public services, the discipline of Civil Servants (PNS) is one of the key factors. PNS has a strategic role in implementing government policies and public services for the community. Therefore, effective enforcement of discipline is very important to create a productive and professional work environment in order to achieve optimal performance in the State Civil Apparatus (ASN) environment. The state has a duty to guarantee that every citizen's rights are maintained and can be obtained as they should be. 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 philosophy and foundation of the Indonesian state have an important role in determining the

direction of government in order to realize the ideals of the nation and state as Indonesia is a welfare state.¹

Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that the government has an obligation to equalize everyone in their position before the law. The government also has an obligation to submit to and implement the contents of the applicable law as a consequence. Civil servants are Indonesian citizens who meet the requirements to be appointed as permanent ASN employees by being assigned duties in government positions that are paid based on statutory regulations. To ensure the quality of civil servants in carrying out their duties properly and obeying the policies of authorized officials, a system is needed that regulates the behavior and habits of civil servants. Civil servant discipline is a system that serves as a guideline for every civil servant in carrying out the duties and policies determined.²

The existence of problems in the discipline habits of a civil servant will affect the public service that will be provided to the community. This problem will result in public service targets that are not on target or even contradictory to what is determined. High community growth and the need for fast responsiveness in public services are challenges for civil servants. This must be answered by every civil servant by providing excellent service and in accordance with applicable regulations. This study was conducted to identify and analyze in depth the effectiveness of disciplinary punishment enforcement against civil servants, as well as what factors influence the implementation and results of disciplinary punishment. This study will also provide a deeper understanding of how disciplinary punishment enforcement can improve employee discipline in the ASN environment.³

The Batam Special Harbormaster and Port Authority Office (KSOP) is an institution under the Ministry of Transportation of the Republic of Indonesia that has an important role in supervising port activities and shipping routes in the Batam area. As part of the State Civil Apparatus (ASN), the employees of the Batam Special KSOP have a great responsibility in providing services and supervising maritime activities. As with other government institutions, the discipline of employees in the Batam Special KSOP environment is an important aspect in carrying out the duties and functions of the institution. High discipline among employees will contribute to improving performance and efficiency in public services. However, in the field,

¹ Eny Kusdarini, *Asas-Asas Umum Pemerintahan Yang Baik Dalam Hukum Administrasi Negara*, Cet. Pertama, U-22 Press, Yogyakarta, 2019, hal. 6.

² Sri Hartini dan Tedi Sudrajat, *Hukum Kepegawaian Di Indonesia (Edisi Kedua)*, Sinar Grafika, Jakarta, 2017, hal. 36

³ Liberti Pandiangan, *Manajemen Pegawai Negeri Sipil*, Mitra Wacana Media, Jakarta, 2019, hal. 133.

there are often problems related to employee discipline, such as irregular absences, lateness, and lack of responsibility in carrying out tasks.

To create a disciplined work environment, enforcement of disciplinary sanctions against civil servants is an important instrument that can be used by government agencies, including the Batam Special KSOP. This disciplinary penalty is given in response to violations of rules and codes of ethics committed by employees, with the aim of providing a deterrent effect and teaching the values of discipline. In the above context, this research study will be conducted with a focus on the Harbormaster Office and Special Port Authority of Batam, as a case study that represents the work environment in a government institution with special responsibility for the maritime sector. This study will identify and analyze in depth the effectiveness of disciplinary punishment enforcement against civil servants in the office, as well as the factors that influence the implementation and results of the disciplinary punishment.

Based on the problems above, the author is interested in making it a scientific work in the form of a thesis with the title "Legal Analysis of the Effectiveness of Disciplinary Punishment Enforcement in Improving the Discipline of State Civil Apparatus (Research Study of the Harbor Master's Office and Batam Special Port Authority)". The problems are as follows:

1. How is the legal regulation of the effectiveness of disciplinary punishment enforcement in improving the discipline of State Civil Apparatus?
2. How is the effectiveness of disciplinary punishment enforcement in improving the discipline of State Civil Apparatus?
3. What are the obstacles and efforts to the effectiveness of disciplinary punishment enforcement in improving the discipline of State Civil Apparatus?

Based on the formulation of the problem stated above, it can be seen that the objectives of this research are:

1. To find out and analyze the legal regulations on the effectiveness of disciplinary punishment enforcement in improving the discipline of State Civil Apparatus.
2. To find out and analyze the effectiveness of disciplinary punishment enforcement in improving the discipline of State Civil Apparatus.
3. To find out and analyze the obstacles and efforts to the effectiveness of disciplinary punishment enforcement in improving the discipline of State Civil Apparatus.

2. LITERATURE REVIEW

In the current era of modernization and globalization, law enforcement can only run well if various parts of legal life always work together and in harmony with each other. In this context, civil morality based on actual values in a civilized society must be maintained. Law enforcement is a process that involves various parties, including the community, to achieve certain goals.⁴ The purpose of law enforcement is to socialize. Therefore, the views of society can influence law enforcement. Basically, the norms underlying the law form a legal culture. This is an abstract concept of morality. Law enforcement is an effort to overcome crime rationally, fulfill a sense of justice, and effectively by using various means as a reaction that can be given to perpetrators of crime, both criminal and non-criminal means, which can be integrated with each other. If criminal means are called upon to overcome crime, it means that criminal law policy will be implemented, namely law enforcement, which involves law enforcement and law enforcement.⁵

In accordance with Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia, which states firmly that Indonesia is a country of law. Therefore, the purpose of national legal development is to provide stability, order, and legal protection based on truth and justice and to provide a sense of security and tranquility. Criminal law enforcement, both substantive, formal, and implementation, is carried out by the criminal justice system through preventive, repressive, and curative means. Thus, it will be seen how the police, prosecutors, courts, and correctional institutions are connected and interdependent in the criminal justice subsystem.

In a broad sense, law enforcement includes the enforcement of all standards of social order. However, in a narrow sense, law enforcement is defined as judicial actions that ensure the implementation of the law in the daily life of society, which is very important for achieving the goals of law. Peace and order are the goals of law; otherwise, law will only function in the life of society. Such legal regulations will disappear by themselves.⁶ The implementation of the law can occur due to violations of the law, namely by enforcing the law with the help of state equipment. In enforcing the law of benefit and justice.¹⁷ Punishment must be applied and enforced. Every individual has the right to determine the law against concrete events that occur. How the rules are, that is what must be done in every situation. Basically, there is no deviation;

⁴ Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, Raja Grafindo Persada, Jakarta, 2004, hal. 8
⁵ Nida Nawawi Arief, *Kebijakan Hukum Pidana*, Citra Aditya Bakti, Bandung, 2002, hal. 109
⁶ H. Riduan Syahrani, *Rangkuman Intisari Ilmu Hukum*, PT. Citra Aditya Bakti, Bandung, 2017, hal. 191

the law must be established, as stated in the parable, "even though tomorrow will be the end of the world, the law must be established." With legal certainty, public order can be achieved⁷

State Civil Apparatus (ASN)⁴ is a term used to refer to the profession of individuals working in the government sector in Indonesia. ASN is a combination of Civil Servants (PNS)³⁴ and government employees with work agreements (PPPK)¹⁸. This term was introduced through Law Number 5 of 2014 concerning State Civil Apparatus, which aims to improve professionalism, effectiveness, and efficiency in the implementation of public services and good governance. ASN is expected to be the backbone of governance, national development, and public service, by upholding high core values, codes of ethics, and codes of conduct.⁸ ASN has a very important role in the development process and public service in Indonesia. They are tasked with implementing government policies and serving the public as well as possible, based on the principles of justice, equality, professionalism, and without discrimination.¹⁷

Disciplinary sanctions are legal actions taken against employees or workers, in this case the State Civil Apparatus (ASN) in Indonesia, who have violated the code of ethics, regulations, or work provisions that have been set by the institution or organization where they work. These sanctions aim to maintain discipline, integrity, and professionalism in the work environment, while ensuring that the public services provided are effective and efficient. The legal basis for imposing disciplinary sanctions on ASN is regulated in Law Number 5 of 2014 concerning State Civil Apparatus, as well as its implementing regulations.²⁸ Disciplinary sanctions against ASN in Indonesia are structured into several levels, ranging from light, moderate, to severe sanctions, depending on the type and level of seriousness of the violation committed.⁹

The implementation of disciplinary sanctions is also followed by neat documentation and effective communication to the ASN concerned regarding the reasons and types of sanctions given. The imposition of disciplinary sanctions is not only intended to punish, but also serves as a means of learning and warning for other ASN to comply with regulations and uphold professional ethics in carrying out their duties. This is important to build a work environment with integrity and professionalism and to improve the quality of public services provided to the community.⁵⁴ Law Number 5 of 2014 concerning State Civil Apparatus (ASN)⁴³ is the legal foundation that regulates the management of ASN in Indonesia, including the mechanism for imposing disciplinary sanctions. This law outlines a clear and structured system⁸

⁷ Sudikno Mertokusumo, *Hukum Mengubah*, Siberty, Yogyakarta, 2006, hal. 130

⁸ Sastra dan Marsono Djatmika, *Hukum Kepegawaian di Indonesia*, Djambatan, Jakarta, 2015, hal. 114

⁹ Ibid, hal. 73

to ensure that ASN carry out their duties with full integrity, professionalism, and accountability. The imposition of disciplinary sanctions for ASN who violate the provisions or code of professional ethics is regulated in detail in this law, which aims to maintain discipline, efficiency, and effectiveness in public services.

The study can analyze whether the punishment applied to civil servants who violate discipline is carried out fairly and proportionally, in line with the violations committed, and whether the process of enforcing the punishment respects the basic rights of employees as legal subjects. Using the theory of justice in this study also allows for an evaluation of the effectiveness of disciplinary punishment from the perspective of distributive justice and procedural justice. From the perspective of distributive justice, this study can assess whether disciplinary sanctions are given consistently and evenly to all civil servants who commit similar violations, without discrimination or favoritism. From the perspective of procedural justice, this study can explore whether the process of enforcing disciplinary sanctions follows fair, transparent procedures, and provides adequate opportunities for the civil servants concerned to defend themselves. These two aspects of justice are important to ensure that the enforcement of disciplinary sanctions is not only aimed at punishing, but also at educating and improving, as well as improving employee discipline as a whole.

3. RESEARCH METHOD

The method used in a research is basically a stage to find the truth again. So that it will answer the questions that arise about a research object.¹⁰ The specification of this research only carries out analysis up to the level of synthesis, namely analyzing and presenting facts systematically so that they can be more easily understood and concluded.¹¹ The specification and/or type of this thesis research is normative legal research while combining it with sociological (empirical) legal research using secondary data obtained directly from the first source through field research through interviews and primary data as a source/information material in the form of primary legal materials, secondary legal materials and tertiary legal materials.

The approach method in this study is a combination of the normative approach "legal research" with the empirical approach method "Juridical Sociologies". The research mechanism with this combined approach method is carried out by describing the explanation

¹⁰ Bambang Sugono, *Metoda Penelitian Hukum*, Jakarta: Raja Grafindo Persada, 2001, hal. 29.

¹¹ Irawan Suhartono, *Metode Penelitian Sosial Suatu Teknik Penelitian Bidang Kesejahteraan Sosial lainnya*, Bandung: Remaja Rosda Karya, 2009, hal. 63.

of the inductive research method leading to the deductive method and vice versa. This is done by the author to help explain the relationship between research variables and research objects so that it can produce an understanding that is very helpful for readers, especially researchers and academics.

The location of this research is carried out in the Riau Islands Province, precisely in Batam City. This location is determined based on the data that is the object of this thesis research. The population is all elements related to the object of research. The sample used by the researcher is a random technique to find out for sure related to the research to be studied. As for the sample used by the author is a purposive sampling technique in determining respondents and informants who will be interviewed to meet the primary data needed to complete the research.

4. RESULTS AND DISCUSSION

Legal Regulation on the Effectiveness of Enforcement of Disciplinary Punishments in Improving Discipline of State Civil Apparatus

Legal regulations regarding the discipline of State Civil Apparatus (ASN) in Indonesia are regulated in several laws and regulations, including:

a. Law Number 20 of 2023 concerning State Civil Apparatus

Law Number 20 of 2023 concerning State Civil Apparatus (ASN) regulates various aspects related to ASN management, obligations, rights, and discipline. The articles in this law provide a strong legal basis for enforcing discipline among ASN. Article 24 explains that ASN employees must be loyal and obedient to Pancasila, the 1945 Constitution, the Unitary State of the Republic of Indonesia, and the legitimate government, obey the provisions of laws and regulations, implement ASN core values and the ASN code of ethics and code of conduct; maintain neutrality, and be willing to be placed throughout the territory of the Republic of Indonesia and representatives of the Republic of Indonesia abroad. ASN employees who do not comply with these obligations are subject to disciplinary violations and are subject to disciplinary sanctions. Government agencies are required to enforce discipline against ASN employees and implement various efforts to improve ASN employee discipline.

b. Government Regulation Number 94 of 2021 concerning Civil Servant Discipline

Government Regulation Number 94 of 2021 concerning Civil Servant (PNS) Discipline stipulates the obligations and prohibitions that must be obeyed by PNS to maintain work discipline. These obligations are regulated in Articles 3 and 4, while the prohibitions are regulated in Article 5. Article 3 regulates the obligation of PNS to be loyal and obedient to

Pancasila, the 1945 Constitution, the Unitary State of the Republic of Indonesia, and the government, PNS are also required to implement policies set by authorized government officials, comply with the provisions of laws and regulations, carry out official duties with full dedication, honesty, awareness, and responsibility, and demonstrate integrity and exemplary behavior in attitudes, behavior, speech, and actions to everyone both inside and outside of official duties.

Effectiveness of Disciplinary Punishment Enforcement in Improving Civil Service Discipline

Civil Servant (PNS) discipline at the Batam Harbormaster and Special Port Authority Office (KSOP) is an important element to achieve optimal performance in public services. High discipline can improve work efficiency and effectiveness, as well as minimize public complaints about public services. However, in practice, there are many challenges related to discipline such as absence without reason, lateness, and lack of responsibility in carrying out duties. The enforcement of disciplinary punishment aims to provide a deterrent effect and teach the values of discipline to civil servants. However, its effectiveness is often hampered by a long and complicated process, low awareness of the importance of discipline, and the existence of political intervention or patronage in the law enforcement process.

According to Rangga Dwi Putra, effective enforcement of disciplinary punishment in KSOP Khusus Batam is greatly influenced by simple and efficient enforcement procedures. Procedures that are too long and bureaucratic are often the main obstacles in enforcing effective discipline. In many cases, handling disciplinary violations takes a long time because it must go through various stages of examination, verification, and decision-making. This complicated process not only delays the imposition of punishment but also reduces the deterrent effect that should be caused by the punishment. Therefore, simplifying procedures is a key factor in ensuring that disciplinary enforcement can be carried out quickly and on time.¹²

In addition, according to Ferry Saktiawan, the simplification of procedures must also be accompanied by high transparency and accountability. Every step in the disciplinary enforcement process must be well documented and accessible to interested parties. This not only increases employee trust in the law enforcement system but also ensures that every decision taken is based on clear evidence and facts. Transparency in procedures also helps reduce the potential for political intervention or patronage which is often an obstacle to

¹² Rangga Dwi Putra, Kepala Bagian Tata Usaha Kantor KSOP Khusus Batam, Wawancara pada tanggal 4 Juni 2024

disciplinary enforcement. With simple but transparent procedures, the effectiveness of disciplinary enforcement at the Batam Special KSOP can be significantly increased, creating a more disciplined and professional work environment.¹³

Transparency in the disciplinary enforcement process is an important factor that influences its effectiveness in KSOP Khusus Batam. Transparency ensures that every step in disciplinary enforcement can be monitored and examined by interested parties, including the employees themselves. With transparency, employees will feel fairer and believe that the disciplinary enforcement system is running without any cheating or bias. This creates a more honest and open work environment, where every employee knows that disciplinary violations will be handled seriously and in accordance with established procedures. Effective oversight also requires clear feedback and reporting mechanisms. Employees should be provided with safe and anonymous channels to report disciplinary violations without fear of reprisal. These reports should be taken seriously and accompanied by transparent and accurate investigations.

Obstacles and Efforts to Effectively Enforce Disciplinary Punishments in Improving the Discipline of State Civil Apparatus

The enforcement of disciplinary sanctions at the Batam Harbormaster and Special Port Authority Office (KSOP) faces various obstacles that affect its effectiveness. These obstacles include:

- a. Long and Bureaucratic Procedures
- b. Low Awareness and Understanding of Discipline
- c. Political Intervention and Patronage
- d. Limited Resources

To overcome these obstacles, the Batam Special KSOP needs to undertake various strategic efforts, such as:

To overcome the obstacles of long and bureaucratic procedures, it is necessary to carry out bureaucratic reform by simplifying the disciplinary enforcement procedure. These steps can include reducing unnecessary stages of examination, implementing information technology to speed up the workflow, and giving authority to direct superiors to impose light disciplinary sanctions without having to wait for decisions from higher officials. With simpler

¹³ Ferry Saktiawan, Kasubbag Kepegawaian dan Umum Kantor KSOP Khusus Batam, Wawancara pada tanggal 4 Juni 2024

and faster procedures, employees will get legal certainty faster and the deterrent effect of disciplinary sanctions can be felt immediately, which in turn will improve discipline at the Batam Special KSOP.

According to Rangga Dwi Putra, low awareness and understanding of discipline can be overcome through increased socialization and education. Continuous training programs and workshops must be held to provide employees with a deeper understanding of disciplinary rules, the importance of discipline in the workplace, and the consequences of violating discipline. Training materials should include real case studies and simulations of disciplinary cases to provide employees with practical understanding. In addition, the use of internal media such as bulletins, emails, and bulletin boards to disseminate information about disciplinary rules and the importance of discipline can also help increase employee awareness.¹⁴

To overcome political interference and patronage, a transparent and accountable law enforcement system needs to be established. Every step in the disciplinary enforcement process must be well documented and accessible to interested parties. Establishing an independent internal oversight unit with the authority to monitor, review, and evaluate disciplinary enforcement can help ensure that disciplinary decisions are based on clear evidence and facts. In addition, a safe and anonymous reporting mechanism for reporting disciplinary violations without fear of reprisals should be provided, and each report should be followed up with a transparent and accurate investigation.

Resource limitations can be overcome by increasing ⁵¹the number and quality of human resources and facilities that support the disciplinary enforcement process. Recruitment and training of competent and highly integrity supervisory officers are essential to ensure that the disciplinary enforcement process runs smoothly. In addition, the provision of adequate facilities, such as information technology to support supervision and documentation of disciplinary cases, is also needed. Investment in this infrastructure and technology will increase the efficiency and effectiveness of disciplinary enforcement at the Batam Special KSOP.

Based on the obstacles and efforts above, it can be concluded that the enforcement of disciplinary sanctions in the Special KSOP Batam still faces various challenges that need to be overcome to increase ⁴⁷its effectiveness. The implementation of these efforts is expected to improve the discipline ³of the State Civil Apparatus (ASN) and create a more professional and efficient work environment. The effectiveness of disciplinary punishment enforcement in Batam Special KSOP is greatly influenced by various obstacles such as lengthy procedures,

¹⁴ Rangga Dwi Putra, Kepala Bagian Tata Usaha Kantor KSOP Khusus Batam, Wawancara pada tanggal 4 Juni 2024

low awareness of discipline, political intervention, and limited resources. To overcome these obstacles, it is necessary to simplify procedures, increase socialization and education, transparency in law enforcement, and increase resources. With these steps, it is hoped that disciplinary punishment enforcement can be more effective and able to improve ASN discipline.

5. CONCLUSION AND SUGGESTION

21 Conclusion

Based on the discussion in the previous chapter, the following conclusions can be drawn:

- a. Legal regulations on the effectiveness of enforcing disciplinary sanctions in improving the discipline of State Civil Apparatus (ASN) are regulated in Article 24 paragraph (1-3) of Law Number 20 of 2023 concerning State Civil Apparatus, which emphasizes the obligation of ASN to be loyal to Pancasila, the 1945 Constitution, and the government, and to uphold discipline with sanctions for violations. Furthermore, Articles 3 to 5 of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline regulate the obligations and prohibitions for ASN, while Articles 7 to 22 describe the types and levels of disciplinary sanctions ranging from light to heavy. These regulations form a clear and firm legal framework for enforcing discipline among ASN, ensuring that every violation is handled fairly and transparently, thereby improving ASN discipline and professionalism and strengthening the performance and integrity of public services.
- b. The effectiveness of disciplinary punishment enforcement in improving the discipline of State Civil Apparatus (ASN) in Batam Special KSOP is not yet optimal, influenced by several factors such as long and bureaucratic procedures, low awareness and understanding of discipline among employees, political intervention and patronage, and limited resources, its implementation in Batam KSOP is often hampered by complicated processes and lack of transparency in disciplinary enforcement.
- c. Obstacles to the effectiveness of disciplinary punishment enforcement to improve the discipline of State Civil Apparatus (ASN) include long and bureaucratic procedures, low awareness and understanding of discipline among employees, political intervention and patronage, and limited resources. Efforts to overcome these obstacles include simplifying disciplinary enforcement procedures, increasing socialization and education about the importance of discipline, ensuring law enforcement is free from political intervention with transparent and accountable supervision, and increasing human resources and supporting facilities.

Suggestion

From this conclusion, the author can provide several suggestions, namely:

- a. It is recommended that ASN at the Special KSOP Batam should be more aware of the importance of discipline in carrying out their duties. Following existing rules obediently will not only improve individual performance but also the credibility of the agency as a whole.
- b. It is recommended that the public can contribute by providing constructive input regarding the services received from ASN at the Special KSOP Batam. Constructive criticism and suggestions will help the agency to continue to make improvements.
- c. It is recommended that the Government must carry out bureaucratic reform by simplifying disciplinary enforcement procedures to make them faster and more efficient. This will ensure that violations can be handled immediately and provide a stronger deterrent effect

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