

## Effectiveness of Supervision and Disciplinary Enforcement of State Civil Apparatus at the Secretariat of the Klungkung Regency DPRD

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**ABSTRACT:** The objective of this study is to analyze the effectiveness of supervision and enforcement of discipline among civil servants at the Secretariat of the Regional House of Representatives (DPRD) of Klungkung Regency. The research method used is empirical legal research. The problems addressed in this study are, How effective are the provisions of Government Regulation No. 94 of 2021 on Civil Servant Discipline in the implementation of disciplinary rules for Civil Servants at the Secretariat of DPRD Klungkung Regency? What are the obstacles encountered in implementing disciplinary improvements among Civil Servants within the Secretariat of DPRD Klungkung Regency? The results of the study show that the effectiveness of implementing disciplinary rules for Civil Servants at the DPRD Secretariat of Klungkung Regency has not been optimal, as there are still violations of civil servant discipline regulations. However, the violations found are generally minor and do not significantly disrupt the operational performance of the DPRD, such as lateness in reporting to work, untimely attendance recording, and failure to attend flag ceremonies. These violations are considered minor in nature. The obstacles faced include factors such as human resources, lack of a culture of discipline, and inadequate enforcement of sanctions.

**KEYWORDS:** Effectiveness, Supervision, Law Enforcement atau Legal Enforcement, Discipline, State Civil Apparatus.

### I. INTRODUCTION

Bali, particularly Klungkung Regency, holds great potential as a tourist destination that can contribute significantly to foreign exchange earnings. In this era of regional autonomy, the development of Klungkung is a shared responsibility. However, there are still many complaints about poor bureaucratic services and the misconduct of certain individuals that tarnish the reputation of civil servants. If not addressed promptly, this could negatively impact government performance. Therefore, improving the quality of state apparatus including efficiency, discipline, professionalism, and welfare is a top priority to support better public services.

Law Number 20 of 2023 replaces Law Number 5 of 2014 and serves as the legal foundation for the management of the State Civil Apparatus (ASN). This regulation governs various aspects related to ASN to establish good and effective governance of the civil service. The success of public administration greatly depends on the quality of personnel and an orderly organizational structure. According to BKN Regulation Number 1 of 2025, ASN includes Civil Servants (PNS) and Government Employees with Work Agreements (PPPK) who work in government institutions. ASN plays a vital role in implementing government missions and achieving national development goals.

The goal of national development, as stated in the Preamble of the 1945 Constitution, is to protect all Indonesian people, improve their welfare, educate the nation, and maintain peace and social justice. This development aims to create a just, prosperous, and balanced society both materially and spiritually within the framework of the Unitary State of the Republic of Indonesia (NKRI) based on Pancasila. Achieving this requires planned and sustainable development, one of which is through the optimization of the tourism sector, such as in Bali, to increase regional income. The success of national development heavily depends on the performance of state apparatus. Therefore, the country needs civil servants who are loyal to Pancasila and the 1945 Constitution, and who are competent, responsible, and professional. This must be supported by a career and performance based development system.

In a career-based system, initial appointments of employees are based on competence, while further career development takes into account length of service, loyalty, dedication, and other objective criteria. In contrast, in a performance-based system, appointments or promotions are determined by the employee's abilities and work results, as evidenced by service examinations

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and tangible achievements, without considering the length of service. Bureaucratic reform is crucial to realizing good governance, with a focus on improving the quality of public services and eradicating corruption in a targeted and systematic manner. This reform must also be accompanied by increased work motivation and a better understanding among state apparatus of the principles of good governance, in accordance with applicable rules and mechanisms.

Civil servants not only serve as state apparatus but also as servants of the nation and the public, working in the interest of the people. Therefore, in their development, civil servants must be treated as part of society, while maintaining a balance between personal interests and official duties. However, in cases of conflict, official duties must take precedence. A clean, strong, and authoritative state is characterized by an apparatus that is morally and legally responsible, not driven by power, but by public service and national development.

The development of the State Civil Apparatus (ASN) is regulated in the Elucidation of Article 12 paragraph (1) of Law No. 43 of 1999, which emphasizes the need for comprehensive regulation of ASN at both central and regional levels, so that they can work effectively and efficiently. Regulations that apply to central ASN also apply to regional ASN, unless otherwise specified by law. In addition, supervision and development must cover organizational structure, work procedures, staffing, as well as facilities and infrastructure, in order to shape an apparatus that is resilient, authoritative, loyal, and obedient to Pancasila, the 1945 Constitution, the state, and the government.

In the context of ASN development in accordance with the mandate of Law No. 43 of 1999, discipline is a key factor in establishing a clean and authoritative state apparatus. The implementation of Law No. 32 of 2004 on Regional Government, which replaced Law No. 22 of 1999, also impacts the development of ASN human resources at the regional level. Articles 129– 135 stipulate that regional governments are responsible for various aspects of ASN development, from appointment to competency enhancement. To ensure order and smooth execution of duties, the government issued Government Regulation No. 94 of 2021 on ASN Discipline as the legal basis for firm and consistent enforcement of discipline.

Government Regulations serve as efforts to develop the State Civil Apparatus, which among other things require disciplinary regulations containing the main points of obligations, prohibitions, and sanctions if those obligations are not followed or prohibitions are violated (Soewarno Handyaningrat, 1983). Discipline is a key factor in achieving success, especially in the implementation of development, where work and time discipline are crucial. Low discipline results in a decline in the quality of service to the public. Therefore, fostering employee discipline must be a priority for every agency leader. Improving discipline at the Secretariat of the Regional House of Representatives (DPRD) of Klungkung Regency is expected to encourage enthusiasm in providing the best service, both to the general public and to DPRD members in accordance with their duties and functions.

Bali, especially Klungkung Regency, is a tourist destination with potential to increase foreign exchange earnings, particularly through the areas of Nusa Penida and Nusa Lembongan. In the spirit of regional autonomy, both the executive and legislative branches in Klungkung are committed to developing the region together. The State Civil Apparatus (ASN) at the Secretariat of the Regional House of Representatives (DPRD) of Klungkung Regency, especially within Commission X which oversees tourism, plays an important role in supporting the DPRD's tasks, ranging from administration to policy formulation that reflects the aspirations of the community.

The knowledge of ASN regarding disciplinary rules is fairly good, although some only know them superficially. Therefore, socialization through formal training and informal forums remains necessary. Compliance with working hours and daily attendance reporting is generally high. ASN are also considered capable of completing tasks well, despite being hindered by a lack of facilities such as computers, regulatory books, internet connections, and workspace. No employees have received moderate or severe disciplinary sanctions. However, there are still shortcomings in discipline enforcement that must be addressed promptly to prevent minor violations from escalating.

Based on the background above, it is important to conduct a further study on the effectiveness of supervision and enforcement of discipline among the State Civil Apparatus at the Secretariat of the Regional House of Representatives (DPRD) of Klungkung Regency, making it an interesting topic for this research, especially related to. This study uses an empirical method by combining primary and secondary data through field observation, interviews, and literature review. The results show that the application of sanctions against ASN who violate discipline is carried out according to the level of violation and refers to Government Regulation Number 94 of 2021. The main obstacles in imposing sanctions within the Klungkung Regency Government environment are the lack of firmness from superiors, high levels of nepotism, and the influence of political conditions, particularly in the Regional Secretary's Public Relations section. Therefore, the researcher recommends the need to enhance direct supervision from superiors and related parties to consistently enforce discipline.

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## **II. RESEARCH METHOD**

This study uses an empirical legal research approach, which is a type of legal research that, in addressing the problem, implements normative legal provisions in practice on specific legal events occurring at the Secretariat Office of the Regional House of Representatives (DPRD) of Klungkung Regency (Abdulkadir Muhammad, 2004). The research will be conducted on the actual conditions to uncover the necessary facts and data. After the data is collected, the existing problems will be identified until solutions are found (Bambang Waluyo, 2002). This study uses a juridical-empirical approach. The juridical approach views law as a norm, relying on both written and unwritten legal materials as well as legal literature as secondary data. Meanwhile, the empirical approach is used to examine the application of law in practice, based on field facts that reflect opinions, attitudes, and legal behaviors, in order to objectively assess the effectiveness and implementation of the law (Soerjono Soekanto dan Sri Mamudji, 2006).

## **III. RESULT AND DISCUSSION**

### **A. EFFECTIVENESS OF THE IMPLEMENTATION OF DISCIPLINE REGULATIONS FOR THE STATE CIVIL APPARATUS AT THE SECRETARIAT OF THE REGIONAL HOUSE OF REPRESENTATIVES (DPRD) OF KLUNGKUNG REGENCY**

The Regional People's Representative Council (DPRD) of Klungkung Regency is a unicameral legislative body located in the Klungkung Regency, Bali Province. This institution consists of 30 members from 8 political parties, with the majority of seats held by the Indonesian Democratic Party of Struggle (PDIP). Its duties and authorities include drafting regional regulations together with the Regent, discussing and approving the draft Regional Budget (APBD) submitted by the Regent, and supervising the implementation of regional regulations and the APBD. Based on Law Number 23 of 2014 Article 166, the DPRD of regencies/cities with members ranging from 20 to 35 people, such as the DPRD of Klungkung Regency with 30 members, forms three commissions.

The duties and authorities of the commissions include:

- a) Ensuring the implementation of regional government affairs complies with regulations,
- b) Discussing draft regional regulations (Perda) and DPRD decisions according to their respective fields,
- c) Supervising the implementation of Perda within the scope of their duties,
- d) Following up on community aspirations,
- e) Assisting in resolving issues from regional heads or the community,
- f) Supporting the improvement of public welfare,
- g) Conducting work visits and public hearings,
- h) Submitting proposals to the DPRD leadership,
- i) Reporting the results of their duties in writing to the DPRD leadership.

Commission Structure in the DPRD of Klungkung Regency:

- a) Commission I: Government and Social Affairs
- b) Commission II: Economy, Development, and Science & Technology
- c) Commission III: Finance, Education, and Health

The DPRD Secretariat is headed by the DPRD Secretary, who supports the operational functions of the DPRD. The Secretary is technically accountable to the DPRD leadership and administratively responsible to the Regent through the Regional Secretary.

The enactment of Law Number 20 of 2023 on State Civil Apparatus (ASN) introduces significant changes, particularly regarding the merit-based recruitment system, work regulations, and sanctions for violations. ASN includes both Civil Servants (PNS) and Government Employees with Work Agreements (PPPK) working in government institutions, as defined in Article 1, Paragraphs (1) and (2) of Law Number 5 of 2014. In the context of the DPRD Secretariat of Klungkung Regency, it is essential to understand the level of employee discipline, as it has strategic implications for the performance of public organizations. Information on ASN performance and the factors influencing it is needed as a basis for evaluation. In cases of violations, disciplinary sanctions must be imposed as a form of assessment of the success or failure in carrying out duties. Therefore, the evaluation of work discipline becomes a key indicator in assessing the effectiveness and integrity of ASN employees in performing their duties.

Civil servants are part of the state apparatus who serve both the state and the public. They carry out governmental and development duties with loyalty to Pancasila, the 1945 Constitution, the state, and the government. A civil servant is an individual who meets the requirements set by law, is appointed by an authorized official, and is assigned duties in a state position or other tasks in accordance with applicable legal provisions (Soewarno Handyaningrat, 1999). Personnel regulations apply to all State Civil Apparatus (ASN), both those who are actively serving and those who are no longer in active service. These regulations serve as a reference for ASN in carrying out their rights and obligations. Based on the prevailing provisions, Law Number 43 of 1999 has

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been updated and replaced by Law Number 5 of 2014 on State Civil Apparatus. However, as long as the implementing regulations of Law Number 43 of 1999 do not conflict with or have not been replaced by new regulations, they shall remain in effect.

As the implementer of good governance, the government requires professional and disciplined State Civil Apparatus (ASN), making an effective development and supervision system particularly regarding discipline essential. This is regulated in Government Regulation Number 94 of 2021 on ASN Discipline, which defines discipline as the willingness of ASN to comply with obligations and avoid prohibitions (Article 1, point 4). Meanwhile, a disciplinary violation is defined as any speech, writing, or action by a civil servant (PNS) that breaches obligations and/or prohibitions, whether during or outside of working hours (Article 1, point 6). According to Article 11, if a civil servant who has already received a disciplinary sanction commits a similar violation, a heavier penalty will be imposed. These administrative sanctions target the violation itself and may be imposed directly by the government without going through judicial proceedings.

According to researchers, understanding of Government Regulation Number 94 of 2021 on ASN Discipline among employees particularly within the Secretariat of the Klungkung Regency DPRD has not yet been fully implemented in daily practice. Although disciplinary regulations have been regularly socialized, such as through morning assemblies which also serve as a form of discipline enforcement, there are still employees who are not fully aware of the obligations they must adhere to. Efforts continue to be made to address these challenges by strengthening internal management, advancing knowledge, and enhancing human resource capacity, so that discipline enforcement can be carried out more optimally and effectively.

According to researchers, employees' understanding of Government Regulation Number 94 of 2021 on ASN Discipline is still not optimal. Yet, discipline is an integral part of management aimed at encouraging employees to comply with organizational rules. Employee discipline is understood as a form of guidance intended to improve and shape knowledge, attitudes, and behavior so that employees can work voluntarily, cooperatively, and enhance their performance. Within the Secretariat of the Klungkung Regency DPRD, the dissemination of disciplinary regulations has been included as part of the annual agenda. This regulation is relatively new and does not conflict with other policies, allowing its implementation to proceed without obstacles or resistance. The target audience of the dissemination efforts has also been appropriate and aligned with the objectives of the regulation.

In practice, the imposition of disciplinary sanctions for ASN at the Secretariat of the Klungkung Regency DPRD refers to Government Regulation Number 94 of 2021, which includes light, moderate, and severe sanctions. Through morning assemblies and regular outreach activities held at least once a year, employees are continuously reminded of the importance of discipline as part of professionalism and public service. By fostering personal discipline, it is expected that employee performance will improve, resulting in excellent service to the public. Based on interview results, the enforcement of regulations at the Secretariat of the Klungkung Regency DPRD is already in place; however, employees' understanding and discipline still need to be strengthened through mental development initiatives. Disciplinary sanctions for ASN are imposed directly by the government without judicial proceedings, depending on the severity of the violation. Minor violations include skipping work or frequently lingering during working hours. Moderate violations occur when an ASN repeats the same offense after receiving a light sanction. Meanwhile, serious violations such as proven extramarital affairs or unregistered (siri) marriages can result in dismissal.

Interview results indicate that the implementation of ASN discipline at the Secretariat of the Klungkung Regency DPRD has followed Government Regulation Number 94 of 2021, with clearly defined categories of light, moderate, and severe sanctions. Discipline enforcement is considered fairly strict, where ASN who violate the rules will be summoned up to three times before being sanctioned based on evidence even without formal examination if they continue to be absent. This procedure is considered effective in creating a deterrent effect, although in practice, there are still ASN who are difficult to remind, highlighting the need for a more personal approach.

The disciplinary sanction process at the Secretariat of the Klungkung Regency DPRD has been carried out in accordance with Government Regulation Number 94 of 2021, taking into account the response of the employee concerned. A personal approach is applied when necessary to ensure the sanction is appropriately targeted. Although discipline enforcement is considered fairly effective, emotional ties between supervisors and subordinates are still found to hinder professionalism. Therefore, mental development for ASN needs to be strengthened to foster a strong work ethic and support the realization of a clean and authoritative government.

The imposition of disciplinary sanctions at the Secretariat of the Klungkung Regency DPRD has proven effective in supporting the realization of good governance. One example is the case of an employee with the initials "IMS," who previously violated disciplinary rules but, after receiving proper guidance and internal supervision, showed improvements in performance and discipline, eventually being permanently transferred to the Regent's Office. This process demonstrates that appropriate disciplinary measures and coaching not only serve as a deterrent but also encourage positive change. The enforcement of discipline

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including severe sanctions such as dismissal serves as a lesson for other ASN to act more professionally and better understand their role as public servants.

In imposing disciplinary sanctions on ASN, the first step is to identify the type of violation whether it is minor, moderate, or severe so that the sanction imposed is proportionate and educational in nature. According to Article 3 of Government Regulation Number 94 of 2021, ASN at the Secretariat of the Klungkung Regency DPRD are required to comply with Standard Operating Procedures (SOP), which include loyalty to Pancasila and the 1945 Constitution, upholding national unity, implementing government policies, obeying the law, working with integrity and responsibility, and reporting assets in accordance with applicable regulations. In addition to these obligations, ASN at the Secretariat of the Klungkung Regency DPRD are also subject to prohibitions as stipulated in Government Regulation Number 94 of 2021. These prohibitions include: acting as an intermediary for personal or others' interests by taking advantage of their position, supporting political candidates through campaigns or the use of state symbols and facilities, engaging in illegal levies, accepting gifts related to their position, and providing political support by attaching personal identification.

In the annual staffing socialization meeting led by the Head of the General Affairs Division, along with the Heads of the Subdivision for Staffing, Administration, and Household Affairs, two speakers from the Regional Office II of the National Civil Service Agency (BKN) and the Head of the BKN Technical Implementation Unit (UPT) in Klungkung Regency were also present. The event discussed the enforcement of civil servant discipline in accordance with Government Regulation (PP) No. 94 of 2021 and the preparation of Employee Performance Targets (SKP) based on PP No. 30 of 2019. Participants were expected to actively engage in the activity to enhance their understanding of staffing regulations and the performance appraisal of civil servants. The Head of the General Affairs Division stated that Ni Made Wistriyani, as the Head of the Verification Subdivision, was the first presenter in the session. She explained that PP No. 94 of 2021 is a refinement of PP No. 53 of 2010. This regulation clearly outlines the obligations, prohibitions, and types of disciplinary sanctions for civil servants who violate the rules. Its purpose is to provide guidelines and legal certainty for authorized officials in imposing disciplinary sanctions.

The decision to impose disciplinary sanctions on civil servants (ASN) varies depending on the type of violation. For minor violations, the decision is made by the authorized official. However, if the ASN disagrees with the imposed sanction, they have the right to file a written objection in accordance with the regulations. Based on Government Regulation No. 94 of 2021 Article 7 and Law No. 5 of 2014, ASNs at the Regional House of Representatives Secretariat (DPRD) of Klungkung Regency can indeed be subject to disciplinary sanctions. This indicates that the enforcement of discipline from minor to serious violations has been carried out according to proper procedures by the relevant team..

Komang Gede Agus Usana explained that disciplinary sanctions for civil servants (ASN) are different from criminal penalties. Administrative sanctions are imposed for violations of regulations and are directly issued by authorized officials without going through judicial proceedings, whereas criminal penalties are directed at offenders and are decided through a court process. Meanwhile, Komang Tegar Suria stated that although all ASNs have undergone basic training and disciplinary rules apply equally across institutions, the level of discipline at the Secretariat of the Regional House of Representatives (DPRD) of Klungkung Regency remains suboptimal due to weak supervision, compounded by religious activities in Bali that are often unavoidable. Before further discussing the sanctioning mechanism, it is important to first understand that the discipline of ASNs at the DPRD Secretariat of Klungkung Regency is governed by various laws and regulations, applying both to currently active civil servants and those no longer serving.

These laws and regulations serve as guidelines for Civil Servants (ASN) in carrying out their duties, avoiding prohibited actions, and understanding how to obtain their rights. Among the various regulations governing Civil Servants, there are several that specifically regulate their discipline. The discipline of Civil Servants is one of the key factors in determining their role as government officials, state servants, and public servants (Philipus H. Hadjon, 2008). As government officials, state servants, and public servants, Civil Servants (ASN) must be able to set an example in order to maintain public trust in their role. ASN discipline is key to creating a clean and authoritative government. Based on an interview with the Head of the Administrative Division of the Secretariat of the Regional House of Representatives (DPRD) of Klungkung Regency, the regulations that form the basis for disciplinary enforcement in the institution include:

- a) Law No. 5 of 2014 on Civil Servants (ASN)
- b) Government Regulation on ASN Discipline (Year 2010)
- c) Government Regulation No. 11 of 2017 on ASN Management
- d) Minister of Law and Human Rights Regulation No. 29 of 2015 in conjunction with Regulation No. 24 of 2018
- e) Minister of Law and Human Rights Regulation No. 28 of 2019 on Procedures for Imposing Disciplinary Sanctions and Dismissal

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- f) BKN (National Civil Service Agency) Regulation No. 21 of 2010 on the Implementation of Government Regulation No. 53 of 2010
- g) BKN Regulation No. 3 of 2020 on Technical Guidelines for Dismissal of Civil Servants Due to Disciplinary Violations h) Government Regulation No. 94 of 2021 on ASN Discipline

These regulations serve as the primary reference in enforcing discipline among ASNs within the Secretariat of the DPRD of Klungkung Regency.

In the implementation of governance principles, the disciplinary sanction mechanism for civil servants (ASN) at the Secretariat of the Regional House of Representatives (DPRD) of Klungkung Regency refers to the principles of responsiveness and legal certainty. Effectiveness is measured by the achievement of organizational goals through a target-based approach. Disciplinary sanctions are imposed based on the behavior of the ASN, reports from the public, or colleagues. The Subdivision of Personnel, General Affairs, and Household Affairs promptly follows up on each report and processes it in accordance with Government Regulation No. 94 of 2021. These sanctions are intended to serve as guidance for undisciplined employees while also demonstrating the government's commitment to providing optimal public services. Unlike criminal penalties, disciplinary sanctions are administrative in nature and are imposed by authorized officials for violations, without going through judicial proceedings.

In the disciplinary sanction mechanism, the Ministry of Law and Human Rights, through the Secretariat of the Regional House of Representatives (DPRD) of Klungkung Regency, implements several stages. First, direct guidance is provided by the immediate supervisor to the problematic ASN. If no improvement is observed, the case is referred to the Administrative Division for preventive efforts in the form of "DIANA" counseling (Discipline, Integrity, and Accountability), aimed at helping the ASN address personal or family issues that may affect work performance. If counseling fails to yield results, the ASN will be subject to disciplinary sanctions in accordance with the severity of the violation minor, moderate, or severe. The process then continues with a summons and examination, followed by the preparation of a Statement of Examination (BAP) based on the testimony of the ASN and witnesses. Once evidence and facts are collected, the type of sanction is determined in accordance with Government Regulation No. 94 of 2021 on Civil Servant Discipline.

The term "tindak pidana" (criminal act) is derived from the Dutch term strafbaar feit. Moeljatno explains that a criminal act is an act that is prohibited by law and is punishable by a criminal sanction. According to Simon, as cited by Moeljatno, a criminal act is an unlawful act that is punishable by law, committed with fault (*mens rea*), and by a person who can be held accountable (Moeljatno, 2002). Article 14 of the Head of BKN Regulation Number 3 of 2020 states that a Civil Servant (ASN) may either be honorably discharged or retained in service if sentenced to a minimum of 2 years of imprisonment through a court decision with permanent legal force, provided that the criminal act was not committed with premeditation.

Based on Government Regulation No. 11 of 2017 on Civil Servant Management and Minister of Law and Human Rights Regulation No. 28 of 2019, there are two types of dismissal for civil servants (ASN) due to criminal offenses, one of which is honorable dismissal. An ASN may be honorably discharged or retained in service if sentenced to a minimum of 2 years of imprisonment for a non-premeditated criminal offense, based on a court decision with permanent legal force.

However, an ASN who is sentenced to 2 years or more for a non-premeditated offense may be retained, provided the following four conditions are met:

- a) The act does not degrade the dignity of ASN,
- b) The ASN has had good performance over the past two years,
- c) The act does not negatively affect the work environment,
- d) There is an available position that fits the organizational needs based on job analysis.

If these conditions are not fulfilled, the ASN will be honorably discharged. An ASN who is not dismissed retains their ASN status while serving the sentence, but does not receive employment benefits until reactivation. If no suitable position becomes available within two years, or if the ASN reaches the age of 58, they will be honorably discharged.

Article 17 of the Head of BKN Regulation Number 3 of 2020 states that a Civil Servant (ASN) who is not dismissed despite receiving a prison sentence will retain ASN status, but their employment rights will be suspended during the period of incarceration. This suspension of rights takes effect at the end of the month in which the court decision with permanent legal force is issued. If any salary or benefits were mistakenly paid, they must be returned to the state treasury. Reactivation of ASN status is only possible if a position is available, as confirmed through job and workload analysis, and must be formalized in a written decision. If no suitable position becomes available within two years, the ASN will be honorably discharged. Additionally, the period of incarceration is not counted as part of the ASN's service time. If the ASN reaches the age of 58 while serving their sentence, they will be honorably discharged as of the end of the month in which they reach that age. If the ASN passes away while serving

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their sentence, they will still be honorably discharged and entitled to employment benefits in accordance with applicable regulations. For ASNs sentenced to less than two years of imprisonment for non-premeditated crimes, dismissal will not be applied if a suitable position is available. However, if no position is available within two years, or the ASN has reached the age of 58, they will be honorably discharged.

The Dismissal with Dishonor of Civil Servants (ASN) according to the Head of BKN Regulation Number 3 of 2020 is carried out in specific cases, regardless of the length of the criminal sentence, including the following: Deviation from Pancasila and the 1945 Constitution (UUD 1945) Civil servants proven to have deviated from the fundamental values of the state are considered to have violated their oath of office and must be dishonorably dismissed, even if they are not sentenced to a long prison term. Involvement in criminal acts related to official duties: Civil servants who commit acts of corruption or other legal violations related to their positions whether in performing official duties or additional assignments from superiors must be dishonorably dismissed based on a final and binding court decision. This rule applies regardless of the duration of the sentence. Criminal acts committed prior to appointment as ASN: If an individual, before being appointed as a civil servant, held a public office granted by an authorized official and was later proven to have caused losses to the state's finances or economy, they must still be dishonorably dismissed. This type of dismissal reflects the principle that civil servants must uphold integrity, professionalism, neutrality, and be free from corruption, collusion, and nepotism (KKN), as mandated by Law Number 5 of 2014 on State Civil Apparatus.

Dismissal with Dishonor of Civil Servants (ASN) under Head of BKN Regulation Number 3 of 2020 also applies in the following circumstances: Becoming a member and/or official of a political party, Civil servants who are proven to be members or officials of a political party must be dishonorably dismissed, as this constitutes a violation of the principle of neutrality that all ASNs are obligated to uphold. Conviction of a premeditated criminal offense, ASNs are also dishonorably dismissed if they are sentenced to a minimum of 2 years in prison by a final and binding court decision for a premeditated criminal act. The term premeditated criminal offense refers to crimes that legally include the element of prior planning, as defined in relevant criminal legislation. This regulation underscores the commitment to maintaining the neutrality, integrity, and ethical conduct of civil servants, in line with the standards of public service.

Dismissal of Civil Servants (ASN) Related to Drug Offenses, Particularly at the Regional House of Representatives (DPRD) Secretariat of Klungkung Regency Civil servants (ASN) at the DPRD Secretariat of Klungkung Regency who are sentenced to prison for less than two years for a criminal offense involving premeditation, based on a final and binding court decision, shall be honorably dismissed not at their own request. The dismissal takes effect at the end of the month in which the court ruling is issued. Within the DPRD Secretariat of Klungkung Regency, in response to the rising number of drug-related cases involving ASN, the legislative leadership has emphasized a zero-tolerance policy against drug abuse. Consequently, strict measures in the form of dismissal with dishonor are often imposed on civil servants proven to be involved in drug cases. This aligns with various national policies, including:

- a) Instruction of the Minister of Law and Human Rights (April 5, 2016): Emphasizes the implementation of zero tolerance for correctional officers involved in drugs and stresses serious efforts to prevent drug abuse within correctional institutions.
- b) Circular Letter of the Director General of Corrections No. E-PK.01.10-20 (November 23, 2007): Strictly prohibits ASN involvement in drug abuse or trafficking as well as the use of illegal communication devices, with threats of disciplinary and criminal sanctions.
- c) Circular Letter of the Director of Security and Order of Corrections No. PAS.6-04-01-32 (September 30, 2009): Mandates the imposition of firm sanctions against perpetrators of violence, extortion, and drug abuse by the Head of Regional Offices in accordance with applicable regulations.
- d) Circular Letter No. PAS-30.PK.01.04.01 of 2013: States that ASN found in possession of or using illegal substances must be investigated through a formal report (BAP), and if proven guilty, shall be subjected to disciplinary punishment in accordance with prevailing regulations.

Procedure for Dismissal of ASN Due to Criminal Acts of Embezzlement According to Article 18 of the Head of BKN Regulation No. 3 of 2020. In general, the procedure for dismissing a civil servant (ASN) for committing a criminal act of embezzlement includes the following steps:

- a) The proposal for dismissal is submitted: By the Personnel Development Officer (PPK) to the President for ASN holding positions as Main High Leadership (JPT Utama), Senior High Leadership (JPT Madya), and Principal Expert Functional Positions (JF Ahli Utama); By the Immediate Supervisor (PyB) to the PPK for ASN holding positions as Primary High Leadership (JPT Pratama), Administrator (JA), and other Functional Positions (JF), excluding JF Ahli Utama.
- b) The decision on dismissal, whether honorable or dishonorable, is determined by the President or PPK, and the ASN is entitled to receive their employment rights in accordance with applicable regulations.

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- c) The dismissal decision must be issued no later than 21 working days after the complete proposal is received.
- d) The dismissal proposal must be submitted in writing, whether from the PPK to the President or from the PyB to the PPK.
- e) If the ASN being dismissed qualifies for retirement, the dismissal proposal must also be copied to the Head of BKN or the Head of the BKN Regional Office.
- f) The Head of BKN or the Head of the BKN Regional Office will provide technical retirement considerations for the ASN or their widow/widower to the President or PPK.
- g) Upon receiving the technical considerations, the President or PPK will issue a decision granting retirement benefits to the concerned ASN.

Mechanism for Disciplinary Sanctions and Dismissal of ASN Due to Criminal Offenses Based on Regulation of the Minister of Law and Human Rights (Permenkumham) No. 28 of 2019, Particularly in the Context of the DPRD Secretariat of Klungkung Regency. Administrative remedies cannot be pursued by civil servants (ASN) who are dismissed due to criminal offenses. However, if the ASN is later found not guilty, all of their civil service rights shall be fully restored in accordance with applicable legal provisions. In response to numerous questions regarding disciplinary sanctions for ASN who become criminal suspects, the sanction mechanism is governed under Permenkumham No. 28 of 2019. According to this regulation, an ASN who is detained as a suspect, and for whom a detention order has been issued for legal proceedings, shall be suspended effective from the end of the month in which the detention began. During the suspension period, the ASN is entitled to receive a suspension allowance amounting to 50% of their last position salary, starting from the month following the issuance of the suspension decision. This suspension remains in effect until one of the following four conditions occurs:

- a) The ASN is released through a SP3 (Order to Stop Investigation), or is declared not guilty by a court.
- b) The ASN is convicted based on a final and binding court decision.
- c) The ASN is reinstated through an official decision.

Temporary Dismissal and Reinstatement Provisions for ASN Suspected of Criminal Offenses According to Permenkumham No. 28 of 2019, Specifically for ASN at the DPRD Secretariat of Klungkung Regency Civil servants (ASN) who are designated as suspects in a criminal offense may be subject to temporary dismissal. The proposal for temporary dismissal must be submitted by the immediate supervisor through hierarchical channels to the authorized official, with a copy sent to the Inspector General, no later than 3 working days after the proposal letter is signed. The temporary dismissal decision must be issued no later than 14 working days after the complete proposal is received.

The authorized officials to issue a temporary dismissal decision are:

- a) The President, for ASN holding positions as: Main High Leadership Position (JPT Utama), Senior High Leadership Position (JPT Madya), Principal Expert Functional Position (JF Ahli Utama);
- b) The Personnel Development Officer (PPK), for ASN holding positions as: Primary High Leadership Position (JPT Pratama), Administrator positions, and Functional positions other than JF Ahli Utama.

In practice, it is common for civil servants (ASN) who have been convicted of a criminal offense and are granted pre-release leave or are undergoing assimilation to return to work in their respective units. However, this practice is not legally permissible, as the individuals are not yet fully free and have not been officially reinstated as civil servants. According to Article 54 of the Regulation of the Minister of Law and Human Rights (Permenkumham) No. 28 of 2019, the reinstatement of an ASN can only be carried out under the following conditions:

- a) The ASN has been released from status as a suspect or defendant, or
- b) The ASN has completed their prison sentence and submitted a request for reinstatement.

Mechanism for Reinstating Civil Servants (ASN) After Serving a Criminal Sentence and Special Conditions at the DPRD Secretariat of Klungkung Regency Reinstatement of an ASN is carried out through a formal request submitted by the individual to the Personnel Development Officer (PPK), and must be delivered through the hierarchical line via the immediate supervisor, no later than 30 days after the ASN is: Declared cleared as a suspect or defendant, or Has completed their prison sentence. If the ASN fails to submit the request within 25 days, the immediate supervisor has the authority to summon the ASN to immediately file the reinstatement application. Once the application is received, the PPK is obligated to issue a reinstatement decision within 14 working days, along with the restoration of the ASN's employment rights in accordance with applicable regulations.

### ***B. OBSTACLES IN THE IMPLEMENTATION OF CIVIL SERVANT DISCIPLINE ENHANCEMENT AT THE DPRD SECRETARIAT OF KLUNGKUNG REGENCY***

In the effort to enforce discipline, various obstacles arise in its implementation toward Civil Servants (PNS). Both the central and regional governments continue to strive to foster civil servant (ASN) discipline through various means, encouraging

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responsible compliance. Regulations on civil servant discipline are stipulated in Law No. 43 of 1999, further elaborated in Government Regulation (PP) No. 94 of 2021. The purpose of disciplinary sanctions is educational in nature, aiming to promote behavioral improvement through the application of swift and fair sanctions. Sanctions are imposed progressively, serving as a means of coaching and guidance for ASN who violate rules. There are three key factors in fostering discipline: awareness, exemplary leadership, and rule enforcement. Awareness is the core factor, while role modeling and legal enforcement serve to reinforce it. These three elements are interconnected and inseparable in building a culture of discipline.

Consistent role modeling will foster a disciplined attitude without relying solely on the enforcement of rules. In the context of discipline, role modeling and rule enforcement represent a formal approach. For instance, if a civil servant (ASN) at the DPRD Secretariat of Klungkung Regency frequently arrives late, they should promptly receive a warning at minimum, a verbal reprimand from their direct supervisor to prevent damage to the institution's image. Firm enforcement of regulations is expected to dispel any perception that violations may be tolerated. The application of good governance principles emphasizes clean government free from corruption, collusion, and nepotism (KKN), while upholding transparency, the rule of law, and public accountability.

Obstacles to Improving Civil Servant Discipline at the DPRD Secretariat of Klungkung Regency include:

- a) Human Factors – As human beings, civil servants naturally have limitations. One of the main challenges is the difficulty in fostering internal discipline awareness. Despite the increasingly stringent recruitment process for ASN, there are still individuals who fail to comply with regulations.
- b) A Culture of Fear in Addressing Mistakes – The lack of moral courage to confront disciplinary violations poses a significant obstacle. Moral courage is the willingness to act for truth and justice, even at personal risk; however, this attitude remains rare among civil servants (ASN).

All stakeholders hope that civil servant (ASN) discipline will improve in line with their respective duties and responsibilities. The Klungkung Regency Government has undertaken various efforts to strengthen discipline, including within the DPRD Secretariat, which is an integral part of the regional government structure. These efforts include both preventive and repressive measures. Several preventive efforts that have been implemented include:

- a) Institutional restructuring of regional government working units (SKPD) to clarify the duties and functions of each unit, ensuring that civil servants (ASN) fully understand their roles and responsibilities.
- b) Improvement of personnel management to establish a more harmonious work system and enhance the work ethic of ASN.
- c) Strengthening oversight, both from internal agency mechanisms and public participation, with a focus on problem detection and solution-seeking, rather than merely fault-finding.
- d) Conducting unannounced inspections (sidak), particularly targeting ASN who violate working hour regulations. With support from the Civil Service Police Unit (Satpol PP), firm enforcement is expected to reduce disciplinary violations.
- e) Improving ASN welfare, such as providing a one-time salary bonus, aimed at boosting performance and reducing discipline issues driven by economic factors.

All of these measures aim to shape a civil service corps that is disciplined, professional, and capable of delivering optimal public service.

The repressive measures undertaken by the Klungkung Regency Government include imposing stricter sanctions on civil servants (ASN) who repeatedly commit the same disciplinary violations. This is in accordance with Article 30, paragraph 2 of Government Regulation No. 94 of 2021 on ASN Discipline. If a violation is proven, legal proceedings must be carried out in accordance with applicable regulations. Supervisors play a crucial role in guiding and setting an example for their subordinates to help improve performance. Firm action, even for minor infractions, must be taken with due consideration of the context to foster an orderly work environment. Leadership plays a highly influential role in enforcing discipline, as leaders serve as role models for their teams. As taught by Ki Hajar Dewantara, the ideal leadership approach consists of three core principles: "Tut Wuri Handayani" – encouraging from behind, "Ing Madya Mangun Karsa" – building motivation from within, "Ing Ngarsa Sung Tulada" – setting an example at the front. (Victor M. Situmorang dan Jusuf Juhir, 1993).

The imposition of disciplinary sanctions must uphold human dignity and prioritize the presumption of innocence. The primary goal is to guide and educate civil servants (ASN) who violate the rules, not merely to punish them. The efforts undertaken by the Klungkung Regency Government are expected to produce positive impacts, including among ASN at the DPRD Secretariat. Achieving discipline requires continuous and consistent improvement efforts. If violations, abuse of authority, and unlawful actions are allowed to persist, they will spread like a disease that is difficult to cure, ultimately causing widespread harm to both society and governance.

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## IV. CONCLUSIONS

Based on the discussion of the main issues outlined above, the researcher may draw the following conclusions:

- 1) The effectiveness of implementing disciplinary regulations for civil servants (ASN) within the DPRD Secretariat of Klungkung Regency has not yet reached its optimal level, as violations and prohibitions still occur despite the existence of Standard Operating Procedures (SOPs) for ASN, which refer to Government Regulation No. 94 of 2021 on Civil Servant Discipline. However, such violations generally do not significantly disrupt the operational performance of the DPRD Secretariat. These include matters such as attendance, adherence to working hours, and the obligation to report assets to the authorized officials in accordance with applicable laws and regulations. Such violations are still categorized as minor.
- 2) The obstacles faced in implementing discipline among ASN at the DPRD Secretariat of Klungkung Regency include: Limited human resources, A still-weak culture of work discipline, A performance appraisal system (SKP) that lacks objectivity, Weak enforcement of sanctions against ASN who violate rules, and The absence of a reward or incentive system for disciplined ASN.

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