

LEGAL STUDY OF GOVERNMENT REGULATION NUMBER 94 OF 2021 CONCERNING STATE APPARATUS DISCIPLINE AT THE BINJAI CITY INSPECTORATE

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ARTICLE INFO

History of the article:

Received: 05/10/2025

Corrected: 10/10/2025

Accepted : 30/10/2025

Published: 30/10/2025

Keywords:

Legal Studies, Discipline, State Apparatus

ABSTRACT

The position of state officials is crucial and crucial. The success or failure of the government's mission depends on them, as they are the state apparatus responsible for running the government and realizing national development goals. Based on the research results it is understood that the factors that cause Binjai City Inspectorate employees to commit disciplinary violations are a lack of understanding of laws and regulations, a lack of motivation, a lack of appreciation for high-achieving employees, and a lack of disciplinary sanctions. The forms of violations and administrative sanctions against Binjai City Inspectorate employees who commit disciplinary violations are minor disciplinary violations, with penalties in the form of verbal and written warnings, written statements of dissatisfaction. In the case of minor disciplinary violations, it is possible for them to change into moderate disciplinary violations. Meanwhile, serious disciplinary violations occur when the violator commits a crime that has received a permanent judge's decision, the sanction of which is dismissal from office. The legal consequences of Binjai City Inspectorate employees who are given administrative sanctions are that they are given the right to defend themselves through administrative efforts, so that arbitrariness in the imposition of disciplinary sanctions can be avoided. Civil Servants who are given disciplinary sanctions can file objections to disciplinary punishment decisions, except for minor disciplinary punishments and disciplinary punishments in the form of dismissal from office

1. Introduction

Indonesia as a country of law has laid down a legal basis for its citizens in obtaining decent work, as written in Article 27 paragraph 2 of the 1945 Constitution, which reads: "Every citizen has the right to work and a decent living for humanity." The contents of the article, the State is aware of the importance and fundamental meaning of the problem of work for human survival. Humans to maintain their survival, then need to work to produce something in the form of material rewards and one of those jobs is by serving the country by becoming a State Civil Apparatus.

The smooth implementation of development and governance depends on the perfection and capability of the state apparatus, in this case the State Civil Apparatus. The position and role of employees in every government organization is crucial, because the State Civil Apparatus is the backbone of the government in implementing national development. The State Civil Apparatus



plays a crucial role because it is an element of the state apparatus that organizes government and development in order to achieve the state's goals. The goal of national development is to establish a just and prosperous society with a balance of material and spiritual values based on Pancasila within the territory of the unitary state of the Republic of Indonesia.

Civil Servants as state servants and public servants who are fully loyal and obedient to Pancasila, the 1945 Constitution, the state and government in carrying out government and development duties and are obliged to maintain the unity and integrity of the nation in the Unitary State of the Republic of Indonesia. In order for the state duties and positions held by Civil Servants to run smoothly and support the smoothness of National development, each Civil Servant must have high abilities and qualities as well as a high level of discipline. This is not only the ability in the field of skills, but must be supported by a total level of self-quality, because human quality is determined by knowledge, skills, and mental attitude.

To create a reliable, professional, and moral State Civil Apparatus (ASN) as a government administrator who applies the principles of good governance, as an element of the state apparatus, ASN is required to be loyal to Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and the Government, to be disciplined, honest, fair, transparent, and accountable in carrying out their duties.

To create reliable, professional, and moral ASN, it is absolutely necessary to have ASN disciplinary regulations that can be used as guidelines in enforcing discipline, so that it can guarantee the maintenance of order and the smooth implementation of tasks and can encourage ASN to be more productive based on the career system and work performance system.

The position of the State Civil Apparatus is crucial and crucial. The success or failure of the government's mission depends on the state apparatus, as the State Civil Apparatus is the state apparatus responsible for administering government and realizing national development goals

2. Research Method

The nature of this research is descriptive, namely describing the applicable laws and regulations in relation to legal theories and the practice of implementing positive law concerning the problem.. Descriptive because in this research it is hoped that a comprehensive and systematic picture of the research focus will be obtained.





The type of research used in compiling this thesis uses a normative juridical research method supported by empirical data, namely a study that views law as a reality, including social reality, cultural reality and others, the empirical study of the world is *das sin* (what is reality). Empirical legal research is one type of legal research that analyzes and examines the operation of law in society. Empirical legal research focuses on behavior that develops in society or the operation of law in society. Thus, law is conceptualized as real behavior (actual behavior) which includes actions and their consequences in social life relationships

3. Results And Discussion

Civil Servant Disciplinary Regulations are regulations that govern the obligations, prohibitions, and sanctions if obligations are not complied with or prohibitions are violated by civil servants. Civil Servant Discipline Regulations are regulated in Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. Government Regulation Number 94 of 2021 concerning Civil Servant Discipline regulates provisions regarding obligations, prohibitions, disciplinary sanctions, officials authorized to impose disciplinary sanctions, objections to disciplinary sanctions, and the validity of disciplinary sanctions decisions.

Discipline that comes from within the individual is based on their own awareness and is spontaneous. This discipline is highly desired by an organization because it does not require direct orders or reprimands. Discipline based on orders, on the other hand, is carried out due to sanctions or threats of punishment. People who carry out this discipline fear sanctions or punishment, so discipline is seen as a tool to enforce the implementation of responsibilities.

The essence of forming discipline can be implemented in two ways, namely through developing personal discipline or developing discipline that comes from the individual and through the application of strict disciplinary measures, meaning that an employee who is indisciplined will be subject to punishment or sanctions according to the level of error.

Article 1 number 4 of Government Regulation Number 94 of 2021 concerning State Apparatus Discipline states that Civil Servant discipline is the ability of Civil Servants to comply with obligations and avoid prohibitions stipulated in statutory regulations.

To create civil servants with moral integrity, professionalism, and accountability, civil servant disciplinary regulations can serve as a guideline for enforcing discipline. Discipline enforcement can encourage civil servants to be more





productive based on a career and performance system, and moral integrity is a consideration in career development.

The State Civil Apparatus Disciplinary Regulations are regulations that govern the obligations, prohibitions, and sanctions if obligations are not complied with or prohibitions are violated by the State Civil Apparatus. The State Civil Apparatus Disciplinary Regulations regulate provisions regarding Obligations, Prohibitions, Disciplinary Punishments, officials authorized to punish, the imposition of disciplinary punishments, objections to disciplinary punishments, and the validity of disciplinary punishment decisions. Disciplinary regulations are an instrument to ensure order and the smooth implementation of duties.

Civil servants must be good role models or Indonesians with the spirit of Pancasila, and must comply with statutory requirements. Civil servants, particularly those appointed by the government to carry out state duties or other positions, are bound by regulations that include obligations and prohibitions.

These obligations and prohibitions must be obeyed by every State Civil Apparatus, especially State Civil Apparatus, with the consequence that if a State Civil Apparatus violates these provisions, they can be punished or sanctioned for violating the State Civil Apparatus Disciplinary Regulations.

Organizations and agencies, both private and government, essentially expect employees to possess a high level of discipline in carrying out their duties. This discipline is expected to result in high performance, enabling the organization's goals to be achieved effectively and efficiently.

Based on the research conducted by the author in the field regarding the implementation of Civil Servant Discipline Regulations, Government Regulation Number 94 of 2021 concerning Civil Servant Discipline at the Binjai City Inspectorate has been implemented since the implementation of the regulation was enacted.

Any law enforcement effort inevitably presents challenges. This is especially true in the imposition of administrative disciplinary sanctions on Civil Servants within the Binjai City Inspectorate. Any violations committed can arise from a lack of awareness of the importance of discipline. Therefore, monthly briefings or meetings are necessary for management to consistently motivate employees to maintain discipline and high work morale.

Motivating employees isn't limited to management; it can also be provided by coworkers or even by a dedicated motivator specifically hired to provide motivational training to employees. Not only should motivation be provided, but rewards and punishments should also be provided. Rewards don't have to be monetary, but can also include praise or recognition as an exemplary





employee. Meanwhile, employees who fail to be disciplined are subject to sanctions.

Obstacles also arise because the civilian system differs from the military system. In the military, superiors can immediately punish subordinates if they commit a mistake. However, in the civilian system, proper procedures must be followed, making it time-consuming to punish someone. This, in turn, can lead to considerable time-consuming administrative sanctions.

Sanctions for civil servants appear to be more lenient than for private sector employees. While a private sector employee can be immediately subject to severe punishment for a mistake, a civil servant must undergo a lengthy process. When examining the causes of violations, various factors will be identified that influence certain violations. Other factors, however, will lead to other violations. In general, the factors influencing disciplinary violations among employees at the Binjai City Inspectorate can be divided into two categories:

1. Internal factors, namely one of the factors that influence the occurrence of disciplinary violations seen from the individual and the things that influence individuals so that they are driven to commit a disciplinary violation.

Internal factors are the willingness of employees to obey regulations or rules that regulate mandatory things and prohibitions that must be avoided.

2. External factors, namely one of the factors that influence the occurrence of disciplinary violations that are seen specifically from outside the individual, as well as things outside the individual that encourage them to commit a disciplinary violation.

These external factors are influenced by the existence of strict sanctions, supervision from leaders, and lack of coaching and supervision.

Economic and family factors are considered internal factors, which are personal factors within an individual. Some also believe that even if I work or don't work, I'll still be paid, as expressed by a civil servant who said, "It doesn't matter what time I come to work, because I'll still be paid if I don't come to work, and my friends don't complain if I'm late."

This statement from one civil servant demonstrates that some civil servants still lack awareness and a strong work ethic. This also falls under internal and motivational factors. Motivation is always linked to work needs and goals.

Oversight mechanisms in both governmental and non-governmental organizations share similarities. The guidelines used to measure this are legislation, work plans, work programs, and the organization's policies. Although planned inspections based on work programs exist, they have not been able to thoroughly monitor performance in the field. Generally, only indirect inspections of documents or supervisory reports are conducted.





To realize an orderly, clean, prosperous, and just life for the nation, state, and society, discipline, supervision, and implementation of existing regulations are essential. In connection with the above, the utilization of state apparatus continues to be improved, particularly with regard to the quality, efficiency of service, and protection of the community. The professional capabilities and welfare of apparatus are highly prioritized in supporting the implementation of their duties.

Related to coaching State Civil Apparatus, then one of the factors that is seen as very important and principled in realizing a clean and authoritative state apparatus is the issue of discipline of the officers. State Civil Apparatus in carrying out government duties as state servants and public servants.

State Civil Apparatus As government officials and public servants, they are expected to always be ready to carry out their duties properly, but it often happens in government agencies that their employees commit disciplinary violations, even leading to abuse of office, such as arriving late, leaving early, being absent without notice, working while chatting, and the familiar term KKN, which stands for Corruption, Collusion, and Nepotism. These deviations lead to the ineffectiveness and inefficiency of the State Civil Apparatus.

These deviations occur due to the lack of welfare for State Civil Apparatus. Weak oversight systems or functions play a crucial role in achieving the vision and mission of the government institutions concerned. Therefore, State Civil Apparatus who is not only a government official but also a civil servant and a public servant, his name has been tarnished by unnecessary behavioral deviations.

The existence of disciplinary violations as mentioned above, all of which indicate violations of employee work discipline, raises the question of whether these violations have become so ingrained in the culture that it is difficult to provide guidance or control.

4. Conclusion

Factors that cause Binjai City Inspectorate employees to commit disciplinary violations are a lack of understanding of laws and regulations, a lack of motivation, a lack of appreciation for high-achieving State Civil Apparatus, and a lack of sanctions for imposing disciplinary penalties.

The form of administrative sanctions against Binjai City Inspectorate employees who commit disciplinary violations is a type of minor disciplinary violation, with the imposition of penalties in the form of verbal or written warnings, or written statements of dissatisfaction.





The legal consequences of administrative sanctions imposed on Binjai City Inspectorate employees include the right to defend themselves through administrative means, thereby preventing arbitrary disciplinary action. Civil servants who are subject to disciplinary action may file an objection to the disciplinary action, except for minor disciplinary action and dismissal from office

References

- Amrah Muslimin, *Several Principles and Basic Understandings of Administration and Administrative Law*. Alumni, Bandung, 2020.
- AS. Moenir, *Public Service Management in Indonesia*. Bumi Aksara, Jakarta, 2020.
- AW Widjaja, *Personnel Administration*, Rajawali, Jakarta, 2016.
- Bambang Sunggono, *Legal Research Methodology*, Rajawali Pers, Jakarta, 2018.
- CST Kansil. *Introduction to Indonesian Law and Legal System*. Balai Pustaka, Jakarta, 2024.
- Eka NAM Sihombing and Cynthia Hadita, *Legal Research*, Setara Press, Malang, 2022.
- Indonesian Judges Association. *Accountable Power and Indonesia's National Ideals (Constitutional Perspective)*. Varia Peradilan, Jakarta, 2022.
- Moh. Mahfud MD. *Indonesian Civil Service Law, Liberty*. Yogyakarta, 2018.
- Moekijat, *Personnel Management*. Mandar Madju, Bandung, 2021

