

The Definition of Discipline Punishment for Country Civil Apparatus in Operating Regional Government

Syamsul Mulhayat*, Said Sampara, Muhammad Syarif Nuh**,
Hamza Baharuddin****

**Doctor of Law Students, University Muslim of Indonesia Doctor Program*

*** Lecturer at the Faculty of Law, University of Muslim Indonesia*

Corresponding Author: Syamsul Mulhayat

Abstract: This study aims to find out and analyze and find: the nature of the application of disciplinary punishments of the State Civil Apparatus in the Implementation of Local Government, dispute resolution mechanisms and factors that influence the application of disciplinary punishments of the State Civil Apparatus in the Implementation of Regional Government. This type of research is normative legal research that uses secondary data obtained from library materials consisting of primary, secondary and tertiary legal materials. Instrument collection of legal materials is carried out through identification procedures, and inventory of primary legal materials, and secondary legal materials critically, to subsequently go through a logically systematic classification process in accordance with the themes formulated.

Keywords: Disciplinary punishments, State Civil Apparatus, Local Government

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I. INTRODUCTION

The State Civil Apparatus (hereinafter abbreviated as ASN) as the main element of human resources of the state apparatus has a decisive role in the success of governance and development. This is as stated by Nainggolan¹ that the smooth implementation of government and national development depends mainly on the perfection of the state apparatus. Before being discussed further, it is necessary to know the meaning of the State Civil Apparatus as stated in Article 1 number 1 and number 2 of Law Number 5 Year 2014, then in the brief ASN, as follows:

1. The State Civil Apparatus, hereinafter abbreviated as ASN, is a profession for civil servants and government employees with work agreements that work for government agencies.
2. Employees of the State Civil Apparatus, hereinafter referred to as ASN Employees, are civil servants and government employees with work agreements that are appointed by staffing officials and entrusted with duties in a government position or entrusted with other state duties and are paid according to legislation.

The realization of a clean and authoritative government begins with the enforcement of national discipline within the State Civil Apparatus, namely civil servants. Hasibuan² revealed that discipline is the awareness and willingness of someone to obey all the rules in the organization and the prevailing norms. In an effort to improve the work discipline of civil servants, the government has made a regulation in the presence of Government Regulation Number 30 of 1980 which has been updated with Government Regulation Number. 53 of 2010 concerning disciplinary regulations of civil servants. Then Law No. 5 of 2014 concerning ASN in paragraph 11 article 86 concerning the discipline of the State Civil Apparatus is issued. But in general, civil servants feel that they still do not comply with the rules of employee discipline so that they can hamper the smooth running of government and national development. Various problems or obstacles that have resulted in a system of governance are not expected to work properly must be reorganized or updated.

Basically the spirit of discipline must absolutely be possessed, instilled and fostered by every Civil Servant as a bureaucratic apparatus in carrying out various daily routines, this is due to the close relationship between discipline in work and work motivation that impacts on productivity and excellent service to the community which the purpose of bureaucratic reform.

The smooth running of government and the success of national development is largely determined by the success of the state apparatus in carrying out their duties, especially in terms of employment. The State Civil

¹Nainggolan, *Civil Servants 1*, Jakarta: PT. Pertja, 1987, p.23.

²Hasibuan, *Malayu ... Human Resource Management* (Revised Edition), Jakarta: PT. Bumi Aksara, 2010 p.53.

Apparatus (ASN) is expected to always be ready to carry out their duties and functions professionally and be responsible for carrying out government and development tasks, and to be free from corruption, collusion and nepotism (KKN). Therefore the government apparatus has a very important role and position as a driver in running the government.

Based on Government Regulation of the Republic of Indonesia Number 53 of 2010 Article 1 paragraph (1): Discipline of Civil Servants is the ability of Civil Servants to comply with obligations and avoid prohibitions specified in legislation and / or official regulations which are not followed or violated disciplinary punishment. Civil Servants Discipline Regulations are regulations that regulate obligations, prohibitions, and sanctions if obligations are not obeyed or violated by Civil Servants.³ To educate and foster Civil Servants, those who violate obligations and prohibitions are subject to sanctions in the form of disciplinary penalties.⁴

II. STATEMENT OF THE PROBLEM

1. What is the nature of the disciplinary punishment of the State Civil Apparatus in administering local government?
2. What is the mechanism for resolving staff disputes against the imposition of disciplinary punishments by the State Civil Apparatus in administering local government?
3. How is the ideal construction in resolving staff disputes against the imposition of disciplinary sentences in the Civil Service State for the administration of regional government?

III. THEORETICAL FRAMEWORK

A. Theoretical Basis

1. Justice Theory

Justice theory is the main foundation that must be realized through existing law. Aristotle⁵ asserts that justice is the essence of law. For him, justice is understood in terms of equality, but not equality, distinguishing the right of equality in proportion rights according to the capabilities and achievements that have been made. Aristotle also distinguishes two kinds of justice. "Distributive" justice and "commutative" justice. Distributive justice, is justice that gives each person a portion according to his achievement. Whereas Justice Commutative gives the same amount to every person without differentiating his achievements.

John Rawls⁶ with his social justice theory asserted that a democratic dimension of justice enforcement program must pay attention to two principles of justice, namely: first, giving equal rights and opportunities to the broadest basic freedoms of the same freedom for everyone; secondly, being able to rearrange the socio-economic disparities that occur, so that they can provide reciprocal benefits for everyone, both those from lucky and disadvantaged groups. Furthermore, John Rawls argued that the concept of the original position contained the main principles of justice, including the principle of equality, that is, everyone is equal to freedom that is universal, essential and comparable and inequality of social, economic needs in each individual.

Hans Kelsen⁷ argues that justice is a consideration of subjective values. As adherents of positivism, it also recognizes that absolute justice comes from nature, that is born and the essence of an object or essence of man, from human reasoning or God's will. Understanding "Justice" means legality, a general rule is "Fair", if it is actually applied, while a general rule is, it is "unfair" if applied to a case and not applied to another similar case.

2. Bureaucracy Theory

Bureaucracy in a neutral sense, according to Santoso⁸, is defined as "All state officials under political officials, or all state officials in the executive branch, or every large scale organization (every big organization is bureaucracy). Another case with Kristiadi⁹ (1994: 93) states that "Basically the bureaucracy is an organizational structure around the government that has a very broad scope of work and requires large organizations with large human resources as well in number."

Webber's bureaucracy in Kristiadi¹⁰ essentially implies an orderly, organized, organized organization in a tiered work relationship and has procedures in an organizational order. Thus the central feature of Webber's

³Moh. Mahfud, *Indonesian Civil Service Law*, Yogyakarta: Liberty, 1988, p.121.

⁴M. Suparno, *Character Development and Moral Engineering*, Jakarta: PT. Pelel Mundial, 1992, p.85.

⁵Aristotle in Darji Darmodiharjo, *Principles of Legal Philosophy*, Jakarta: PT. Gramedia Pustaka Utama, 2006, p.156.

⁶John Rawls, *In His Book A Theory of Justice*, Student Library, 2006, p.7.

⁷Hans Kelsen, *General Theory of Law and State by Andres Wedberg*, New York: Russell and Russell, 1973, p.45.

⁸Santoso, *New Order Government Bureaucracy*, Jakarta: Media Graphic, 1993, p.14.

⁹Kristiadi, JB, *Empowerment of Bureaucracy in Development*, Library of Sinar Harapan, 1998, p.93.

¹⁰Kristiadi, JB, *Empowerment of Bureaucracy in Development*, *Op. Cit*, 1998, p.95.

bureaucratic model is the systematic division of labor. Even Albrow in Santoso¹¹ gave the main features of the ideal bureaucracy described by Webber, as follows:

- a. The existence of a hierarchical structure including delegation of authority from top to bottom in the organization (a top to bottom of an organization).
- b. There are a series of positions that each have strict duties and responsibilities (a series of positions and offices, each having prescribed duties and responsibilities).
- c. There are formal rules, regulations and standards that govern the organization's work procedures and the behavior of its members (formal rules, regulations and standards governing operations at the organization and behavior of members).
- d. The existence of personnel who technically fulfill the conditions employed on the basis of a career with promotion based on qualifications and appearance (technically qualified personnel employed on a career base, with promotion based qualification and performance)

Based on the above opinion, what is meant by bureaucracy is the whole government organization that carries out State duties in various units of government organizations under the department and non-departmental institutions, both at the central and regional levels, such as at the provincial, district, sub-district and village levels

Bureaucracy is an organization in government which is a chain of administration to support the achievement of the goals of the government itself, namely service to the community. Organizations that are good, effective, efficient and in accordance with needs, must be based on the principles applied in the organization in other words good bureaucracy must be based on the principles applied. The following are the principles of good governance according to Sedarmayanti¹², namely:

1. Include all communities;
2. Transparent and responsible;
3. Effective and fair;
4. Ensure the rule of law;
5. Ensure political, social and economic priorities based on community consensus;
6. Pay attention to the interests of the poorest and weakest in the decision-making process, including regarding the allocation of development resources.

The problem is getting the government bureaucracy to be neutral. Technically, the bureaucracy should be neutral, because the bureaucratic "ideal type" bureaucracy introduced by Webber is not a government bureaucracy as a political force and at least has become a political force but as a political instrument. Thoha¹³ gave an explanation that the bureaucracy must function as an agent not as a master. Bureaucracy emphasizes more on the technical aspects of administration and operational techniques than politics, if forced to take sides, then the alternative is only to the government to increase service delivery to all objective people.

Knott and Miller¹⁴ say there are four kinds of problems that often occur in government bureaucracies, namely:

1. The strength of the rule (Regidity cycle), this is caused by an organizational structure that is less flexible, government bureaucracies tend to limit the cognitive capacity of the apparatus. Bureaucracies are often hesitant to act, because the system of seniority and rules are rigid, before acting bureaucratic policies will interfere with others to act, and make sure that first is the action justified according to procedure.
2. Goal displacement. Managerial weakness often does not succeed in motivating individuals to achieve organizational goals. Instead, the managerial system only stimulates individuals to follow hierarchical rules, and standard operating procedures, which is why organizational goals or objectives often shift, not to carry out public services efficiently, but merely to preserve rules.
3. The lack of skilled incapacity referred to here, is the ability to see its tasks within the framework of the overall organizational process. In the political bureaucracy there is a tendency that each person sees the problem from his own perspective and considers that there is no contribution from other personnel to solve the problem.
4. The dual system of authority is a clash between structural authority and functional authority.

3. Coordination Theory

In the opinion of Leonard D. White in Saigian Sondang¹⁵ that Coordination is the adjustment of each part, and the effort to move, and operate the parts at a suitable time, so that each part can contribute the most to the overall outcome.

¹¹Santoso, *Op. Cit.*, p.18.

¹²Sedarmayanti, M.Pd, APU, *Good Governance*. Bandung: Mandar Maju Publishers, 2009, p.29.

¹³Thoha, *Op. Cit.*, p.54.

¹⁴Knott, Jack H. & Gary J. Miller, *Reforming Bureaucracy: The Politics of Institutional Choice*, New Jersey: Prentice-Hall Inc., 1998. P.438.

According to James D. Mooney, as quoted by Inu Kencana¹⁶ in his Indonesian Government System, the elements of coordination are as follows: 1. Orderly arrangement of group effort 2. Unity of action 3. Common purpose. Thus, the purpose of coordination is to realize the best cooperation, so that the implementation of work can run simultaneously and synchronously, so that the goals set can be achieved. Furthermore coordination has the following properties:

1. Coordination is dynamic, not static.
2. Coordination emphasizes the overall view of a manager within the framework of achieving goals.
3. Coordination only reviews a job as a whole

Based on the above understanding, it is clear that coordination is the action of a leader to seek the occurrence of harmony, between tasks and work carried out by someone, or part one with the other parts. With this coordination, interpreted as an effort towards work harmony between members of the organization, so that there is no confusion, and overlap. This means that the work will be carried out effectively and efficiently. So it can be concluded that coordination is the processes of integrating goals and activities within a company or organization, in order to have harmony in achieving the objectives set. Coordination is intended so that managers coordinate resources human power, and other resources owned by the organization, the strength of an organization depends on its ability to develop various resources in achieving a goal.

4. Authority Theory

Authority is an understanding originating from government administrative law. Which can be explained as a whole of rules which are pleasing to the acquisition and use of government authority by sources of public law in public legal relations. Authority has an important position in the study of Constitutional Law and Administrative Law.

The position of government authority over the administration of government cannot be separated from the application of the principle of legality in a conception of the State of law. The principle of legality is one of the main principles that forms the basis of the administration of law-based government and statehood.

According to P. Nikolai¹⁷ asserted that Government Authority is the ability to take certain legal actions or actions, namely actions or actions intended to cause legal consequences, and include the arising and disappearance of legal consequences. Furthermore, it was stated that in the authority of the government it was concluded that there were rights and obligations of the government in carrying out the actions or actions of the government.

In Law Number 30 Year 2014 concerning Government Administration article 8 paragraph (1) Every Decision and / or action must be determined and / or carried out by an authorized body and / or government official and paragraph (2) Agency and / or government officials in use mandatory authority based on laws and regulations and general principles of good governance.

Authority is obtained through Attribution, Delegation and / or Mandate as mandated in Article 11 of Act Number 30 of 2014. On the other hand there are those who argue that in the administrative law literature there are two ways to obtain government authority, namely attribution and delegation while the mandate is only temporary therefore, it is placed separately unless it is linked to a State Administrative claim, the mandate is put together because the recipient of the mandate cannot be sued separately.

5. Law Enforcement Theory

John Austin, a British philosopher quoted by Soerjono Soekanto¹⁸, argues that law is an order from those who hold the highest authority, or from those who hold sovereignty. According to Austin, the law is charged to regulate thinking beings, which orders are carried out by thinking beings who hold and have power. So the law is based on the authority of the ruler. Austin thinks that the real law, namely the law made by the ruler for his followers contains 4 (four) elements, namely orders, sanctions, obligations and sovereignty.

SudiknoMertokusumo¹⁹, said that the law functions as the protection of human interests, so that the law must be carried out normally, peacefully, but law violations can occur, so the law must be enforced so that the law becomes a reality. In law enforcement it contains three elements, first, legal certainty (*rechtssicherheit*), which means that the law must be valid and must not deviate, or in the proverb, "although the world collapses the law must be enforced" (*fiatjust et eteat mundus*). Law must be able to create legal certainty, because the law aims to order society. Second, benefit (*zweckmassigkeit*), because of the law for humans, the implementation of the law or law enforcement must provide benefits, or use for the community, not to be precisely because the law

¹⁵Leonard D. White, Leonard D. White in Siagian, Sondang P., *Development Administration*, Jakarta: PT. Bumi Aksara, 2008, p.195.

¹⁶James D. Mooney, in Inu Kencana, *Indonesian Government System*, Jakarta: Rhineka Cipta, p.102.

¹⁷[Http://kevinevolution.wordpress.com](http://kevinevolution.wordpress.com). *Government Position, Authority and Actions*, accessed: July 31, 2018.

¹⁸Soerjono Soekanto, *Introduction of Legal Research*, Jakarta: UI-PRESS, p.34.

¹⁹SudiknoMertokusumo, *Getting to Know Law*, Yogyakarta: Liberty, 2005, pp.160-161.

is applied to cause public unrest; and Third, justice (*gerechtigheit*), that in implementing the law or law enforcement it must be fair, because the law is general and applies to everyone and is generalized. But the law is not synonymous with justice, because justice is subjective, individualistic and does not generalize.

6. Sanction Theory

Law as a coercive order, so that the law has the force in force and can be obeyed by the community, then the law contains sanctions as forced actions. With sanctions, the law will have the authority to be enforced. Hans Kelsen²⁰ states:

"The social order can order certain human behavior without giving effect to obeying it or not obeying the order. Or the social order can order certain human behavior and at the same time link between the awarding and the implementation of that behavior or linking sanctions with the opposite behavior, namely punishment in the broad sense of the word. The principle of giving reactions to certain human behavior, both in return and in punishment, is the principle of retribution. Rewards and penalties can be called "sanctions," but what is usually called sanction is punishment, not compensation or reward."

At its conclusion, the method of trust, the method of morality and the manner of manners only burdens humans with obligations, whereas the law imposes on human beings the obligations as well as rights or normative and attributes.

7. Discipline Theory

SoegengPrijodarminto²¹ in his book "Discipline Towards Success" gives an understanding of discipline: "a condition that is created and formed through a process of a series of behaviors that show the values of obedience, obedience, loyalty, order, and or order". The values of obedience, obedience and order are created and formed through a process. The process here can be in the form of fostered through family, formal education and experience or introduction of exemplary and environment.

SoegengPrijodarminto²² also stated that discipline has three aspects, namely:

- a. Mental attitude, which is an obedient and orderly attitude as a result or development of practice, mind control, and character control.
- b. A good understanding of the rules of behavior, norms, criteria, and standards that are such that they foster deep understanding or awareness that obedience or rules, norms, criteria and standards are an absolute requirement for success (success).
- c. Attitudes that naturally show sincerity to obey all things carefully and orderly.

One of the tasks of a leader is to strive for the realization of a discipline that has a positive nature, thereby avoiding negative discipline. Positive discipline is a result of education, habits or traditions that shows a person can adjust himself to the situation, while negative discipline as an element in the attitude of obedience caused by the feeling of fear of punishment. Alex S. Nitisemito²³ further clarifies the meaning and disciplinary meaning, among others, argues, that discipline can be interpreted as an attitude or behavior and actions that are in accordance with the regulations set by the company or agency concerned both in writing and unwritten. According to the rules of discipline of Civil Servants as contained in Chapter III of Article 29 of Law No.43 of 1999 as follows: "By not reducing the provisions in criminal legislation, then to ensure order and smooth execution of duties, a Civil Service Discipline Regulation is held". Discipline of Civil Servants is the ability of Civil Servants to obey obligations and avoid prohibitions specified in statutory regulations and / or official regulations which are punishable by discipline or violated.

Civil Servants Discipline Regulations are regulated in Government Regulation No.53 of 2010 concerning Discipline of Civil Servants. In the Civil Servants Discipline Regulations are regulated regarding obligations, prohibitions, disciplinary punishments, officials who have the authority to punish, impose disciplinary penalties, and the enforcement of decisions on disciplinary sentences. Thus, the discipline is the actual practice of the employees of the set of rules contained in an organization. In this case the discipline is not only in the form of obedience but also the responsibility given by a government agency.

B. Good Governance

1. Definition of Good Governance

In terms of functional, aspects: governance can be viewed from whether the government has functioned effectively and efficiently in an effort to achieve the goals outlined, or just the opposite where the government does not function effectively and inefficiencies occur. Governance according to the definition of the World

²⁰Hans Kelsen, *Introduction to Indonesian Administrative Law*, Jogjakarta: Gajah Mada University Press, 1993, pp.27-28.

²¹SoegengPrijodarminto, *Discipline Towards Success*, Contents: PradnyaParamita, 1994, p.56.

²²*Ibid.*

²³Nitisemito, Alex S., *Human Resource Management*, Jakarta: SasmitoBross, 1980, p.260.

Bank as quoted in Sedarmayanti is "the state power is used in managing economic and social resources for development and society".²⁴

Good governance is closely related to management of development policy management (especially the legal sector). If a public official will make a decision in carrying out development, he must first expect the principles of good governance, so that the overall outcome is a good command. Decisions taken by a public official both in the form of policies (beschiking) and general rules (regeling) must be truly based on the authority given by the law or delegated by officials. The characteristic of good governance here is that the decision is taken in a democratic, transparent, accountable, and correct manner.²⁵

Thus good and governance is good governance in the standards of processes and results, all elements of government can move synergistically, not clash with each other, gain support from the people and apart from anarchist movements that can lead to the development process.

2. Principles of Good Governance (Good And Clean Governance)

To realize a professional and accountable government that relies on good governance principles, the Indonesian Institute of Public Administration and Transparency Society formulates nine fundamental aspects (principles) in good governance that must be considered, namely as follows:

a. Participation

According to Jewell and Siegall (1998: 67) participation is the involvement of organizational members in all organizational activities. On the other hand Handoko²⁶ states participation is an act and supervision of activities within the organization.

All citizens have the right to be involved in decisions, both directly and through legitimate representative institutions to represent their interests. The bureaucratic paradigm as a center for public must be followed by various rules so that the process of a business can be carried out well and efficiently, besides that the government must also be a public server by providing good, effective, efficient, timely and low-cost services so that they have trust from the community. Community participation plays a big role in development, one of which is realized by taxes.

b. Rule of Law

Law enforcement is the management of a professional government and must be supported by authoritative law enforcement. Law enforcement is very useful for maintaining national stability. Because a law is firm and binding. In connection with that, Santosa²⁷ emphasized, that the realization of good governance must be balanced with the government's commitment to enforce the law which contains the following elements:

- a) Supremacy of the Law, that is, every action of elements of state power and opportunities for community participation in the life of the nation and state are based on clear laws and regulations and have the heart and right implementation and independence.
- b) Legal certainty, that every life of a nation and state is governed by clear and definite laws, not duplicating and not contradicting one another.
- c) Responsive law, namely legal rules are prepared based on the aspirations of the wider community, and are able to accommodate various public needs fairly.
- d) Consistent and non-discriminatory law enforcement, namely law enforcement that applies to all people regardless of position or social status, for example law enforcement officers who violate discipline and the law must be subject to sanctions.
- e) Independence of the judiciary, namely an independent court free from the influence of the authorities or other influences. Unfortunately, in our country the independence of the judiciary has not been so good and has been tainted by law enforcement officials, as a small example of the case of prosecutors.

3. **Transparency:** According to Lalolo²⁸, transparency is the principle that guarantees access or freedom for everyone to obtain information about government administration, namely information about policies, the manufacturing process and the results achieved.

²⁴Sedarmayanti, *Good Governance in the Framework of Regional Autonomy, Efforts to Build Effective Organizations through Restructuring and Empowerment*, Bandung: Mandar Maju, 2003, pp.4-5.

²⁵Wairocana, *The Meaning of Good Governance From the Political Perspective*, IGN, 2006, p.43.

²⁶Handoko, T. Hani, *Personnel and Human Resources Management*, Yogyakarta: BPFE, 1987, p.31.

²⁷Santosa, P., *Good Governance (Part Two), Building a Management System To Increase Productivity Towards Good Governance*, Bandung: CV. Mandar Maju, 2004, p.87.

²⁸LaloloKrina P, *Indicators and Measuring Instruments of Accountability, Transparency and Participation*, 2003,

"[Http://good_governance: Bappenas.go.id/informasi.Htm](http://good_governance: Bappenas.go.id/informasi.Htm), Secretary of Good Public Governance. National Development Planning Agency. accessed: 16 August, 2018.

In terms of the positioning of public positions, it must be carried out through a test and proper test mechanism carried out by independent institutions, such as judicial commissions, police commissions, tax commissions and so on.

4. Responsiveness

Responsive principle is that the government must be responsive to the problems of society in general. The government must fulfill the needs of its people, not wait for the public to express their aspirations, but the government must be proactive in learning and analyzing community needs. According to Herbert Killough and Responsible Stetss, it is necessary to check whether the standard is correct and if the standard is correct, it will be implemented immediately. This means that responsibility is related to the implementation of an evaluation or assessment of the standard implementation of activities, if the standards made are appropriate to the situation and conditions faced and if it is deemed appropriate, management has the responsibility to implement the standard standards. So every element of government must have two ethics, namely individual ethics that require the government to have the criteria of professional capability and loyalty. And social ethics that requires the government to have sensitivity to various public needs.

5. Consensus

Decision making is one of the fundamental principles that must be observed by the government in carrying out its tasks to achieve the goals of good governance. Decision making is in the form of decision making through the deliberation process and as much as possible based on mutual agreement.

This principle states that any decision must be made through a process of deliberation through consensus. The model of decision making, besides being able to satisfy most parties, will also be a binding and shared property decision, so that it will have the power to force all the components involved to implement the decision.

6. Equity

The principle of equality is the similarity in treatment and service. This is based on the fact that the Indonesian nation is classified as a plural nation, both in terms of ethnicity, religion and culture. This pluralism, of course, can trigger problems if used in the context of narrow interests such as primordialism, egoism, and so on. Because the principle of equality must be considered so as not to trigger unwanted access to government administration.

Clean and good governance must also be supported by equality, namely equality in treatment and service. This principle must be taken seriously by all government officials in Indonesia because of the sociological reality of our nation as a pluralistic nation, both ethnic, religious and cultural.

7. Effectiveness and Efficiency

Efficiency is related to financial savings, while Effectiveness is related to the accuracy of the methods used to solve problems (Handoko, 1998: 23). According to Jeff and Shah²⁹: indicators that can be used to reduce efficiency and effectiveness, namely: Efficiency: Increased welfare and added value from community service, reduced storefront storage, reduced operational cost and obtaining ISO services.

8. Accountability

WahyudiKumorotomo states that accountability is a measure that shows whether the activities of the public bureaucracy or services carried out by the government are in accordance with the norms and values adopted by the community and whether the public service is able to accommodate the real needs of the community. Thus bureaucratic accountability is related to the philosophy that government executive institutions whose main task is to serve the public must be accountable directly or indirectly to the public.³⁰

9. Strategic Vision

Strategic vision is strategic views to face the future. Not just having a strategic agenda for the future, someone who has a public position or other professional institution, must have the ability to analyze the problems and challenges that will be faced by the institution he leads.

10. Performance Accountability of Government Agencies

The performance accountability system of government agencies developed is based on the classification of organizational responsibility. In this concept each individual is responsible for each activity

²⁹*Ibid.*

³⁰WahyudiKumorotomo, *Accountability of Public Bureaucracy: Sketches in the Transition Period* (Cet. 1), Yogyakarta: Master of Public Administration (MAP) UGM with Learning Library, 2005, p.2.

carried out in each unit or part. Thus, the accountability of the performance of government institutions developed is to highlight the manifestation of the obligation of a government agency to account for the success or failure of the organization's mission in achieving the goals and objectives that have been determined through media accountability in a primal manner.

In the process of performance measurement targets are required to determine performance indicators by taking into account the following three standards:

1. Performance indicators must be directed at matters of priority and must be in line with other indicators both within government agencies and in the context of achieving national development goals.
2. Performance indicators must produce something valid, the reality that leads to findings that are timely, relevant, credible and objectives obtained in a comprehensive transparent and accountable manner.
3. Performance indicators must be able to report findings and conclusions produced in a way that can be accounted for.

Thus it can be understood that good governance is the administration of government based on legislation, transparent public policies and the participation and accountability of the public. The measure of the success of the performance of government agencies is emphasized in the success of realizing the organization's vision and mission. not a rigid standard size measure.

C. Management of the State Civil Apparatus

1. Government Employees

Logemann by using material criteria examines the relationship between civil servants by providing an understanding of "Civil Servants are every official who has official relations with the state"³¹

According to Law Number 43 of 1999 concerning the Principles of Personnel Article 1 paragraph (1) states:

- a. Civil Servants are every citizen of the Republic of Indonesia who have fulfilled the specified conditions, are appointed by officials who are authorized and entrusted with other State duties, and are paid based on the applicable laws and regulations.
- b. The authorized official is an official who has the authority to appoint, transfer and dismiss civil servants based on the prevailing laws and regulations.
- c. The authorized official is an official who is in the position or duty has the authority to take legal action based on the laws and regulations.
- d. State officials are leaders and members of the highest / highest state institutions as referred to in the 1945 Constitution of the Republic of Indonesia and other state officials determined by law.
- e. State Position is a position in the executive field that is determined based on legislation, including the position in the secretariat of the highest or highest State institutions, and court clerks.
- f. Career positions are structural and functional positions that can only be occupied by Civil Servants after fulfilling the specified conditions.
- g. Organic position is a State position which is the main task of a unit of government organization
- h. Civil Service Management is the overall efforts to improve efficiency, and the degree of professionalism to carry out staff duties, functions, and obligations which include planning, complaints, quality development, placement, promotion, study, welfare and termination.

2. Rights and Obligations of Civil Servants

Civil servants at both the central and regional levels have a loyal and obedient obligation to the Pancasila and the 1945 Constitution, the State Government, and must maintain the unity and unity of the nation within the Unitary State of the Republic of Indonesia. While the right is to get a fair and decent salary in accordance with the workload and responsibilities. Salaries of Civil Servants who are accepted must spur productivity and ensure welfare (HarifNurcholis, 2007: 250)

Every Civil Servant has the right to get a decent salary and in accordance with the work and responsibility according to Law Number 43 of 1999 concerning the Principles of Civil Service Article 7 states:

1. A fair and decent salary in accordance with the workload and responsibilities.
2. Salaries received by civil servants must be able to spur productivity and ensure welfare.
3. Salary of fair and decent civil servants as stipulated by government regulations.

In Law Number 43 of 1999 concerning the Principles of Civil Service Article 8, it is stated that every Civil Servant has the right to leave and Government Regulation Number 24 of 1976 concerning Leave of Civil Servants, there are 6 (six) types of leave, namely:

1. Annual leave
2. Large Leave
3. Sick leave

³¹A. Siti Soetami, *Law of State Administration II*, Now: Faculty of Law, Diponegoro University, 1990, p.42.

4. Maternity leave
5. Leave for important reasons
6. Leave outside the State's expense

Besides that, the dedication of a civil servant is very much needed to help smooth out the implementation of the administrative service function to the community so that every civil servant is obliged to:

1. Faithful and obedient to Pancasila and the 1945 Constitution, State and Government.
2. Maintain the unity and unity of the nation in the Unitary State of the Republic of Indonesia.
3. Comply with all applicable laws and regulations.
4. Carry out official duties entrusted to him with full dedication, awareness and responsibility.

3. Position of Civil Servants

Law Number 43 of 1999 concerning the Principles of Civil Service Article 2 paragraph (1), (2) and (3) states:

- (1) Civil Servants consist of:
 - a. Government employees
 - b. Member of the Indonesian Armed Forces; and
 - c. Member of the Republic of Indonesia National Police
- (2) Civil Servants as referred to in paragraph (1) letters consist of:
 - a. Central Civil Servants; and
 - b. Regional Civil Servants.
- (3) In addition to Civil Servants as referred to in paragraph (1), authorized officials can transport non-permanent employees.

4. Regional Staffing

The Regional Government will be able to be held well so that the objectives can be achieved effectively and efficiently if supported by computational human resources. Human resources in the regional government are called regional government employees. Local Government employees are Civil Servants in the regional government. Civil Servants are elements of the State apparatus whose job is to provide services to the community in a professional, honest, fair and equitable manner in the implementation of State, government and development tasks (Hanif Nurcholis, 2007: 245).

D. Overview of the Discipline of Work of Civil Servants

1. Definition of Work Discipline

It is the duty of a leader to strive for the realization of a discipline that has a positive nature, thus avoiding negative discipline. Positive discipline is a result of education, habits or traditions where a person can adjust himself to the situation, while negative discipline as an element in the attitude of obedience caused by the feeling of fear of punishment.

Furthermore, to further clarify the meaning and meaning of work discipline, Alex S. Nitisemito, among others, stated that discipline can be interpreted as an attitude or behavior and actions that are in accordance with the regulations set by the company or agency concerned both in writing and unwritten.³²

2. Work Discipline of the State Civil Apparatus

Work discipline can be interpreted as the implementation of management to strengthen organizational guidelines. While the discipline of Civil Servants according to Article 1 number 1 Government Regulation Number 53 of 2010 is:

Discipline of Civil Servants is the ability of Civil Servants to obey obligations and avoid prohibitions specified in laws and regulations and / or official regulations which are punishable by discipline or violated.

3. Discipline in Islam

Discipline in the View of Islam In the Holy Qur'an, the Qur'an is very much about relating to prayer. Where Allah obliges every person who is already good and has a healthy mind to do it solemnly, and by obeying that prayer someone can train himself to be disciplined, on time in performing prayers. In the Qur'an also find avat about the principles of discipline, especially discipline in the government.

IV. DISCUSSION

Law Number 23 Year 2014 concerning Regional Government, Law Number 5 Year 2014 concerning State Civil Apparatus, Law Number 30 Year 2014 concerning Government Management and Government

³²Alex S. Nitisemito, *Human Resource Management*, Jakarta: SasmitoBross, 1980, p.260.

Regulation Number 20 Year 2000 concerning Government Authority, Regional Government in implementing regional autonomy and Government Regulation Number 11 of 2017 concerning Management of Civil Servants. As executors of government administrators, each apparatus is required to be able to play a role as state servant and public servant who must always be ready to carry out their duties. To create a reliable, professional and moral civil servant, disciplinary regulations are needed by Civil Servants who can be used as guidelines in enforcing discipline. Discipline of government apparatus can be interpreted as an attitude that always adheres to disciplinary rules in carrying out tasks at work. Law No.43 of 1999 concerning the Principles of Staffing guarantees the position and legal certainty of civil servants to create a clean and authoritative government organization. In addition, the government then made a policy by issuing Government Regulation Number 53 of 2010 concerning the Discipline of Civil Servants and the latest regulations, namely Government Regulation No. 11 of 2017, which in this regulation broadly regulates obligations, prohibitions and sanctions. Enforcement of disciplinary rules in various districts in South Sulawesi Province is seen from the extent to which employees obey their obligations and avoid predetermined restrictions.

The obligations chosen by researchers are complying with working hours, achieving predetermined work goals, and providing services to the community in accordance with predetermined service standards. And the prohibition chosen by the researcher is to accept any gift or gift from anyone also related to his position and / or work, to carry out an action that can hinder or complicate one of the parties served so as to cause harm to those served, and give or undertake to give something to anyone whether directly or indirectly and under any pretext to be appointed to office. And of course the application of sanctions or disciplinary penalties for disciplinary employees or violating disciplinary rules.

V. CONCLUSION

1. The imposition of the sentence maintains the authority of the state civil apparatus (ASN), as well as to realize the civil service apparatus as a clean and authoritative Government Apparatus.
2. The settlement mechanism for implementing state civil servant disciplinary sentences through administrative appeals to the Personnel Consideration Agency (BAPEK) if they do not receive disciplinary penalties by those who have the authority to punish, can then file a lawsuit to the State Administrative Court (PRATUN) or submit a Cassation to the Supreme Court (MA)
3. The ideal construction in the settlement of staff disputes, namely the clarity of the authority of the state civil apparatus and agency commissions regarding the function of supervision, and dispute resolution is carried out in each area or in each office of the work area.

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