



## Application of Sanctions for State Civil Apparatus Who Violate Personnel Discipline Case Study in Office Offices Education and Culture of Medan City

Majidah Pohan<sup>1\*</sup>, Yasmirah Mandasari Saragih<sup>2</sup>, Tamaulina Br. Sembiring<sup>3</sup>

<sup>1,2,3</sup> Program Studi Magister Hukum, Universitas Pembangunan Panca Budi  
Medan, Indonesia

Korespondensi Penulis : [majidahpohan@gmail.com](mailto:majidahpohan@gmail.com)

**Abstract** In order to achieve national goals, a State Civil Apparatus is required, this is regulated in Article 12 of Law no. 20 of 2023 states that: "ASN employees play the role of planners, implementers and supervisors of the implementation of general government tasks and national development through the implementation of professional policies and public services, free from political intervention, and free from practices of corruption, collusion and nepotism. Every ASN must have high abilities and qualities and be balanced with high work discipline. The level of employee discipline is seen from attendance which is calculated from coming and going home, dressing neatly, carrying out duties and obligations on time, and not committing acts that violate the provisions of the Law. This research uses a type of empirical juridical research, namely research that is directly carried out by researching in the field and directly visiting the location that is the research material with the focus being field research research, we seek answers to the efforts of the Medan City Regional Civil Service Agency in implementing sanctions for State Civil Service Employees who violate the rules regarding work discipline. Research findings show that there are still state civil servants in the Medan City Education Office who commit disciplinary violations, including minor, moderate and serious violations. In its implementation, enforcement of sanctions against State Civil Apparatus in the Government Area of the Medan City Education Service is carried out according to established rules. These regulations are stated in Law Number 5 of 2014 concerning State Civil Apparatus and Regulation of the Mayor of Medan, North Sumatra Province No. 58 of 2023. The mechanism includes that if there is a violation, the ASN will be summoned. The summons is intended to carry out an inspection process by the Examination Team. After the examination is carried out and the mistake is proven, the ASN concerned is sentenced to punishment as regulated in Article 7 paragraph (1) of the government regulation, consisting of three levels of disciplinary punishment, including light disciplinary punishment consisting of an oral warning, a written warning and a statement of dissatisfaction. in writing. The type of moderate disciplinary punishment consists of postponing periodic salary increases for one year, postponing promotions for one year, and demotion to a lower level for one year. Meanwhile, the types of severe disciplinary punishment consist of demotion to a lower level for three years, transfer in order to be demoted to a lower level, release from office, honorable dismissal not at one's own request as an ASN, and dishonorable dismissal as a State Civil Apparatus.

**Keywords:** Application of Sanctions, State Civil Apparatus, Discipline.

### 1. INTRODUCTION

State Civil Apparatus (abbreviated ASN) is a term for a professional group for employees who work in government agencies both at the central and regional levels. ASN employees are divided into two, namely Civil Servants (PNS) and Government Employees with Work Agreements (PPPK) who are appointed by personnel development officials and assigned duties in a government position or assigned other state duties and are paid based on laws and regulations. It should be noted that "ASN is not necessarily PNS, while PNS definitely has ASN status." More precisely, the position of ASN is a state official who is appointed by the President, who can be from Civil Servants or under the scope of BKN or legislative institutions, judicial institutions, or TNI and Polri who

come from the position of "ASN Employees" (equivalent to echelon I and II) who are elected to receive "state positions" and are elected by the President/Vice President. All regulations regarding PNS, PPPK or Government Employees to ASN are regulated in Law Number 20 of 2023 concerning State Civil Apparatus.<sup>1</sup>

The State Civil Apparatus (ASN) has a very important role in creating a civil society that is law-abiding, modern, democratic, prosperous, just, and has high morals in providing services to the community fairly and evenly, maintaining national unity and integrity with full loyalty to Pancasila and the 1945 Constitution. Article 12 of Law No. 20 of 2023 states that: "ASN employees act as planners, implementers, and supervisors of the implementation of general government tasks and national development through the implementation of professional public policies and services, free from political intervention, and free from the practices of corruption, collusion, and nepotism."<sup>2</sup> All of this is in order to achieve the goals aspired to by the Indonesian people. The various challenges faced by state civil servants in achieving these goals are increasingly numerous and difficult, both from within and outside the country, which require state civil servants to improve their professionalism in carrying out their duties and functions and to be clean and free from corruption, collusion and nepotism.

The apparatus as the vanguard of governance must have a consistent existence that behaves wisely by upholding the noble values of Pancasila and the 1945 Constitution, so that it is able to instill the values of integrity in the soul both structurally and culturally. As the era of reform and the impact of global competition encourages accelerated changes to improve the performance of government apparatus. State Civil Apparatus (ASN) as an element of government apparatus is required to work more professionally, morally, cleanly and ethically in supporting bureaucratic reform and supporting the smooth running of government and development tasks. ASN is also required to obey and comply with applicable laws and regulations, both concerning personnel and other fields, so that ASN life will be in the spotlight in society. For that reason, an ASN must be able to be an example/role model in community life. However, there are some ASN who cannot be used as role models in society by committing crimes, both general and specific crimes, such as cases of embezzlement, murder, corruption, infidelity, gambling and so on.

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<sup>1</sup>Wikipedia, the Free Encyclopedia. [https://id.wikipedia.org/Aparatur\\_Sipil\\_negara](https://id.wikipedia.org/Aparatur_Sipil_negara) . Accessed January 8, 2025.

<sup>2</sup> Marbun and Moh. Mahfud MD, *Principles of State Administrative Law* (Yogyakarta: Liberty, 2000).

The smooth implementation of government duties and national development is very dependent on the perfection of the state civil apparatus, especially civil servants. Civil servants as elements of the state apparatus or public servants are expected to be able to organize public services, government tasks and certain development tasks. Civil servants (PNS) have an important role because they are elements of the state apparatus to organize government and development in the framework of the state's goal to form a just and prosperous society, balanced in material and spiritual terms based on Pancasila within the territory of the Unitary State of the Republic of Indonesia<sup>3</sup>

Discipline is an attitude or behavior and actions that are in accordance with the regulations that have been set by the relevant agency, both written and unwritten. Soengeng Prijodarminto explains that discipline is a condition that is created and formed through a process of a series of behaviors that demonstrate the values of obedience, compliance, loyalty, regularity and order.<sup>4</sup>

Based on the provisions of Law Number 20 of 2023 concerning State Civil Apparatus Article 86 Paragraph 4, civil servant discipline is further regulated in Government Regulation Number 54 of 2010 as amended by PP Number 94 of 2021 concerning Civil Servant Discipline. Work discipline provides a more dominant contribution to the performance of an agency, the more disciplined the apparatus, the better the employee performance. The discipline of civil servants needs to be handled clearly and in detail because basically discipline reflects the performance of the civil servant himself. The discipline of state civil servants is very important so that the government makes various efforts, this can be seen from the rules and policies that regulate the discipline of state apparatus. One of them is the latest Government Regulation that regulates the discipline of state apparatus, namely PP Number 94 of 2021 concerning Civil Servant Discipline, this regulation was issued as a revocation of PP Number 94 of 2021 concerning Civil Servant Discipline. The latest regulation explicitly states the types of disciplinary sanctions that can be imposed for a disciplinary violation, the types of disciplinary sanctions consist of light disciplinary sanctions, moderate disciplinary sanctions and severe disciplinary sanctions. This regulation is intended as a reference for

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<sup>3</sup>Dhani Tri Sukoco. (2022). *Implementation of Work Discipline Enforcement on Class II Klaten Correctional Center Employees Based on Government Regulation Number 94 of 2021 Concerning Civil Servant Discipline* . p. 105

<sup>4</sup>Soengeng Prijodarminto. (1994). *Discipline Tips for Success* . Jakarta: Abadi, p. 23

officials who have the authority to punish and provide certainty in imposing disciplinary punishments which of course have limits of authority that have been determined in this government regulation.<sup>5</sup>

Based on the provisions of Article 1 number 3 of PP Number 94 of 2021 concerning Civil Servant Discipline, a disciplinary violation is any statement, writing, or action of a Civil Servant that does not comply with obligations and/or violates the prohibitions of Civil Servant disciplinary provisions, whether carried out during or outside working hours. Civil Servants who violate or do not comply with the provisions as referred to in Article 3 and/or Article 4 above shall be subject to disciplinary sanctions, as stipulated in Article 5 of PP Number 94 of 2021 concerning Civil Servant Discipline.<sup>6</sup>

General explanation of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline states that in order to realize reliable, professional, and moral civil servants as government administrators who implement the principles of good governance, civil servants are 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. Civil servants are required to be disciplined, honest, fair, transparent, and accountable in carrying out their duties. Article 1 number 1 of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline states that Civil Servant Discipline is the ability of Civil Servants to comply with obligations and avoid prohibitions stipulated in laws and/or official regulations which if not obeyed or violated will be subject to disciplinary sanctions. The legal basis for guaranteeing and regulating the preparation of good and correct Civil Servants is Government Regulation Number 94 of 2021 concerning Civil Servant Discipline.<sup>7</sup>

Discipline problems still occur widely in all agencies and organizations, including in regional government agencies at the district/city level. Employee discipline in the Regional Government at the Regency/City level is still not running optimally as regulated in the laws and regulations, it was found that several employees still show a low culture of discipline.<sup>8</sup> This is due to the minimal sense of responsibility of employees towards

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<sup>5</sup> Askani, A., & Densi, D. (2018). *Analysis of Civil Servant Work Discipline at Selebar District Office, Bengkulu City*. MIMBAR: Journal of Social and Political Research. p. 7

<sup>6</sup> PP Number 53 of 2010 concerning Civil Servant Discipline

<sup>7</sup> *Ibid*

<sup>8</sup> Fitri Rahmadhani Muvariz, "Analysis of the Justice Aspect of Dishonorable Dismissal as a Civil Servant in Indonesia," *Indonesian Legislation* 16, no. 2 (2019): 190–202.

each of their own duties and obligations, even though if we refer to Government Regulation Number 94 of 2021 which has been tightened to regulate employee discipline from the previous regulation, namely Government Regulation No. 94 of 2021 concerning Civil Servant Discipline. For every employee who is proven to have committed a violation, they must be subject to disciplinary sanctions in accordance with their actions. Each disciplinary punishment imposed has its own level. Although there are types of disciplinary violations committed that are the same, but the factors for being punished from the impact of the violation will be different, then the type of disciplinary punishment will also cause differences.

Based on the description above, every employee has basic rights and obligations that must be carried out and obeyed in carrying them out. One of these obligations aims to form elements of the apparatus that are clean from legal problems. If employees violate their obligations or do not carry out their obligations, it will have an impact on the loss of employee rights status. Therefore, the emphasis is on the leadership to get the best solution or way to further improve employee discipline, the use of appropriate human resources concerning employee understanding of individual needs. Dominant circles understand that discipline is greatly influenced by aspects of work culture in the organizational environment, especially the people in the organizational environment itself. However, many employees are not fully aware that discipline greatly influences the progress of the organization. Discipline is a legal compliance of each individual that will have an impact on the progress of the organization to achieve organizational goals. It is necessary to do more handling to improve employee discipline that clearly describes the work performance of an employee in an organization.

## **2. METHOD**

*empirical* legal research, namely research that is directly conducted by conducting research in the field and directly visiting the location that is the subject of research with the focus on field research. This research is a qualitative research, which produces *descriptive* data on the problems studied, both spoken words and actions. The qualitative approach pays close attention to the experiences, opinions, feelings and

knowledge of the informant.<sup>9</sup> The *qualitative* approach can understand the perspective of the informant on the focus of the research study in depth, dynamically and explore all the factors underlying the problem. This approach also takes information from cases faced in the field by the Regional Civil Service Agency as the person responsible for ASN discipline problems, and PNS as the perpetrator and supervisor of other ASN from ASN disciplinary actions.

The research data sources taken include primary data sources and secondary data sources. Primary data sources are obtained from primary legal materials such as statutory regulations and legal documents related to ASN discipline obtained directly from parties related to the research. Meanwhile, secondary data comes from books and the results of scientific studies, both articles and journals.<sup>10</sup> In addition to these two sources, the author added tertiary sources such as dictionaries, monographs and brochures. Meanwhile, secondary data was obtained from informants and respondents, namely Regional Personnel Agency Employees, both formal and informal civil servants. Interviews were conducted in order to ask open-ended questions that were related to maximizing the findings in the field. The research location in this study was conducted at the Medan City Education and Culture Office which has duties and functions in implementing ASN discipline.

### **3. RESULTS AND DISCUSSION**

#### **Disciplinary Regulations for State Civil Apparatus Who Violate Personnel Discipline**

The definition of legal regulation on civil servant discipline can be interpreted as a method or act carried out to regulate civil servant discipline with written or unwritten regulations that have strict sanctions for violations. Legal regulation on civil servant discipline is needed by civil servants because civil servants as state civil servants have a very important and strategic position in relation to their function as "implementers of public policy, public services, and the glue and unifier of the nation."<sup>11</sup> And its role "as planners, implementers, and supervisors of the implementation of general government

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<sup>9</sup> Sembiring Tamaulina, Irmawati, Sabir M., Tjahyadi I. (2024). *Textbook of Research Methodology Theory and Practice*. Cv. Saba Jaya Publisher.

<sup>10</sup>J. Supranto, **Legal and Statistical Research Methods** , PT Rineka Cipta, Jakarta, 2003. p . 20

<sup>11</sup>Law Number 20 of 2023, Article 10

tasks and national development through the implementation of professional public policies and services, free from political intervention, and clean from corrupt practices, collusion, and nepotism" Likewise, civil servants in the work units of the Medan City Education and Culture Office must have good discipline, especially in employee discipline so that the implementation of tasks can run well.

Government apparatus is in an important position but on the other hand is in a difficult position. Because the public service apparatus is the spearhead that directly faces the community. Facing a society with high demands and always receiving negative accusations from the community such as being unable to provide services, being slow and lacking initiative.<sup>12</sup> The State Civil Apparatus is the mainstay in the implementation of government in accordance with their respective duties and functions, however, in carrying out their duties and functions, there are a number of problems faced by the Indonesian bureaucracy regarding Human Resources. In carrying out its duties, violations often occur which may disrupt public services which should be given priority in carrying out its duties. As civil servants and public servants, of course, ASN employees are required to take an oath/promise when appointed, "violation of duties and/or oath/promise."<sup>13</sup>

According to Law No. 20 of 2023 concerning State Civil Apparatus (ASN), ASN is a profession for Civil Servants (PNS) and Government Employees with Work Agreements (PPPK) who work in government agencies. State Civil Apparatus Employees (ASN Employees) are Civil Servants (PNS) and Government Employees with Work Agreements (PPPK) who are appointed by the Personnel Development Officer and assigned duties in a government position or assigned other state duties and are paid based on the provisions of laws and regulations. Civil Servants (PNS) are Indonesian citizens who meet certain requirements and are appointed by the Personnel Development Officer as permanent ASN Employees to occupy government positions.<sup>14</sup> ASN who have competencies indicated by a high level of discipline, good performance and attitudes and behavior that are full of loyalty and obedience to the State, have good morals and

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<sup>12</sup> Masram and Mu'ah. 2015. *Human Resource Management* . Sidoarjo: Zifatama Publisher, page 199.

<sup>13</sup> Miinudin, "Enforcement of Administrative Sanctions Against State Civil Apparatus Who Commit Official Crimes by the Civil Service Development Officer of the Bengkulu Provincial Government", in AL-IMARAH Journal (Journal of Islamic Government and Politics), Vol. 3, No. 1, 2018, page 47.

<sup>14</sup> Asriana. (2023). *Work Discipline of Employees of the Human Resources Development and Personnel Agency (BKPSDM) in Gowa Regency*. p. 19

mentality, are professional, aware of their responsibilities as public servants and are able to be the glue of national unity.

Furthermore, based on Article 1 number 2, it is stated that State Civil Apparatus Employees, hereinafter referred to as ASN Employees, are Civil Servants and government employees with work agreements appointed by personnel development officials and assigned duties in a government position or assigned other state duties and paid based on laws and regulations. ASN Employees are positioned as elements of the state apparatus, implementing policies set by the leadership of Government Agencies, and must be free from the influence and intervention of all groups and political parties.<sup>15</sup> Government Employees with Work Agreements (PPPK) are Indonesian citizens who meet certain requirements and are appointed based on a work agreement for a certain period of time in order to carry out government duties.

In the formulation, there are 2 (two) ASN employees consisting of Civil Servants (PNS) and Government Employees with Work Agreements (PPPK), this is determined in Article 6 of Law Number 20 of 2023 concerning State Civil Apparatus (ASN). Furthermore, Article 7 explains the status, as follows:

- 1) Civil Servants (PNS) are ASN employees who are appointed as permanent employees by the Civil Service Development Officer and have a national employee registration number.
- 2) Meanwhile, Government Employees with Work Agreements (PPPK) are ASN Employees who are appointed as employees with work agreements by the Personnel Development Officer according to the needs of the Government Agency.<sup>16</sup>

This means that with these provisions, the position of Civil Servants (PNS) and Government Employees with Work Agreements (PPPK) have the same position, namely as State Civil Apparatus Employees, but when viewed from the status, it turns out that there are differences. This difference can be seen from the status of PNS as permanent employees and have a national employee registration number, while Government Employees with Work Agreements (PPPK) have the status of employees with work agreements in the same sense as employees with contract employee status. This can be

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<sup>15</sup> Ningolan. (1997). *Coaching Employee Country Civil*, Jakarta: PT Pertja., p. 23

<sup>16</sup> Soerjono Soekanto and Sri Mamudji. (2009 ). *Normative Legal Research, A Brief Review*, PT . Raja Grafindo Persada, Jakarta, p. 13



seen from the provisions formulated in Article 7 and Article 8 of Law Number 20 of 2023 concerning State Civil Apparatus (ASN).

The rights of civil servants are regulated in Article 21 of Law Number 20 of 2023 concerning State Civil Apparatus, which states that civil servants have the right to receive:

- 1) Salary, allowances and facilities,
- 2) Leave,
- 3) Pension guarantee and old age security,
- 4) Protection, and
- 5) Competency development.

The obligations and prohibitions of Civil Servants according to Article 3 and Article 4 of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline can be seen in the following table:

**Table 1 : Obligation & Prohibition ASN**

No	Obligation ASN	Prohibition ASN
1	Taking the civil servant oath/promise	Abuse authority
2	Take the oath/promise of office	Acting as an intermediary to gain personal and/or other people's benefits by using authority others
3	Complete loyalty and devotion to Pancasila, the law National principle Republic of Indonesia 1945, unitary state republic Indonesia, and government	Without government permission to become an employee or work for another country and/or institution or international organization
4	Comply with all provisions of laws and regulations	Working for a foreign company, foreign consultant, or foreign non-governmental organization
5	Carrying out official duties entrusted to civil servants with full devotion, awareness and responsibility	Owning, selling, buying, pawning, renting or lending movable or immovable goods, documents or letter valuable state owned in a way invalid
6	Upholding the honor of the state, government, And civil servant dignity	Doing activities together with superiors, colleagues, subordinates, or other people inside or outside the work environment for the purpose of personal, group, or other party gain, which in a way direct or indirect harm country

7	Prioritize the interests of the state over the interests of oneself, a person, and/or group	Giving or agreeing to give something to anyone either directly or indirectly And with pretext anything for lifted in office
8	Holding a secret of office which by its nature or according to order must kept secret	Accepting gifts or any other gift from anyone Which relate with position and/or his/her work

Work discipline has several functions, including the formation of attitudes, behavior, and life order in the environment, one of which is to create an orderly and regular atmosphere in carrying out work. According to Handoko, there are 3 work disciplines, namely;

1. Preventive Discipline

Preventive discipline is an activity carried out to encourage employees to follow various standards and rules, so that deviations can be prevented. The main objective is to encourage self-discipline among employees. Management has a responsibility to create a climate of preventive discipline where standards are known and understood.

2. Corrective Discipline

Corrective discipline is an activity taken to address violations of the rules and to try to prevent further violations. Corrective action often takes the form of punishment and is called disciplinary action . The goals of disciplinary action should be positive, educational and corrective, not negative actions that bring down employees who do wrong. The purpose of discipline is to improve future activities, not to punish past activities.

3. Progressive Discipline

Progressive discipline is the activity of giving heavier punishments for repeated violations. The purpose of progressive discipline is to give employees the opportunity to take corrective actions before receiving more serious punishment.<sup>17</sup>

Good discipline must of course be accompanied by clear legal regulations that can be used as guidelines for civil servants and State Civil Apparatus within the Medan City Civil Service and Human Resources Agency and Education and Culture Office in carrying out their duties and roles.

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<sup>17</sup>Handoko, T. Hani. (2014). *Personnel & Human Resource Management, 2nd Edition*, Yogyakarta: BPFE. p. 37

The rules that form the legal basis for implementing civil servant discipline within the Civil Service and Human Resources Agency at the Medan City Education and Culture Office refer to Government Regulation (PP) number 94 of 2021. This PP is stipulated to implement Article 86 paragraph (4) of Law (UU) Number 5 of 2014 concerning State Civil Apparatus and Medan Mayor Regulation number 58 of 2023 concerning Civil Servant Discipline. In order to realize reliable, professional, and moral civil servants as government administrators who apply the principles of good governance. Civil servants as elements of the state apparatus are 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. Be disciplined, honest, fair, transparent and accountable in carrying out duties.

### **Implementation of Disciplinary Sanctions for State Civil Apparatus Violating Employee Discipline**

To achieve good discipline, there needs to be regulations governing discipline, so that a regular and comprehensive discipline process will be created. In this case, based on the results of research at the Medan City Human Resources Development and Personnel Agency regarding sanctions for state civil servants who are not disciplined in their personnel, it explains that the implementation of disciplinary sanctions regulations for State Civil Apparatus within the Medan City Human Resources Development and Personnel Agency is implemented in accordance with applicable regulations, namely in accordance with government regulation No. 94 of 2021 concerning Civil Servant (PNS) discipline, which is carried out in stages since appointment, placement, education and training, transfer, awards, and dismissal, always referring to the code of ethics and disciplinary regulations in force.

Based on PP 94 of 2021, Article 1 paragraph (1) states that Civil Servant Discipline is the ability of Civil Servants to comply with obligations and avoid prohibitions stipulated in laws and/or official regulations which, if not complied with or violated, will be subject to disciplinary sanctions. paragraph (2) Civil Servants, hereinafter abbreviated as PNS, are Central Civil Servants and Regional Civil Servants. Paragraph (3) Disciplinary violations are any statements, writings, or actions of Civil Servants that do not comply with obligations and/or violate prohibitions in Civil Servants' disciplinary provisions, whether carried out during or outside working hours. Paragraph

(4) Disciplinary punishment is a punishment imposed on Civil Servants for violating Civil Servants' disciplinary regulations.<sup>18</sup>

Based on the above regulations, it is explained that every civil servant or ASN must comply with the provisions of applicable laws and regulations so that ASN can be created who have an awareness of discipline from all aspects, especially in employee discipline. In an effort to improve ASN discipline, the Head of BKD has a very important role because in accordance with his main duties, namely leading the implementation of the preparation and implementation of regional policies in the field of regional personnel based on the principles of autonomy and assistance tasks to support the implementation of regional government duties. In the formulation of technical policies related to the preparation and implementation of regional policies in the field of personnel, especially those related to efforts to improve PNS discipline, including: Through supervision and control of the implementation of laws and regulations in the field of district-scale personnel, organizing coaching and supervision of PNS management in the district environment and policies on disciplinary sanctions, for example related to appointment, transfer, and dismissal in and from office, temporary dismissal from civil service, temporary dismissal of PNSD for group III/d and below, determination of dismissal of district PNSD group/space III/d and below and dismissal as CPNSD district. The method used by the Head of BKD in carrying out these main tasks is through the preparation of legal products, official documents or in other ways after coordinating with regional apparatus and other related agencies. In addition, through direction, guidance, coaching, supervision and control. The goal is to realize synergy, efficiency and effectiveness in carrying out tasks. In addition to the Head of BKD, the one who has the main task related to efforts to improve civil servant discipline is the General Personnel Division. In the job description, it is explained that the main task of the Head of the General Division is to coordinate the implementation of policy formulation and activities for fostering the legal status of regional employees, public complaint services, welfare services and enforcement of employee discipline and personnel administration through meetings, socialization,

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<sup>18</sup>Firdaus Abdul Karim. 2015. *Implementation of Civil Servant Discipline Enforcement of the Regional Personnel Agency of Central Sulawesi Province*. e-Journal Catalog.

advocacy, consultation, facilitation and guidance in order to realize increased welfare, employee discipline and orderly personnel administration.<sup>19</sup>

The results of the interview with the ASN Development and Welfare Sub-Coordination stated that the steps for imposing sanctions on ASN who are not disciplined in their employment include:

- a. Internal warning from local government
- b. There is coaching
- c. Reprimands from village officials in the form of verbal and written warnings
- d. Next, it is developed into employees through a process
- e. Village officials reported to the Medan City Human Resources Development and Personnel Agency by attaching evidence of the violation.
- f. Imposition of sanctions on ASN who violate ASN employees who violate for more than 28 days will be immediately dismissed in accordance with Government Regulation No. 58 of 2023 and considered with the character of ASN employees who are not good. Thus, the imposition of sanctions on violators of employee discipline carried out by ASN can receive sanctions in accordance with the violations committed through various rules for imposing sanctions.

The results of the research findings show that there are several forms of disciplinary violations with the Moderate category that occurred by State Civil Apparatus (ASN) in the Medan City Education and Culture Office as stated in the Decision of the Head of the Medan City Education and Culture Office Number. 800.1.6.2 / 8449.Sekr / IX / 2024 concerning moderate disciplinary punishment, namely deduction of additional income other than salary. Considering that according to the data from the examination report 700.1.2.1 / 121.6 / INSP / 2024, dated July 24, 2024, the person concerned has committed an act that is contrary to the Medan Mayor's Regulation Number 58 of 2023 concerning the Enforcement of Discipline and the Code of Ethics of State Civil Apparatus Employees of the Medan City Government, namely in Article 7 paragraph (2), letter e.dst. considering that on the basis of the applicable rules and regulations, the person concerned received a decision by imposing a disciplinary penalty in the form of a deduction of additional income other than salary of 25% for 12 months.

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<sup>19</sup> Dewi, Ni, Putu, A. Sutarini.I Gusti Bagus Suryawan, & Luh Putu Suryani. (2021). Implementation of Civil Service Discipline in the Klungkung Regency Government Environment. *Journal of Legal Preferences*. p.110

Other findings show that there are several forms of serious disciplinary violations committed by State Civil Apparatus (ASN) within the Medan City Education and Culture Office as stated in the Medan Mayor's Decree Number 800.1.6.2/1002.K concerning the imposition of disciplinary sanctions in the form of termination of employment agreements with honor not at their own request as government employees with employment agreements. Considering that the actions carried out by the person concerned have been proven to have committed disciplinary violations in the form of committing immoral acts against female students who are minors and also students, this is a violation of the provisions of Article 3 letter f of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline and Article 4 letter f of Medan Mayor's Regulation Number 58 of 2023 concerning Enforcement of Discipline and Code of Ethics for State Civil Apparatus Employees of the Medan City Government.

The position of children as the next generation of the nation's ideals must receive very serious attention from the family, community and state environment. Children must be protected by the state in order to continue their lives in the future . This has been regulated in the Law governing child protection, namely Law No. 17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law No. 1 of 2016 concerning Child Protection.<sup>20</sup> Considering the provisions of Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia 2014 number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587), as has been amended several times, most recently by Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, etc. Then determine and decide to impose severe disciplinary sanctions in the form of termination of the Employment Agreement with Honor not at his own request as a Government Employee with an Employment Agreement. This is because the person concerned committed an act that violates the provisions of Article 11 paragraph (1) letter f of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline and Article 7 paragraph (3) letter f of Medan City Mayor Regulation Number 58 of 2023 concerning Enforcement of Discipline and the Code of Ethics for Civil Servants of the Medan City Government.

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<sup>20</sup>Yasmirah Mandasari Saragih, Criminal Law Enforcement for Pedophiles for Sexual Crimes Against Children. *Innovative: Journal of Social Science Research*, Vol. 4 No. 3 Year 2024.

Based on the findings, it can be concluded that in the application of disciplinary sanctions for State Civil Apparatus who are not disciplined in terms of personnel at the Medan City Education and Culture Office, namely through various stages of the process before imposing sanctions on the head of ASN employees who violate personnel discipline. The stages and process of imposing sanctions for State Civil Apparatus who violate personnel discipline are carried out as follows;

1. Verbal warning

Disciplinary punishment in the form of a verbal warning is stated and delivered verbally by an official who has the authority to punish ASN who commits a disciplinary violation. If a superior reprimands his subordinates but it is not stated explicitly as a disciplinary punishment, it is not a disciplinary punishment.

2. Written warning

Disciplinary punishment in the form of a written warning is stated and delivered in writing by an official who has the authority to punish ASN who commits a disciplinary violation.

3. Written statement of dissatisfaction

Disciplinary punishment in the form of a statement of dissatisfaction is stated and submitted in writing by an official who has the authority to punish ASN who commits a disciplinary violation.

4. Postponement of periodic salary increases for a maximum of one year

Disciplinary punishment in the form of postponement of periodic salary increases is determined for a period of at least three months and a maximum of one year. The period of postponement of periodic salary increases is calculated in full for the next periodic salary increase.

5. Salary reduction equal to one periodic salary increase for a maximum of one year

Disciplinary punishment in the form of a salary reduction equal to one periodic salary increase, is determined for a period of at least three months and a maximum of one year. After the period of serving the disciplinary punishment is completed, the basic salary of the civil servant concerned will immediately return to its original basic salary. The salary reduction period is fully calculated for the next periodic salary increase. If during the period of serving a disciplinary sentence the Civil Servant in question meets the requirements for a periodic salary increase, then the periodic salary

increase will only be given starting from the following month from the end of the period of serving the disciplinary sentence.

6. Postponement of promotion for a maximum of one year

Disciplinary punishment in the form of a postponement of promotion is set for a period of at least six months and for a maximum of one year, starting from the date of promotion. The Civil Servant concerned may be considered for a demotion to a lower rank for a maximum of one year. Disciplinary punishment in the form of a demotion to a lower rank is set for a period of at least 6 (six) months and for a maximum of one year. After the period of serving the disciplinary punishment of demotion is complete, the rank of the ASN concerned will automatically return to his/her original rank. The period in the last rank before being sentenced to disciplinary punishment in the form of demotion, is counted as the period of service for the next promotion. The next promotion for a Civil Servant who has been given a disciplinary punishment in the form of a demotion can only be considered after the ASN concerned has been returned to his/her original rank for at least one year.

7. Imposition of Severe Disciplinary Punishment in the Form of Dismissal Not at Own Request

In the last option, an employee who has committed a disciplinary violation can be dropped in the dismissal process, of course this is the last option given after several leniency policies have been considered previously.

#### **4. CONCLUSION**

The conclusions that can be drawn from the Implementation of Sanctions for State Civil Apparatus who violate employee discipline in the case study at the Medan City Education and Culture Office are;

- 1) Government Regulation Number 94 of 2021 concerning Civil Servant Discipline is a regulation concerning the obligations, prohibitions and sanctions for Civil Servants if these obligations are not carried out properly. Through this regulation, the government can educate, foster and provide disciplinary sanctions to Civil Servants who violate their obligations and duties by providing sanctions in the form of disciplinary sanctions. The sanctions regulated in Regional Government Regulation Number 53 of 2023 concerning Civil Servant Discipline include light, moderate and



severe sanctions, regarding the imposition of sanctions carried out according to the type of employee disciplinary violation in accordance with Medan Mayor Regulation number 58 of 2023.

- 2) Several steps that must be taken first in imposing disciplinary sanctions by ASN are a written report, evidence provided, summons to the head of the work unit, examination, and imposition of disciplinary sanctions.
- 3) Efforts to Improve ASN Discipline at the Medan City Education and Culture Office include holding routine socialization regarding PNS discipline which is carried out 24 times a year, forming an inspection team for special disciplinary cases, and forming regulations that support the enforcement of ASN discipline at the Medan City Education and Culture Office .

## **5. SUGGESTION**

The suggestions given regarding the Implementation of sanctions for State Civil Apparatus who violate employee discipline, case study at the Medan City Education and Culture Office , include:

- 1) For the Head of the Medan City Education and Culture Office must be braver in giving disciplinary sanctions to employees who violate the rules, to avoid the same mistakes from happening again. Strict disciplinary sanctions must be applied as an example for other employees not to commit disciplinary violations, especially in personnel discipline.
- 2) ASN employees must truly understand and be more obedient to regulation discipline employee in accordance with Medan City Government Regulation number 58 of 2023, so that there will be a decrease in disciplinary violations, especially in Personnel discipline within the Medan City Education and Culture Office and so that it can foster personal awareness in improving discipline and performance.

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