



Implementation of Discipline Development for the State Civil Apparatus (ASN) as an Effort to Prevent Corruption

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Abstract

Article 12 of Law of the Republic of Indonesia Number 5 of 2014 concerning the State Civil Apparatus stipulates that employees in their duties must be clean from corruption, collusion, and nepotism. The implementation of discipline development for the State Civil Apparatus (ASN) as an effort to prevent corruption crimes in the Agam Regency Regional Government is by disseminating to CPNS and ASN regarding anti-corruption behavior. Obligation to submit asset reports reported annually. Strengthening the internal integrity system of government agencies through various regional policies. The policy includes gratification control, conflict of interest handling, community complaint management through the Public Service Complaint Management System-People's Aspiration and Complaint Service (SP4N-LAPOR) channel which has been integrated with central and local government agencies. Control of corruption at the service unit level through the construction of Integrity Zones (ZI). Cooperation with the Central Statistics Agency (BPS) of West Sumatra Province conducts surveys regularly. The routine survey is aimed at determining public perceptions as service recipients regarding service quality and anti-corruption perceptions. Obstacles in the implementation of discipline development for the State Civil Apparatus (ASN) as an effort to prevent corruption crimes in the Agam Regency Regional Government include weak supervision and lack of guidance caused by the high volume of work and activities. The attitude of superiors who are too protective of their subordinates even though their subordinates commit deviations. Inadequate employee welfare factors. ASN is one of the things that must be considered by the Government. It is undeniable that they work to provide for the family. If they feel that their needs cannot be met optimally then they will try to get other jobs (side jobs) to meet their needs.

INTRODUCTION

The government has tried to anticipate various public complaints related to the discipline of Civil Servants (PNS). Efforts made by the government include making various regulations that must be obeyed by all Civil Servants (PNS) in order to enforce discipline, but these various regulations have not been able to improve the work discipline of Civil Servants (PNS), even the government has also given various kinds of awards to Civil Servants (PNS) who have good performance, but still have not been able to significantly improve discipline at work.

Civil Servant Discipline Regulations are regulations that regulate obligations, prohibitions, and sanctions if obligations are not obeyed or violated by Civil Servants. With a

view to educating and fostering Civil Servants, those who violate obligations and prohibitions are subject to sanctions in the form of disciplinary punishment.¹

Various problems faced by Civil Servants (PNS) also affect disciplinary behavior. Civil Servants (PNS) who have side jobs outside their main duties and functions as Civil Servants (PNS) are one example of Civil Servants' efforts in meeting the needs of life and improving their welfare. This is influenced by the welfare of Civil Servants (PNS).

Corruption is the most vulnerable crime committed by Civil Servants (PNS). There are several corrupt behaviors that can be carried out at any time by Civil Servants (PNS), such as illegal levies (Pungli), gratuities and abuse of authority. The duties of Civil Servants (PNS) related to public services are very vulnerable to corruption. The people served sometimes provide offers and opportunities for Civil Servants (PNS) to commit corrupt acts. So entrenched is the crime of corruption in Indonesia that people do not realize that the most disadvantaged victims are actually the people, namely all of us. The collapse of values or norms, ethics, morals, culture and religion in a region is indeed very influential on the development of typical.² During the reform government that made corruption as one of the agendas that must be eradicated, but in reality corruption continues to occur and has hit the regions.³

Corruption in public services occurs because of the interrelationship between public service officers and the communities served. On the community side, they want easy and fast service. To get such services, it is not uncommon for people to cut corners by offering money to get more services than other communities. On the officer side, the offer is an opportunity to get additional income so that corruption arises. For this corrupt behavior, the perpetrators can be criminally charged indiscriminately.

In Agam Regency Government there are also Civil Servants (PNS) who commit criminal acts. One example of a case of misuse of the authority / position of the State civil apparatus (ASN) Madrasah Ibtidaiyah Negeri (MIN) Gumarang (MIN 6 Gumarang) Palembayan District, Agam Regency from 2010 to 2018 which was carried out jointly and continued by paying funds in the form of salaries, food allowances and allowances to people who were not entitled was with an estimated salary from 2010 to 2018. That the alleged Article alleged against the defendants violates *Article 2 paragraph (1) Juncto Article 3 of Law Number 21 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Juncto Corruption Criminal Acts Article 55 paragraph (1) 1st Juncto Article 56 paragraph (2) Juncto Article 64 of the Criminal Code.*

Through the implementation of Government Regulation Number 53 of 2010 concerning the Discipline of Civil Servants (PNS) for all Civil Servants (PNS) of Agam Regency, it is expected to improve the performance of Civil Servants (PNS). The implementation of Government Regulation Number 53 of 2010 concerning the Discipline of Civil Servants (PNS) has a positive impact among Civil Servants (PNS) to improve public services and minimize the occurrence of criminal acts of corruption. The legal issue that is the subject of the problem is the implementation of discipline development for the State Civil Apparatus (ASN) as an Effort to Prevent Corruption in the Agam Regency Regional Government and its obstacles.

¹ M. Suparno. Engineering the Development of the Nation's Character and Morals, Pirel Mundial, Jakarta, 1992, p. 85, in <http://www.repositoryundip.ac.id>, accessed 21 December 2022

² Ibnu Santoso, *Hunting Autonomous Rats of the Moral Movement for the Eradication of Corruption*, Gaya Media, Yogyakarta, 2011, p. 1

³ Marwan Mas, *Pemberantasan Korupsi (Corruption Eradication)*, Ghalia Indonesia, Bogor, 2014, p. 59

METHODS

The specification of the study is *descriptive analytical*, with normative juridical approach methods supported by empirical juridical. The types of data used are secondary data and primary data. Secondary data are obtained from the study of documents, primary data are obtained by means of interviews. The data obtained is then analyzed qualitatively.

RESULTS AND DISCUSSION

Implementation of discipline development for the State Civil Apparatus (ASN) as an effort to prevent corruption in the local government of Agam Regency

Criminal law policy can be interpreted by the way of acting or policy of the state (government) to use criminal law in achieving certain goals, especially in tackling crime, it does need to be recognized that there are many ways and efforts that can be done by each state (government) in tackling crime. One of the efforts to be able to overcome crime, including through a criminal law policy or criminal law politics.⁴

Marc Ancel stated, that "*modern criminal science*" consists of 3 (three) components, namely; "*criminology*", "*criminal law*", "*penal policy*". Marc Ancel also stated about the criminal law policy "*penal policy*" as quoted by Barda Nawawi Arief, that "penal policy" is a science as well as an art that has a practical purpose to enable positive legal regulations to be formulated better and to provide guidance not only to lawmakers but also to the courts that apply the law and also to the organizers or implementers court ruling.⁵ Criminal politics by Sudarto said, that efforts to overcome crime are called criminal politics (*criminal policy*) which means a rational effort from the community in tackling crime or criminal acts.

Guidance is carried out first by socialization to CPNS and ASN in Agam district regularly carried out socialization on anti-corruption behavior. The socialization was carried out with various themes related to anti-corruption behavior such as the prohibition of illegal levies in public services, reports on the wealth of civil servants every year, development supervision and various other themes. The resource persons for the socialization activities were the Police, Prosecutor's Office and Inspectorate in the Agam Regency and West Sumatra Province. The next guidance is the obligation to submit asset reports that are reported annually. The report that must be filled out by ASN (LHKASN) and state administrators (LHKPN) is an effort to prevent and supervise assets owned by ASN.

The Agam Regency Government also strengthens the internal integrity system of government agencies through various regional policies. The policy includes gratification control, conflict of interest handling, community complaint management through the Public Service Complaint Management System-People's Aspiration and Complaint Service (SP4N-LAPOR) channel which has been integrated with central and local government agencies. Control of corruption at the service unit level through the construction of Integrity Zones (ZI). The construction of this ZI encourages work units to make changes in terms of improving service quality and maintaining integrity so that the community gets excellent service that is free from brokers and illegal levies. Furthermore, cooperation with the Central Statistics Agency (BPS) of West Sumatra Province carried out regular surveys. The routine survey is aimed at determining public perceptions as service recipients regarding service quality and anti-corruption perceptions.

First, Determination of the guilt of Civil Servants (PNS) perpetrators of corruption crimes through the criminal justice process for corruption crimes. Remington and Ohlin suggest that the criminal justice system is a system approach to the administrative mechanisms of criminal justice, and criminal justice as a system that is the result of the

⁴ Is. Heru Permana, *Politik Kriminal*, Universitas Atma Jaya, Yogyakarta, 2007, hlm 10

⁵ Barda Nawawi Arief, *Potpourri of Criminal Law Policy (Development of the Drafting of the New Criminal Code)*, Kencana Prenada Group, Jakarta, 2011, p. 21

interaction between laws and regulations, administrative practices and social attitudes or behaviors. Mardjono gave a limitation on the understanding of the criminal justice system is a system in a society to overcome the problem of crime. Tackling here is defined as controlling crime to be within the limits of community tolerance.⁶

The Criminal Justice System is essentially identical to the Criminal Law Enforcement System (SPHP) or the Judicial Power System in the field of Criminal Law (SKK-HP). The integrated Criminal Justice System is implemented in 4 (four) sub-systems of power, namely the power of investigation, the power of prosecution, the power to prosecute / impose crimes, and the power of execution / execution of crimes.⁷

Criminal justice is defined as a process that works in several law enforcement agencies, criminal justice activities include activities that are phased starting from investigation, prosecution, examination at court hearings and implementation of judges' decisions.⁸ The process of solving criminal cases (criminal justice) according to the Criminal Procedure Law is a long process stretching from beginning to end through several stages as follows:⁹

- a. Investigation stage;
- b. Prosecution level;
- c. The examination stage in the Court hearing;
- d. The stage of execution and oversight of the Court's decision.

If the criminal process is reviewed in terms of examination, namely the examination of suspects or defendants and witnesses, then the stages can be divided into two. The first stage is the preliminary examination stage (*vooronderzoek*) and the second stage, the court examination stage (*gerechtelijk onderzoek*).

Seeking material truth, preliminary examination is the initial stage of a criminal case process, which according to the Code of Criminal Procedure is carried out by the Police. The final examination is carried out before a court hearing that is open to the public to determine whether or not a person charged with a criminal offense is guilty¹⁰

Thus, the author argues that the implementation of discipline development for the State Civil Apparatus (ASN) as an effort to prevent corruption in the Agam Regency Regional Government is in line with criminal political theory, namely as G. Peter Hoefnagels' theory of "*criminal policy*", namely criminal countermeasures can be achieved by:¹¹

- 1) Application of criminal law (*criminal law application*);
- 2) Pencegahan tanpa pidana (*prevention without punishment*);
- 3) *Influencing views of society on crime and punishment (mass media)*.

Obstacles in the implementation of discipline development for the State Civil Apparatus (ASN) as an effort to prevent corruption in the Agam Regency Regional Government

The author uses legal awareness theory in analyzing obstacles in the implementation of discipline development for the State Civil Apparatus (ASN) as an effort to prevent corruption crimes in the Agam Regency Regional Government. Legal awareness is related to legal observance or legal effectiveness, in the sense that legal awareness concerns the issue of whether or not the provisions of the law are obeyed in society.

⁶ Trisno Raharjo, *Criminal Mediation in the Criminal Justice System*. Mata Padi Pressindo, Yogyakarta, 2011, p. 3.

⁷ Aulia, *Criminal Justice System*, Pematang Pres University, Pematang, 2004, p. 6

⁸ M. Faal, *Screening of Criminal Cases by the Police : Police Discretion*, Pradnya Paramita, Jakarta, 1991, p. 24

⁹ Suryono Sutarto. *Criminal Procedure Law*, Diponegoro University Publishing Board, Semarang, 1991. p. 34.

¹⁰ *Ibid.*, p. 33.

¹¹ Hamdan, *Politics of Criminal Law*, Raja Grafindo Persada, Jakarta. 1997, p 68

Berl Kutschinsky as quoted by R. Otje Salman, said that: "people's legal awareness is influenced by 4 (four) factors, namely:

- 1) Knowledge of positive laws. It is a person's knowledge of certain behaviors that are regulated by law. Such knowledge relates to conduct that is prohibited or permitted by law. Positive legal knowledge is closely related to the assumption that the public is considered to know the contents of a regulation when the regulation has been promulgated.
- 2) Knowledge of the content of the law is the amount of information that a person has about the content of the regulations of a particular law. In other words, legal knowledge is an understanding of the content and purpose of a regulation in a particular law, written and its benefits for parties whose lives are governed by the regulation.
- 3) A legal attitude is a tendency to accept the law because of its appreciation of the law as beneficial or beneficial if it is obeyed.
- 4) The pattern of legal behavior is the main thing in legal consciousness, because it can be seen whether a regulation applies or not in society.¹²

If the four indicators of legal awareness mentioned above are really implemented in society in accordance with government expectations and there are no implications, then the regulation can be considered effective.

In the aspect of the implementation process of Government Regulation Number 53 of 2010 concerning Civil Servant Dissipin there are still several obstacles encountered so that the implementation of Government Regulation Number 53 of 2010 concerning Civil Servant Dissipin is not running optimally which affects the results of process achievement. The obstacles faced by the local government of Agam Regency in the implementation of Government Regulation Number 53 of 2010 concerning the Dissipin of Civil Servants include the following:¹³

First, weak supervision and lack of coaching caused by the high volume of work and activities. The development of civil servants needs to pay attention to the staffing process consisting of stages or elements.¹⁴ Effective acceptance and selection The element of employee procurement which includes efforts to get applicants and select candidates among applicants is thirsty to ensure the availability of candidates that suit the needs of the organization. A position grouping is created by analyzing and classifying positions based on the similarities that exist between the duties, responsibilities and requirements of the position. Such a grouping will be useful in determining the salary scale and for personnel activities including employee coaching. Furthermore, the right placement This is done so that employees can show their skills, work abilities, intelligence and have the opportunity to develop their careers and potentials. Then Suitable exercises and development. It is intended to help employees develop skills, intelligence, knowledge, discover potential and prepare for future assignments. Then, Promotion and transfer are fair and satisfactory Promotion / promotion and transfer are carried out to raise an employee in the sense of position or salary with more duties and responsibilities than before The promotion and transfer system needs to be implemented fairly and carefully to be in line with the moral maintenance of employees. Smooth employee and leadership relationship Creation of a harmonious relationship between. Leadership can be achieved by providing opportunities to participate in formulating policies and work procedures. And furthermore, Proper provisions regarding both dismissal and retirement. Termination and termination or retirement are based on applicable rules and regulations.

¹² *Ibid.*, p. 160

¹³ Interview with, Civil Service Section of Agam District Regional Secretariat, April 24, 2023

¹⁴ Buchari Zainun. *Organization and Management*, Balai Aksara, Jakarta, 1982, p. 48

The six main objectives of supervision are:¹⁵ First, To ensure that the policies and strategies that have been determined are carried out in accordance with the soul and spirit of the policies and strategies in question.

The supervision process is basically carried out by administration and management using two kinds of techniques, namely: Direct supervision techniques are supervision carried out personally by leaders or supervisors by observing, researching, checking, checking themselves at their place of work and receiving direct reports from the executive. This is done by inspection. And indirect Supervision Techniques are held by studying reports received from executors or subordinates either orally or in writing.¹⁶

The sense of protection to the corps (*esprit de corps*) often leads superiors in charge of light sanctions. Supervision carried out by superiors to subordinates (inherent supervision) which is generally used in supervision in government institutions often causes problems that are always complained by the community, such as the attitude of superiors who are too protective of their subordinates even though their subordinates make deviations, the difficulty of leaders acting on their subordinates because between subordinates and superiors are familiar or it could be that superiors also have the same habits or behaviors as their subordinates.

Based on the results of research in the Agam District Government, supervision of Civil Servants (PNS) is carried out directly and indirectly. Direct supervision is carried out by the direct supervisor at each SKPD in a tiered manner to the leadership level, namely the Head of UPTD Pemalang Regency Government. The implementation of direct supervision of Civil Servants (PNS) in the Agam Regency Government still encounters obstacles related to the high volume of work and activities of supervisory officers so that supervision does not run optimally.

Furthermore, the second obstacle is the inadequate employee welfare factor. The welfare of Civil Servants (PNS) is one of the things that must be considered by the Government. It is undeniable that they work to provide for the family. If they feel that their needs cannot be met optimally then they will try to get other jobs (*side jobs*) to meet their needs. This will certainly have a negative impact on their performance and in the end disciplinary action will arise. Civil Servants (PNS) who have other jobs can certainly ignore their basic duties and responsibilities as Civil Servants (PNS). This situation can cause the Civil Servant (PNS) concerned to lack discipline in duty.

CONCLUSION

Socialization of civil servants in each SKPD also pays attention to handling factors that affect employee discipline such as family factors, so that socialization is not only carried out for civil servants but also their families. In order to establish a mechanism for supervision of all ranks of civil servants, not only those in the lower class but also for regional leaders and the establishment of mutual coordination with various related agencies.

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¹⁵ Buchari Zainun. *Organization and Management*, Balai Aksara, Jakarta, 1982. p. 48

¹⁶ Institute of State Administration of the Republic of Indonesia. *Management in Government*, State Administration Institute-Republic of Indonesia and Yayasan Publisher Administrative, Jakarta, 1984, p. 65, <http://www.eprints.uns.ac.id>, diakses 26 April 2023

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