



IMPLEMENTATION OF GOVERNMENT REGULATIONS ON CIVIL SERVANT DISCIPLINE IN THE GOVERNMENT OF MUARA ENIM DISTRICT

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Abstract

The implementation of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline in Muara Enim Regency is in fact not functioning efficiently and is best described as a policy that is not implemented officially and in an organized manner. This situation is characterized by minimal formal socialization which causes the cessation of the first level supervisory function. As a result, an "iceberg phenomenon" emerges where only serious violations are handled, while the accumulation of minor and moderate violations is not recorded and is allowed to continue, thus systematically threatening the integrity and professionalism of the bureaucracy. These hindering factors are interwoven in a "vicious circle" of systemic failure rooted in a crisis of leadership integrity. The collapse of exemplary role models due to massive corruption among the elite destroys the moral authority to enforce the rules. This condition is exacerbated by a permissive bureaucratic culture (a culture of reluctance) and deficiencies in procedures, which together create an atmosphere where indiscipline is considered normal. Legally, this systematic negligence behavior constitutes a problematic administrative action because it violates the General Principles of Good Governance (AUPB).

A. Introduction

Within the framework of a modern state based on law, the state civil apparatus (ASN) plays

a key role in the implementation of governance and development. To ensure this bureaucratic machinery functions effectively, the government issued Government Regulation (PP) Number 94 of 2021 concerning Civil Servant (PNS) Discipline. This regulation reflects the perfect state (*das sollen*), a plan to create a bureaucracy with integrity, professionalism, and accountability.¹ This damage to integrity is seen in various forms of disciplinary violations, ranging from non-compliance with working hours and abuse of power to participation in practical politics, that violates the principle of bureaucratic neutrality.² Muara Enim Regency is an important example for analyzing this dynamic. In recent years, the bureaucracy in this region has been corrupted by a series of scandals, ranging from the Corruption Eradication Commission (KPK) arresting the regent to various incidents of indiscipline that have damaged the local government's reputation.³ This empirical phenomenon demonstrates a significant gap between legal norms and field practices. This study aligns with findings from other locations that emphasize the lack of direct superiors, minimal socialization, formal understanding, and weak institutional coordination as common obstacles to the implementation of civil servant discipline in Indonesia.⁴ This article argues that what is happening in Muara Enim Regency is not simply ineffective policy implementation, but rather a lack of organized implementation.

B. Discussion

The gap between norms and practices in Muara Enim Regency is most evident in the data on the application of disciplinary sanctions.

The summary data on disciplinary sanctions for the 2021-2023 period (Table 2) shows a highly imbalanced pattern. Of the nine cases registered, the majority involved severe sanctions. Conversely, there are no records of light or moderate sanctions. These statistics do not reflect a compliant bureaucracy, but rather evidence of the "tip of the iceberg phenomenon."

¹ Ismail Buhari, "Penilaian Prestasi Kerja Pegawai Negeri Sipil di Badan Kepegawaian dan Pengembangan Sumber Daya Manusia Daerah Kabupaten Bungo," *Jurnal Ilmu Pemerintahan, Administrasi Publik, dan Ilmu Komunikasi* 2, no. 1 (2019): 20.

² Gusti Lanang Rakayoga, "Disiplin pegawai negeri sipil berdasarkan peraturan pemerintah nomor 53 tahun 2010 ditinjau dari aspek hukum kepegawaian di Indonesia," *Jurnal IUS Kajian Hukum dan Keadilan* 2, no. 5 (2014): 333 Bayu Indra Permana, dkk., "Reposisi pengaturan netralitas aparatur sipil negara dalam penyelenggaraan pilkada," *Jurnal USM Law Review* 5, no. 1 (2022): 227,

³ Liputan6.com, "Fakta Penangkapan Bupati Muara Enim Atas Kasus Suap Oleh KPK," 4 September 2019, diakses 1 Agustus 2025, 25 Juli 2021, diakses 1 Agustus 2025.

⁴ S. Adyani, K. Indrajaya, dan S. Listyarini, "Analisis penerapan disiplin pegawai negeri sipil di lingkungan pemerintah kabupaten kotawaringin barat," *Jurnal Administrasi dan Kebijakan Publik*

The serious cases recorded are only the visible tip, while the majority of the accumulated problems of minor and moderate violations are hidden beneath the surface, invisible, and neglected. The tip of the iceberg phenomenon lies in the failure of implementation at the most fundamental stage. An interview with the Head of Procurement, Information, and Apparatus Performance Assessment at the Muara Enim Regency Human Resources Development Agency (BKPSDM) revealed a significant fact: "The problem with the formal implementation of the socialization of Government Regulation Number 94 of 2021, such as summons or technical guidance, has not been implemented to date."⁵ This statement is clear evidence of a failure in the variable "Inter-organizational communication and implementation activities," which, according to Van Meter and Van Horn's policy implementation model, is a crucial prerequisite for policy success. This failure is a striking anomaly compared to practices at the national and regional levels, as seen in Table 1.⁶

Tabel 1. Comparison of Socialization Efforts for Government Regulation Number 94 of 2021

Agency/Location	Forms of Socialization Activities
KemenPAN-RB	National webinars and outreach through official media.
Ditjen Migas	Internal outreach to achieve zero disciplinary violations.
Kab. Buleleng	Virtual outreach by the Regional Government attended by the Regional Secretary.
Kab. Demak	Outreach attended in person by the Regent and leadership.
Kota Payakumbuh	Legal counseling by universities in collaboration with the City Government.
Kab. Muara Enim	No separate formal outreach activities were identified.

Source: Research data analysis, 2024.

This comparative data indicates that, while the central government and various regional governments are actively disseminating information about Government Regulation No. 94 of 2021, Muara Enim Regency is demonstrating a lack of initiative. This lack of outreach directly impedes the effectiveness of first-line oversight mechanisms.

⁵ Wawancara dengan Yulius Caesar, S.H., M.M., Kepala Bidang Pengadaan, Informasi dan Penilaian Kinerja Aparatur BKPSDM Kabupaten Muara Enim, 2024.

⁶ Donald S. Van Meter dan Carl E. Van Horn, "The Policy Implementation Process: A Conceptual Framework," *Administration & Society* 6, no. 4 (1975): 445-488

Table 2. Summary of Disciplinary Punishments in Muara Enim Regency (2021-2023)

Punishment Level	Type of Punishment	Number of Cases
Light	Written Warning	1
Moderate	-	0
Heavy	Dismissal	1
Heavy	Temporary Dismissal	3
Heavy	Dishonorable Dismissal	4
Total		9

Source: Data processed from the BKPSDM of Muara Enim Regency, 2024.

1. DISSECTING THE VICIOUS CYCLE OF STRUCTURED FAILURE

The detected iceberg phenomenon is not the result of a single cause, but rather the result of a number of interrelated failures. These failures can be analyzed using Soerjono Soekanto's five-factor framework for legal effectiveness, which emphasizes weaknesses in law enforcement, facilities, culture, and the law itself.⁷

The root of all the problems is a highly unfavorable political climate. Muara Enim Regency has experienced a number of corruption cases involving top officials in recent years, including the impeachment of two consecutive regents and a drug case involving civil servants.⁸ This example of a crisis directly undermines moral authority. A leader involved in major corruption essentially loses the right to demand integrity from his subordinates, a phenomenon rooted in chronic problems within the Indonesian bureaucracy.⁹ The collapse of role models at the top provides social opportunities for frontline enforcers to ignore enforcement. As an extreme example of prolonged delay, the case of a civil servant in Prabumulih who had not worked for 10 years but continued to receive a salary is clear evidence of the consequences of weak oversight.¹⁰

⁷ Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum* (Depok: Rajawali Pers, 2019), hlm. 8.

⁸ Liputan6.com, "Fakta Penangkapan Bupati Muara Enim; Amriza Nursatria, "Tersangkut Kasus Narkoba, ASN Dinas PUPR Muara Enim Ditangkap," *Kompas.com*, 19 Februari 2020, diakses 1 Agustus 2025, <https://regional.kompas.com/read/2020/02/19/18452881/tersangkut-kasus-narkoba-asn-dinas-pupr-muara-enim-ditangkap>.

⁹ Eman Suparman, "Korupsi Yudisial (Judicial Corruption) dan KKN di Indonesia," *Padjadjaran Jurnal Ilmu Hukum* 1, no. 2 (2014): 332, <https://doi.org/10.22304/pjih.v1n2.a1>.

¹⁰ M.R. Bayu Kencana, "PNS Prabumulih Bolos Kerja 10 Tahun Tapi Tetap Terima Gaji, Menteri PANRB Siapkan Sanksi," *Liputan6.com*, 29 Juni 2023, diakses 1 Agustus 2025,

This leadership vacuum is exacerbated by perpetuating mechanisms at the operational level. First is the "culture of reluctance," a behavioral phenomenon strongly identified in this research and other studies of interactions within the civil service.¹¹ Immediate superiors often hesitate to take action against subordinates in order to maintain harmony. Second, there is a procedural weakness, namely the lack of clear regulations regarding the mechanism for handing over cases between the BKPSDM and the Regional Inspectorate.

From a State Administrative Law (HAN) perspective, omission by an immediate superior is an administrative decision that is potentially legally flawed. When the power to guide and impose disciplinary sanctions is deliberately not exercised, it constitutes an abuse of power (*detournement de pouvoir*).¹² In Indonesia, the General Principles of Good Governance (AUPB) initially developed through jurisprudence within the State Administrative Court (PTUN) as an unwritten legal norm, before finally being enshrined in positive law. This disregard for the AUPB clearly violates the AUPB, particularly the Principle of Vigilance and the Principle of Prohibition of Arbitrary Action.¹³

A violation of the Due Care Principle occurs when a superior who is aware of a violation but chooses not to react has failed to investigate all relevant facts and acted recklessly. His decision not to act was not the result of careful consideration, but rather a reckless act undertaken to avoid responsibility.¹⁴ Meanwhile, violations of the Principle of Prohibition of Arbitrary Action (*willekeur*) are manifested in the injustice created by this neglect.

¹¹ Andriansyah Rahayu dan Dhahir, "Konsep Diri dan Self disclosure Pegawai Honorer dalam Komunikasi Interpersonal dengan Pegawai Negeri Sipil," *Jurnal Pekommas* 6, no. 2 (2021): 61,

¹² Ridwan HR, *Hukum Administrasi Negara* (Depok: Rajawali Pers, 2022), hlm. 254.

¹³ Jazim Hamidi, *Penerapan Asas-Asas Umum Penyelenggaraan Pemerintahan yang Layak (AAUPB) di Lingkungan Peradilan Administrasi Indonesia* (Bandung: Citra Aditya Bakti, 1999), hlm. 24

¹⁴ Philipus M. Hadjon, et.al., dikutip dalam Ridwan HR, *Hukum Administrasi Negara*, hlm. 274-275; Olden Bidara, "Asas-asas Umum Pemerintahan yang Baik dalam Teori dan Praktik Pemerintahan," dalam *Himpunan Makalah Asas-asas Umum Pemerintahan yang Baik*, ed. Paulus E. Lotulung (Bandung: Citra Aditya Bakti, 1994), hlm. 90-91.

By inconsistently following up on minor and moderate violations, superiors create a system in which compliant civil servants are treated the same as non-compliant ones, and enforcement becomes unpredictable. This constitutes arbitrary action because it is not based on reasonable and rational considerations consistent with their mandate.¹⁵

Ironically, this supervisory vacuum occurs even though regulations at the national level have given a clear mandate to the Inspectorate to function as a guard. Government Regulation No. 72 of 2019 explicitly grants the Inspectorate proactive authority to conduct oversight without waiting for an assignment if there are indications of abuse of authority.¹⁶ Actions that are systematically allowed to continue by a direct superior can, legally, be considered a “potential abuse of authority” which should prompt proactive action from the Inspectorate.

However, the results on the ground show a complete break with this mandate. An interview with the Inspectorate Secretary confirmed that they function as a reactive institution that only acts "if there is an order from the Regent" or if "BKPSDM requires a recommendation".¹⁷ This indicates a fundamental misunderstanding or disregard for their proactive responsibilities. By remaining inactive, the Inspectorate not only fails to provide a solution, but instead becomes part of a “vicious circle” of failure, maintaining a situation where neglect is accepted as the norm.

C. Conclusion

The implementation of Government Regulation Number 94 of 2021 in Muara Enim Regency has not been fully implemented. This failure is perpetuated by a “vicious cycle” caused by a crisis of role models at the top, exacerbated by a permissive culture of reticence, and supported by procedural loopholes. Legally, the act of structured neglect by a direct superior is a problematic government action.

¹⁵ Rony Alfredo Rumapea, "Pertanggungjawaban Hukum Pejabat Pembina Kepegawaian dan Pejabat yang Berwenang atas Kesalahan dalam Penjatuhan Hukuman Disiplin Pegawai Negeri Sipil," *SASI* 25, no. 2 (2019): 142, <https://doi.org/10.47268/sasi.v25i2.199>.

¹⁶ Peraturan Pemerintah Nomor 72 Tahun 2019 tentang Perubahan atas Peraturan Pemerintah Nomor 18 Tahun 2016 tentang Perangkat Daerah, Pasal 33A.

¹⁷ Wawancara dengan Fera Sari, Sekretaris Inspektorat Kabupaten Muara Enim, 2024.

To break the chain of this problem, interventions are needed that simultaneously target its root causes.

1. Short-Term (Procedural): It is recommended to immediately implement mandatory socialization of Government Regulation Number 94 of 2021, with an emphasis on sanctions for superiors who fail to comply. It is also recommended to develop SOPs or Joint Regional Regulations between the BKPSDM and the Inspectorate to close procedural gaps and optimize the Inspectorate's proactive mandate.
2. Long-Term (Systemic & Cultural): It is expected to implement an e-Discipline system to digitally record all violations and expect a "Zero Tolerance" commitment from top leaders to restore exemplary morale and authority.

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