

WORK DISCIPLINE OF CIVIL SERVANTS IN PERFORMANCE GOVERNANCE ACCORDING TO LEGISLATION IN LUWU RAYA

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ABSTRACT

Objective: The purpose of this research is to analyse the Implementation of Civil Servant Work Discipline in Performance Management according to the prevailing laws and regulations in Luwu Raya and analyse what factors affect the work discipline of civil servants in performance management according to the prevailing laws and regulations in Luwu Raya.

Theoretical framework: It defines work discipline, explains performance management principles, incorporates legal regulations, uses theoretical models, forms research questions, and identifies variables. It also considers contextual factors and shapes expectations regarding work discipline's impact on performance.

Methodology: This research method uses an empirical legal approach, so that to obtain research data structured interviews are conducted with respondents in this case officials in the Luwu Raya government environment.

Results and conclusion: The results of this study indicate that the results of research conducted by researchers, the findings in this study are discipline has a very significant influence on the performance of ASN in Luwu Raya. In general, the level of discipline of ASN in Luwu Raya is in the good category. This can be seen from the lack of violations committed by ASN in Luwu Raya, both minor and major violations. Thus ASN in Luwu Raya has carried out its duties well as regulated in No 94 of 2021 concerning the discipline of Civil Servants.

Originality/value: As a recommendation, the Palopo city government must enforce discipline against ASN and make various efforts to improve discipline. The Palopo city government has strived for civil servants who must have a high attitude of discipline, good performance and attitudes and behaviour that are full of loyalty and obedience to the state.

Keywords: civil servant discipline, government performance.

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DISCIPLINA DE TRABALHO DOS FUNCIONÁRIOS PÚBLICOS NA GOVERNAÇÃO DO DESEMPENHO DE ACORDO COM A LEGISLAÇÃO EM LUWU RAYA

RESUMO

Objetivo: O objetivo desta pesquisa é analisar a implementação da disciplina de trabalho do funcionário público na gestão de desempenho de acordo com as leis e regulamentações vigentes em Luwu Raya e analisar quais fatores afetam a disciplina de trabalho dos funcionários públicos na gestão de desempenho de acordo com as leis e regulamentações vigentes em Luwu Raya.

Estrutura teórica: Define disciplina de trabalho, explica os princípios de gestão de desempenho, incorpora regulamentações legais, usa modelos teóricos, forma perguntas de pesquisa e identifica variáveis. Também considera fatores contextuais e molda as expectativas com relação ao impacto da disciplina no trabalho sobre o desempenho.

Metodologia: Este método de pesquisa usa uma abordagem jurídica empírica, de modo que, para obter dados de pesquisa, são realizadas entrevistas estruturadas com os entrevistados, neste caso, funcionários do ambiente governamental de Luwu Raya.

Resultados e conclusão: Os resultados deste estudo indicam que os resultados da pesquisa realizada pelos pesquisadores, os achados deste estudo são que a disciplina tem uma influência muito significativa sobre o desempenho da ASN em Luwu Raya. Em geral, o nível de disciplina da ASN em Luwu Raya está na categoria boa. Isso pode ser visto pela falta de violações cometidas pela ASN em Luwu Raya, tanto violações menores quanto maiores. Assim, a ASN em Luwu Raya desempenhou bem suas funções, conforme regulamentado no nº 94 de 2021, relativo à disciplina dos funcionários públicos.

Originalidade/valor: Como recomendação, o governo da cidade de Palopo deve impor disciplina contra os ASN e fazer vários esforços para melhorar a disciplina. O governo da cidade de Palopo tem se esforçado para que os funcionários públicos tenham uma atitude de alta disciplina, bom desempenho e atitudes e comportamentos cheios de lealdade e obediência ao Estado.

Palavras-chave: disciplina do funcionário público, desempenho do governo.

1 INTRODUCTION

Civil Servants are apparatus resources tasked with organizing government tasks and providing services to the public or community in a professional and quality manner. As mandated in Law Number 5 of 2014 concerning the State Civil Apparatus promulgated on January 15, 2014, it is stated that ASN is a profession for civil servants who are tasked with organizing public policy; providing professional and quality public services; and strengthening the unity and integrity of the Republic of Indonesia (Article 11). The implementation of this policy is expected to realize and create a quality civil servant bureaucratic apparatus that has competence and professionalism in carrying out its duties and positions. The journey of the Indonesian nation, which officially became independent in 1945, is certainly colored by various problems and polemics.



The implementation of public services will be determined by various factors, including the professionalism of the apparatus, while to get a professional apparatus requires the quality of apparatus resources in accordance with the demands of the organization. This is important and essential because public services are services that are directly related to meeting the needs of the wider community and greatly affect the achievement of overall organizational goals.

The regulation of civil servants as apparatus resources through civil servant management as part of ASN management, namely ASN management to produce ASN employees who are professional, have basic values, professional ethics, free from political intervention, clean from the practice of corruption, collusion and nepotism (Article 1 paragraph 5 of the ASN Law). Civil servant management is a function in the organization designed to maximize employee performance in maximizing organizational performance. One of the organizational activities to advance the capabilities of its employees is employee career development.

Some of the problems that arise about bureaucratic performance measures are generally not very concrete, not well planned, not related to results and impacts, and not related to the compensation system, even filling positions is not based on competence, previous performance results, and suitability with the required qualifications. These symptoms lead to a decline in bureaucratic orientation and performance in public services, in addition to having a long impact on the limited mobility of civil servants as the glue of the Republic of Indonesia.

Problems that occur related to civil servant management and civil servant career patterns are the ineffectiveness of civil servant position analysis data as the basis for future HR management planning, updating and rejuvenating the personnel information system so that HR management related to complex civil servant career pattern data can be used adequately, the lack of budget allocations in improving human resources, the unoptimal use of position competency standards as the basis for employee placement or mutation, the inconsistent application of regulations and many other problems.

2 IDENTIFICATION OF PROBLEMS

Based on the background of the problem above, the problems of this research can be identified as follows:



1. How is the Implementation of Civil Servant Work Discipline in Performance Management according to the prevailing laws and regulations in Luwu Raya?
2. What factors influence the work discipline of civil servants in performance management according to the laws and regulations in force in Luwu Raya?

3 THEORETICAL FRAMEWORK

3.1 THEORY OF LEGAL EFFECTIVENESS

The theory of legal effectiveness relating to the types of fraud that occur in society needs to be observed that the validity of the law can be seen from various perspectives, such as philosophical, normative juridical, and sociological perspectives. In a philosophical perspective, the law applies if it is in accordance with legal ideals. From a normative philosophical perspective, the law applies if it is in accordance with higher methods (Hans Kelsen's theory) or its formation is in accordance with the methods regulated in the law.⁵

Meanwhile, another theory of legal effectiveness according to Soerjono Soekanto suggests that whether a law is effective or not is determined by 5 (five) factors, namely:

1. The legal factor itself (law).
2. Law enforcement factors, namely the parties who form and apply the law.
3. Factors of facilities or facilities that support law enforcement.
4. Community factors, namely the environment where the law applies or is applied.
5. Cultural factors, namely as a result of work, copyright and taste based on human nature in the association of life.

Robert Reiner once described the debate on justice as an essentially contested concept. Plato considers justice as part of virtue, and Cicero only judges a person as "good" based on their behaviour of justice. According to him, there are three moral virtues: justice, self-control and courtesy.

Aristotle explained justice with the phrase "justice consists in treating equals equally and unequals unequally, in proportion to their inequality." Aristotle's view is that the desire for equality in treatment must open one's eyes to the inequality of realities.

⁵ Sufirman Rahman, Nurul Qamar, Muhammad Kamran, Efektivitas Pembagian Harta Bersama Pasca Perceraian: Studi Kasus Perkawinan Poligami, SIGn Jurnal Hukum, Vol. 1, No. 2 (Maret 2020) 104 – 118, e-ISSN: 2685 – 8606 || p-ISSN: 2685 – 8614, <https://jurnal.penerbitsign.com/index.php/sjh/article/view/v1n2-104-118/27>



Justice can only be understood if it is positioned as a state that the law seeks to realise. The effort to realise justice in law is a dynamic process that takes a lot of time. It is also often dominated by the forces fighting within the general framework of the political order to actualise it.⁶ One can regard justice as an absolute idea or reality and assume that knowledge and understanding of it can only be gained partially and through very difficult philosophical endeavours. Alternatively, one may regard justice as the outcome of a religion's or philosophy's general view of the world. In this case, one can define justice in terms of one or more of these views.

Theories of Justice in the philosophy of law are Natural Law Theories from Socrates to Francois Geny, still maintain justice as the crown of law. Natural Law theories prioritise "the search for justice", there are various theories of justice and a just society. These theories concern rights and freedoms, opportunities for power, income and prosperity. Among these theories can be mentioned: Aristotle's theory of justice in his book *Nicomachean Ethics* and John Rawl's theory of social justice in his book *A Theory of Justice*.

3.2 RULE OF LAW THEORY

Furthermore, the State of Law developed in the 19th century although the concept of the State of Law has long existed and developed in accordance with the demands of the situation. Starting from the time of Plato until now, the conception of the State of Law has undergone many changes that inspired philosophers and experts to formulate what is meant by the State of Law and what things must be in the concept of the State of Law. The idea of the rule of law began with Plato with his concept "that the administration of a good state is based on good regulation (law) which he called the term *nomoi*". Then the idea of the rule of law became popular in the 17th century as a result of the political situation in Europe which was dominated by absolutism.⁷ The rule of law in Common Law countries is called "government by law, not by men". Or a system of government based on the rule of law, not the rule of men. Whereas in Continental European countries the concept of the State of Law (*Rechtstaat*) is known, as opposed to the State of Power (*machstaat*). *Rechtstaat* is a Dutch term that has a meaning that is parallel to the notion of rule of law in countries that apply the Anglo Saxon system.

⁶ Carl Joachim Friedrich (2004: 239)

⁷ (Titik Triwulan T., 2011:267).



In Indonesian it is often referred to as the "State of Law", or in German it is also called the term "Rechtstaat", in French it is called the term "Etat de Droit" while in Italian it is called the term "Stato di Diritto".⁸

The idea of the rule of law, apart from being related to the concepts of "rechtstaat" and "the rule of law", is also related to the concept of "nomocracy" which comes from the words "nomos" and "cratos". Nomocracy can be compared to "demos" and "cratos" or "kratien" in democracy. "Nomos" means norms, while "cratos" is power. What is envisaged as the determining factor in the exercise of power is the norm or law. Therefore, the term nomocracy is closely related to the idea of legal sovereignty or the principle of law as the supreme power. Moch. Yainin defines the rule of law (rechtstaat) as the power exercised by the government only based on and derived from the law and never based on the power of arms, arbitrary power, or the belief that the power of the body can resolve all disputes in the State. The rule of law is a state system that is governed by the prevailing laws that are arranged in a constitution, where all people in the country, both those who are governed and those who govern, must be subject to the same law, so that everyone who is the same is treated the same and everyone who is different is treated differently on the basis of rational distinctions, regardless of differences in skin colour, race, gender, religion, region and beliefs, and the authority of the government is limited based on a principle of distribution of power, so that the government does not act arbitrarily and does not violate the rights of the people, therefore the people are given a role according to their abilities and roles democratically.

3.3 INTEGRATIVE THEORY OF LAW

Integrative Legal Theory according to Romli Atmasasmit is a combination of Development Legal Theory and Progressive Legal Theory in the Indonesian context inspired by the concept of law according to H.L.A Hart. This is because Hart emphasises the importance of the rule of recognition in the concept of law compared to primary rules which emphasise the obligation of community members to obey the law. Integrative Legal Theory explains that bureaucratic engineering and community engineering must be based on a system of norms, a system of behaviour and a system of values sourced from Pancasila as the ideology of the Indonesian nation.

⁸ (Munir Fuady, 2011:2).



If a red thread is drawn, the three theories; Development Law Theory, Progressive Law Theory and Integrative Law Theory have the same tendency, namely that the law should be to achieve the welfare of the community. This is when associated with Indonesia, then the thinking of the three theories is based on the philosophy of the nation, namely Pancasila as a way of life, peculiar form of social life and *volkgeest*.

form of social life and *volkgeist*. Therefore, on this occasion it is very interesting to observe the convergence of the three legal theories mentioned above, and raises and confirms that actually the right legal theory for the Indonesian nation is the Pancasila Legal Theory as a synthesis of legal issues of the nation and state.

3.4 WORK ETHIC THEORY

Work ethic is the totality of his personality and the way he expresses, views, believes and gives meaning to something, which encourages him to act and achieve optimal charity so that the pattern of relationships between humans and themselves and between humans and other creatures can be well established.⁹ Thus, work ethic can be defined as a doctrine about work that a person or group of people believe to be good and right that manifests itself distinctively in their work behaviour.¹⁰ Many other figures have stated the definition of work ethic. One of them is Harsono and Santoso who state that work ethic is a spirit of work based on certain values or norms. This is in accordance with Sukriyanto's opinion, which states that work ethic is a spirit of work possessed by people to be able to work better in order to obtain the value of their lives. Work ethic determines human judgement manifested in a job. Furthermore, Hill stated that work ethic is a cultural norm that supports a person to do and be responsible for their work based on the belief that the work has intrinsic value. Based on the opinions of the figures above, it can be seen that work ethic is closely related to the values that are intrinsically lived by a person. This is reinforced by Hitt who equates work ethic as a value and states that the picture of a person's work ethic is a picture of his values that serve as a guide in his behaviour.

Local Wisdom is a part of a culture that exists in a society that cannot be separated from the community itself, local wisdom can be said to be a value that exists local wisdom in Indonesia has been proven to determine or play a role in the progress of its society.

⁹ Tasmara, 2002

¹⁰ Sinamo, 2002



According to Sibarani (in Daniah) Local Wisdom is a form of understanding that exists in managing people's lives or what is commonly called local wisdom. Local wisdom is a set of worldviews, knowledge, and life strategies that are manifested in activities carried out by local communities, which are able to answer various problems in fulfilling their needs.¹¹ Local wisdom is the basic knowledge of life, gained from experience or life truths, can be abstract or concrete, balanced with nature and culture belonging to a certain group of people.¹² Local wisdom can also be found, both in community groups and in individuals. Local wisdom is used by the community as a controller of daily life in family relationships, with fellow relatives, and with people in the wider environment.¹³ Because the scope is local knowledge, culture, and intelligence, local wisdom is also known as local knowledge, local wisdom, or genius local.

The characteristics of local wisdom are (1) it should incorporate virtuous knowledge that teaches people about ethics and moral values; (2) it should teach people to love nature, not to destroy it; and (3) it should come from older members of the community. Local wisdom can take the form of values, norms, ethics, beliefs, customs, laws, customs, special rules. Furthermore, values that are relevant to local wisdom include honesty, responsibility, discipline, creativity, and hard work. In art, especially traditional art, local wisdom will be reflected in language, both oral and written: proverbs, rhymes, songs, or advice. Historically, traditional performing arts originated from traditional religious ceremonies and rituals that were magical in nature, delivered in the form of repetitive mantras.

4 RESEARCH RESULTS AND DISCUSSION

4.1 WORK DISCIPLINE OF CIVIL SERVANTS IN PERFORMANCE GOVERNANCE ACCORDING TO APPLICABLE LEGISLATION IN LUWU RAYA

The Nature of Civil Servant Work Discipline in Performance Governance According to Applicable Legislation in Luwu Raya is an effort made using a scientific approach in seeking the truth about the enforcement of norms based on Government Regulation Number 94 of 2021 concerning Civil Servant Discipline and has been in accordance with these regulations. In this research, the author uses several theories to

¹¹ (Fajarini, 2014; Saputra, 2011; Cheng, 2002; Triyanto, 2017).

¹² (Mungmachon, 2012:174)

¹³ (Kamonthip & Kongprasertamorn, 2007: 2).



explain how the nature of discipline that applies in the luwu raya region is related to the work discipline of civil servants.

Discipline theory has an important relevance in the context of implementing disciplinary regulations for Civil Servants (PNS) or State Civil Apparatus (ASN), especially in the district / city government area in Luwu Raya, Discipline theory helps understand the basic principles and factors that influence disciplinary behaviour, as well as how the application of disciplinary regulations can affect organisational performance and effectiveness. At the time of the research, an interview was conducted with the Head of BKPSDM East Luwu Regency Kamal Rasyid, who said that "Civil servants' work discipline refers to the behaviour, conduct, and obedience of civil servants to the rules, regulations, and procedures that apply in the government agencies where they work. Work discipline is important in maintaining the performance and effectiveness of public services provided by civil servants, this regulation is in accordance with PP Number 94 of 2021 concerning the discipline of Civil Servants" In the theory of discipline includes explaining how concepts about regulating behaviour and actions to achieve certain goals. In the context of organisations and management, discipline refers to the level of individual compliance with norms, rules, and policies that have been established by the organisation. Discipline theory helps identify factors that influence a person's motivation and willingness to follow applicable rules and standards. An interview with the head of BKPSDM North Luwu Regency, Mr Arief R Palallo, stated that "the discipline of civil servants must refer to PP No. 94 of 2021 concerning the discipline of civil servants, this is to determine the level of compliance, the application of applicable rules will also identify several factors that influence individual discipline" The same thing was expressed by the head of BKPSDM Palopo City, Mr Irfan Dahri, who explained that the work discipline of civil servants is inseparable from such things as effective supervision, clear communication, leadership support, rewards and fair sanctions.

Based on the results of the interview above, it can be explained that the implementation of disciplinary regulations for civil servants aims to ensure that employees comply with applicable rules and norms, so as to maintain the integrity, ethics and performance of the organisation. This process involves steps such as supervision, performance evaluation, corrective action, rewards, and sanctions if necessary. The results of an interview with the head of BKPSDM East Luwu Regency, Mr Kamal Rasyid, explained that: Proper implementation of disciplinary regulations will contribute to



organisational effectiveness. By reinforcing disciplinary behaviour among civil servants, organisations can minimise non-compliance with rules, increase productivity, reduce internal conflict, and maintain the organisation's reputation. In order to implement civil servant discipline, there are several steps taken by the government so that among others are providing training and giving fair rewards. In an interview with the secretary of BKPSDM Palopo City, Mrs Andi Fausi said that: "The implementation of disciplinary regulations is not only limited to imposing sanctions, but also involves a preventive approach. Proper education and training on organisational rules and norms can help civil servants understand the importance of discipline and its positive impact on the organization."

From the explanations above, it can be concluded that discipline theory provides an important basis for understanding in managing disciplinary behaviour among civil servants. Effective implementation of disciplinary regulations for civil servants needs to consider the psychological, social and organisational factors that influence discipline, and maintain a balance between sanctions and rewards to optimally achieve organisational goals. In practice, the implementation of disciplinary regulations for civil servants does not only focus on enforcing rules, but also involves human and psychological aspects. Integrating principles from discipline theory in this process can help create a work environment that supports voluntary discipline, high motivation, and overall organisational effectiveness.

The implementation of disciplinary rules is not an end in itself, but rather an attempt to create an organised, ethical and productive work environment. This requires a balanced approach between rewards and sanctions, as well as recognition of the complexity of individuals within the organisational context.

The research uses the Theory of Legal Effectiveness, which is associated with the types of fraud that occur in society, it should be noted that the enactment of law can be seen from various perspectives, such as philosophical, juridical normative and sociological perspectives. In a philosophical perspective, the law applies if it is in accordance with legal ideals. The normative philosophical perspective is the enactment of the law if it is in accordance with higher methods (Hans Kelsen's theory) or its formation in accordance with established methods (W-ze Ven Bergen's theory).

The theory of legal effectiveness is closely related to the application of disciplinary regulations for civil servants in government institutions. This theory relates



to how laws and regulations are applied in practice to achieve the desired goals. In the context of implementing disciplinary regulations for civil servants in government institutions (luwuraya), legal effectiveness theory plays an important role in maintaining organisational integrity, discipline and performance. In an interview with the Head of BKPSDM Palopo City, Mr Irfan dahri said that: "In the context of implementing civil servant disciplinary regulations, the purpose of legal effectiveness is to maintain the discipline, ethics, and performance of civil servants in accordance with the mission and vision of government institutions".

Based on the interview above, it is explained that legal effectiveness theory emphasises the importance that laws and regulations must be applied effectively to achieve the desired goals, such as justice, order, and protection of individual rights. In addition, the application of civil servant discipline in terms of legal effectiveness functions as a prevention and enforcement effort, this is based on an interview with the head of BKPSDM North Luwu Regency, Mr Arief R Palallo, who said that legal effectiveness in the application of civil servant discipline regulations, be it Law Number 5 of 2014 concerning State Civil Apparatus, PP Number 11 of 2017 concerning Civil Servant Management, or Government Regulation No. 94 of 2021 concerning Civil Servant discipline, this involves measures to prevent violations and enforce disciplinary action if violations occur. Prevention involves clear communication of the rules, training, and a work environment that supports discipline. Enforcement means firm and fair action when violations occur, so that there is a deterrent effect and a positive effect on the behaviour of civil servants.

The implementation of civil servant discipline when linked to legal effectiveness also requires a strong monitoring mechanism for the implementation of disciplinary regulations. Government agencies need to continuously monitor and evaluate whether the application of the law has achieved the desired goals. If weaknesses or problems are found, revisions to the regulations or the implementation process can be made. In the author's interview with the Head of BKPSDM Palopo City, Mr Irfan Dahri, explained that: the context of implementing disciplinary regulations for civil servants of the Palopo city government, the main objective is to maintain discipline, integrity and optimal performance within the organisation. Legal effectiveness means that the rules that have been established must be implemented appropriately, consistently and fairly in order to support the creation of a professional, ethical and efficient work environment. In line



with this, the purpose of Legal Effectiveness in the Implementation of Civil Servant Discipline based on legal effectiveness theory underscores the importance of maintaining that existing laws and regulations are implemented effectively in order to achieve the desired goals of a legal system. Based on the interview above, in the context of implementing civil servant disciplinary regulations in government institutions (luwuraya), legal effectiveness theory helps ensure that rules and norms are followed appropriately, that the disciplinary process is fair and transparent, and that organisational goals are optimally achieved. By applying the principles of legal effectiveness, government agencies can create an environment that respects the rules, encourages good performance, and maintains organisational integrity.

The theory of the rule of law has important relevance in the context of implementing disciplinary regulations for civil servants. The concept of the rule of law emphasises the importance of law as the main foundation in regulating social life, including in maintaining discipline and disciplinary action among civil servants. The following is an explanation of the relationship between the theory of the rule of law and the application of disciplinary regulations for civil servants, in the application of Government Regulation No. 94 of 2021 concerning the discipline of civil servants, associated with the theory of the rule of law can be described in an interview with the Head of BKPSDM East Luwu Regency, Mr Kamal Rasyid, who said that: the implementation of employee discipline places the law as the highest authority governing all aspects of life in society, including within the scope of government. In the application of civil servant disciplinary regulations, this principle of the rule of law requires that all disciplinary actions must be based on valid and applicable laws and regulations. This ensures that any disciplinary action is not arbitrary and in accordance with the applicable legal norms, in this case the rules applied are Government Regulation No. 94 of 2021 concerning Civil Servant discipline.

Basically, the theory of the rule of law emphasises the principles of justice and legal certainty as fundamental pillars in the application of law. When these principles are applied to the process of civil servant disciplinary regulations, the need arises to ensure that disciplinary actions taken have a strong basis in the form of clear and objective evidence. By prioritising fairness, disciplinary action is not based on perception alone, but on valid and accountable information. This also ensures that every disciplinary action is taken based on the principle that every individual has the right to be treated fairly and



equally in the eyes of the law, while avoiding the possibility of abuse of the disciplinary application process. The author's interview with the Head of BKPSDM North Luwu Regency Mr Arief R Palallo said that in the application of civil servant disciplinary regulations, this principle ensures that the sanctions or disciplinary actions taken must be balanced with the level of violation that occurred. This avoids the possibility of disciplinary action being too severe or too light, as well as ensuring that any disciplinary action has a strong basis and adheres to the principles of justice that underlie the legal system as a whole.

This is in line with the author's interview with the Head of BKPSDM of East Luwu Regency Kamal Rasyid who said that: In the application of civil servant disciplinary regulations, this principle requires that disciplinary action must be based on strong evidence, fair procedures, and sanctions that are appropriate to the level of the offence. This provides assurance to civil servants that disciplinary action will be carried out fairly and in accordance with applicable legal standards, in the application of civil servant disciplinary regulations, this principle emphasises that sanctions and disciplinary action must be carried out in accordance with established procedures, without arbitrary interference or favouritism. This protects the rights of civil servants from unfair and unlawful actions. Thus the theory of the rule of law has a significant impact on the implementation of disciplinary regulations for civil servants in this case the enforcement of Government Regulation No. 94 of 2021 concerning the discipline of Civil Servants. The district / city government in Luwu Raya uses this concept to keep disciplinary actions fair, transparent, and in accordance with the law, while protecting individual rights. By adhering to the principles of the rule of law, government agencies can build an environment that supports discipline and integrity, as well as respect for the basic principles in the legal system.

Integrative Legal Theory implemented in Government Regulation No. 94 of 2021 concerning the discipline of Civil Servants in district/city government areas should use an approach that emphasises the importance of integrating various elements in the law to achieve justice, harmony, and overall social goals. In the context of implementing disciplinary regulations for Civil Servants (PNS), integrative legal theory has a strong relationship with the way disciplinary regulations are implemented which focuses on justice, participation, and broader goals for the organisation and society. The following is an explanation of the relationship between integrative legal theory and the application of



disciplinary regulations for civil servants. The explanation of the Head of BKPSDM Palopo City, Mr. Irfan dahri, said that in the application of civil servant discipline regulations, this principle requires that disciplinary rules be integrated with ethical norms, organisational values, and principles of justice, In the results of the interview above, it is expected that the implementation of Government Regulation No. 94 of 2021 concerning Civil Servant discipline in the Palopo city government in imposing sanctions or disciplinary actions is not only based on technical violations, but also on their impact on ethics and justice in the work environment.

The presence of Government Regulation No. 94 of 2021 concerning the discipline of Civil Servants must protect individual human rights in this case civil servants, in an interview with the Head of BKPSDM North Luwu Regency Arief R Palallo said that: In implementing civil servant disciplinary regulations, every disciplinary action must ensure that the human rights of civil servants are protected. Civil servants have the right to obtain clear information about the alleged violation, the right to defend themselves, and the right to a fair and transparent process. Based on the above, the application of civil servant disciplinary sanctions emphasises fair and equitable resolution as the main objective of the law. In the application of civil servant disciplinary regulations, this principle means that sanctions or disciplinary actions must be imposed by considering relevant factors and giving civil servants the opportunity to explain their situation. This avoids disciplinary action based on assumptions or perceptions alone, and ensures that justice and legal certainty are maintained, as is the case in the Palopo City Government. In the face of complex and diverse situations, integrative legal theory can help maintain a balance between applying applicable regulations, especially Government Regulation No. 94 of 2021 concerning the discipline of Civil Servants in districts/cities throughout Greater Luwu, while still considering ethical and moral principles. This integration will ensure fairness and equality in the enforcement of discipline among civil servants, and improve the overall effectiveness and efficiency of public services.

Through an integrative legal theory approach, the application of civil servant discipline regulations, especially Government Regulation No. 94 of 2021 concerning Civil Servant discipline in the district/city area in luwura, can be more comprehensive, fair, and forward-looking. Integrative principles help maintain a balance between the interests of individual civil servants, government organisations, and society as a whole.



Thus, integrative legal theory has an important role in directing the application of civil servant discipline regulations towards achieving broader and more sustainable goals.

4.2 ANALISIS TERHADAP PELAKSANAAN DISIPLIN KERJA PEGAWAI NEGERI SIPIL DALAM TATA KELOLA KINERJA MENURUT PERATURAN PERUNDANG-UNDANGAN YANG BERLAKU DI LUWU RAYA

Civil servants (PNS) are the backbone of government bureaucracy in many countries. To achieve the goal of better public services, it is important for civil servants to function well and deliver optimal performance. One of the key factors in achieving this is discipline in carrying out their duties and responsibilities. Therefore, the implementation of disciplinary regulations for civil servants is very important in achieving this goal.

To realise a good public service in the community, it is necessary to improve the discipline of government apparatus or employee discipline. The discipline in question includes propriety and obedience to applicable regulations. As stated in Government Regulation Number 94 of 2021 concerning Civil Servant Discipline that Civil Servant Discipline is the ability of civil servants to obey obligations and avoid prohibitions specified in laws and regulations and/or violated is subject to disciplinary punishment.

Civil Servant Discipline according to PP No. 94 of 2021 concerning Civil Servant discipline states that the real practice of employees to the rules contained in the organisation is a matter of discipline that is not just obedience but also a matter of responsibility that has been given by an agency that shows civil servants to better comply with the obligations that already exist in PP No. 94 of 2021. 94 of 2021, Civil Servant Work Discipline is also a form of forming a disciplined attitude towards employees who intend to respect, appreciate, and be obedient and obedient to applicable regulations, and are also ready for sanctions in written and unwritten regulations. The most important discipline is the discipline of coming to work and obeying the specified working time. Civil servants must be disciplined in complying with working time regulations. Time discipline is mandatory, especially for civil servants, when working according to regulations. This is because time discipline is one way to get good work ethic results. Civil servant discipline regarding time is strictly regulated in Article 4 point f in Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, which states that "civil servants are obliged to come to work and obey the provisions of working



hours". Therefore, civil servants are obliged to come to work and obey the rules regarding this work discipline, because in addition to strict rules regarding the discipline of entering work and the provisions of working hours, disciplined employees can also determine the quality and quantity of Civil Servants in a region.

Research conducted by the author on the government / city in several luwura areas has implemented discipline in accordance with applicable regulations, namely Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. Based on the results of the author's interview with the Head of BKPSDM North Luwu, Mr Arief R Palallo, said that one form of applying discipline to working hours, working hour discipline includes starting from coming to the office to going home in accordance with the specified time. The North Luwu district government is by applying an effective working time of 37.5 hours outside of rest hours for one week.

In line with the above, the Head of the Mutation Division of BKPSDM North Luwu Regency, Mr Arief R Palallo, added that the application of working time for civil servants within the North Luwu district, apart from being based on Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, the North Luwu Regent issued Regent Regulation number 97 of 2017 concerning guidelines for providing additional income for civil servants within the scope of the North Luwu district, which in CHAPTER IV regulates days, working hours, apples and ceremonies.

Based on the above, it is known that the North Luwu Regency Government in implementing the discipline of civil servants in the provision of time to come and go home from work has been running effectively with the provision of legal instruments in the form of rules for employees to obey at work and as guidelines in carrying out every job so that employees can discipline themselves directly if they comply with the rules that have been set.

The discipline of civil servants in terms of punctuality is expected by an agency so that each employee can carry out the rules required in the position so that each employee can carry out his work in an orderly and regular manner. A measure of the success of a regulation is the purpose and how the regulation was born, with that the performance of the implementation of the regulation can be measured through the objectives of the existing policy, a regulation can be said to be running well if the objectives and implementation of the policy are in accordance. every ASN employee is



required to come to work and obey the provisions of working hours on every working day and working day,

In an interview with the Head of BKPSDM Palopo City, Mr Irfan dahri, said that in addition to Government Regulation No. 94 of 2021 concerning civil servant discipline, the Palopo City Government has issued Mayor Regulation Number 3 of 2020 concerning Provision of Additional Civil Servant Income Based on Position Classes within the Palopo City Government. Which also regulates the provisions of employee working hours. Based on the interview above, it can be explained that the enforcement of civil servant discipline, especially in the discipline of working hours in Palopo city, is based on regulations. Compliance with rules and regulations is one of the central aspects of civil servant discipline.

A civil servant who has high discipline will obey all the rules that apply in the institution where he works. This includes internal institutional regulations, government policies, and ethical norms that guide them in carrying out their daily duties. This compliance creates a structured, transparent and trustworthy work environment, where each individual knows his or her limits and responsibilities.

The East Luwu Regency government wants to make its civil servants reliable, professional and moral, in realising this, it requires civil servant discipline regulations that can be used as guidelines in enforcing discipline, so as to ensure the maintenance of order and smooth implementation of tasks and can encourage civil servants to be more productive. Based on the author's interview with the Head of BKPSDM of East Luwu Regency, Mr Kamal Rasyid, who said that the East Luwu Regency Government has Regent Regulation Number 7 of 2021 concerning Civil Servant Workdays within the East Luwu Regency Government as a guideline in implementing civil servant discipline including the provisions of civil servant working hours. In addition, the implementation of the discipline of going to work and the provisions of working hours is also based on Government Regulation Number 94 of 2021 concerning Civil Servant Discipline article 4 point f, namely civil servants are obliged to come to work and obey the provisions of working hours". ". Therefore, civil servants are obliged to come to work and obey the regulations regarding work discipline, because in addition to strict rules regarding the discipline of entering work and the provisions of working hours, disciplined employees can also determine the quality and quantity of the Civil Service in a country. The results of regulations governing punctuality can be seen if employees arrive on time, orderly and



regular, so that good work discipline can be formed. Without good discipline, it is difficult for an organisation or agency to achieve optimal results. employees are used to coming to the office on time, employees are used to taking breaks on time, employees are used to going home on time.

The results of the descriptions of the interviews conducted, the researcher can conclude that the indicators of the application of employee working hour discipline are well implemented, this is evidenced by the issuance of implementing rules as guidelines in carrying out each job so that employees can discipline themselves directly if they comply with the rules that have been set. A good and correct state apparatus must be structured in accordance with Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. Article 1 defines disciplinary measures for government employees as means undertaken to fulfil their legal obligations and refrain from violating the rules set out in relevant laws and administrative codes. In accordance with Article 4 paragraph 6 of Government Regulation No. 94 of 2021, authorised officials may waive the threat of sanctions if the applicable legal norms contain provisions that are clear, complete, practical, and easy to implement. Civil Servant Work Discipline is a form of forming a disciplinary attitude towards employees who intend to respect, appreciate, and obey and obey the applicable regulations, and are also ready for sanctions that exist in written and unwritten regulations. In Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, all of this has been listed through the fulfilment of rights and obligations that must be obeyed by civil servants. As explained regarding the work discipline of ASN, some of these rules include: the obligation to come to work, the addition of provisions on the obligation to achieve work targets, providing sanctions for employees who violate the rules, and so on. Work discipline in the context of civil servants describes a consistent attitude and behaviour that reflects full compliance with the rules and norms that apply in the work environment. The proper implementation of work discipline reflects the extent to which a civil servant is able to uphold professional ethical standards and professional principles. In the scope of performance governance, work discipline forms a strong basis for achieving organisational goals, improving public services, and building public trust.

Discipline is not only limited to compliance with regulations and work rules, but also includes professional attitudes, ethics, integrity, and individual responsibility. A disciplined civil servant will carry out their duties with full responsibility, prioritise the



interests of the community, and work efficiently and effectively. Conversely, indiscipline within civil servants can have a negative impact, such as decreased productivity, poor service quality, and can even harm the image of government. ASN discipline is the ability of the State Civil Apparatus to obey obligations and avoid prohibitions specified in laws and regulations and or official regulations which, if disobeyed or violated, will be subject to disciplinary punishment. It is necessary to handle clearly and firmly the implementation of employee discipline because basically employee discipline reflects the work performance of an employee itself and also affects the quality of services provided to the community. So important is the discipline of civil servants that the government is trying various ways as seen from the rules and policies governing this matter. One of them is the latest Government Regulation governing the discipline of the State Apparatus, namely PP Number 94 of 2021 concerning Civil Servant Discipline replacing PP Number 53 of 2010.

In its implementation related to compliance with applicable regulations for civil servants in the Palopo city government, we can describe it based on the information of the Head of BKPSDM Palopo City, Mr Irfan Dahri, who was met by the author, saying that the number of civil servants who committed violations in 2022 was 22 people, with details of 15 moderate violations and 7 people with serious violations. The determination of punishment for disciplinary offences refers to Appendix I of the Regulation of the Head of the State Personnel Agency Number 21 of 2010. It is intended that the imposition of disciplinary penalties is as a guidance for civil servants, namely to correct and educate civil servants for violations that have been committed so that they can improve themselves in the future."

The Palopo city government must enforce discipline on civil servants and implement various efforts to improve discipline. The Palopo city government has strived for civil servants who have a high attitude of discipline, good performance and attitudes and behaviour that are full of loyalty and obedience to the state, moral and good mentality, professional, aware of their responsibilities as public servants and able to become an adhesive for national unity and integrity



5 CONCLUSION

1. Based on the results of research conducted by researchers, the findings in this study are that discipline has a very significant influence on the performance of ASN in Luwu Raya. In general, the level of discipline of ASN in Luwu Raya is in the good category. This can be seen from the lack of violations committed by ASN in Luwu Raya, both minor and major violations. Thus ASN in Luwu Raya has performed its duties well as stipulated in No 94 of 2021 concerning the discipline of Civil Servants.

2. Implementation of good governance, discipline for civil servants who have a good level of discipline has reflected the magnitude of one's responsibility for the tasks and mandates given to him. This encourages work passion, work enthusiasm, and the realisation of organisational goals. In order to realise organisational goals that must be immediately built and enforced is the discipline of its employees. Actions against violations of discipline to Civil Servants must be firm, so as to create a deterrent effect for employees who commit disciplinary actions. Because the creation of good discipline will create a conducive work atmosphere and high productivity.



REFERENCES

- Amirudding dan Zainal Asikin, 2004, Pengantar Metode Penelitian Hukum, PT. Raja Grafindo Persada, Jakarta,
- Al Fajar, Siti, Heru, Tri. 2013. Manajemen Sumber Daya Manusia Sebagai Dasar Meraih Keunggulan Bersaing. Yogyakarta: UPP STIM YKPN.
- Desiana, A. (2014). Reformasi Birokrasi Pemerintahan Daerah Menuju Good Governance. *Jurnal Manajemen Pemerintahan*, 1(1), 19.
- Haris, S. (2007). Desentralisasi dan otonomi daerah. Jakarta: LIPPI pres, hlm. 39-51.
- Poerwadarminta, W. J.S. (1986). Kamus Besar Bahasa Indonesia. Balai Pustaka: Jakarta, hlm. 478-514.
- Saputral, M. E. (2015). Evaluasi Kebijakan Peraturan Walikota Bontang Nomor 73 Tahun 2012 Tentang Program Fasilitas Partisipasi Masyarakat Di Kelurahan Bontang Lestari Kecamatan Bontang Selatan Kota Bontang, Ilmu Pemerintahan.
- Sujanto. (1986). Beberapa Pengertian di Bidang Pengawasan. Cet. Kedua Edisi Revisi. Jakarta: Ghalia Indonesia, hlm. 19.
- Dessler, Gary. 2003. Manajemen Sumber aya Manusia Jilid 1. Jakarta: PT. Indeks.
- Handoko, Hani, T. 2013. Manajemen Personalialia & Sumberdaya Manusia. Yogyakarta: BPFE-Yogyakarta.
- . 2001. Manajemen Personalialia & Sumberdaya Manusia. Yogyakarta: BPFE-Yogyakarta.
- Handoko, 2012 Manajemen Personalialia & Sumberdaya Manusia. Yogyakarta: BPFE-Yogyakarta
- Kadarisman, M. 2012. Manajemen Pengembangan Sumber Daya Manusia. Jakarta: PT. Raja Grafindo Persada.
- Mangkunegara, Anwar Prabu. 2011. Manajemen Sumber Daya Manusia Perusahaan. Bandung: PT. Remaja Rosdakarya Offset.
- Marwansyah. 2010. Manajemen Sumber Daya Manusia Edisi Kedua. Bandung: Alfabeta.
- Rivai, Veithzal, Ella Jauvani Sagala. Manajemen Sumber Daya Manusia Untuk Perusahaan Dari Teori ke Praktek Edisi Kedua. Jakarta: PT. Rajagrafindo Persada.
- Sedarmayanti. 2013. Manajemen Sumber Daya Manusia Reformasi Birokrasi dan Manajemen Pegawai Negeri Sipil. Bandung: PT. Refika Aditama.
- Simamora, Henry. 2003. Manajemen Sumber Daya Manusia Edisi III. Jakarta: STIE YKPN.



Soerjono Soekanto, Faktor-Faktor yang Mempengaruhi Penegakan Hukum (Jakarta: PT. Raja Grafindo Persada, 2008.

Nawawi, Nadari,. 2005. Manajemen Sumber Daya Manusia Untuk Bisnis yang Kompetitif. Yogyakarta: Gadjah Mada University Press. Prabu, Mangkunegara Anwar. 2011.

Manajemen Sumber Daya Manusia Perusahaan. Bandung: PT. Remaja Rosdakarya.

Sedarmayanti. (2014). Manajemen Sumber Daya Manusia, Reformasi Birokrasi, dan Manajemen Negeri Sipil. Refika Aditama, Bandung.

Sugiyono. 2009. Metode Penelitian Kuantitatif Kualitatif dan R&D. Bandung: CV. Alfabeta.

La Ode Husen, Said Sampara, Sufirman Rahman, Sarifuddin Umar Independence And Accountability, Supreme Court In The Implementation: The Power Of Judgment In Indonesia, Imperial Journal of Interdisciplinary Research (IJIR) Vol-3, Issue-5, 2017 ISSN: 2454-1362, https://www.researchgate.net/publication/330260244_Independence_And_Accountability_Supreme_Court_In_The_Implementation_The_Power_Of_Judgment_In_Indonesia

Nurul Qamar, Farah Syah Rezah, Universitas Muslim Indonesia, The Dichotomy of Approach in the Study of Legal Science: A Critical Review, SIGn Jurnal Hukum, E-ISSN: 2685 – 8606 || P-ISSN: 2685 – 86, Volume 4 Issue 2: October 2022 – March 2023, <https://jurnal.penerbitsign.com/index.php/sjh/article/view/v4n2-3/91>

Cikita Fatika Sari Hidayat, Mulyati Pawennei, Salmawati, Efektivitas Penyidikan Terhadap Penyalahgunaan Narkotika: Studi Kasus Polrestabes Makassar, Journal of Lex Generalis (JLS) Volume 4, Nomor 2, Pebruari, 2023, P-ISSN: 2722-288X, E-ISSN: 2722-7871, <https://pasca-umi.ac.id/index.php/jlg/article/view/1354/1551>

Muhammad Kamal, Vol 5 No 1 (2022): Substantive Justice International Journal of Law, Prospects for the New Capital City Policy in Law and Economic Perspectives, p. 86-108, june,2022.ISSN,2599-0462. <https://substantivejustice.id/index.php/sucila/article/view/205/75>

Syahrudin Nawi, Salle, Andi Risma, Problematika Kontrak Baku Pada Berbagai Perjanjian, Journal of Lex Generalis (JLS) Volume 4, Nomor 1, Januari 2023: 67-68, P - ISSN: 2722-288X, E-ISSN: 2722-7871, <https://pasca-umi.ac.id/index.php/jlg/article/view/1280/1459>

Sultan Alauddin Parawansa, A. Muin Fahmal, Askari Razak, Implementasi Partisipasi Masyarakat dalam Penerapan Peraturan daerah Nomor 6 Tahun 2009 Tentang Peternakan dan Penertibannya Di Kota Palopo, Journal of Lex Generalis (JLS), Volume 3, Nomor 3, Maret 2022, P-ISSN: 2722-288X, E-ISSN: 2722-7871, <https://pasca-umi.ac.id/index.php/jlg/article/view/808/859>

La Ode Husen, Salle Salle, Arri Abdi Syalman, Abd. Kahar Muzakkir, Pengamanan Intelijen Kepolisian Terhadap Putusan Pengadilan Atas Objek Sengketa, SIGn Jurnal



Hukum Vol. 1, No. 2 (Maret 2020) 136 – 148 e-ISSN: 2685 – 8606 p-ISSN: 2685 – 8614, <https://jurnal.penerbitsign.com/index.php/sjh/article/view/v1n2-136-148/29>

Sufirman Rahman, Nurul Qamar, Muhammad Kamran, Efektivitas Pembagian Harta Bersama Pasca Perceraian: Studi Kasus Perkawinan Poligami, SIGn Jurnal Hukum, Vol. 1, No. 2 (Maret 2020) 104 – 118, e-ISSN: 2685 – 8606 || p-ISSN: 2685 – 8614, <https://jurnal.penerbitsign.com/index.php/sjh/article/view/v1n2-104-118/27>

Mastura, Said Sampara, Nurul Qamar, Hak Mantan Narapidana Menjadi Calon Kepala Daerah Terhadap Putusan Mahkamah Kontitusi Nomor: 56/PUU-XVII/2019, Journal of Lex Theory (JLT) Volume 1, Nomor 2, Desember 2020 P-ISSN: 2722-1229, E-ISSN: 2722-1288, <https://pasca-umi.ac.id/index.php/jlt/article/view/267/282>

Andi Muhammad Alqadri Syarif, Hambali Thalib dan Nur Fadhilah Mappaselleng, Efektivitas Penyidikan Terhadap Tindak Pidana Pencemaran Nama Baik Melalui Media Sosial: Studi Kasus di Polrestabes Makassar, Journal Of Lex Generalis Vol. 3 No. 9 September 2022, 1535. <https://pasca-umi.ac.id/index.php/jlg/article/view/1085/1231>

Zainuddin Z, Hasbuddin Khalid, Legal Perception of the Community Regarding Productive Zakat and Its Utilization In Makassar, Volume 14 Number 1, January-March 2020: 69-82. 2020 FIAT JUSTISIA. Faculty of Law, Universitas Lampung, Bandar Lampung, Indonesia. ISSN: 1978-5186 | e-ISSN: 2477-6238, <https://jurnal.fh.unila.ac.id/index.php/fiat/article/view/1796/1521>

Ilham Rasjid, Said Sampara, Nasrullah Arsyad, Efektivitas Peraturan Pemerintah Nomor 11 Tahun 2017 Tentang Manajemen Pegawai Negeri Sipil Terhadap Disiplin Pegawai Di Pemerintah Kota Palopo Journal of Lex Theory (JLT) Volume 1, Nomor 1, Juni 2020 P-ISSN: 2722-1229, E-ISSN: 2722-1288. <https://pasca-umi.ac.id/index.php/jlt/article/view/42/41>