

THE ROLE OF BKPSDM IN HANDLING CASES OF ASN DISCIPLINE VIOLATIONS (CASE STUDY OF PRINCIPAL'S ABSENCE AT STATE ELEMENTARY SCHOOL 01 KOTAWARINGIN TIMUR CENTRAL KALIMANTAN)

Rizka Amanda Fauzi¹, Amanda Fathona Fadhila², Zahra Utami Aprilia³, Dyanzah Aji Hapto⁴, Desi Hafizah⁵

Fakultas Hukum Universitas Bengkulu

Corresponding Author: rizkaaf1112@gmail.com

ABSTRACT

The Human Resources Development and Civil Service Agency (BKPSDM) strategically handles disciplinary violations of State Civil Apparatus (ASN) by Government Regulation 94 of 2021 concerning Civil Servant Discipline. This study aims to analyze the role of BKPSDM in handling cases of ASN disciplinary violations, focusing on a case study of the absence of a school principal in the East Kotawaringin Regency. The research method used is qualitative, with data collection techniques through interviews, document studies, and observations. The study results show that BKPSDM plays a role in receiving reports of violations, conducting initial investigations, providing recommendations for sanctions, and providing guidance to ASNs who violate discipline. In addition, there are obstacles in the handling process, such as limited evidence and coordination between agencies. This study concludes that the role of BKPSDM is significant in enforcing ASN discipline, but it is necessary to improve the supervision mechanism and synergy between stakeholders to prevent similar violations in the future.

Keywords: BKPSDM, Disciplinary Violations, ASN, Discipline, Analyze.

INTRODUCTION

The strategic position of ASN in government bureaucracy can be seen from several definitions that experts have put forward. One opinion regarding ASN was conveyed by Charles Jackson, who stated that ASN is a profession for Civil Servants and Government Employees with Work Agreements appointed by personnel development officials and assigned duties in a government position or other state duties and paid based on laws and regulations. As part of the state bureaucracy, ASN is responsible for providing quality public services and supporting the implementation of government policies in various sectors. Therefore, ASN discipline is one of the main factors determining success in its duties. Disciplined ASNs can carry out their duties and functions optimally, while discipline violations can hinder the achievement of organizational goals and potentially reduce the quality of public services.

In the Indonesian government system, various ASN disciplinary rules have been regulated in multiple regulations, including Government Regulation 94 of 2021 concerning Civil Servant

Discipline. This regulation explicitly regulates ASN obligations, prohibitions that must be avoided, and sanctions that can be given to employees who violate disciplinary rules. One form of violation often occurs in the ASN environment is absence without a valid reason. This absence not only reflects the low level of individual discipline but also has the potential to disrupt the smooth operation of government agencies.

To achieve the national development goals, namely protecting all Indonesian people and all Indonesian territory, advancing public welfare, educating the nation, and participating in implementing world order based on independence, eternal peace, and social justice as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, Paragraph IV, civil servants have the primary responsibility to serve the community and run the government well. In carrying out their duties, civil servants must maintain their image, act professionally, and always prioritize the community's interests above personal or group interests.

As part of the state apparatus, civil servants are expected to have a high level of discipline to create an effective, efficient, and integrated government. To realize this, the government has established Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. This regulation aims to shape the mindset of civil servants to be more aware of the importance of rules, provisions, and work discipline. In addition, this regulation also aims to increase civil servants' compliance so that they can carry out their duties professionally by the principles of good governance.

Article 3 of Government Regulation Number 94 of 2021 also stipulates the responsibilities and obligations that civil servants must comply with. This regulation contains provisions regarding various types of disciplinary violations and sanctions that can be given to civil servants who violate the rules. The sanctions stipulated in this regulation consist of three categories: light, moderate, and severe. The type of punishment is determined by considering the background of the violation and the impact on government performance and public services.

In addition, Article 8 of Government Regulation 94 of 2021 also regulates the limits of officials' authority in imposing disciplinary sanctions. Every official with the authority to impose sanctions must act reasonably, objectively, and by applicable regulations. With this precise regulation, it is hoped that civil servants can work professionally and responsibly, thus creating a state civil apparatus with integrity and the ability to provide the best service to the community. The principal at SD Negeri 01, Kotawaringin Timur Regency, Central Kalimantan, is one of the cases of disciplinary violations that has attracted attention, namely the absence of the principal in carrying out his duties, where for more than one month starting from January 6, 2025, he...absent from work due to personal reasons related to household matters. As a leader in the educational environment, the principal has an essential role in managing the school, developing educators, and ensuring that the learning process runs smoothly. The absence of the principal can decrease the effectiveness of school management, disrupt academic activities, and reduce the motivation of educators and students. Therefore, a stricter supervision and disciplinary enforcement mechanism is needed to prevent and handle cases like this.

In Article 2, paragraph (1) of Regent Regulation Number 16 of 2020, the Human Resources Development and Personnel Agency (BKPSDM) is a supporting element for implementing government affairs in the personnel and Education and Training sectors. BKPSDM has the main task of formulating technical policies in the personnel sector, supervising the

implementation of disciplinary rules, and providing guidance and sanctions for ASNs who violate applicable provisions. In the case of a school principal in East Kotawaringin who was absent from work for more than a month, BKPSDM (Human Resources Development and Personnel Agency) acts as an institution that will handle disciplinary follow-up if the summons from the Education Office does not produce results. If the principal is still absent, BKPSDM will process disciplinary violations based on ASN regulations, which can result in sanctions according to the level of a breach committed. In handling the absenteeism of school principals in East Kotawaringin Regency, BKPSDM must ensure that the examination and sanctioning process and by-laws and regulations are carried out transparently and objectively.

RESEARCH METHODS

This study uses the type or approach of Library Research. According to Mestika Zed (2003), a Library study can be interpreted as a series of activities related to collecting library data, reading, recording, and processing research materials.

Literature studies can also study various reference books and previous research results of the same kind, which are useful for obtaining a theoretical basis for studying the problem (Sarwono, 2006). Literature study also means a data collection technique that involves reviewing books, literature, notes, and various reports related to the problem to be solved (Nazir, 2003). Meanwhile, according to Sugiyono (2012), a literature study is a theoretical study with references and other scientific literature related to culture, values, and norms that develop in the studied social situation.

After all the data is collected, the author analyzes it to draw a conclusion. To obtain correct and precise results, the author uses critical analysis techniques. Critical analysis is a view that states that researchers are not value-free subjects when viewing research.

DISCUSSION

The role of BKPSDM in ASN absence

The Personnel and Human Resources Development Agency of East Kotawaringin Regency, Central Kalimantan, was established based on the provisions of Article 6 of the Regional Regulation of East Kotawaringin Regency Number 9 of 2016 concerning the Formation and Composition of the Regional Apparatus of East Kotawaringin Regency, as amended several times, most recently by the Regional Regulation of East Kotawaringin Regency Number 2 of 2020 concerning the Second Amendment to the Regional Regulation of East Kotawaringin Regency Number 9 of 2016 concerning the Formation and Composition of the Regional Apparatus of East Kotawaringin Regency, it is necessary to stipulate the Regulation of the Regent of East Kotawaringin concerning the Position, Organizational Structure, Duties and Functions and Work Procedures of the Personnel and Human Resources Development Agency of East Kotawaringin Regency.

The Personnel and Human Resources Development Agency of East Kotawaringin Regency is regulated in the Regulation of the Regent of East Kotawaringin Number 16 of 2020 concerning the Position, Organizational Structure, Duties and Functions, and Work Procedures. In this regulation, the Personnel and Human Resources Development Agency of East Kotawaringin

Regency has the main task of assisting the Regent in supporting functions for government affairs that are the district's authority in the fields of personnel, education, and training. The Personnel and Human Resources Development Agency carries out functions including (Renstra, 2021):

- a. Preparation of technical policies in personnel, education, and training.
- b. Implementation of technical support tasks in personnel, education, and training.
- c. Monitoring, evaluation, and reporting on the implementation of technical support tasks in personnel, education, and training.
- d. Technical guidance is needed to implement supporting functions for Regional Government Affairs in the fields of personnel, education, and training.
- e. Implementation and guidance of the activities of the Agency's Technical Implementation Unit.
- f. Implementation of other functions assigned by the Regent by his duties and functions.

The Human Resources Development and Personnel Agency has authority regarding ASN disciplinary violations, namely, the implementation and evaluation of performance assessments, awarding awards, and enforcing ASN employee discipline in accordance with the norms, standards, and procedures stipulated in laws and regulations (Renstra, 2021).

Regarding cases of ASN disciplinary violations, the Human Resources Development and Personnel Agency (BKPSDM) works by its role and obligations. Their role is based on the Regent's decree, the duties listed in the letter, and regulations governing ASN obligations. The purpose of BKPSDM is to carry out the main tasks ordered by the government and the law in the law.

Solutions to handle violation case absence of the principal at SD Negeri 01 Kotawaringin Timur, Central Kalimantan

Work discipline is a condition that occurs and is formed through a series of behavioral processes of employees in an agency that demonstrates a series of values of obedience, loyalty, peacefulness, regularity, and orderliness that an employee demonstrates towards a set of applicable regulations where the employee concerned has the will and ability to carry them out and accept sanctions as consequences if violated. Article 1 number 6 of Government Regulation Number 94 of 2021 states that a Disciplinary Violation is any statement, writing, or action by a Civil Servant that does not comply with obligations and/or violates the prohibitions of the Civil Servant Discipline provisions, whether carried out within or outside working hours.

In the case of the absence of the principal at SD Negeri 01 KotaWaringin Timur, Central Kalimantan, who has not come to work since January 6, 2025, due to domestic problems, it is a serious disciplinary violation. Although personal reasons are understandable, absence without official permission violates personnel regulations. Civil servants who are suspected of committing disciplinary violations will be examined. The examination aims to determine whether the Civil Servant has committed a disciplinary violation. The examination also aims to determine the background and things that prompted the disciplinary violation. The examination is carried out by the official who has the authority to punish another appointed official.

According to Moch. According to Faisal Salam (2007), implementing examinations of disciplinary violations by Civil Servants (PNS) must follow certain procedures. The examination begins with a study of reports or evidence of violations by authorized officials or those appointed. Examination is generally carried out by officials who have the authority to impose disciplinary sanctions. In certain cases, high-ranking officials such as ministers or governors can assign their subordinates to carry out examinations because the examining official does not have a lower rank than the person being examined. An examination can be carried out verbally, especially if it only results in a light punishment or in writing, as evidenced by a report. The civil servant being examined is required to answer questions, and if he refuses to answer or complicates the process, it can be considered an admission or reported to his superiors. The examination is carried out in private, and if necessary, additional information from other parties can be requested to ensure objectivity.

The procedures in the examination of civil servant discipline that have been described by Faisal Salam explain how systematic efforts are made to maintain the integrity and objectivity of the disciplinary enforcement process. The existence of clear stages, starting from the initial examination to reporting, provides a strong legal and administrative basis. The provision that the examining official must not be of a lower rank than the person being examined reflects the principle of justice and avoids conflicts of interest. The oral and written examination mechanisms allow for flexibility in handling based on the level of violation. However, the provision that the silence of a civil servant is considered an admission can raise ethical and legal issues, especially in the context of the right to defend oneself. Therefore, the implementation of this rule needs to be carried out carefully while still upholding the principles of justice and transparency.

In handling the case, the East Kotawaringin Education Office has conducted an investigation according to the procedure by summoning the principal three times. At the first summons, the person concerned was present and given instructions to return to work on February 3, 2025, but was not complied with. From the summons, it was discovered that the principal was absent for personal reasons related to household matters. Then, the second and third summons were launched, and the principal did not attend the summons for no reason. As a result, this case will be transferred to the East Kotawaringin Personnel and Human Resources Development Agency (BKPSDM), Central Kalimantan, and will be followed up on according to ASN disciplinary regulations.

However, based on Article 4 letter F of Government Regulation Number 94 of 2021, as a civil servant, you are required to come to work and comply with the provisions of working hours. Provisions regarding working hours are regulated in Presidential Regulation Number 21 of 2023 concerning Working Days and Working Hours of Government Agencies and State Civil Apparatus Employees. Civil servants who commit disciplinary violations (indiscipline) will be given sanctions. Disciplinary sanctions are given to civil servants who do not carry out the provisions regarding obligations and prohibitions. In Articles 8-11 of Government Regulation Number 94 of 2021, there are three levels of Disciplinary Sanctions, namely:

1. Light Disciplinary Punishment.

- a. verbal warning if you are absent from work without a valid reason for 3 (three) working days in 1 (one) year;
 - b. written warning if you are absent from work without a valid reason for 4 (four) to 6 (six) working days in 1 (one) year; And
 - c. a written statement of dissatisfaction if you are absent from work without a valid reason for 7 (seven) to 10 (ten) working days in 1 (one) year.
2. Moderate Disciplinary Punishment.
- a. performance allowance deduction of 25% (twenty-five percent) for 6 (six) months if absent from work without a valid reason for 11 (eleven) to 13 (thirteen) working days in 1 (one) year;
 - b. performance allowance deduction of 25% (twenty-five percent) for 9 (nine) months if absent from work without a valid reason cumulatively for 14 (fourteen) to 16 (sixteen) working days in 1 (one) year; and
 - c. performance allowance deduction of 25% (twenty-five percent) for 12 (twelve) months, if absent from work without a valid reason for 17 (seventeen) to 20 (twenty) working days in 1 (one) year.
3. Severe disciplinary punishment.
- a. demotion to a lower level position for 12 (twelve) months if he is absent from work without a valid reason for 21 (twenty-one) to 24 (twenty-four) working days in 1 (one) year;
 - b. release from his/her position as acting position for 12 (twelve) months if he is absent from work without a valid reason for 25 (twenty-five) to 27 (twenty-seven) working days in 1 (one) year;
 - c. honorable dismissal not at one's own request as a civil servant, if absent from work without a valid reason for 28 (twenty-eight) working days or more in 1 (one) year; and
 - d. Honorable dismissal is not at your own request if you are absent from work continuously for 10 (ten) working days without a valid reason.

The purpose of disciplinary punishment is to improve and educate Civil Servants who commit disciplinary violations. Therefore, every official who has the authority to punish before imposing disciplinary punishment must first examine the Civil Servant who committed the disciplinary violation and the authority to impose sanctions lies with the BKPSDM of East Kotawaringin, Central Kalimantan.

In handling this case, it can be done in stages, starting from the Regional Coordinator first and continuing after the Regional Coordinator is unable to continue to the Education Office. Furthermore, if the Education Office is also unable to do so, this case will be submitted to the BKPSDM to be followed up according to ASN disciplinary rules. When this case is transferred to the BKPSDM, it can be seen how the role of the BKPSDM as a government institution in the Personnel Sector in handling cases of disciplinary violations, one of which is the problem of ASN absence.

In order for problems like this not to happen again in the future, it is hoped that there will be fair and firm enforcement of the rules where all ASN must be treated equally in the eyes of the

rules without anyone being protected because of their position or political relations, in the examination process there needs to be transparency where the summons process, clarification, and sanction decisions must be open and documented and ASN who violate must be given the right to answer, but still directed at objective enforcement of the rules, there needs to be optimization of the role of BKPSDM where as an internal supervisory institution must be active and not passive in following up on reports and monitoring Performance digitally can be done for example with an electronic attendance system, there needs to be socialization of ASN ethics and discipline where there is routine coaching, either in the form of training, seminars, or technical guidance, regarding the responsibilities of ASN as public servants, there needs to be special handling for personal problems where for ASN who experience personal problems (such as family or mental health), there should be a humanitarian approach such as providing special leave or counseling, but still with the requirement to report and follow procedures and there needs to be a performance evaluation.

CONCLUSION

BKPSDM (Personnel and Human Resources Development Agency) plays a very important role in enforcing ASN discipline, especially in handling cases of ASN absence, such as that which occurred with the principal at SD Negeri 01 Kotawaringin Timur. In this context, BKPSDM plays an active role in receiving reports of violations, conducting initial investigations, preparing recommendations for sanctions, and providing guidance to ASNs who have been proven to have violated applicable provisions. The enforcement of this discipline refers to Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, which strictly regulates the obligations and prohibitions for ASN and the types of disciplinary sanctions depending on the level of violation. However, the process of handling these disciplinary violations is not free from obstacles, such as lack of strong evidence, minimal coordination between agencies, and lack of assertiveness in initial action. This shows that the enforcement of ASN discipline still requires many improvements, both in the internal supervision system, the use of technology such as digital attendance, and increasing the capacity of human resources tasked with enforcing personnel regulations. Thus, it is necessary to strengthen the role of BKPSDM in terms of performance monitoring, periodic discipline coaching, and updating the reporting and supervision system. This effort is expected to create a more disciplined, responsible ASN work culture and be able to provide quality public services in accordance with the principles of good governance.

REFERENCES

- Anggara, MT, Larasati Ahluwalia, SE, & Emi Suwarni, SE (2023). Implementation of Work Discipline in Improving Employee Performance at PT Sucofindo Bandar Lampung. *Journal Strategy of Management and Accounting Through Research and Technology (SMART)*, 2(2), 47- 57. <https://doi.org/10.33365/smart.v2i2.3295>
- Fatmadewi, Titi. (2022). Implementation of Civil Service Discipline of Regional Government in the Special Region of Yogyakarta. *Journal of Indonesian Rural and Regional Government*, Vol. 6 No. 2. Page 184

- Kadarisman, M. (2018). State Civil Apparatus Management. Raja Grafindo Persada. Depok
Decree of the Regent of East Kotawaringin Number 188.45/0350/Huk-BKPSDM/2021
concerning the Establishment of the Strategic Plan Preparation Team for the Civil
Service and Human Resources Development Agency of East Kotawaringin Regency
for 2021-2026.
- Manoppo, R. (2022). Implementation of Civil Servant Discipline Policy at the Human
Resources Development and Personnel Agency of Toli-Toli Regency, Central Sulawesi
Province. <http://eprints.ipdn.ac.id/7434/>.
- MARTUNUS, A., & HADIJAYA, I. (2023). Employee Discipline in Improving Performance
at the Personnel and Human Resources Development Agency of Palembang City, South
Sumatra Province (Doctoral dissertation,
IPDN). <http://eprints.ipdn.ac.id/id/eprint/14354>
- Muzzany. (2019). Analysis of Civil Service Discipline at the Civil Service and Human
Resources Development Agency (BKPSDM) of East Aceh Regency.
<https://jurnalmahasiswa.uma.ac.id/index.php/strukturasi/article/view/31>.
- Regulation of the Regent of East Kotawaringin Number 16 of 2020 concerning the Position,
Organizational Structure, Duties, Functions, and Work Procedures of the Civil Service
and Human Resources Development Agency of East Kotawaringin Regency.
- Government Regulation Number 79 of 2021 concerning Administrative Efforts and the State
Civil Apparatus Advisory Body
- Government Regulation Number 42 of 2004 concerning the Development of the Corps Spirit
and the Code of Ethics for Civil Servants.
- Government Regulation Number 11 of 2017 concerning Civil Servant Management.
- Government Regulation Number 17 of 2020 concerning Amendments to Government
Regulation Number 11 of 2017 concerning Civil Servant Management.
- Government Regulation Number 94 of 2021 concerning Civil Servant Discipline.
- Ramvita, R. (2023). Analysis of Civil Servant Discipline at the Regional Research and
Development Agency of Lampung Province
- The final draft of the 2021-2026 strategic plan of the East Kotawaringin Regency Human
Resources and Personnel Development Agency
- Tsuraya, AF, & Fernos, J. (2023). The effect of work motivation and work discipline on
employee performance at the Padang City Population and Civil Registration Service.
Journal of Management Science Publication, 2(2), 259- 278.
<https://doi.org/10.55606/jupiman.v2i2.1654>
- Law Number 94 of 2021 concerning the Civil Service and Human Resources Development
Agency of East Kotawaringin Regency on Civil Servant Discipline.
- Yusuf, A. (2019). The sanctions for ASN disciplinary violations in the Sigi Regency Regional
Government should be imposed to improve public services. Jurnal Katalogis, 3(11),
125-126