

Hukuman disiplin atas aparatur sipil negara dalam rangka pelaksanaan manajemen aparatur sipil negara berdasarkan sistem merit = Disciplinary punishment of public employees in the implementation of public employees management based on merit system

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Abstrak

ABSTRAK

Tesis ini membahas mengenai hukuman disiplin atas Aparatur Sipil Negara dalam rangka pelaksanaan manajemen Aparatur Sipil Negara berdasarkan sistem merit. Tesis ini menggunakan metode penelitian yuridis normatif. Bagaimana penerapan sistem merit dalam pelaksanaan disiplin Aparatur Sipil Negara berdasarkan peraturan perundang-undangan di Indonesia, khususnya di lingkungan Badan Pemeriksa Keuangan, serta bagaimana pelaksanaan disiplin Aparatur Sipil Negara melalui penjatuhan hukuman disiplin? Disiplin merupakan bagian dari manajemen Aparatur Sipil Negara ASN menurut Undang-Undang Nomor 5 Tahun 2014, manajemen ASN berdasarkan ketentuan ini menggunakan sistem merit. Namun sampai dengan saat ini, pelaksanaan disiplin ASN masih menggunakan peraturan yang lama, yaitu Peraturan Pemerintah Nomor 53 Tahun 2010 yang hanya mengatur mengenai pelaksanaan disiplin Pegawai Negeri Sipil PNS dengan menggunakan gabungan sistem prestasi kerja dan sistem karir. Akibatnya terdapat kekosongan hukum terkait pelaksanaan disiplin Pegawai Pemerintah dengan Perjanjian Kerja PPPK, selain itu juga pelaksanaan disiplin PNS hanya menekankan kepada sanksi berupa penjatuhan hukuman disiplin, hal ini tidak sesuai dengan inti dari sistem merit yaitu penguatan reinforcement melalui reward and punishment. Bahkan ternyata diketahui bahwa pelaksanaan manajemen disiplin PNS melalui penjatuhan hukuman disiplin tersebut tidak menimbulkan efek jera, baik bagi yang bersangkutan maupun PNS lain, sehingga tidak mencapai tujuan pendisiplinan.

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ABSTRACT

This thesis discussed about disciplinary punishment of public employees in the implementation of public employees management based on merit system. This thesis uses normative juridical research method. How is the application of merit system in the implementation of discipline of public employees, especially in the scope of Audit Board on Indonesia, and how is the implementation of the discipline of public employees through disciplinary punishment? Discipline is part of the management of public employees according to Law Number 5 of 2014, management of public employees according to this provision using merit system. However, until now, the implementation of public employees discipline still uses the old regulation, namely Government Regulation Number 53 of 2010 which only regulates the implementation of discipline of civil servants by using a combination of work performance system and career system. As a result, there is no regulation regarding the implementation of discipline of public employees who are not civil servants. Besides, the implementation of discipline of civil servant only emphasizes sanctions in the form of disciplinary punishment, this is not in accordance with the core of the merit system ie reinforcement through reward and punishment. Even it turns out that the implementation of civil servant discipline management through disciplinary punishment does not cause deterrent effect, both for the concerned and other civil

servants, so as not to achieve disciplinary goals.