

Disciplining Civil Servants in Aceh: Administrative Sanctions, Performance Evidence, and an Islamic Labour- Contract Perspective

Sausan Athirah

Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Email: 200102139@student.ar-raniry.ac.id

Azka Amalia Jihad

Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Email: azka.jihad@ar-raniry.ac.id

Laila Muhammad Rasyid

Goerg-August Universtat Gottingen, Germany

Email: l.muhammadrasyid@stud.uni-goettingen.de

*Corresponding author

Abstract

This article examines disciplinary enforcement against civil servants within the Aceh Civil Service Agency (Badan Kepegawaian Aceh, BKA) and reassesses the relevance of *ijārah ‘alā al-a‘māl* as an Islamic normative framework for public-sector work obligations. Using a qualitative socio-legal method, the study combines doctrinal analysis of Indonesian civil-service law with interviews involving BKA officials responsible for performance evaluation and discipline. The article makes two principal arguments. First, misconduct by Indonesian civil servants is primarily a matter of public administrative law rather than private contractual default. Government Regulation No. 94 of 2021 governs obligations, prohibitions, disciplinary procedures, sanctions, competent authorities and administrative remedies, while Law No. 20 of 2023 provides the contemporary statutory framework for state civil-service management. *Ijārah ‘alā al-a‘māl* can therefore be used only as a comparative ethical and normative lens concerning work, remuneration, clarity of duties and reciprocal responsibility; it should not be

treated as the direct legal source of civil-service sanctions. Second, the available 2020–2023 data do not establish a simple causal finding that sanctions are ineffective. Reported disciplinary cases fluctuate across the period, while the dataset lacks denominators, repeat-offender data and controls for enforcement intensity. The evidence nevertheless reveals continuing disciplinary problems and supports stronger supervision, transparent documentation, proportionate decision-making and preventive coaching. The article concludes that a defensible international legal analysis requires a clear separation between administrative legality, empirical sanction effectiveness and Islamic ethical evaluation.

KEYWORDS: civil servants; administrative discipline; Aceh; Government Regulation No. 94 of 2021; *ijārah ‘alā al-a‘māl*; public employment; sanction effectiveness

Introduction

Discipline in the civil service is a public-law concern because public officials exercise functions that are directly connected to the delivery of government and public services. Attendance, performance, integrity, loyalty and compliance with lawful instructions are therefore not merely matters of private workplace preference; they form part of the legal architecture of accountable administration. In Indonesia, disciplinary rules for civil servants are principally governed by Government Regulation No. 94 of 2021 on Civil Servant Discipline, which remains in force and regulates duties, prohibitions, disciplinary penalties, the authority to impose them and administrative remedies.¹

The contemporary statutory context is also shaped by Law No. 20 of 2023 on the State Civil Apparatus (*Aparatur Sipil Negara*, ASN), which replaced Law No. 5 of 2014 and emphasises merit-system supervision, professional public service, performance and the digital transformation of civil-service management. Any analysis of disciplinary enforcement in Aceh should therefore begin from public administrative law.²

¹Government Regulation of the Republic of Indonesia No 94 of 2021 on Civil Servant Discipline, arts 1–44. The regulation remains in force and regulates obligations, prohibitions, disciplinary punishments, competent authorities and administrative remedies.

²Law of the Republic of Indonesia No 20 of 2023 on the State Civil Apparatus. The statute entered into force on 31 October 2023 and repealed Law No 5 of 2014.

The source study examines disciplinary practice at Badan Kepegawaian Aceh (BKA) and relates public employees' work obligations to the Islamic commercial-law concept of *ijārah 'alā al-a'māl*, a contract involving remunerated work or services. That comparison is normatively interesting, but it requires doctrinal restraint. A civil servant's legal relationship with the state is not simply a private hiring contract, and breach of civil-service duties should not automatically be characterised as *wanprestasi* in the private-law sense.³

This distinction matters because the original manuscript moves between three different questions: whether a civil servant has violated a statutory duty; whether evidence is sufficient to justify disciplinary action; and whether public-service work can be ethically evaluated through Islamic concepts of service and remuneration. An international legal analysis should separate these questions rather than merge them.

The article therefore asks: (1) how does BKA establish and process alleged disciplinary violations; (2) what can the 2020–2023 disciplinary data legitimately show about the effectiveness of sanctions; and (3) what is the proper role of *ijārah 'alā al-a'māl* in evaluating public-sector work obligations? The principal contribution is to reposition *ijārah* as a comparative normative lens while treating Indonesian civil-service discipline as a field of administrative law.

Research Method

The study adopts a qualitative socio-legal design. The doctrinal component examines Government Regulation No. 94 of 2021, the contemporary statutory framework under Law No. 20 of 2023, and Islamic legal literature on *ijārah 'alā al-a'māl*. The empirical component relies on field evidence from BKA personnel involved in discipline, performance and personnel management⁴

The source manuscript identifies interviews conducted on 2 May 2024 with Yenni Syafrida, a personnel staff member in the discipline unit; T. Roni

³Sausan Athirah and Azka Amalia Jihad, source manuscript, 'Penerapan Sanksi pada Pegawai Indisipliner dalam Perspektif Fikih Muamalah: Studi pada Badan Kepegawaian Aceh', JURISTA 8, no 1 (2024).

⁴Bambang Sunggono, *Metode Penelitian Hukum* (Jakarta: Rajawali Pers, 2006); Abdul Kadir Muhammad, *Hukum dan Penelitian Hukum* (Bandung: Citra Aditya, 2004).

Yuliadi, a personnel official in performance and welfare; and Sulastrri, an official involved in planning and performance evaluation. It also records an interview with T. Iskandar Syafei, a discipline official, on 7 August 2024. These interviews are used to reconstruct the disciplinary process and the institutional understanding of supervision and evidence.⁵

The article also analyses the BKA summary of dismissals and sanctions for 2020–2023. Because the table aggregates heterogeneous categories—including absence-related indiscipline, corruption, general crimes, narcotics offences and other forms of misconduct—the data are treated descriptively rather than as a causal test of deterrence. The study does not have the total number of civil servants at risk, individual repeat-offender histories, or a consistent measure of enforcement intensity. These limits are central to the interpretation.

Regulatory and Conceptual Framework

Government Regulation No. 94 of 2021 establishes a statutory disciplinary regime. It defines obligations and prohibitions, provides categories of disciplinary penalties, allocates decision-making authority and recognises administrative remedies for civil servants who are sanctioned. The legal basis for disciplinary action is thus a public-law duty attached to civil-service status.⁶

This public-law character also affects the evidentiary standard. A disciplinary authority must establish relevant facts, provide the employee with a fair opportunity to respond and issue a decision grounded in the applicable rule and evidence. The source study reports a staged process of summons, examination and the imposition of a sanction where a violation is established.⁷

The interviews describe e-Kinerja as an institutional mechanism for recording and monitoring employee performance and discipline. The source manuscript states that employees are expected to establish annual

⁵Interviews with Yenni Syafrida, T Roni Yuliadi and Sulastrri, Badan Kepegawaian Aceh, 2 May 2024; interview with T Iskandar Syafei, Badan Kepegawaian Aceh, 7 August 2024.

⁶Government Regulation No 94 of 2021 on Civil Servant Discipline.

⁷Interview with T Iskandar Syafei, Badan Kepegawaian Aceh, 7 August 2024; Government Regulation No 94 of 2021, arts 26–37.

performance commitments and that assessment combines work results and behavioural or disciplinary elements. Digital performance systems can improve traceability, but they do not eliminate the need for qualitative assessment, procedural fairness and context-sensitive decision-making.⁸

A low performance score and a disciplinary violation are also analytically distinct. Poor performance may call for coaching, capacity development or performance management, while misconduct may justify disciplinary proceedings. A robust administrative system should avoid converting every performance shortfall into wrongdoing.

Ijārah ‘alā al-a‘māl concerns the exchange of labour or services for remuneration. Classical and contemporary Islamic jurisprudence emphasises clarity of the service, lawful benefit, consent and an agreed wage or compensation. These ideas can illuminate ethical expectations in public employment: the worker should perform the entrusted task, while the employing institution should provide lawful and clearly defined remuneration and conditions.⁹

However, the analogy has limits. A PNS is appointed into a statutory public office rather than entering an ordinary private service contract. The source of disciplinary authority is legislation and administrative regulation, not an ijārah agreement. For this reason, the concept is most useful as a normative comparison concerning responsibility, fairness and reciprocal obligation rather than as a direct doctrinal basis for dismissal or rank reduction.

Disciplinary Procedure at Badan Kepegawaian Aceh

The source study reports that a civil servant suspected of indiscipline may first receive a formal summons to provide information concerning the alleged violation, including unauthorised absence. Where the employee does not respond, a further summons may be issued. Continued non-attendance

⁸Interviews with Yenni Syafrida, T Roni Yuliadi and Sulastris, Badan Kepegawaian Aceh, 2 May 2024.

⁹Hendi Suhendi, *Fiqh Muamalah* (Jakarta: RajaGrafindo Persada, 2010); Wahbah al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, vol V (Damascus: Dar al-Fikr, 2005); Firman Setiawan, ‘Al-Ijarah Al-A‘mal Al-Mustarakah dalam Perspektif Hukum Islam’, *Jurnal DINAR* 1, no 2 (2015).

does not automatically erase the need for evidence; rather, the authority proceeds on the basis of the available material in accordance with the applicable procedure.¹⁰

The examination stage is directed towards establishing whether a disciplinary violation occurred, identifying the relevant facts and allowing explanations to be tested. The source manuscript describes the collection of information and evidence by the competent official before disciplinary liability is determined. From an administrative-law perspective, this stage is essential to legality, proportionality and defensible decision-making¹¹

Where misconduct is established, a sanction is imposed according to the nature and seriousness of the violation. The original manuscript identifies sanctions ranging from lighter corrective measures to reductions in performance-related allowances, demotion and dismissal. The exact sanction must be legally authorised and proportionate; an agency cannot simply escalate punishment on an informal basis because it considers an employee difficult.¹²

The BKA table in the source manuscript records 22 reported disciplinary cases in 2020, 30 in 2021, 20 in 2022 and 22 in 2023. The pattern therefore fluctuates: it rises between 2020 and 2021, falls in 2022 and rises modestly in 2023. It is inaccurate to describe this as a continuous or uniformly significant increase.¹³

More importantly, raw case counts do not by themselves establish sanction effectiveness. A higher number of recorded cases may reflect more misconduct, but it may also reflect stronger detection, better reporting, organisational growth or changes in classification. Conversely, a lower number does not necessarily demonstrate deterrence. Evaluation requires at least a denominator, information on repeat offending, comparable categories and some account of enforcement intensity.

Year	Reported cases	Descriptive pattern	Interpretive caution
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¹⁰Interview with T Iskandar Syafei, Badan Kepegawaian Aceh, 7 August 2024.

¹¹Ibid; Government Regulation No 94 of 2021, arts 26–37.

¹²Interview with Yenni Syafrida, Badan Kepegawaian Aceh, 2 May 2024.

¹³Badan Kepegawaian Aceh, ‘Rekapitulasi Pemberhentian Karena Indisipliner Tahun 2020–2023’, reproduced in the source manuscript.

2020	22	Baseline in the source table	Includes heterogeneous categories of misconduct
2021	30	Increase from 2020	Could reflect incidence, detection or classification
2022	20	Substantial decline	Cannot be attributed to deterrence without further data
2023	22	Modest rise from 2022	Still below 2021 level

Table 1. Descriptive interpretation of the BKA disciplinary-case totals reported in the source study.

The composition of the table also matters. It combines absence-related indiscipline with criminal offences such as corruption, narcotics and fraud, and with other status-related violations. These categories differ substantially in legal source, evidentiary basis and sanction rationale. A future effectiveness study should separate attendance misconduct, performance failure, ethics violations and criminally related disciplinary consequences.

Effectiveness, Proportionality and Institutional Learning

Sanction effectiveness can be understood in several ways: individual deterrence, general deterrence, restoration of organisational discipline, fairness, speed, consistency and prevention of recurrence. The source study focuses mainly on case numbers. That is a useful starting point but an insufficient outcome measure.

A more rigorous institutional assessment would track repeat violations, time from report to decision, consistency across comparable cases, successful

administrative appeals, improvements following coaching and the relationship between supervision intensity and misconduct. This would permit BKA to distinguish whether persistent cases arise from weak sanctions, weak supervision, unclear rules, managerial failure or structural workplace problems.

The interviews support stronger supervision, regular guidance, socialisation of disciplinary rules and improved reporting systems. These measures are consistent with a preventive model of public administration in which sanctions are one component of discipline rather than the entire strategy.¹⁴

The Islamic normative perspective reinforces this point. *Ijārah ‘alā al-a‘māl* emphasises fulfilment of entrusted work and fair reciprocal obligations. Its most constructive contribution lies in supporting responsibility, clarity of expected service and just remuneration—not in supplying an alternative punitive code.

The central doctrinal problem in the original paper is the use of *wanprestasi* to describe civil-service indiscipline. In Indonesian private law, *wanprestasi* ordinarily refers to non-performance of a contractual obligation. Civil-service discipline, by contrast, arises from statutory status and administrative regulation. Using the terms interchangeably risks importing private-law concepts into a field governed by public law.

This does not make Islamic labour-contract concepts irrelevant. They can be used as an evaluative framework for ethical reciprocity: a worker who receives lawful remuneration should perform the agreed service with diligence, while the institution should define duties fairly, assess performance transparently and avoid arbitrary punishment. The value of the comparison is therefore normative and ethical, not jurisdictional.

This reframing also improves the article’s international relevance. Comparative public-law scholarship frequently examines how religious or ethical norms interact with state administrative systems. The Aceh case illustrates such interaction, but only if the hierarchy of norms is clear: statutory civil-service law supplies the binding disciplinary authority; Islamic commercial law supplies a complementary vocabulary of work, responsibility and fairness.

¹⁴Source manuscript, findings and recommendations concerning supervision, coaching, socialisation and reporting; interview with T Iskandar Syafei, 7 August 2024.

BKA should develop a clearer evidence matrix for disciplinary proceedings, distinguishing attendance records, performance data, witness information, documentary evidence and explanations from the employee. This can improve consistency and reduce the risk that automated or administrative records are treated as conclusive without contextual review.

The agency should also separate performance-management interventions from disciplinary punishment. Employees who fail to achieve targets because of capability constraints may require coaching or reassignment, while deliberate absence, dishonesty or refusal to comply with lawful duties may justify formal disciplinary proceedings.

Finally, effectiveness monitoring should move beyond annual sanction totals. A dashboard that records case type, processing time, repeat offence, sanction, appeal outcome and post-sanction recurrence would provide a more defensible basis for evaluating deterrence and organisational learning.

Conclusion

Civil-service discipline in Aceh should be analysed primarily as a matter of Indonesian administrative law. Government Regulation No. 94 of 2021 provides the operative framework for obligations, prohibitions, disciplinary procedures and penalties, while Law No. 20 of 2023 supplies the current statutory architecture of ASN management. The process described by BKA—summons, examination, fact-finding and sanction—accords in broad outline with a rule-based disciplinary model, although case-level legality requires examination of the evidence and procedure in each matter.

The 2020–2023 data support the conclusion that disciplinary problems continued during the period, but they do not prove a simple failure of sanctions. Case numbers fluctuate and the dataset lacks denominators, recurrence rates and comparable measures of enforcement intensity. A more rigorous assessment should therefore combine quantitative indicators with procedural and organisational measures.

Ijārah ‘alā al-a‘māl remains valuable only as a comparative Islamic ethical framework concerning work, remuneration, clarity of obligation and reciprocal responsibility. It should not be treated as the direct legal basis for disciplining civil servants. This distinction produces a more coherent

international legal analysis and permits public administrative law and Islamic normative reasoning to complement rather than displace one another.

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