

## Implementation of Law No. 30 of 2014: Between Legal Certainty and the Emptiness of Civil Servant Sanctions

Widhi Handoko<sup>1</sup>

<sup>1</sup> Universitas Islam Sultan Agung, Semarang, Indonesia

### Abstract

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This study aims to analyze the effectiveness of implementing Law Number 30 of 2014 on Government Administration in imposing administrative sanctions on Civil Servants, as well as to identify the challenges that arise in its implementation. The findings indicate that, normatively, this law has provided legal certainty and clear administrative guidance through the principles of good governance. However, in practice, the absence of firm administrative sanctions has resulted in weak accountability, legal uncertainty, and declining discipline among civil servants. Internal oversight bodies such as do not possess sufficient legal authority to impose direct sanctions, causing administrative violations to persist without corrective action. These limitations highlight the gap between normative arrangements and administrative practice. Therefore, the refinement of Law Number 30 of 2014 has become urgent to strengthen the effectiveness of administrative law and to support a bureaucracy that is professional, transparent, and integrity-based. Strengthening administrative enforcement mechanisms, enhancing the authority of supervisory bodies, and ensuring consistent application of sanctions are essential steps toward improving governance performance and ensuring higher levels of public sector accountability.

## 1. Introduction

Bureaucratic reform in Indonesia is an important milestone in establishing transparent, accountable, and public-service-oriented governance. One of the strategic steps taken by the government to strengthen the foundation of public administration is the enactment of Law Number 30 of 2014 concerning Government Administration, which serves to provide legal certainty for the Civil Servant Apparatus (ASN) while ensuring the implementation of governance in accordance with the principles of good governance.<sup>1</sup> This Law affirms that every action taken by a government official must be based on legitimate authority, be proportional, and be oriented toward the public interest.

However, the application of Law No. 30 of 2014 in the context of enforcing administrative sanctions against ASN still poses various problems in practice. The lack of firmness in applying sanctions often reduces the deterrent effect and weakens the credibility of the public administration system. In practice, there is a tendency that administrative sanctions have not been able to significantly suppress disciplinary violations by ASN, even though they have been reinforced by derivative regulations such as Government Regulation No. 94 of 2021 concerning Civil Servant Discipline.<sup>2</sup> This condition shows a gap between the normative aspect and the implementation of administrative law within the bureaucracy.

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<sup>1</sup> Ichsan Anwary. "Evaluation of the effectiveness of public administration policies in the development of stringent legal framework: An analysis of the criminal justice system in Indonesia." *International Journal of Criminal Justice Sciences* 17, no. 2 (2022): 313

<sup>2</sup> Lalu Rudi Oky Syaputra, Gatot Dwi Hendro Wibowo, and Ida Surya. "Analysis of the Effectiveness of the Implementation of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline in the Sentencing Process: A Case Study in East Lombok Regency." *Lex Journal: Kajian Hukum dan Keadilan* 6, no. 1 (2022): 249

Furthermore, the effectiveness of administrative sanctions is also influenced by the weak legal culture and a bureaucracy that is still prone to be patrimonialistic. From the perspective of state administrative law, imposing sanctions on ASN should not only be viewed as a repressive effort but also as a corrective mechanism aimed at improving governance and enhancing ASN professionalism.<sup>3</sup> However, weak coordination between institutions and the limited capacity of government officials to understand administrative legal norms mean that the implementation of this Law has not been optimal.<sup>4</sup>

Several studies indicate that the effectiveness of administrative law heavily depends on the consistency of sanction application, the transparency of the process, and the integrity of the public officials enforcing it. Inconsistent application of sanctions, especially in cases of abuse of authority, often leads to perceptions of injustice and weakens public trust in government institutions.<sup>5</sup> In many cases, public officials proven to have committed violations are only given minor or formal administrative sanctions without adequate legal follow-up. This results in a low preventive effect against maladministration and misuse of authority within the ASN environment.<sup>6</sup>

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<sup>3</sup> Irma Purwaningsih, and Nanik Prasetyoningsih. "Effectiveness of Discipline Enforcement for Civil Servants in the Perspective of Legal Sociology Aspects." *Pena Justisia: Media Komunikasi dan Kajian Hukum* 23, no. 1 (2024)

<sup>4</sup> Handaru Arya Ahmad Musyaffar, and Radhiyya Pratama. "The Sentencing Effectivity on the Criminal Offense of Corruption Through the Perspective of Indonesian State Administrative Law: A Review." *Unizar Law Review* 6, no. 1 (2023)

<sup>5</sup> Muhammad Bagus Adi Wicaksono, and Rian Saputra. "Building the eradication of corruption in Indonesia using administrative law." *J. Legal Ethical & Regul. Issues* 24 (2021): 1

<sup>6</sup> Shinta Hadiyantina. "The most appropriate strategy to enhance civil servants' neutrality in the governance." *Journal of Economic and Administrative Sciences* 37, no. 1 (2021): 67

From a normative standpoint, Law No. 30 of 2014 has provided a comprehensive legal mechanism but has not been fully integrated with other regulatory instruments such as Law No. 5 of 2014 concerning ASN and Government Regulation No. 53 of 2010. This weakness in regulatory harmonization leads to inconsistencies in the imposition of sanctions and legal protection for ASN.<sup>7</sup> In the context of local government, this is even more complex due to differences in institutional capacity and the understanding of administrative law by local officials.<sup>8</sup>

In addition to normative and structural factors, organizational culture and resistance to bureaucratic reform are also major obstacles in the implementation of administrative sanctions. The continued strength of nepotism, personal loyalty, and political intervention often leads to non-objective application of administrative sanctions.<sup>9</sup> This condition is exacerbated by weak internal monitoring systems and a lack of mechanisms for evaluating the effectiveness of sanction implementation in various government agencies.<sup>10</sup>

Thus, the effectiveness of Law No. 30 of 2014 is measured not only by the extent to which the regulation is formally applied but also by its ability to build a responsive and accountable government system. The emerging challenges not only concern the enforcement of sanctions but also the urgency of refining legal norms

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<sup>7</sup> Muhammad Ruslihardi, Adinda Ramadhani, Siska Wirawati, Tuty Ardian Rahmah, Fajarwaty Kusumawardhani, Sri Roserdevi Nasution, and Harcini Harcini. "Neutrality of The State Civil Apparatus (ASN) in Indonesian Elections." *JOELS: Journal of Election and Leadership* 2, no. 2 (2021)

<sup>8</sup> M. Zaenul Muttaqin. "Legal Analysis of Civil Service Administration in Regional Government: Case Study of Central Lombok Regency, Indonesia." *International Journal of Scientific Research* 1, no. 03 (2024): 93

<sup>9</sup> Enny Agustina. "Implementation of the regional government and administrative sanctions in Indonesian regional regulations." *Humanities & Social Sciences Reviews* 8, no. 1 (2020): 172

<sup>10</sup> Emilda Sulasmi, Indra Prasetia, and Arief Aulia Rahman. "Government Policy Regarding Education Budget on The Posture of The State Budget (APBN)." *Journal for Lesson and Learning Studies* 6, no. 1 (2023): 145

to accommodate the needs of sustainable bureaucratic reform amid the dynamics of Indonesian public administration. Based on this background, this research focuses on two main questions: RQ1: How effective is the application of Law No. 30 of 2014 in imposing administrative sanctions on ASN RQ2: What are the main challenges in the implementation of Law No. 30 of 2014, particularly concerning the lack of comprehensive administrative sanctions for ASN, and why is its refinement urgent

## 2. Methods

This research uses the **normative juridical** method, which focuses on the analysis of positive law as the basis for examining the effectiveness of implementing Law Number 30 of 2014 concerning Government Administration, specifically in the context of imposing administrative sanctions on the Civil Servant Apparatus (ASN). The normative juridical approach was chosen because this research aims to examine the applicable legal norms, assess their conformity with administrative law principles, and identify implementation constraints in the practice of government bureaucracy. This method places law as a written norm derived from legislation, legal doctrines, and the General Principles of Good Governance (AUPB).

This normative juridical research is carried out by elaborating the legal provisions contained in Law No. 30 of 2014 and its implementing regulations, such as Government Regulation No. 94 of 2021 concerning Civil Servant Discipline, as well as various technical regulations related to the enforcement of administrative sanctions. The analysis is conducted systematically to assess whether the norms

contained in the law provide a sufficiently strong foundation to guarantee the effectiveness of implementing administrative sanctions for ASN. This approach also includes tracing the principles of legality, legal certainty, and administrative justice as parameters for assessing the effectiveness of public administrative law policy.

The data used in this study consists of primary, secondary, and tertiary legal materials. Primary legal materials include relevant legislation, court decisions, and government policies related to ASN governance and the application of administrative sanctions. Secondary legal materials include academic literature, results of previous research, scientific journals, and expert opinions discussing the concept of legal effectiveness and the implementation of government administrative law. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources that help clarify the meaning and context of the legal terminology used

### **3. Results and Discussion**

#### **3.1. Effectiveness of the Application of Law No. 30 of 2014 in Imposing Administrative Sanctions on ASN**

Law Number 30 of 2014 concerning Government Administration is a significant milestone in strengthening the principles of legal certainty and good governance in Indonesia. This Law has normatively provided a legal basis for the fair and efficient conduct of government administration through regulations concerning authority, decision-making procedures, and limitations on the abuse of

authority by government officials.<sup>11</sup> However, the effectiveness of its application in the context of imposing administrative sanctions against the Civil Servant Apparatus (ASN) still faces various fundamental issues, both from normative, institutional, and implementative aspects.

Normatively, Law No. 30 of 2014 has provided legal certainty through the establishment of administrative standard procedures, including service time limits, forms of decisions, and the General Principles of Good Governance (AUPB). These provisions should serve as objective benchmarks for assessing the actions of ASN in performing their duties. Violations of these standards, such as delays in public services, inconsistencies in administrative decisions, or misuse of discretion, should be subject to clear administrative sanctions. However, the reality is that this Law does not explicitly regulate the types or forms of administrative sanctions that can be applied to ASN who violate administrative procedures. Consequently, the application of the principle of legal certainty only runs at the normative level, while its legal enforcement remains weak and does not provide a significant corrective effect.<sup>12</sup>

The absence of specific administrative sanctions in Law No. 30 of 2014 also creates uncertainty in the implementation of the law. Administrative violations by ASN are often only categorized as disciplinary violations based on Law No. 5 of

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<sup>11</sup> Ichsan Anwary. "Evaluation of the effectiveness of public administration policies in the development of stringent legal framework: An analysis of the criminal justice system in Indonesia." *International Journal of Criminal Justice Sciences* 17, no. 2 (2022): 314

<sup>12</sup> Lalu Rudi Oky Syaputra, Gatot Dwi Hendro Wibowo, and Ida Surya. "Analysis of the Effectiveness of the Implementation of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline in the Sentencing Process: A Case Study in East Lombok Regency." *Lex Journal: Kajian Hukum dan Keadilan* 6, no. 1 (2022): 245

2014 concerning ASN or Government Regulation No. 94 of 2021 concerning Civil Servant Discipline. However, both regulations are more focused on the individual behavior of ASN, rather than violations of government administration procedures. This condition creates a legal void in enforcing sanctions against purely administrative violations, such as deviations in public service procedures or decisions that do not comply with AUPB.<sup>13</sup> Consequently, many administrative violations are not formally addressed, which in turn weakens the utility of administrative law as a means of controlling the conduct of government.

From an institutional perspective, the limited authority of the Government Internal Supervisory Apparatus (APIP) is another factor that weakens the effectiveness of administrative sanction application. APIP essentially only has the authority to provide recommendations for audit or inspection results to the Personnel Development Official (PPK). Because of their non-binding nature, these recommendations are often ignored by the PPK, especially when the violation involves officials in strategic positions. Consequently, administrative violations do not lead to the imposition of concrete sanctions, creating a culture of bureaucratic impunity. In the long run, this condition lowers the credibility of internal supervisory institutions and reduces the effectiveness of the ASN accountability system within the government environment.<sup>14</sup>

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<sup>13</sup> Irma Purwaningsih, and Nanik Prasetyoningsih. "Effectiveness of Discipline Enforcement for Civil Servants in the Perspective of Legal Sociology Aspects." *Pena Justisia: Media Komunikasi dan Kajian Hukum* 23, no. 1 (2024)

<sup>14</sup> Enny Agustina. "Implementation of the regional government and administrative sanctions in Indonesian regional regulations." *Humanities & Social Sciences Reviews* 8, no. 1 (2020): 173

This limitation is further aggravated by the low understanding of administrative law principles among ASN, and the weak institutional capacity to consistently interpret the provisions of Law No. 30 of 2014. In practice, many ASN still view administrative violations as technical errors, not as legal violations that require administrative accountability. In the framework of modern administrative law, however, any government action that violates procedures, exceeds authority, or fails to meet the principle of legal certainty can be categorized as a form of maladministration that must be firmly addressed.<sup>15</sup>

The effectiveness of Law No. 30 of 2014 is also hampered by weak coordination between agencies and the suboptimal digitalization of the government administration system. Many agencies still lack electronic-based internal control mechanisms that can record and objectively assess ASN performance. Consequently, administrative violations are often not recorded or cannot be adequately proven, making the sanction imposition process difficult. On the other hand, the paternalistic bureaucratic culture causes administrative law enforcement to be selective and tend to avoid internal conflict. This contradicts the spirit of bureaucratic reform which demands professionalism and transparency in every government administration process.<sup>16</sup>

Nevertheless, conceptually, Law No. 30 of 2014 still holds importance in strengthening rule-of-law-based governance. This Law has successfully provided

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<sup>15</sup> Muhammad Bagus Adi Wicaksono, and Rian Saputra. "Building the eradication of corruption in Indonesia using administrative law." *J. Legal Ethical & Regul. Issues* 24 (2021): 1

<sup>16</sup> Handaru Arya Ahmad Musyaffar, and Radhitya Pratama. "The Sentencing Effectivity on the Criminal Offense of Corruption Through the Perspective of Indonesian State Administrative Law: A Review." *Unizar Law Review* 6, no. 1 (2023)

guidelines regarding discretion, abuse of authority, and legal protection for ASN in carrying out their duties. However, without clear regulations regarding the form and type of administrative sanctions, the implementation of these norms is difficult to optimize. Therefore, the refinement of Law No. 30 of 2014 is an urgent need to create harmony between legal norms and bureaucratic practice, and to establish a firm, fair, and accountable sanction enforcement system.<sup>17</sup>

### **3.2. Challenges in the Implementation of Law No. 30 of 2014 and the Urgency of Its Refinement in Enforcing Administrative Sanctions on ASN**

Law Number 30 of 2014 concerning Government Administration was enacted as an essential legal instrument to create legal certainty, transparency, and accountability in the conduct of government. However, in its practical implementation, this Law still faces various significant challenges, primarily due to the absence of comprehensive administrative sanction regulations for the Civil Servant Apparatus (ASN). This legal void causes a lack of administrative law's coercive power and reduces the effectiveness of good governance principles. Although Law No. 30 of 2014 has established procedures, service time limits, and the General Principles of Good Governance (AUPB), the lack of concrete sanctions for procedural violations makes this rule only declaratory, without effective corrective instruments.<sup>18</sup>

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<sup>17</sup> M. Zaenul Muttaqin. "Legal Analysis of Civil Service Administration in Regional Government: Case Study of Central Lombok Regency, Indonesia." *International Journal of Scientific Research* 1, no. 03 (2024): 97

<sup>18</sup> Ichsan Anwary. "Evaluation of the effectiveness of public administration policies in the development of stringent legal framework: An analysis of the criminal justice system in Indonesia." *International Journal of Criminal Justice Sciences* 17, no. 2 (2022): 315

The first challenge is the legal void regarding administrative sanctions for ASN, which leads to legal uncertainty. In many cases, administrative violations such as service delays, procedural deviations, or decisions that do not comply with AUPB cannot be sanctioned clearly because there is no explicit legal basis regulating them. Law No. 5 of 2014 concerning ASN only provides a disciplinary sanction mechanism related to the individual behavior of ASN, not administrative violations related to public service processes or government decision-making.<sup>19</sup> Consequently, administrative errors by ASN are often resolved only through internal coaching or mild reprimands, without legal consequences that create a deterrent effect.

A clear example of this situation can be found in public service cases where officials fail to process business permit applications within the time limit stipulated by regulations. Because there is no firm provision for administrative sanctions in Law No. 30 of 2014, such violations typically end with only an internal reprimand without legal follow-up. As a result, the public experiences delays in obtaining public service rights, while the negligent ASN remains free from administrative accountability. This demonstrates that the principle of legal certainty in Law No. 30 of 2014 only exists in the norms, not in the realm of real law enforcement.<sup>20</sup>

The second challenge is the weak accountability and internal supervision that creates space for abuse of authority. Without clear administrative sanctions, internal

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<sup>19</sup> Irma Purwaningsih, and Nanik Prasetyoningsih. "Effectiveness of Discipline Enforcement for Civil Servants in the Perspective of Legal Sociology Aspects." *Pena Justisia: Media Komunikasi dan Kajian Hukum* 23, no. 1 (2024)

<sup>20</sup> Lalu Rudi Oky Syaputra, Gatot Dwi Hendro Wibowo, and Ida Surya. "Analysis of the Effectiveness of the Implementation of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline in the Sentencing Process: A Case Study in East Lombok Regency." *Lex Journal: Kajian Hukum dan Keadilan* 6, no. 1 (2022): 248

supervisory institutions such as the Inspectorate and the Government Internal Supervisory Apparatus (APIP) lose a powerful instrument for punishment. They only have the authority to provide recommendations to the Personnel Development Official (PPK), without the compelling power to prosecute violating ASN. This condition leads to administrative violations often being ignored or not followed up on, especially if the perpetrator holds a high structural position or has a personal relationship with the leadership. In the long run, this situation creates a culture of bureaucratic impunity, lowers employee morale, and weakens the credibility of government institutions.<sup>21</sup>

A concrete example of this weak supervision can be seen in the land certificate issuance process. In some cases, authorized officials delay or complicate the process without valid reason, causing service delays to the public. Although this is clearly an administrative violation against the principles of effectiveness and legal certainty, APIP cannot impose direct sanctions. The recommendations they issue are often not followed up by the PPK, so the maladministration behavior repeats itself and harms the wider community. Consequently, aggrieved members of the public often choose to sue at the State Administrative Court (PTUN) rather than wait for internal resolution, which should be resolvable at the administrative level.<sup>22</sup>

In addition to these two main challenges, other obstacles also arise from the weak understanding of administrative law by ASN, and the limited digitalization of

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<sup>21</sup> Enny Agustina. "Implementation of the regional government and administrative sanctions in Indonesian regional regulations." *Humanities & Social Sciences Reviews* 8, no. 1 (2020): 173

<sup>22</sup> Shinta Hadiyantina. "The most appropriate strategy to enhance civil servants' neutrality in the governance." *Journal of Economic and Administrative Sciences* 37, no. 1 (2021): 67

bureaucratic supervision systems. Many ASN still do not understand the legal consequences of administrative violations and view them merely as technical errors without legal impact. On the other hand, the unintegrated digital administration system means that procedural violations are often not well-documented. This situation is aggravated by the paternalistic bureaucratic culture that tends to protect colleagues or superiors, leading to non-objective and discriminatory enforcement of administrative sanctions.<sup>23</sup>

The urgency of refining Law No. 30 of 2014 is highly pressing given the importance of legal certainty and bureaucratic effectiveness in supporting public services. The reformulation of administrative sanction norms is needed to ensure that every violation of government procedure can be dealt with proportionally and provide a deterrent effect. This refinement is also important to strengthen the authority of supervisory institutions such as APIP so they can impose direct sanctions, and reduce the burden of disputes at the PTUN through more effective internal resolution. Thus, the refinement of Law No. 30 of 2014 will strengthen accountability, prevent abuse of authority, and ensure the merit system in ASN runs consistently with the spirit of national bureaucratic reform.<sup>24</sup>

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<sup>23</sup> Handaru Arya Ahmad Musyaffar, and Radhiya Pratama. "The Sentencing Effectivity on the Criminal Offense of Corruption Through the Perspective of Indonesian State Administrative Law: A Review." *Unizar Law Review* 6, no. 1 (2023).

<sup>24</sup> Muhammad Bagus Adi Wicaksono, and Rian Saputra. "Building the eradication of corruption in Indonesia using administrative law." *J. Legal Ethical & Regul. Issues* 24 (2021): 1

## 4. Conclusion

Law Number 30 of 2014 concerning Government Administration plays a crucial role in realizing rule-of-law-based governance, accountability, and ASN professionalism. However, the effectiveness of its implementation is still limited due to the absence of comprehensive administrative sanction provisions for ASN who commit administrative violations. This legal void leads to legal uncertainty, reduces the corrective power of the administrative system, and weakens internal supervision. Institutions like APIP and the Inspectorate lack the authority to impose direct sanctions, meaning procedural violations are often not addressed firmly.

Therefore, the refinement of Law No. 30 of 2014 is an urgent need to strengthen the ASN accountability system and ensure the fair and effective enforcement of administrative law. The reformulation of sanction regulations is required so that every procedural violation can be penalized proportionally, strengthening bureaucratic integrity, and promoting transparent public service oriented toward the public interest. With regulatory updates and increased capacity of supervisory institutions, it is hoped that Law No. 30 of 2014 can function optimally as an instrument for reforming administrative law and enforcing government ethics in Indonesia.

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