

# THE PROBLEMS OF LAW ENFORCEMENT AGAINST CIVIL SERVICE INDIVIDUALS IN INDONESIA

**Novel Heryanto, Tofik Yanuar Chandra, Kristiawanto**  
Master of Law Program at Jayabaya University Jakarta Indonesia  
[novelheryanto@gmail.com](mailto:novelheryanto@gmail.com)

## ABSTRACT

The regulations that form the basis for regulating civil servant discipline in the Republic of Indonesia are Law Number 5 of 2014 concerning State Civil Apparatus; Government Regulation Number 17 of 2020 concerning Amendments to Government Regulation Number 11 of 2017 concerning Management of Civil Servants; and Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. In PP No. 94 of 2021, it explains the discipline of civil servants as a form of employee's ability to comply with obligations and avoid the prohibitions specified in the legislation and/or official regulations which, if not obeyed or violated, will be imposed. In PP No. 94 of 2021 there are 17 (seventeen) obligations and 14 (fourteen) prohibitions for civil servants, with the level of disciplinary punishment divided by level and type, each according to the nature and severity or severity of the violation committed, as well as the consequences. caused by the violation committed by the Civil Servant concerned. The research method used is normative juridical research using primary, secondary and tertiary legal materials. The data collection technique of this study was literature study and document study. Data analysis is done by collecting, compiling, and analyzing qualitatively. The results show that the mechanism for imposing disciplinary sanctions on civil servants consists of four stages or procedures, namely summons and examination, imposition, and documentation in accordance with Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. Problems in Law Enforcement against Indiscipline Civil Servants caused by several factors, namely the Supervision and Guidance of Civil Servants; Factors of Regulation or Code of Conduct and Leadership Factors.

## KEYWORDS

Problematics, Civil Servants, Disciplinary

## INTRODUCTION

Indonesia as a welfare state has the obligation to organize public welfare and serve the public interest. This is an achievement of the national goals set out in the Preamble to the 1945 Constitution (UUD 1945), namely realizing justice, prosperity, equality, and sustainability between material and spiritual based on Pancasila in the Unitary State of the Republic of Indonesia. So that it can provide security, land and order (defense, security, and protectional function); welfare (welfare function); education (educational function); and realizing world order and welfare (world peace and human welfare). In an effort to achieve national goals, it requires healthy government administration in the sense that there are no deviations in it considering that the organizers must have virtuous, authoritative, efficient and high-quality attitudes, the achievement of these attitudes depends on improving the performance of Civil Servants (PNS).

What is happening now is that society, the media and politicians have expressed growing discontent with the public sector and with the Civil Servant (PNS) that bureaucrats and bureaucracies are expensive, slow, inefficient, and unresponsive. This is because there is an expectation from all parties that civil servants in providing public services must be of quality, and this is an important part of governance and public administration, both at the center and in the regions. This is a reflection of clean and good governance. This means that improving the quality of public services is at the forefront of the nation's image. Therefore, it is the main task of the government, including local governments in the era of decentralization to organize, provide or provide quality public services to the community. That the state is obliged to serve every citizen and resident to fulfill their basic rights and needs within the framework of public services which is the mandate of the 1945 Constitution of the Republic of Indonesia (UUD 1945); and that building public trust in public services carried out by public service providers is an activity that must be carried out in line with the expectations and demands of all citizens and residents regarding improving public services, but unfortunately the government, in this case civil servants, often abuses power and authority, causing civil servants to receive sanctions. Discipline. The Government Regulation on civil servant discipline contains obligations, prohibitions, and disciplinary penalties that can be imposed on civil servants who have been proven to have committed violations. The imposition of disciplinary penalties is intended to foster civil servants who have committed violations, so that those concerned have an attitude of regret and try not to repeat and improve themselves in the future. The report on disciplinary penalties for Civil Servants who entered BKN based on data on the 2018 BKN SAPK as many as 3,383 this proves that many civil servants take disciplinary actions even

though the regulations have been made by the Government, therefore it becomes interesting for the author to conduct a juridical study related to enforcement problems. law against disciplinary civil servants in Indonesia.

To maintain originality in this study, the authors describe previous research that has a relationship with several concepts in this study, namely the concept of law enforcement, the concept of problematics, and the concept of disciplinary civil servants. There are several research titles that have similarities, but differ in subject matter even though they still have the following linkages:

First, Agung Wijaya. (2019). With the research title "Implementation of Disciplinary Punishments for State Civil Apparatuses Who Do Not Come to Work and Obey the Provisions of Working Hours through the Palembang City Personnel and Human Resources Development Agency." Master of Law Study Program, Faculty of Law, Sriwijaya University Palembang

## **METHOD**

The research method used is normative juridical research, namely research that is focused on examining the application of rules or norms in positive law. This normative juridical research uses a statute approach which examines laws and regulations with the central theme of the study. In this case, it is the implementation of law enforcement against disciplinary civil servants. The subject of the study in this study is the law which is conceptualized as a norm or rule that applies in society and becomes a reference for everyone's behavior.

The approach method used is a normative juridical legal research method, so more than one approach can be used. First, the statutory approach is carried out to examine the laws and regulations. Second, the case approach aims to study the application of legal norms or rules in legal practice.

In this study, the type of empirical legal research is used with a descriptive research design, namely examining Civil Servants who carry out disciplinary actions. And see the implementation of the enforcement of discipline in accordance with the regulations concerning the discipline of Civil Servants currently in effect. The purpose of this descriptive research is to provide a systematic, factual and accurate description or painting of the facts and the relationship between the phenomena investigated.

## **RESULTS**

As a State Civil Apparatus (ASN) it is obligatory to set an example for the community, by behaving in accordance with the provisions of the applicable laws and regulations. Civil Servants (PNS) are required to obey the regulations in accordance with their position as state servants. If a civil servant commits a form of violation (indiscipline), then the civil servant will be given a staffing sanction. Employment sanctions are administrative sanctions in the form of disciplinary penalties intended for civil servants who violate the disciplinary regulations of civil servants. There are several types of sanctions for civil servants, including criminal sanctions, civil sanctions, and administrative sanctions.

It aims to achieve national goals and implement them based on the 1945 Constitution and perform well, free from political intervention and have integrity and professionalism in performing as required by the community for the implementation of public services as needed by the community. Because the real order of everyday life goes hand in hand with legal regulations. Realizing good governance is certainly not easy, it must be supported by government actions adjusted to its authority. Ethics and roles in the process of state administration are important as the embodiment of good governance.

Violation of discipline is not a complaint offense. If there is an allegation of an inappropriate act, the direct superior can act to account for the performance of his subordinates and take action as regulated in PP 94 of 2021, namely inspection. Acts committed by employees who are not appropriate are not included in the complaint offense. the reason is not included in the complaint offense is because it is the responsibility of a direct supervisor if there is an alleged violation of discipline, in this case in the form of absenteeism or other violations mentioned in PP 94 of 2021, then the direct supervisor can carry out an examination, however, if the act is not a the authority of the direct superior, then it is reported in stages to be followed up on the decision. Furthermore, the report is proven completely by attaching the Minutes of Examination (BAP) and the Inspection Result Report (LHP). Based on the regulations concerning civil servant discipline, it states that discipline is avoiding prohibitions and obeying obligations in order to create an orderly implementation of duties.

The authority to determine disciplinary punishment has been stated in this regulation so that there is no arbitrary action against the stipulation of disciplinary punishment. Prior to the stipulation of disciplinary punishment, the violating employee is examined first without any coercion, in terms of the smoothness of the examination if the employee is suspected of committing a disciplinary violation which is included in the type of severe disciplinary punishment, the employee may be temporarily released from his/her duties during the examination until a Disciplinary Punishment Decision is issued. . In the event that the direct supervisor does not follow up on alleged violations against his subordinates,

namely by not doing what is regulated in government regulations by summoning and examining, the immediate superior will receive a heavier penalty.

Discipline provisions for Civil Servants (PNS) are one of the elements of personnel management regulated in Law Number 5 of 2014 concerning State Civil Apparatuses (ASN) which are further outlined through Government Regulation Number 94 of 2021. Prior to the Government Regulation which is the implementation of the provisions Article 86 paragraph (4) of the ASN Law is issued, the provisions on civil servant discipline refer to Government Regulation Number 53 of 2010. With the issuance of Government Regulation Number 94 of 2021, there are a number of changes to the provisions of civil servant discipline which were previously regulated in Government Regulation Number 53 of 2010. This means that that this latest regulation contains prohibitions, obligations, and disciplinary penalties for Civil Servants.

## **DISCUSSION**

### **1. Law Enforcement Problems Against Disciplined Civil Servants**

In carrying out disciplinary punishment will be closely related to the theory of authority. The theory of authority in question is the right that officials have based on applicable rules to take action. In this case, the competent authority has the right to impose disciplinary penalties for violations committed by civil servants. However, in exercising the authority to give punishment, the authorized official must carefully study the results of the examination and pay close attention to the factors that encourage or cause the ASN to commit a disciplinary violation and the impact of the disciplinary violation. Juridically, the notion of authority is the ability given by legislation to cause legal consequences. Authority has a different meaning from competence. Authority is formal power that comes from law, while authority is a specification of authority, meaning that whoever (legal subject) is given authority by law, then he is authorized to do something that is within that authority.

The authority possessed by government organs (institutions) in carrying out real (real) actions, making arrangements or issuing decisions is always based on the authority obtained from the constitution by Attribution, Delegation, and Mandate. An attribution refers to the original authority on the basis of the constitution (UUD). Meanwhile, the delegation's authority must be emphasized in the delegation of authority to other government organs. And there is no delegation of any mandate in the sense of giving authority, however, those who are mandated to act on behalf of the giver of the mandate. In granting a mandate, the mandated official appoints another official to act on behalf of the mandate (mandatory). With the enactment of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, it is expected to have a significant impact on the performance of Civil Servants in a government agency. However, in reality, there are still many Civil Servants who are not disciplined in their work, thus indirectly causing activities at the agency not to run well. This can be caused by several factors, namely:

1. Factors for Supervision and Guidance of Civil Servants. Supervision in an institution carried out by leaders to subordinates is very weak so that subordinates feel unsupervised, free to move and consider office work not important.
2. Regulatory or Code of Conduct factors. Lack of awareness of civil servants on the rules and regulations of staffing. A rule will be obeyed if the regulation has strict sanctions. There are employees who commit violations but are not immediately sanctioned, so that civil servants are not afraid of disciplinary punishment and are not afraid to take disciplinary actions.
3. Leadership Factor. Discipline must be enforced by every civil servant and leaders must supervise. For every violation committed by an employee, the supervisor concerned must be held accountable for it. Leaders must be firm in giving sanctions to subordinates who commit violations.

If it is associated with law enforcement against disciplinary civil servants, law enforcement activities are activities that aim to harmonize the relationship of values contained in legal norms which are essentially legal interpretation/interpretation activities, and at the same time apply and realize the results of their interpretation as an attitude of action. to achieve the objectives of the legislation governing violations of these legal norms. That is, with the PP No. 94 of 2021 concerning civil servant discipline as a form of policy implementation which is a tool of legal administration as various actors, organizations, procedures, and techniques work together to carry out policies to achieve the desired impact or goal.

### **2. Mechanism for Imposing Disciplinary Sanctions for Civil Servants**

In the theory of legal certainty, that rules of a general nature make individuals know what actions may or may not be carried out as well as a form of legal security for individuals from government arbitrariness because with the existence of general rules individuals can know what may be charged or done by the government. state to the individual. This means that power without a legal basis is arbitrary, and means that it will not be effective and effective for the interests of the general public. On the other hand, intervention in law-making and implementation does not always guarantee legal certainty,

enforce community rights or guarantee justice because law-making and implementation is strongly influenced by democratic political configurations so that it will produce responsive laws while authoritarian political configurations will create repressive legal products.

In Law Number 5 of 2014 concerning State Civil Apparatus, it is stated that ASN as a profession is based on a code of ethics and code of conduct. The code of ethics and code of conduct of ASN aims to maintain the dignity and honor of ASN. The function of this code of ethics is very important in the bureaucracy in administering the government, namely:

1. As a guide, a guide for the public bureaucracy/state civil apparatus in carrying out their duties and authorities so that their actions are considered good.
2. As a standard for assessing the nature, behavior, and actions of the public bureaucracy/state civil apparatus in carrying out their duties and authorities.

Furthermore, in the code of ethics and code of conduct that regulates behavior for ASN employees:

1. Carry out their duties honestly, responsibly, and with high integrity;
2. Carry out their duties carefully and with discipline;
3. Serve with respect, courtesy, and without pressure;
4. Carry out their duties in accordance with the laws and regulations;
5. Carry out their duties in accordance with the orders of superiors as long as they do not conflict with the provisions of laws and government ethics;
6. Maintain confidentiality regarding State policies;
7. Use the wealth and property of the State in a responsible, effective, and efficient manner;
8. To prevent conflicts of interest in carrying out their duties;
9. Provide information correctly and not misleadingly to other parties who need information related to official interests;
10. Do not misuse the State's internal information, duties, status, power, and position to obtain or seek benefits or benefits for oneself or for others;
11. Uphold the basic values of ASN and always maintain the reputation and integrity of ASN; and
12. Implement the provisions of the regulations regarding the discipline of ASN Employees.

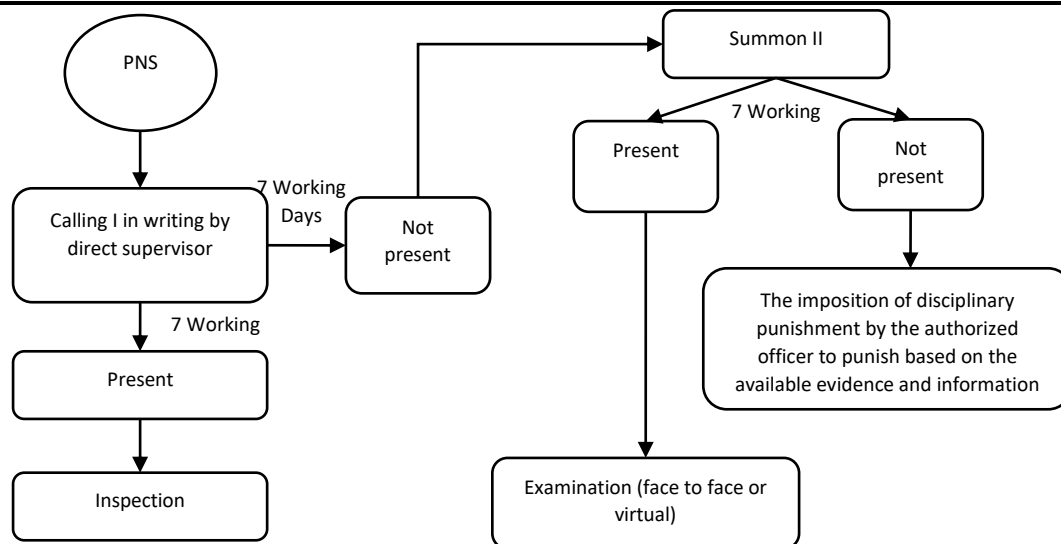
Related to civil servant disciplinary violations, it is a disobedience to obligations and violations committed by them against the prohibition, which presents consequences in the form of sanctions or punishments, hereinafter referred to as disciplinary penalties. The imposition of disciplinary penalties for violations of disciplinary actions certainly cannot be given rashly. Disciplinary punishment is given to improve and educate the Civil Servants themselves, as well as to expedite the activities of carrying out official duties. According to Newstrom, & Davis, that the form of discipline is as follows.

1. Preventive Discipline. It is an act of Human Resources who is driven to comply with standards and regulations.
2. Corrective Discipline. An action taken after a violation of a standard or regulation occurs, the action is intended to prevent further violations.
3. Progressive discipline. It is an disciplinary action that is carried out repeatedly so that the sentence becomes more severe, with the intention that the violator can improve himself before the severe punishment is imposed. Examples of imposing progressive disciplinary penalties include: a) verbal reprimand by superiors; b) written warning; c) Suspension from work for several days; d) Demotion; and e) Fired.

The regulations that form the basis for regulating civil servant discipline in the Republic of Indonesia are Law Number 5 of 2014 concerning State Civil Apparatus; Government Regulation Number 17 of 2020 concerning Amendments to Government Regulation Number 11 of 2017 concerning Management of Civil Servants; and Government Regulation Number 94 of 2021 concerning Civil Servant Discipline.

Furthermore, the researchers found a mechanism for summoning and examining, imposing, and documenting civil servants who violated (Indiscipline) in accordance with Government Regulation Number 94 of 2021 concerning Civil Servant Discipline as follows.

First, the Summoning Stage, a Civil Servant suspected of having committed a disciplinary violation, is summoned for examination by an official authorized to punish or another appointed official. The mechanism that the author describes as a form of simplification or simplifying this flow is as follows.



### Grafik Tata Cara Pemanggilan PNS yang Melakukan Indisipliner

Second Stage of Examination, in this stage information on disciplinary civil servants is based on the disposition of superiors, APIP audit/inspection results, results of research and review of Inspectorate information, complaints unit, information and complaints; as well as complaints or other reports of alleged disciplinary violations. This inspection mechanism, before a civil servant is sentenced to discipline, every direct supervisor must first examine a civil servant suspected of having committed a disciplinary violation.

In certain cases it may involve other appointed officials, but in relation to the direct supervisor of a civil servant who is suspected of committing a Discipline Violation in the violation, then the member of the inspection team is a higher level superior. The inspection team consists of direct superiors, elements of supervision, and elements of staffing. This inspection team is formed by the staffing officer or other appointed official.

The three stages of sentencing, in this stage each imposition of disciplinary penalties is determined by a decision of the official who is authorized to punish. The decision as referred to is conveyed to the civil servant who was sentenced to disciplinary action by the Punishing Authority or other appointed official. The submission of the Disciplinary Sentence Decision as referred to is carried out no later than 14 (fourteen) working days after the decision is stipulated. And in the event that a civil servant who is sentenced to a disciplinary sentence is not present at the time of submitting a decision on a disciplinary sentence, the decision is sent to the person concerned.

Fourth Stages of Documenting Disciplinary Sentences, in this stage the decisions of Disciplinary Sentences must be documented by the staffing officer in the relevant agency. used as one of the assessment materials in the development of the civil servant concerned. All documents related to Disciplinary Punishment decisions including documents under examination are uploaded into a system that is integrated with the State Civil Apparatus Information System.

### CONCLUSION

Based on the description in the discussion of the problems in this thesis, it can be concluded:

1. The regulation that forms the basis for regulating civil servant discipline in the Republic of Indonesia is Law Number 5 of 2014 concerning State Civil Apparatus; Government Regulation Number 17 of 2020 concerning Amendments to Government Regulation Number 11 of 2017 concerning Management of Civil Servants; and Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. In PP Number 94 of 2021, it explains the discipline of civil servants as a form of employee's ability to comply with obligations and avoid the prohibitions specified in the legislation and/or official regulations which if not obeyed or violated will be imposed. In PP No. 94 of 2021 there are 17 (seventeen) obligations and 14 (fourteen) prohibitions for civil servants, with the level of disciplinary punishment divided by level and type, each according to the nature and severity or severity of the violation committed, as well as the consequences. caused by the violation made by the Civil Servant concerned. Any violation (discipline) of civil servants, will be subject to disciplinary punishment by the competent authority to punish civil servants for violating the rules of discipline of civil servants. The Officials with the Authority to Punish consist of: a) the President; b) Staffing Officer; c) Head of Representative of the Republic of Indonesia; d) Middle High Executive Officer or other equivalent official; e) Primary High Executive Officer or other equivalent official; f)

Administrator or other equivalent official; and g) Supervisory Officer or other equivalent official. The mechanism for imposing disciplinary sanctions on civil servants consists of four stages or procedures, namely summons and examination, imposition, and documentation in accordance with Government Regulation Number 94 of 2021 concerning Discipline of Civil Servants.

2. Law enforcement against disciplinary civil servants, in principle, is coaching, namely to correct and educate civil servants who commit disciplinary violations so that they have an attitude of regret and try not to repeat and improve themselves in the future, and it is intended that other civil servants do not commit the same violation. . with PP No. 94 of 2021 concerning civil servant discipline as a form of policy implementation which is a legal administration tool as various actors, organizations, procedures, and techniques work together to carry out policies to achieve the desired impact or goal. Problems in Law Enforcement against Disciplinary Civil Servants caused by several factors, namely the Supervision and Guidance of Civil Servants; Factors of Regulation or Code of Conduct and Leadership Factors.

## SUGGESTION

Based on the description of the conclusions in this thesis, it can be suggested as follows:

1. It is recommended that each work unit carry out internal guidance regarding the code of ethics and discipline for civil servants in accordance with Government Regulation Number 94 of 2021 concerning civil servant discipline, which is a form of government regulation that was only set in August 2021. So that requires socialization or technical guidance so that violations (indiscipline) can be reduced. With the knowledge and socialization, especially regulations regarding the types of obligations and prohibitions for civil servants so as to increase awareness to comply with legal rules related to Government Regulation Number 94 of 2021 concerning civil servant discipline.
2. Supposedly, the official who is authorized to punish in giving sanctions / actions strictly if it is proven that the civil servant has committed a disciplinary violation with the aim of providing a deterrent effect and not committing a violation whose punishment is even more severe. In addition, there is a need for stricter law enforcement against the administration of administrative sanctions for judges and civil servants, which is not only limited to enforcing the discipline of working hours but also regarding performance.

## REFERENCES

1. Abbas, Syahrizal, Mediation in the Perspective of Islamic Law, Customary Law & National Law, Kencana, Jakarta, 2009.
2. Abdurrazyid, Priatna, Arbitration & Alternative Dispute Resolution (An Introduction), Fikahati Aneska in collaboration with BANI, Jakarta, 2002.
3. Adolf, Huala, Fundamentals of International Contract Law, Refika Aditama, Bandung, 2008.
4. Adolf, Huala, International Trade Law, Rajawali Press, Jakarta, 2006.
5. Adriaanse, John, Construction Contract Law: The Essentials, Mcmilan, London.
6. Ali, Achmad, Revealing the Veil of the Law (A Philosophical and Sociological Study), Mount Agung, Jakarta, 2002.
7. Ali, Zainuddin, Legal Research Methods, Sinar Graphic Publishers, Jakarta, 2009.
8. Amiruddin and Asikin, H. Zainal, Introduction to Legal Research Methods, Raja Grafindo Persada, Jakarta, 2004.
9. Ansori, Abdul Gafur, Philosophy of Legal History, Streams and Meaning, Gajah Mada University, Yogyakarta, 2006.
10. Asshidiqie, Jimly, Hans Kelsen's Theory of Law, Secretary General of the Constitutional Court, Jakarta, 2006.
11. Atmadja, I Dewa Gede and I Nyoman Putu Budiarta, Legal Theories, Setara Press, Malang, 2018.
12. Atmadja, I Dewa Gede, Philosophy of Law, Setara Press, Malang, 2013.
13. Baker, Ellis et al, FIDIC Contracts: Law and Practice, Informa Law, London, 2009.
14. Barr, Brian and Leo Grutters, FIDIC User's Guide: A practical guide to the Red, Yellow, MBD Harmonized and Subcontractor Books, ICE Publishing, 2016.
15. Board Foundation, Dispute Resolution, Dispute Board Manual: A Guide to Best Practices and Procedures, SPARK Publications, Charlotte, North Carolina, USA, 2019.
16. Bunni, Nael G., The FIDIC Forms of Contract, Third Edition, Blackwell Publishing, Oxford, 2005.
17. Butarbutar, Elisabeth Nurhaini, Legal Research Methods: Steps to Find the Truth in Legal Studies, Refika, Bandung, 2018.
18. Chern, Cyril, The Law of Construction Disputes, Informa Law, London, 2010.

19. Corbett, Edward, Moment of Decision? The Future of Dispute Boards under the FIDIC Form and Beyond, 4 International Construction Law, 2009.
20. Directorate General of Construction Development, Dispute Council in Perspective of Law Number 2 of 2017, Ministry of Public Works, Jakarta, 2018.
21. Efendi, A'an, Freddy Poernomo and IG. NG Indra S. Ranuh, Legal Theory, Sinar Graphic, Jakarta, 2017.
22. Garner, Brian A, Black's Law Dictionary, Eight Edition, West Group, St Paul, USA, 2004.
23. Gould, Nicholas, Alternative Dispute Resolution in the UK Construction Industry, Association of Researchers in Construction Management, UK, 1998.
24. Grutters, Leo and Brian Barr, FIDIC Red, Yellow and Silver Books: A Practical Guide to the 2017 Editions, Thomson Reuters, London, 2018.
25. Gunawan, Johannes, Legal Studies on Freedom of Contract, Aditama, Bandung, 2008.
26. Haley, Jacqueline M. Nolan, Alternative Dispute Resolution in a Nutshell, West Publishing Company, Michigan, 1992.
27. Harahap, M. Yahya, Some Reviews of the Judicial System and Dispute Resolution, Citra Aditya Bakti, Bandung, 1997.
28. Hardjomuljadi, Sarwono, Third Book: Alternative Construction Dispute Resolution in Indonesia, Logoz Publishing, Jakarta, 2016.
29. Hardjomuljadi, Sarwono, Dispute Board An Alternative for Construction Dispute Resolution (FIDIC Conditions of Contract MDB Harmonized Edition), in the 2014 National seminar "Construction Project Claim Management", Jakarta, 6 November 2014.
30. Hardjomuljadi, Sarwono, et.al, Construction Claim Strategy Based on FIDIC Conditions of Contract, First Printing, Pola Grande, Jakarta, 2006.
31. Hermawan, Andie, The Controversies of Dispute Adjudication Board under FIDIC in Construction Dispute Settlement, Middlessex University, London.
32. Hibberd, Peter and Newman, Paul, ADR and Adjudication in Construction Disputes, Blackwell Science, Berlin, 1999.
33. Husseyn, M. and Kardono A. S., Working Paper on Economics, Law and Arbitration Institutions in Indonesia, 1995.
34. Ibrahim, Johnny, Theory and Research Methodology of Normative Law, Bayumedia Publishing, Malang, 2006.
35. Johan, Bahder Nasution, Legal Research Methods, Mandar Maju, Bandung, 2008.
36. Kansil, Christine S.T, Introduction to Indonesian Law and Legal Administration. Balai Pustaka, Jakarta, 1989.
37. Kansil, Christine S.T, Engelen R, Palandeng and Mamahit Godlieb N, Dictionary of Legal Terms, Jala Permata Aksara, Jakarta, 2009.
38. Keraf, Sonny, Guiding Business Ethics and Its Relevance, Kanisius, Yogyakarta, 1998.
39. Leinz, Claus H, 'Dispute Boards: Scope, Tasks and Authority' 2007.
40. Mahmud, Marzuki Peter, Introduction to Legal Studies, Kencana, Jakarta, 2008.
41. Manan, Abdul, Sharia Economic Law in the Perspective of the Authority of the Religious Courts, Prenada Media Group, Jakarta, 2012.
42. Mardalis, Research Methods, A Proposal Approach, PT Bumi Aksara, Jakarta, 2004.
43. Margono, Suyud, ADR (Alternative Dispute Resolution) and Arbitration: The Institutional Process and Legal Aspects, Ghalia Indonesia, Jakarta, 2004.
44. Mertokusumo, Sudikno, Knowing the Law, An Introduction, Liberty, Yogyakarta, 2005.
45. Moeljatno, Principles of Civil Law, Jakarta, Rineka Cipta, 2008.
46. Morgan, D. Bryan, Dispute Avoidance: A non-confrontational approach to the management of construction contracts, RIBA Publishing, London, 2008.
47. Muhammad, Abdulkadir, Law and Legal Research, Citra Aditya Bakti, Bandung, 2004.
48. Nurcaweda Riztria Adinda, Dispute Council to Avoid Disputes in Construction Projects, STT Mandala.
49. Owen, Gwyn and Brian Totterdill, Dispute Boards: Procedures and Practice, Thomas Telford, London, 2008.
50. Pena-Mora, Feniosky. Sosa, Carlos E., and McCone, D. Sean, Introduction to Construction Dispute Resolution, Prentice Hall, New Jersey, 2003.
51. Radbruch, Gustav, Legal Philosophy, in The Legal Philosophies of Lask, Kurt Wilk trans., Washington University, Washington DC, 1950.
52. Rahardjo, Satjipto, Legal Studies, Citra Aditya Bakti, Bandung, 2012.
53. Rajaguguk, Erman, Arbitration in Court Decisions, Chandra Pratama, Jakarta, 2001.
54. Rapar, J.H., Plato's Political Philosophy, Rajawali Press, Jakarta 1991.
55. Rasjidi, Lili and Putra, I.B, Wyasa, Law as a System, Rosdakarya Youth, Bandung, 1993.

56. Rato, Dominic, *Philosophy of Law Seeking: Understanding and Understanding Law*, Laksbang Pressindo, Yogyakarta, 2010.
57. Richbell, David, *Mediation of Construction Dispute*, Blackwell Publishing, Oxford, 2008.
58. Rifai, Ahmad, *Legal Inventions by Judges in a Progressive Legal Perspective*, Sinar Graphic, Jakarta, 2010.
59. Rosener, Wolfgang, *An Analysis of International Construction Contracts*, Kluwer Law International, The Hague, 2005.
60. Rusli, Hardijan, *Indonesian Covenant Law and Common Law*, Sinar Harapan Library, Jakarta, 1993.
61. Salim, H.S and Erlies Septiana N., *Application of Legal Theory in Thesis and Dissertation*, Rajawali Pers, Jakarta, 2013.
62. Salim, H.S., *Contract Law: Contract Drafting Theory & Techniques*, Sinar Graphic, Jakarta, 2006.
63. Salman, H.R, Otje, S, *Philosophy of Law (Development & Dynamics of Problems)*, PT. Refika Aditama, Bandung, 2010.
64. Sembiring, Sentosa, *Commercial Law*, Citra Aditya Bakti, Jakarta, 2001.
65. Singarimbun, Masri and Efendi, Sofyan, *Survey Research Methods*, LPJES, Jakarta, 1995.
66. Soekanto, Soerjono, *Introduction to Legal Research*, University of Indonesia (UI Press), Jakarta, 2007.
67. Soekanto, Soerjono and Sri Mamudji, *Normative Legal Research: A Brief Overview*, Rajawali Pers, Jakarta, 2013.
68. Soeroso, *Introduction to Legal Studies*, PT. Sinar Graphic, Jakarta, 2011.
69. Subekti, R., *Trade Arbitration*, Bina Cipta, Bandung, 1992.
70. Subekti, R., *Fundamentals of Civil Law*, PT Intermasa, Twentieth Printing, Jakarta, 1985.
71. Subekti and Tjitrosudibio, *Civil Code*, Pradnya Paramita, Jakarta, 1985.
72. Sunggono, Bambang, *Legal Research Methodology*, Rajawali Press, Bandung, 2008.
73. Susanto, S., *Institute for Justice and Democracy, Paper at the National Seminar on the Utilization of Sociology of Law in the Global Development and Restructuring Period*, Faculty of Law UNDIP, Semarang, 12-13 November 1996.
74. Syahrani, Riduan, *Summary of the Essence of Legal Studies*, Citra Aditya Bakti, Bandung, 1999.
75. Syaifuddin, Muhammad, *Contract Law: Understanding Contracts in the Perspective of Philosophy, Theory, Dogmatics and Legal Practice*, CV Mandar Maju, Bandung, 2012.
76. Totterdill, Brian W., *FIDIC user's guide: A practical guide to the 1999 red and yellow books*, Thomas Telford, London, 2008.
77. Van, Apeldoorn L.J., *Introduction to Law*, trans. Oetarid Sadino, Pradnya Paramita, Jakarta, 1996.
78. Waluyo, Bambang, *Legal Research in Practice*, Sinar Graphic, Jakarta, 2008.
79. Wilmot-Smith, Richard, *Construction Contracts: Law and Practice*, Oxford University Press, United States, 2006.
80. Winarta, Frans Hendra, *Indonesian and International National Arbitration Dispute Settlement Law*, Sinar Graphic, Jakarta, 2016.
81. Winarta, Frans Herda, *Dispute Settlement Law*, Sinar Graphic, Jakarta, 2012.
82. Wiryawan, I Ketut and I Ketut Artadi, *Out of Court Dispute Resolution*, Udayana University Press, Bali, 2010.
83. Yasin, Nazarkhan, *Understanding Construction Claims & Construction Dispute Resolution (Book Two of the Construction Law Series)*, PT Gramedia Pustaka Utama, Jakarta, 2004.
84. Yasin, Nazarkhan, *Understanding Construction Work Contracts in Indonesia*, Gramedia Pustaka Utama, Jakarta, 2003.
85. Zainal, Asikin, *Introduction to Indonesian Law*, Rajawali Press, Jakarta, 2012.
86. 1945 Constitution of the Republic of Indonesia.
87. Code of Civil law.
88. Law Number 48 of 2009 concerning Judicial Power.
89. Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.
90. Law Number 2 of 2017 concerning Construction Services.
91. Government Regulation Number 22 of 2020 in conjunction with Number 14 of 2021 concerning Implementing Regulations of Law Number 2 of 2017 concerning Construction Services.
92. Presidential Regulation Number 16 of 2018 Jo Number 12 of 2021 concerning Government Procurement of Goods/Services.
93. Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in Courts.
94. Regulation of the Minister of Public Works and Public Housing Number 14 of 2020 concerning Standards and Guidelines for Procurement of Construction Services through Providers.



95. Public Works and Public Housing Regulation Number 11 of 2021 concerning Procedures and Technical Instructions for the Construction Dispute Council.
96. Atmaja, I Dewa Gede, "Legal Principles in the Legal System", *Journal of Kertha Wicaksana*, Vol. 12(2), (2018).
97. Bodea, Constanta-Nicoleta and Purnus, Augustin, "FIDIC contracts: analysis of the impact of general and particular conditions on the financial risk management in Romanian infrastructure projects", *Juridical Tribune (Tribuna Juridica)*, Bucharest Academy of Economic Studies, Law Department, Vol. 6 (2), December (2016).
98. Chapman, Peter H.J., "The Use of Dispute Boards on Major Infrastructure Projects", *Turkish Commercial Law Review*, Istanbul, (2015).
99. Charrett, Donald, "The Commercial Value of Dispute Boards under FIDIC Contract", *Turkish Commercial Law Review*, Vol. 1, (2015).
100. Fauzan, M, "Alternative Dispute Resolution in Construction Work Contracts", *Teras Journal*, Vol. 1(1), March (2011).
101. Lature, Karolus E., "Analysis of Construction Dispute Resolution in Indonesia", *Indonesian Legislation Journal*, 15 (3), November (2018).
102. Malak, A., Saadi, E., Zeid A., Marwan. "Process Model for Administrative Construction Claims", *Journal of Construction Engineering and Management*, 18 (2), (2002).
103. Mayer, James J, "Alternative Dispute Resolution in the US Construction Industry", *Int'l Bus. Law*, Vol. 23 (164), (1995).
104. Mitropoulos, P. and Howell, G., "Model for Project Disputes," *American Society of Civil Engineers (ASCE)*, *Journal of Construction Engineering and Management*, 127(3), (2001).
105. Wibowo, Agung, "Dispute Avoidance/Adjudication Board (DAAB) as an Alternative for Dispute Resolution", Thesis, Faculty of Law, Masters in Notary, Airlangga University, Surabaya (2019).
106. Chapman, Peter H.J., "Dispute Boards", 1999, ([https://www.fidic.org/sites/default/files/25 Dispute Boards.pdf](https://www.fidic.org/sites/default/files/25%20Dispute%20Boards.pdf)), accessed December 5, 2020.
107. Goodrich, Mark, "Dispute Adjudication Boards: are they the future of dispute resolution?", 2016, (<https://www.whitecase.com/publications/article/dispute-adjudication-boards-are-they-future-dispute-resolution>), accessed on January 14, 2021.
108. Kirmanto, Djoko, Dispute Board Contribution Seminar on Contract Completion on September 24, 2013: "Mock Dispute Board Seminar", 2013, (<https://www.pu.go.id>), accessed on June 17, 2021.
109. Putra, Nanda Narendra, "3 PPs, 3 Perpres, and 13 Permen Derivatives of the Construction Services Law Completed This Year", 12 June 2017, (<https://www.hukumonline.com/berita/baca/lt593e47595721a/3-pp--3-perpres--and-13-permen-derivative-uu-jasa-construction-complete-this-year/>), accessed on December 9, 2021.