

An Analysis of The Roles of Key Players In The Governance of Civil Service Neutrality During The 2020 South Sumatra Regional Elections

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Abstract

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This research focuses on the extent to which the neutrality of the Aparatur Sipil Negara (ASN) is achieved through the implementation of the Pemilihan Kepala Daerah 2020 (Pilkada) which were held simultaneously in almost all regions of Indonesia. This is considering that the neutrality of ASN can be said to be one of the keys to success in holding honest and fair general elections. In conducting a further review of the implantation of ASN Neutrality in the 2020. Pilkada which is analyzed based on the theory put forward by Sarah and Steve (1997). The method used in this research is descriptive qualitative with an inductive approach. Data collection techniques, documentation, and observation with 4 research informants, namely from Bawaslu Provinsi Sumatera Selatan and Komisi Aparatur Sipil Negara. In conclusion, the ACTORS analysis in responding to reports of violations of ASN neutrality is reviewed from the theory put forward by Sarah Cook and Steve (1997) based on the dimensions of Authority, Confidence and Competence, Trust, Opportunities, Responsibilities, and Support have an impact on the success of following up ASN neutrality in South Sumatera. The advice that the author can give is that those who have the authority to determine the appointment, transfer and dismissal of ASN are no longer political officials, that is but the highest career officials in the region.

INTRODUCTION

Following the reform era, the Civil Service or Aparatur Sipil Negara (ASN) was mandated by the Constitution through legislation to return to being professional, ethical, and independent public servants free from political interference. The essence of neutrality within the ASN is vulnerable to interference from political interests; this stems from the authority of personnel management officials, who hold political office and have the power to appoint, assign, transfer, and dismiss ASN personnel, meaning these decisions are often influenced by political interests (Sarnawa, 2018). In addition to forms of intimidation or threats that can position ASN as “tools” for political officials to maintain or secure their positions, it is also sometimes found that personal (interpersonal) factors can lead to a lack of neutrality, such as the assignment of positions not based on competence, which can trigger a biased and unprofessional work environment.

The conduct of regional elections is a constitutional mandate, as interpreted by the Constitutional Court in various rulings and legislative regulations. This constitutional mandate is not merely to conduct regional elections, but also to fulfill the constitutional mandate to strengthen local government, as stipulated in Pasal 18 UUD 1945 Constitution, a process commonly known as decentralization.

Of course, the conduct of general elections and regional elections is inseparable from certain institutions, namely Komisi Pemilihan Umum (KPU), Badan Pengawas Pemilu (Bawaslu),

and Dewan Kehormatan Penyelenggara Pemilu (DKPP), in accordance with Undang-Undang Nomor 7 Tahun 2017 on the Conduct of Elections; these institutions play a vital role, one of which is Bawaslu. Efforts to improve and maximize the quality of election administration, which ensures the upholding of sovereignty and the voting rights of the public, depend on the professionalism, capability, and credibility of these institutions. Undang-undang Nomor 22 Tahun 2007 on Election Administrators regulates the KPU, Provincial KPU, and Regency/Municipal KPU as general election organizing bodies and the Bawaslu, which is an ad hoc body serving as the general election supervisory body.

Regarding regulations on civil servant neutrality in the conduct of general and regional elections, there are also regulations on civil servant neutrality issued by the relevant agencies. Beyond election and regional election regulations alone, these matters are specifically addressed in civil service regulations issued by relevant agencies or ministries. As the election oversight body responsible for monitoring, prevention, and law enforcement, Bawaslu has the authority to address findings of violations of civil servant neutrality as stipulated in laws and regulations governing elections and regional elections.

Actors in management are the individuals or groups involved in a public management process who exert influence on management. The study of actors in management is of great importance. In both developed and developing countries, these actors determine the content of policies and shape the dynamics of the various stages of the policy process. Indeed, political scientists place particular emphasis on these actors when analyzing policy processes. The actors in the study of civil service neutrality in this research are the Bawaslu and KASN.

The institution responsible for administering regional elections must be independent and capable of conducting a fair and effective electoral process. Otherwise, the public will not trust the election results. Equally important is the evaluation of election institutions, including law enforcement agencies such as the police and the prosecutor's office, which adequately monitor these aspects and take effective measures to prevent problems and fraud. This is to ensure equality in the judicial process, equal treatment, and legal protection for candidates.

The South Sumatra Provincial Election Supervisory Agency (Bawaslu Sumsel) and the State Civil Service Commission (KASN) are required to uphold the judicial process by processing and following up on reports of alleged violations of the regional elections submitted by the public to Bawaslu Sumsel. In this regard, in 2020, Bawaslu Sumsel recorded 20 civil servants (ASN) suspected of violating the neutrality of the 2020 simultaneous regional elections. This was evidenced by reports of allegations submitted to Bawaslu and immediately forwarded to the State Civil Service Commission (KASN).

The urgency of addressing civil servant bias must be addressed immediately so that the principle of neutrality upheld by civil servants can yield stable performance results that align with optimized efficiency and effectiveness. The principle of neutrality can serve as a supporting factor in fostering professional productivity within the civil service sector, enabling the achievement of targets through strategic human resource management concepts, specifically the implementation of a structured merit-based system.

Public management theory is a systematic approach to organizing experience that, in practice, can be validated through research, empirical experimentation, and the principles and teaching of fundamental aspects of the management process (Matteson and Ivancevich, 1989:22).

Management encompasses all efforts to utilize resources to achieve objectives effectively and efficiently. Management must focus its activities on the organization's results and

performance. The role of management is to define the outcomes of the organization's performance delivered through its employees and to organize the organization's resources to achieve results that benefit the broader community.

Actors are individuals who hold power within the political system. Discussions of politics cannot be separated from these actors. Actors are defined as those who are involved in or hold key positions. Actors are exceptional individuals who possess the intelligence and power to guide their citizens toward greater progress and self-reliance. Actors are related to the extent to which a person's power influences government policy-making. Actors hold highly strategic positions alongside the institutional factors of the policy itself. It is this interaction between actors and institutions that ultimately determines the course and strategies adopted by the policy community in a broader sense.

The "ACTORS" theoretical framework on empowerment proposed by Sarah Cook and Steve Macaulay (1997) (as cited in Fadeli & Musyarofah, 2022) consists of Authority (A), Confidence (C), Trust (T), Opportunities (O), Responsibilities (R), and Support (S).

METHODS

This study employs a qualitative research design. The data collection techniques used in this study include interviews, observation, and documentation. The research approach adopted in this study is the normative legal approach. The normative legal approach is a series of studies that utilize laws and other written legal norms and examine them from the perspective of the effectiveness of those laws. The methodology in this study will employ a descriptive-analytical approach, which involves describing existing laws and regulations, relating them to applicable legal theories, and addressing the issues at the heart of this study.

Descriptive research is a type of research that describes or details a situation as clearly and comprehensively as possible, covering all aspects related to the study. The data sources to be used in this study are secondary data supported by primary data. The primary legal materials used include laws and regulations related to civil servant neutrality in regional elections, and the primary legal materials used include books and journal articles related to research on civil servant neutrality in regional elections.

The theory used in this paper is that of Sarah Cook and Steve (1997). Consequently, this study examines the aspect of legal certainty regarding certain regulations, particularly those concerning the neutrality of civil servants issued by institutions such as Bawaslu and KASN

RESULTS AND DISCUSSION

Regulations and Implementation of the Principle of Civil Service Neutrality

Neutrality is one of the fundamental principles in the performance of public service duties, governmental duties, and development duties. Every civil servant within the bureaucracy

must maintain neutrality in order to carry out their duties professionally. When viewed from the basic concepts of bureaucracy as articulated by its early proponents whether in terms of rationality, the pathology of bureaucracy, or bureaucracy in the sense of neutrality the debate regarding bureaucratic neutrality in relation to external forces has actually been ongoing for a long time.

Neutrality should not be linked to the representation of civil servants among council members. History has shown that civil servants are experienced professionals who work without seeking lucrative rewards, fulfilling their roles while upholding their personal integrity for the sake of their families, the community, and their duties. When civil servants complete their terms as council members, They still hope to return to being respected and held in high esteem; indeed, over time it has become evident that civil servants are rarely involved in scandals or corruption, which demonstrates that a culture of shame is still highly valued.

In its efforts to uphold civil servant neutrality, the government has issued a number of laws and regulations. However, violations of the principle of neutrality among civil servants remain high, particularly in the run-up to simultaneous regional elections. Meanwhile, a lack of neutrality among civil servants can lead to bias or injustice in policy-making and the delivery of public services, which will ultimately cause harm to the broader public. One of the regulations related to civil servant neutrality in regional head elections is UU No. 5 tahun 2014 on the Civil Service.

The issue of the integrity of election and regional head election organizers is a critical matter that must be addressed as part of efforts to build and enhance the integrity and quality of elections. To ensure the integrity of election and regional head election organizers, the establishment of a code of ethics and an ethics body for these organizers is absolutely essential to safeguard their independence, integrity, and credibility.

The Role and Performance of KASN and Bawaslu as Supervisory Bodies

If we examine the five ministries/agencies involved in enforcing civil servant neutrality, there is one agency that specifically holds the authority to uphold civil servant neutrality under UU No. 5 tahun 2014 on Civil Servants, namely the Civil Service Commission (KASN). KASN is an independent, non-structural agency established under Pasal 27 UU No. 5 tahun 2014 on the Civil Service, KASN receives reports regarding violations of civil servant neutrality, conducts its own investigations into data and information regarding alleged violations of civil servant neutrality, and takes measures to prevent such violations, these are the duties of KASN as the civil service oversight agency. Since 2015, KASN has established an oversight system, specifically one of a repressive nature. This repressive oversight system is carried out by receiving and following up on complaints from the public, government agencies, civil servants, and various other parties regarding cases of violations of civil servant neutrality. Subsequently, investigations are conducted to gather more complete evidence and provide recommendations to the parties responsible for the violations.

DISCUSSION

The South Sumatra Provincial Election Supervisory Agency (Bawaslu Sumsel) and the State Civil Service Commission (KASN) are required to uphold the judicial process by processing and following up on reports of alleged violations of the regional elections submitted by the public to Bawaslu Sumsel. In this regard, in 2020, Bawaslu Sumsel recorded 20 civil servants (ASN) suspected of violating the neutrality of the 2020 simultaneous regional elections. This was

evidenced by reports of allegations submitted to Bawaslu and immediately forwarded to the State Civil Service Commission (KASN).

No.	Reporter	Number of Report	Source of the Report
1.	Ogan Ilir Regency Election Supervisory Agency	1	Ogan Ilir Regency
2.	Election Supervisory Agency of North Musi Rawas Regency	19	Musi Rawas Utara Regency
3.	Musi Rawas Regency Election Supervisory Agency	2	Musi Rawas Regency
4.	Community	1	Musi Rawas Regency
5.	Community	1	Ogan Komering Ulu Regency

Significantly indicates the existence of reports of violations of civil service neutrality in the 2020 Regional Head Elections in South Sumatra Province. The South Sumatra Election Supervisory Agency (Bawaslu Sumsel) functions not only as a law enforcement body but also as an election supervisor, including oversight of the neutrality of civil servants, the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri). Based on this authority, Bawaslu South Sumatra and the Civil Service Commission (KASN) address civil servant neutrality not only in the context of law enforcement per se (pro Justitia), but also in the context of oversight; in other words, Bawaslu South Sumatra and KASN may exercise their authority regarding civil servant neutrality through both oversight and law enforcement functions. Because these two functions are combined within Bawaslu and KASN, their authority in addressing civil servant neutrality is significantly expanded.

Violations of civil servant neutrality that breach election regulations will be immediately referred to the General Election Commission (KPU), the Civil Service Commission (KASN), or the police if they constitute criminal election violations; however, if the investigation finds no such violation of civil servant neutrality, the case will be closed. However, if the violation concerns provisions outside the Election Law, the Election Supervisory Agency (Bawaslu) refers the matter to the competent authority (Pasal 36 of Bawaslu Regulation No. 8 of 2020 on the Handling of Violations in the Election of Governors, Vice Governors, Regents, and Vice Regents, as well as Mayors and Vice Mayors).

An analysis of the ACTORS framework in addressing reports of civil servant neutrality violations, as examined through the theory proposed by Sarah Cook and Steve (1997) based on the dimensions of Authority, Confidence and Competence, Trust, Opportunities, Responsibilities, and Support at the South Sumatra Provincial Election Supervisory Agency (Bawaslu) has been implemented very effectively, though there are some shortcomings. The dimensions of confidence and competence implemented by the South Sumatra Bawaslu in carrying out prevention through outreach activities conducted jointly with civil servants in South Sumatra have, in reality, not gone as expected. The large number of reports regarding civil servant neutrality violations received by the South Sumatra Bawaslu demonstrates the continued weakness of the Bawaslu's role in preventing violations of civil servant neutrality.

The State Civil Service Commission (KASN) acts as an ACTOR and is analyzed based on the theory by Sarah Cook and Steve (1997), which is outlined through the dimensions of Authority, Confidence, Competence, and Trust. Opportunities, Responsibilities, and Support are generally well-implemented; however, on the other hand, the KASN's role in exercising its authority to oversee civil servant neutrality cannot yet be said to be functioning effectively, as violations of neutrality by some civil servants still occur in certain regions.

The lack of neutrality among civil servants in the regional elections in South Sumatra Province stems from a number of factors, including civil servant loyalty, family ties, career ambitions, regulatory ambiguity, weak law enforcement, and the public's still-low awareness of the need to report civil servants suspected of involvement in the election contest. The neutrality of civil servants in regional elections can be achieved by optimally involving several relevant institutions, including the State Civil Service Commission (KASN), bureaucratic leadership, and the Election Supervisory Agency (Bawaslu).

Procedures for Handling Reports of Alleged Violations of Civil Servant Neutrality in the 2020 Regional Elections

Reports of alleged violations of civil servant neutrality may originate from public complaints or the results of oversight by the relevant government agencies. Such reports are submitted to the local Election Supervisory Agency (Bawaslu) for review and processing in accordance with applicable laws and regulations. If a report of an alleged violation of civil servant neutrality is submitted to an entity other than Bawaslu, the receiving agency must forward or submit the report to Bawaslu within a maximum of 3 (three) days from the date of receipt.

Following an investigation, the Provincial Election Supervisory Agency (Bawaslu) and the Regency/Municipal Election Supervisory Agency (Bawaslu) issue a recommendation regarding the existence or absence of an alleged violation of the principle of neutrality, accompanied by complete supporting documents or evidence, to the Civil Service Commission (KASN), with copies sent to the Minister of State Apparatus and Bureaucratic Reform, the Minister of Home Affairs, the Election Supervisory Agency (Bawaslu), the Head of the Civil Service Agency (BKN), and the Personnel Selection Committee (PPK) of the agency where the civil servant suspected of violating neutrality is employed, no later than 5 (five) calendar days from the date the allegation was registered.

If the results of the verification and validation indicate, in the KASN's recommendation, that a violation of neutrality by a civil servant has been proven, the PPK is required to follow up on the matter and report the results of such follow-up to KASN, BKN, and the Ministry of Home Affairs no later than 10 (ten) working days from the date the recommendation from KASN is received. However, if the PPK fails to follow up on KASN's recommendations, the BKN shall immediately block the personnel administration data of the civil servant who violated neutrality in the Civil Service Administration Application System (SAPK) until the PPK imposes sanctions.

CONCLUSION

The politicization of civil servants has become a key focus of attention for regulatory bodies such as the Civil Service Commission (KASN) and the General Election Supervisory Agency (Bawaslu). KASN is tasked with ensuring that there are no issues regarding neutrality in the performance of civil servants' duties. Meanwhile, Bawaslu provides analysis and

recommendations to KASN in cases of alleged violations involving civil servants during elections. Both agencies are committed to ensuring that the democratic process including elections does not involve civil servants.

Various forms of civil servant involvement in elections include: participating in campaigns or outreach activities for candidate pairs, attending candidate pair declarations, engaging in activities such as expressing support on social media, mobilizing the public for support, putting up support billboards, wearing party paraphernalia, and so on. The concept of monitoring civil servant neutrality should stem from and align with the idea of civil servant management through a merit-based system, so that career advancement is based solely on the quality of human resources in accordance with work performance. This can help civil servants uphold the principles of professionalism and neutrality.

Efforts are also needed to enhance capacity regarding regulatory understanding and to establish coordinated oversight among relevant agencies. This is expected to limit the scope for civil servants' involvement in elections, ultimately leading to bureaucratic reform and the achievement of sustainable development.

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