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The Dilemma in Neutralizing the State Civil Apparatus (ASN) and Alternative Solutions

Nahot Tua Parlindungan Sihaloho^{1✉}, Herlan²

^{1,2}Universitas Tanjungpura

Jalan Prof. Dr. H. Hadari Nawawi, Pontianak, Indonesia

✉ nahotsihaloho@fisip.untan.ac.id

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Abstract: According to a State Civil Apparatus Commission (KASN) report in 2019, more than 200 State Civil Apparatus (ASN) violated neutrality in the general elections and local elections during the 2015-2018 period. Based on a preliminary study, it found that several violations had occurred because of a dilemma for the State Civil Apparatus (ASN) concerned. State Civil Apparatus (ASN) must be neutral by the law mandate, but they cannot be impartial if they want their career as State Civil Apparatus (ASN) not to be damaged. This study uses a normative legal research method with a literature study research design. This study seeks to examine the effects of bureaucratic politicization and find win-win solutions to the problems experienced by the State Civil Apparatus (ASN). The results of this study emphasize the need to expand the authority of the State Civil Apparatus Commission (KASN) to impose sanctions on violators of neutrality. The implications of this research are the following six practical recommendations: first, the existing rules after the enactment of Law No. 5/2014 must be revised so that Civil Service Officer (PPK) was no longer given position to politicians, but rather the senior State Civil Apparatus (ASN); secondly, election criminal law enforcement does not need to involve the police, and the prosecutor's office (just General Election Supervisory Agency); third, localization of the State Civil Apparatus Commission (KASN) by establishing a State Civil Apparatus Commission (KASN) in the regions to increase the effectiveness of the oversight function of the State Civil Apparatus (ASN); fourth, the length of service for officials is only one term; fifth, the abolition of voting rights for State Civil Apparatus (ASN); sixth, changing the career guideline model of the State Civil Apparatus (ASN) from regional government autonomy to the central government by the rank or class.

Keywords: bureaucratic politics; the state civil apparatus (ASN); general elections; local elections (Pilkada)

1. Introduction

Unlike the Indonesian National Armed Forces (TNI) and the State Police of the Republic of Indonesia (Polri), the State Civil Apparatus (ASN) has voting rights in elections. This right attachment is indeed beneficial for the State Civil Apparatus (ASN) because they can vote as citizens. However, this right also has the potential to harm the State Civil Apparatus (ASN) because it creates a gap in politicization by officials or superiors who run for local elections (Pilkada) or general elections (elections). According to the study's findings by the System Assessment and Development Division KASN (2017), this situation resulted in many neutrality violations during the election or election momentum. This problem is an old problem that has not been resolved and still affects the quality of the State Civil Apparatus (ASN) (HS, 2020; Silaban, 2015). The existence of a potential conflict of interest resulting from this politics can disrupt the professionalism of the State Civil Apparatus (ASN) in carrying out its responsibilities as a public servant.

In practical terms, the issue of politicization of the bureaucracy occurs and can be observed when there is a covert political relationship between the State Civil Apparatus (ASN) and the local leaders who have served or been elected. This is marked by the placement or transfer of a position that is not based on the State Civil Apparatus's ability or capacity (ASN) but tends to be caused by the merit system's reasons. The placement or transfer of positions should be done based on the merit system (Sudrajat & Mulya Karsona, 2016).

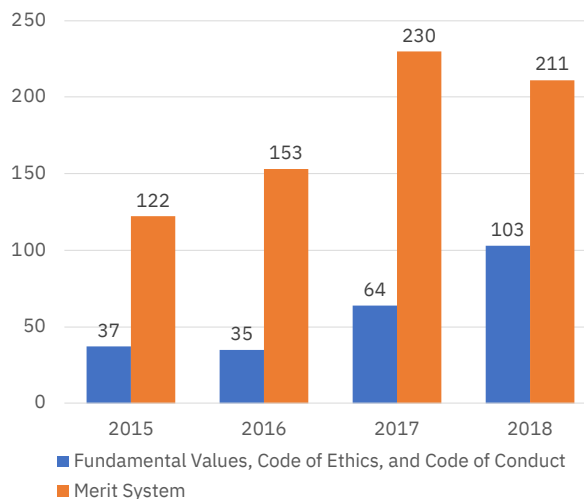
Usually, the cause of the submission of the State Civil Apparatus (ASN) to the incumbent for mutations without the correct basis as above is the local leaders' position, which is also concurrently serving as the Civil Service Officer (PPK). They have the authority to appoint, transfer, and dismiss the State Civil Apparatus (ASN). This problem has, in turn, shaped the character of the State Civil Apparatus (ASN) to become non-neutral, not independent, objective, or transparent in public services (Sudrajat & Hartini, 2017). Some regional heads have even used reasons of loyalty to mobilize the State Civil Apparatus (ASN) (Riewanto, 2018).

One of the phenomena of violation of neutrality often encountered is the State Civil Apparatus (ASN) during the preparation and formation of work programs and campaign socialization materials to be used by incumbent officials ahead of the momentum of local elections. The regional head carries out this kind of mobilization because every State Civil Apparatus (ASN) must understand the various potentials. After all, it has served the local government. This knowledge and understanding are used to collaborate with local heads who are still in office to design regional head candidates' vision and mission. Thus, policy design and budgets for socialization/campaigns can covertly cooperate with local government work programs.

The methods above are very beneficial for the regional head, which is still in office. He can smoothly socialize the development plan using regional apparatus and the local government's costs. Salabi (2019) indicates that there is also an internal confrontation. For example, in a local election, the regent and deputy regent experienced a "split in partnership." Both ran for the second term, the regional secretary and other State Civil Apparatus (ASN) in the institution's circle became dilemma increasingly. Therefore, the State Civil Apparatus (ASN) chose to remain silent as long as the election's momentum could be considered wrong.

The phenomenon of involvement of State Civil Apparatus (ASN) in a series of incumbent campaign activities is also an indicator that regulating the neutrality of the State Civil Apparatus (ASN) cannot be fully implemented to prevent abuse of bureaucratic authority. This means that officials and the State Civil Apparatus (ASN) clearly understand the prohibition. Still, the consequent failure to enforce sanctions creates a safe area for State Civil Apparatus (ASN) to participate covertly in election preparation. Even so, Salabi (2019) emphasized that imposing sanctions for neutrality violations is also very difficult because the party authorized to execute the sanctions is the Civil Service Officer (PPK), who is none other than the regional head. Therefore,

Figure 1. Number of Complaints of Alleged Violations of Fundamental Values, Code of Ethics, and Code of Conduct, and Merit System in 2015-2018



Source: *Komisi Aparatur Sipil Negara Republik Indonesia (2019)*

according to [Perdana \(2019\)](#), not a few State Civil Apparatus used the elections' momentum to "change fate." This is even more so if the local leaders and the State Civil Apparatus concerned are interested in outsmarting and winning the local elections (Pilkada).

In fact, according to Law No. 5/2014 article 2 concerning the State Civil Apparatus, management and implementation of the State Civil Apparatus policy must entirely refer to the code of ethics, fundamental values, and code of conduct in the form of a neutral attitude. An unbiased perspective to regulate the bureaucracy is a system that keeps the bureaucracy consistent (remains static) while running public services. Even though the leader is changed, and if there is an attempt to eliminate neutrality. Therefore, leaders' change must not reduce the quality of service from bureaucratic tasks ([Thoha, 2007](#)). However, data from [Komisi Aparatur Sipil Negara Republik Indonesia \(2019\)](#) shows that there were 239 reports of allegations of neutrality violations by the State Civil Apparatus (ASN) over four years since the momentum of the concurrent regional head election in 2015 ([Figure 1](#)). Likewise, the Cabinet Secretary of the Republic of Indonesia (2019) released a report that according to data per January 2018 to June 2019, there were 991 State Civil Apparatus (ASN) violating neutrality, where the status of 99.5% of them were employees in regional government agencies.

The hope is that each State Civil Apparatus (ASN) can guarantee its neutrality to provide the community's best service. Still, the high number of complaints above proves the lack of awareness of the State Civil Apparatus (ASN) to maintain neutrality. In this case, the State Civil Apparatus (ASN) cannot necessarily be blamed because many instances have shown coercion or threats urging the State Civil Apparatus (ASN). To abandon its neutrality and professionalism to support officials or superiors who run for local elections (Pilkada). When the State Civil Apparatus (ASN) rejects directions from these officials or leaders, they are worried about the chance of advancing into a career path. This is because the incumbent official is also a Civil Service Officer (PPK) with all his powers. There are also State Civil Apparatus (ASN) which deliberately leave a neutral stance to achieve specific personal goals ([Silaban, 2015](#)).

He consciously gives support to one partner; he gets a particular position or position (according to the agreement). Apart from the existence of State Civil Apparatus (ASN) individuals who deliberately ignore the need to be neutral, based on the description above, it can confirm that most of the State Civil Apparatus (ASN) is in a dilemma. Several parties have indeed proposed the abolition of the State Civil Apparatus (ASN) voting rights, such as the Indonesian National Armed Forces (TNI) or

State Police of the Republic of Indonesia (Polri). However, this proposal has not been accepted due to various considerations.

Based on the phenomena above, there is an incomplete moral responsibility. It means the expansion and strengthening of access to the State Civil Apparatus Commission (KASN) to close opportunities for public officials to abuse their authority; the politicization of the bureaucracy and negation of the neutrality of the State Civil Apparatus (ASN). Therefore, it is necessary to research the main problem: strengthening the objectivity of the State Civil Apparatus (ASN). This study has two research questions, which are: (1) what is the effect of the politicization of the bureaucracy on the neutrality of the State Civil Apparatus (ASN)?; (2) how does the State Civil Apparatus Commission (KASN) guarantee and safeguard the objectivity of the State Civil Apparatus (ASN) during election momentum?

The answer to the two research questions above results in findings as a primary material for formulating ideas and policy designs so that good governance can be realized with State Civil Apparatus (ASN) with integrity and upholding neutrality. This study aims to contribute to the formulation of a State Civil Apparatus (ASN) management free from political intervention. This urgency needs to be considered because, as far as leading research studies are concerned, no research has been found that reveals how to strengthen the neutrality of the State Civil Apparatus (ASN). Furthermore, although some study the same topic, detachment of the State Civil Apparatus (ASN) in Indonesia. The following are several research reports.

[Santoso \(2016\)](#) examines the factors that influence the State Civil Apparatus (ASN) neutrality, namely career path ambition, primordialism, and a work environment that does not support neutrality. Based on research findings, [Santoso \(2016\)](#) proposed a ban on State Civil Apparatus (ASN) mobility by local leaders. However, because the mobilization was carried out in disguise, the proposal could not be implemented. Even so, detection and sanctions are also difficult to give because the local leader is also a Civil Service Officer (PPK). [Sudrajat et al. \(2014\)](#) in evaluative research, also emphasized that the source of the problem of ASN neutrality is the coordination and application of sanctions, namely the unclear (standard) substantial issue of placing a neutral stance as a legal object. Therefore, it creates regulations that are still sectoral. He has not solved the problems, including the institutional, management, and law enforcement elements. While research [Sarnawa \(2017, 2018\)](#) & [Hartini \(2009\)](#) each evaluatively discussed the history of changing acts, implementation barriers, and weaknesses in the implementation of laws regulating the neutrality of State Civil Apparatus. [Sarnawa \(2017\)](#) proposed the formation of the State Civil Apparatus Commission (KASN), which, as it is known that the work of the State Civil Apparatus Commission (KASN) has not been optimal for several reasons. According to [Hartini \(2009\)](#), This is because the existing law only regulates ASN membership in political parties. At the same time, State Civil Apparatus (ASN) is not a political party member who is very loyal to political parties and is not regulated by law. These leading studies have not revealed how to solve the State Civil Apparatus (ASN) dilemma problem of operational and measurable neutrality.

2. Methods

This research was conducted with a qualitative method in a literature study research design. The researcher chose this method because it effectively studies various laws and regulations, government regulations, circulars, books, or relevant research results (related to bureaucratic theories). Typical of this study, in practice, it uses more prescriptive approaches to synthesize views of ideal policies ([Creswell & Creswell, 2018](#)), to optimize the tasks of serving the community. Public services by State Civil Apparatus (ASN) in the spirit of neutrality.

Indeed, political interests and the issue of neutrality often intersect, but both of them are still connected and interdependent. Therefore, through the research method above, an ideal concept is formed to run according to their respective roles (not

intersecting). This study uses secondary data, which is obtained from literature sources. All data that had collected are then analyzed descriptively-qualitatively, then arranged systematically to receive the ideal format for optimizing the role of neutral State Civil Apparatus (ASN) in carrying out their duties as public servants.

3. Results and Discussion

However, with the current regulations, the State Civil Apparatus (ASN) in a position and condition that is a dilemma among political interests. State Civil Apparatus (ASN) is an employee who is appointed, placed, transferred, and dismissed only by a Civil Service Officer (PPK), who has the status of a political official. Therefore, the State Civil Apparatus (ASN) is often linked to political interests. However, from another perspective, those State Civil Apparatus (ASN) must be neutral to maintain their professionalism while involved in public service governance and government. As holders of power and authority and implementing policies in managing budgets or resources, the State Civil Apparatus (ASN) has the potential to be used as a tool for political officials to maintain or obtain power and authority.

As Hegel has emphasized, the government's bureaucracy is like a bridge connecting the state and its people. Especially in society, many specific interests represent the interests of entrepreneurs and other professions. As for the state domain, there are public interests. Therefore, conceptually, considering the bureaucracy is a medium between two parts, it must be neutral (Tatang Sudrajat, 2015). According to Karl Marx, the fact is that the state still cannot be neutral. The government is obliged to side with the dominant group. The condition cannot represent the public interest, but the dominant group's specific or special interests. Thus, in the Marxist's view, the bureaucracy is considered an instrument that allows the dominant group to exert its dominance over other social groups.

In essence, the State Civil Apparatus (ASN) neutral attitude when carrying out political activities cannot be separated from the understanding developed by Woodrow Wilson, which separates administration and bureaucracy in a dichotomous way. Wilson has emphasized that ASN or state administration is in charge of carrying out the political policy. They are based and are not included in political discussions. Therefore, administrative problems are not the domain of political studies (Utomo, 2006). The concept put forward by Wilson above is also reinforced by Frank Goodnow, who emphasizes the two main tasks of government that is diametrically differentiated. The two studies are administration and politics. Political duties are the obligation to formulate and formulate policies, while administrative tasks are related to implementing the systems that have been made earlier (Utomo, 2006).

Based on this conception, ideally, the definition of neutrality refers to a situation in which the individual does not take sides and is not tendentious towards other individuals or parties based on specific indicators. Practically, someone who is neutral not influenced by the treatment of anyone around or outside his circle. Refer to the substance of a neutral stance; it can be concluded that in a neutral stance, State Civil Apparatus (ASN) is merely conditioned to carry out its primary duties and functions, especially in the administration of government, community development, and service to the public. Neutral State Civil Apparatus (ASN) does not participate in political activities, either as supportive individuals or as supported (Hazell et al., 2010).

The conception of neutrality above emphasizes that a neutral attitude is not something that suddenly exists and stands alone. Detachment is closely related to the substance of subjectivity. This is because the essence of objectivity always ends up in a neutral condition. The importance of neutrality is impartiality, which can be fulfilled when one is outside the system and does not give room for the intervention of particular interests (Tedi Sudrajat & Mulya Karsona, 2016). According to Setiyono (2016), intervention from a political party in a bureaucratic institution can damage and cause chaos in the bureaucratic order, which should be carried out based on sound, logical, and juridical (law-based) governance principles. If such intervention occurs,

the employee development system will be useless because officials' appointment is based solely on the principles of like and dislike or following the context of political interests; not based on considerations of competence, work experience, and capacity.

3.1. The Effect of Politicization of the Bureaucracy on the Neutrality of the State Civil Apparatus (ASN)

The desire to change a neutral bureaucracy into politics is to avoid abuse of power within the bureaucracy (Yamin, 2017). This desire is mainly due to the ideal fact that institutions or institutions under bureaucrats serve the community, not to meet personal needs or specific groups. Therefore, various things that have become dilemma problems for the State Civil Apparatus (ASN) are problematic for the State Civil Apparatus (ASN), namely the placement of positions in the bureaucracy. The above issues were considered fundamental problems because the officials/superiors of the State Civil Apparatus (ASN), who are none other than public officials, are closely related to political activities.

As mandated by law, regional heads also become Civil Service Officer (PPK) in their regions. This position has been determined in Government Regulations No. 11 of 2017 concerning State Civil Apparatus (ASN) Management, and Law No. 5 of 2014 concerning State Civil Apparatus (ASN). As Civil Service Officer (PPK), he has full rights to lift, move, and terminate within his agency. It has resulted in many civil servants who think that to achieve a high career ladder, they must contribute to regional officials or heads' success. Whereas in the regulations, promotion and placement of State Civil Apparatus (ASN) should not be implemented based on personal relationships (impersonal) but based on considerations of achievement and competence (merit system).

Within the government structure, the political intervention has the most significant opportunity and impact. It is because all policymaking is a product or output of public officials. Accompanied by the Director-General of Regional Autonomy of the Ministry of Home Affairs, until May 2018, discharged 219 State Civil Apparatus (ASN). Besides, there are also approximately one million employees who get the first and second warning letters. The reason is the same, namely the obedience in maintaining a neutral attitude during the elections (Jamil, 2018). Besides, there were also demotion and mutation incidents for several ASNs who had different perspectives or responses from officials or superiors as in the case in Magelang, where demoted ten civil servants from their positions without clear information or the results of comprehensive evaluations from the local government (Ismiyanto, 2014).

Referring to the above events, it is clear that political control has now turned into a principal instrument for deciding or determining the career path of the State Civil Apparatus (ASN) in a government institution. When Viewed from the regulatory aspect, the existing regulations do not provide room for State Civil Apparatus (ASN) to participate in political parties, either as members or daily administrators. However, the State Civil Apparatus (ASN) is the core of the problem (Chiru & Gherghina, 2012). An allegiance that should be dedicated to the state can also change direction to one devoted to others, in specific intentions and purposes.

As individuals who hold power in the bureaucracy (both at the central, provincial, and district/city levels), public officials deserve to participate and contribute to or support realizing a neutral State Civil Apparatus (Tamma, 2018). This principle applies even if the public official is an administrator of a political party or a member who happens to occupy a position in a government institution. He must be able to place the State Civil Apparatus as a neutral and professional individual. If the opposite happens; the politicization of the bureaucracy, then the representation of the Unified State Civil Apparatus will be damaged, which will also injure public trust. What can be relied on in officials' role model is their capacity to separate disagreement, between the interests of society, the nation, and the state, from individual personal or group interests.

Thus, officials cannot take advantage of existing instruments and facilities to carry out political interests. He is not allowed to create policies that benefit or harm certain groups or individuals (Purwoko, 2016). Therefore, he is also not allowed to mobilize State Civil Apparatus without promising certain positions to them. Political power should be used as a tool to formulate policies for the benefit of society only. As an implementing component, ASN can obey and carry out procedures properly to achieve good governance. This is because success in bureaucratic reform depends on the leader's role and actions or a government agency's leader.

Officials and politicians can be replaced every time a government change occurs through the holding of elections, but bureaucratic bodies are obliged to remain static. He must be in his position and must be free from control by rulers and politicization practices. The principles underlying this neutral attitude include two essential principles, namely:

- a. Bureaucratic institutions must be free from taking sides with certain groups and free from the use of instruments and facilities to support particular groups or parties' interests. It is true even though they are the majority. Because ideally, a bureaucratic institution must be in the form of an administrative institution that operates based on law, consequently and professionally.
- b. The conception of a neutral attitude is referred to by the idea that administrative institutions are not "contaminated" from the police's activities, both during the recruitment and state civil apparatus in bureaucratic units. Officials in administrative institutions are appointed and held responsible only based on professionalism and competence, appropriateness and appropriateness, not the basis of political relations.

Prasojo has exemplified that there is a clear separation between state, government, and administration in Germany. They act as a vital subsystem, especially in carrying out state duties. That is why they cannot put these three elements together. The paradigmatic reason for the separation above shows that Indonesia's situation is very different from how the bureaucracy should work. However, the bureaucracy should not be mixed with the group interest of individuals or political parties, including the management of the state civil apparatus and the implementation of policies. In carrying out its main functions and tasks, the state civil apparatus is obliged to act independently and adhere to mono-loyalty only to the state and its interests (Dwiputrianti et al., 2017).

Indeed, every country in the world has its way of instilling a neutral attitude to the state civil apparatus, for example, a neutral stance for the US civil apparatus. There, neutrality is the outcome of a dichotomous separation between administration and politics. A series of policy formulation steps are very different from a series of steps in executing the policy. Likewise, with the neutrality of the state civil apparatus in England, administration and politics are collaborated using the Whitehall system. With this system, it is hoped that the state civil apparatus will guarantee its neutral stance in the event of a replacement for parliament and not be involved in political debates (although legally, it has the right to do so). This mechanism's successful element is none other than the trust between the state civil apparatus and the political actors themselves.

As in the above examples, the basics of neutrality in the bureaucracy institutions can run together as a rule when all components can synergize in carrying out the rules as mandated in statutory regulations. The sought are governmental elements (executive, legislative, and judiciary) and supporting institutions (independent, independent, and non-ministerial). Moreover, judging from the regulations, settings relating to the neutrality of state civil apparatus have been compiled. The only good synergy between officials is needed so as not to provide intervention or expense to ASN. Appropriately, the drafters of laws and regulations carry out the management of people who properly lead or cause state civil apparatus not to be neutralized under severe penalties (Riwanto, 2019). In this way, not just the State Civil Apparatus (ASN) becomes the object of demands for professionalism with a neutral attitude, but other

people who consciously cause the State Civil Apparatus (ASN) not to be neutral can be punished because this is the beginning of a non-neutral attitude.

Therefore, bodies that carry out legislative tasks are obliged to regulate the limits on the use of authority for apparatuses and officials in government institutions through various formulations of policies (regulations) and closely monitoring them. Laws and regulations should also ensure the limits of authority for officials and regulate sanctions for violations of these laws and regulations. As for the capital of power to take action on behalf of the state, it must also be identified carefully until officials in government institutions lose access to act outside their authority. This strict restriction's main objective is that legislators with diverse political party backgrounds can carry out cross-oversight functions. The result is clear, namely the minimization of the politicization of the bureaucracy by public officials. Apparent oversight and limitation functions are needed to be carried out consequently and thoroughly by all components, especially the press agency when carrying out control tasks (quality control).

3.2. The Act of the State Civil Apparatus Commission (KASN) to Create a Neutral Stance

In principle, a neutral attitude is like a spirit for the laws governing the State Civil Apparatus (ASN). One of several very crucial aspects is the aspect of supervision. An excellent and well-targeted State Civil Apparatus (ASN) supervisory mechanism is needed to ensure whether the State Civil Apparatus (ASN) has complied with the rules and laws when carrying out its obligations or not. This aspect is considered necessary because its practical objective is to produce an accountable and professional government agency environment.

As an integral segment of efforts to create good governance and good bureaucratic reform is the initiation of a non-structural institution as regulated in Law No. 5 of 2015 concerning State Civil Apparatus, namely the State Civil Apparatus Commission (KASN). Referring to Article 27 of the State Civil Apparatus Law, it is stated that the State Civil Apparatus Commission (KASN) is a non-structural institution that is independent and free from political interference. To create civil servants who work professionally, provide services as relatively as possible, have a neutral attitude, and cement and unite the nation.

The presence of the State Civil Apparatus (ASN) is empirical evidence that state administration sectors are growing and varying. This kind of development is indeed necessary to carry out the state's elements' functions and duties. Instruments of equipment or institutions initiated through the constitution are often unable to accommodate state administration's increasing needs. Increasingly rapid and varied growth often requires room particular right competence and expertise to fulfill constitutional buildings' mandates and expectations. Practically, the formulation of new instruments or organs (institutions) has become a kind of *conditio sine qua non* for the country's development in the era of the 3rd millennium (Nurtjahjo, 2005).

One of the aims of establishing the Civil Apparatus Commission (KASN) as per the Civil Apparatus Law (ASN) article 28 letter (d) is to create employees who have good neutrality. The most substantial foothold for the Civil Apparatus Commission (KASN) is to be responsible for maintaining the right name, image, and honor of the Civil Apparatus (ASN) so that it is always neutral, solely for the benefit of the state. Indeed, this matter is not a burden that the Civil Apparatus Commission (KASN) can carry out smoothly, but the legislators have mandated its authority. Therefore, many of the highest hopes are directed at the new agency to consistently guard various laws and regulations to create a Civil Apparatus (ASN) that is free from particular interests; neutral.

The State Civil Apparatus (ASN) is often concerned about avoiding intimidation or intervention from the officials above it. Because, considering that his superior is a Civil Service Officer (PPK), there are fears about his future career. Through the presence of

the State Civil Apparatus Commission (KASN), all forms of managerial regulations of the State Civil Apparatus (ASN) are monitored continuously. Therefore, a State Civil Apparatus (ASN) cannot merely be demoted or promoted without fundamental clarity as to the predetermined criteria. This principle is meant by the managerial State Civil Apparatus (ASN) based on the merit system. As emphasized in Article 1 point (22) of the State Civil Apparatus (ASN) Law, the merit system is a reference for the management of the State Civil Apparatus (ASN), which is based on standard and balanced qualifications, capacity, and performance, and does not discriminate against backgrounds, politics, race, religion, kinship, marital status, age, and conditions of disability.

So far, the presence of KASN has been the best solution, which hopes to eradicate the perspectives of nepotism in the series of filling or transferring positions. Thus, a State Civil Apparatus (ASN) has no reason to be non-neutral because there are political interventions from various parties, whose intentions and the ultimate target are their ends. The hope is that the presence of the State Civil Apparatus Commission (KASN) can act as a kind of protector for the State Civil Apparatus (ASN), which so far has appreciated the spirit of neutrality of the State Civil Apparatus (ASN) from the politicization of the bureaucracy, which only benefits a certain group. On the other hand, if the individual State Civil Apparatus (ASN) carries out practical politics or is loyal to elements who harm the state, the State Civil Apparatus Commission (KASN) can recommend punishment for the Civil Service Officer (PPK) and the officials holding the authority to follow up on these recommendations. This mechanism is also guaranteed by the State Civil Apparatus Law (ASN) in article 32 paragraph (3).

Although it is classified as a relatively new agency, the State Civil Apparatus Commission (KASN) has been given full authority to carry out each of its responsibilities. In essence, there are three primary responsibilities of the State Civil Apparatus Commission (KASN), namely:

- a. Guaranteeing the neutral attitude of the State Civil Apparatus employees.
- b. Carry out the supervisory function of the State Civil Apparatus professional development.
- c. Report the supervision and assessment results of the implementation of the State Civil Apparatus Commission's managerial policies to the president.

Referring to the law governing the State Civil Apparatus Commission, the State Civil Apparatus Commission must involve the State Civil Apparatus Commission in a series of phases to fill a high leader position. The filling of the functions is starting from forming the selection committee, announcing, implementing, proposing, stipulating, until the inauguration. For this reason, the presence of the State Civil Apparatus Commission (KASN) is considered strategic to carry out a supervisory function over the practices of buying and selling positions and nepotism in obtaining a place.

During its supervisory function, the State Civil Apparatus Commission (KASN) has the right to determine whether or not there is a violation of the code of ethics and code of conduct by the State Civil Apparatus (ASN) being evaluated. The supervisory task's output is then continued to the Civil Service Officer (PPK) and the competent official for further action. Civil Service Officers (PPK) does not immediately follow up on the recommendations and evaluation results of the State Civil Apparatus Commission (KASN). It is recommended that the president issue penalties for Civil Service Officers (PPK) and officials holding authorities who violate the principles of merit and mandate of the law.

The State Civil Apparatus Commission (KASN) in the 2018 simultaneous Regional Head Election (Pilkada) contest and the 2019 simultaneous elections, to ensure a neutral attitude, has collaborated with the General Election Supervisory Agency, Ministry of Home Affairs, and the Ministry of State Apparatus Empowerment and Bureaucratic Reform (*Komisi Aparatur Sipil Negara Republik Indonesia, 2018*). The three institutions issue circular letters as a preventive stage targeted at all agencies, both at the central and regional agencies. In general, this circular letter becomes a basic guideline and reference that states that the State Civil Apparatus (ASN) is

obliged to maintain neutrality. The three circular letters above are the Circular of the Ministry of Administrative and Bureaucratic Reform No. B/71/M.SM.00.00/2017; State Civil Apparatus Commission Circular Letter No. B-2900/KASAN/11/2017; and the Minister of Home Affairs Circular No. 270/313/OTDA. Based on the three letters above, it has been clearly explained about the regulations' basics, the forms and classifications of prohibitions, and the penalties to be imposed when the State Civil Apparatus (ASN) violates these regulations.

Meanwhile, during its implementation, State Civil Apparatus Commission (KASN) has not assigned self-determination because it is still domiciled in Jakarta. He always does not yet have representative offices in each region in Indonesia, both provincial and city/regency. Therefore, State Civil Apparatus Commission (KASN) needs to be able to carry out the supervision and guidance functions of ASN in the regions. While carrying out its duties, KASN often works together using the MoU with the agency and one other channel, for example, the inspectorate of the area, the forms of cooperation are nothing but the background why the supervisory function of KASN cannot be carried out optimally, namely the distribution of personnel and areas.

However, as a work unit that is independent and free, it is hoped that the State Civil Apparatus Commission (KASN) can carry out the responsibility of maintaining the spirit and image of the Unified State Civil Apparatus (ASN). This responsibility is even though Civil Service Officer (PPK) has a crucial role in controlling all State Civil Apparatus (ASN) under its command to work professionally and ensure that the entire community gets the best service. The idea of strengthening the State Civil Apparatus Commission (KASN) power to the local level can also cause its problems. Especially in connection with the career guidelines of the State Civil Apparatus (ASN), which have been the subject of discussion in the study of the neutrality of the State Civil Apparatus (ASN). If the power to determine positions is at the center, it could be that the decision will only shift the politicization of the bureaucracy from the central region. It occurs because the political competition that has been happening in the areas can move to the center. However, the State Civil Apparatus Commission (KASN) can overcome the potential for such problems at the center because the main idea is the development of the State Civil Apparatus Commission (KASN), not the transfer of power.

4. Conclusion

Based on the discussion above, it can be concluded that the politicization of the bureaucracy violates the fundamental values, code of ethics and code of conduct, and the merit system. Indeed, the bureaucracy's politicization is not the only determinant that determines the State Civil Apparatus Commission (ASN). However, the violations collected by the State Civil Apparatus Commission (KASN) and various studies above indicate that the politicization of the bureaucracy has contributed significantly to the poor performance of the State Civil Apparatus (ASN). Generally, bureaucratic political practice is manifested in a transfer of office based on political closeness, not based on the relevant State Civil Apparatus (ASN) personnel's competence and capacity. At least so according to the above findings. Therefore, the public, assisted by the legislature and the press, needs to tighten the authorized officials' supervision to avoid abuse of power. This idea that has often been proposed is based on a fundamental principle: public officials are not allowed to treat the State Civil Apparatus (ASN) under them to gain power (this applies to officials, whether they have administrative ties with political parties or are independent). Because, ideally, the State Civil Apparatus (ASN) serves the community and the state (not for officials). This idea does not mean limiting officials' authority (local leaders) to determine certain positions at the local level. According to this idea, the regional heads can still regulate the role of the State Civil Apparatus (ASN), as long as it is held independently.

Moreover, it does not violate the fundamental values, code of ethics, code of conduct, and the merit system. Therefore, it is sufficient if the local leaders have a

political position. Thus, the local leaders are not burdened with the issue of bureaucratic inertia in providing public services.

As for the State Civil Apparatus Commission (KASN), because it is tasked with maintaining the State Civil Apparatus's quality and neutrality (ASN), it should have the authority or discretion to implement the merit system at the local level. It includes full guarantees for the internal State Civil Apparatus (ASN) to report any intimidation and intervention forms in question. Apart from the problems mentioned in the discussion above, this guarantee aims to ensure that all State Civil Apparatus (ASN) have carried out their responsibilities professionally, proportionally, and are free from intimidation or political intervention threatens their career path.

As an implication of the research results, this research synthesizes the findings in a scenario to solve the State Civil Apparatus (ASN) dilemma during the election momentum. First, the existing rules after the enactment of Law No.5 of 2014 must be revised. The position of Civil Service Officer (PPK) is no longer given to politicians, but rather a senior State Civil Apparatus (ASN) (some researchers offer the option of having a Civil Service Officer (PPK) held by the regional secretary, not the regional head). This is intended so that there is no delay or postponement of the sentence. If this scenario fails or does not work, the authority to carry out or execute the sentence should be transferred to the State Civil Apparatus Commission (KASN). Second, the enforcement of criminal election law does not need to involve the police and prosecutors (just General Election Supervisory Agency) because the police and prosecutors are executives. Third, the formation of the State Civil Apparatus Commission (KASN) in the regions to increase the effectiveness of the State Civil Apparatus (ASN). Fourth, the term of office for officials is only one term. Fifth, eliminate voting rights for State Civil Apparatus (ASN). This method does not solve the bureaucracy's politicization but is sufficient enough to reduce it significantly. Sixth, change the State Civil Apparatus's career guideline model (ASN) from regional government autonomy to the central government based on rank or class.

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