

**THE NEUTRALITY ISSUE IN THE REGIONAL ELECTION**

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**ABSTRACT**

This study aims to identify the neutrality of the bureaucracy in the regional election using a descriptive qualitative approach. It used secondary data from media, scientific articles, government websites, and the Election Supervisory Board. The results showed that the neutrality of the bureaucracy was problematic. The neutrality aspect in politics showed violations committed by the state civil apparatus (ASN) and mobilization of employees and honorary employees in all agencies that benefit the incumbent. In the aspect of decision making and policy, it showed conflicts of interest in the internal bureaucracy, where the bureaucracy is preoccupied with political conflicts of interest affecting the effectiveness and efficiency of public services. Then, in the aspect of neutrality in public services, there were two models of service. First, quick and precise services for family, relatives, groups of political officials, or the incumbent. Second, service discrimination against the community, groups, and certain individuals who do not take the side of the incumbent, meaning that the services tend to be convoluted and very procedural. The last aspect is the existence of uneven and unfair career development activities due to other influencing factors, for example, differences or similarities in ethnicity, race, religion, customs, and political views. Further, promotion or transfer of position was carried out unilaterally based on the closeness, partisanship, involvement, appeals, and calls to win the incumbent, and is not transparent. Therefore, this current study recommends the aspect of law enforcement and the elimination of Personnel Development Officer (PPK) as an element to measure neutrality in regional elections. It is considered crucial to creating a professional and accountable bureaucracy which upholds the principle of neutrality

**KEYWORDS:** Neutrality of Bureaucracy, Law Enforcement

**1. INTRODUCTION**

Bureaucracy is a group of people in government. Government bureaucracy as a public servant and basic duties should run optimally because it is an obligation to provide the best possible service (Harta et al. 2017). Bureaucracy is seen as a structured goal to improve efficiency in organizational practices and procedures (Cordella, Tempini, and Weber (1947-2015). Besides, bureaucracy is a means of carrying out public services as a whole, while still carrying out its functions appropriately, quickly, and consistently to realize an accountable and good bureaucracy (Umar et al. 2019). Bureaucracy requires organizations to be more efficient by not ignoring a system of procedures and coordination mechanisms that combine rules and instrumental systems designed to rationalize efficient administrative efforts (Cordella, Tempini, and Weber 1947-2015). In addition to providing a mechanism for coordination in work activities in the public sector, bureaucracy carries out the enforcement of democratic values e

qually and impartially (Cordelia and Antonio 2007).

The main function of the bureaucracy is to collect taxes from the public and provide services. It should have quality service and requires reliable, professional, clean, and ethical government officials. (Harta et al. 2017). Therefore, the bureaucracy must carry out their duties and functions professionally as public servants for the sake of public interest, not personal interests.

To realize clean governance, including the implementation of public services, requires some aspects such as professionalism, accountability, and good governance of government administration (Insani et al. 2020). On the one hand, sometimes public services that are run professionally tend to serve themselves, prioritize personal interests, and sacrifice public interests (Kearney and Sinha 1988). Otherwise, the professionalism side cannot be ignored in carrying out duties and functions as they affect the quality of government administration and public services. The bureaucracy is a state instrument in meeting public needs. Thus, it requires professional human resources who have high integrity and competence in their fields (Kompasiana.com 2013). In this case, professionalism refers to the ability of the apparatus to provide good, fair, and inclusive services (Insani et al. 2020).

The government should create an apparatus with a high work ethic, so the government should develop the professionalism of the apparatus as early as possible (Harta et al. 2017). Based on the elaboration above, it can be said that the bureaucracy has to professionally carry out its duties and functions for the realization of good governance, prioritizing public interests, and ignoring personal and political interests. In services, politics is unimportant because it has an impact on "uncharted inequality" within the bureaucracy itself (Meier, Stewart, and England 1991). However, in democratic countries, governments cannot avoid the influence of politics as in the reform era, politics intervened in the government bureaucracy resulting in limited bureaucratic discretion (Thoha 2007).

The political reforms that emerged in 1998 brought a new chapter in democratic life in Indonesia, including in the bureaucratic aspect. Political reform demands bureaucracy that is professional and free from pragmatism and political co-optation by the authorities as in the New Order regime (Firnans and M. Adian 2016). Currently, in the implementation of the government system, all regions in this country tend to be intervened by political officials. As a result, the administration of government bureaucracy tends to be rigid and complicated. It does not differentiate between political positions and structural positions (Rakhmawanto and Ajib 2017). The bureaucracy is not a subordinate or an extension of the government, but it is a state tool that has its own rules and procedures which is supported by legislation. Therefore, the relationship between the bureaucracy and the executive needs to be regulated so that it can seriously work in carrying out the duties and functions as public servants based on the order of law and not the order of power (Wakhid 2012).

Currently, government bureaucracy is unstable. As a result, there have been divisions within the bureaucracy regarding political interests, or even becoming a political machine to maintain power. Referring to ASN Law No. 5 articles 2 letter F of 2014 concerning the neutrality of the bureaucracy, ASN ha

s to uphold the principle of neutrality in general elections. Further in article 3 letter B, ASN as a profession is based on the principles of a code of ethics and code of conduct. The intended code of ethics and code of conduct as stipulated in article 5, paragraph 1 which aims to maintain the dignity and honor of ASN. Then, paragraph 2 letter L emphasizes that ASN has to enforce laws regarding employee discipline (kemenkeu.go.id n.d.). Besides, it is also emphasized in article 1, paragraphs 2 and 4 concerning the development of code of ethics and code of conduct in which civil servants must maintain their attitudes, behavior, and actions in carrying out their daily tasks and interaction ("Government Regulation No. 42 of 2004" n.d.). Moreover, to create reliable, professional, and ethical ASN in carrying out government administration, it requires the principles of good governance ("Government Regulation No. 53/2010 2019). Therefore, ASN as a state instrument is required to be loyal to Pancasila and the 1945 Constitution, as well as to have a fair, honest, disciplined, transparent, and accountable role in carrying out their duties and functions.

In Indonesia, Bawaslu or the Election Supervisory Board has the authority to oversee the general elections. It functions to supervise the elections in Indonesia in which this country adheres to a democratic system so that the concept of general election supervision is crucial. It is to ensure that the community gets the best leaders. Besides, its existence is expected to realize justice, honesty, and transparency in democracy (Saputro 2018). It can be seen through the Election Supervisory Board Regulation No. 6 of 2018 and No. 14 of 2017. Article 3 of Election Supervisory Board Regulation No. 6 of 2018 states provisions related to the authority of Bawaslu regarding the neutrality of State Civil Apparatus which can be seen from the formal legal aspects (procedural law) and functions. It reads: "Neutrality of State Civil Apparatus, Indonesian Military members, and the National Police members can be the object of supervision of Bawaslu, Provincial Bawaslu and District/City Bawaslu in the case that the actions of State Civil Apparatus, Indonesian Military members, and the National Police members have the potential to violate the provisions stipulated in the provisions of laws regarding elections and violates the code of ethics and/or discipline of each institution/agency"(Aang Kunaifi 2020).

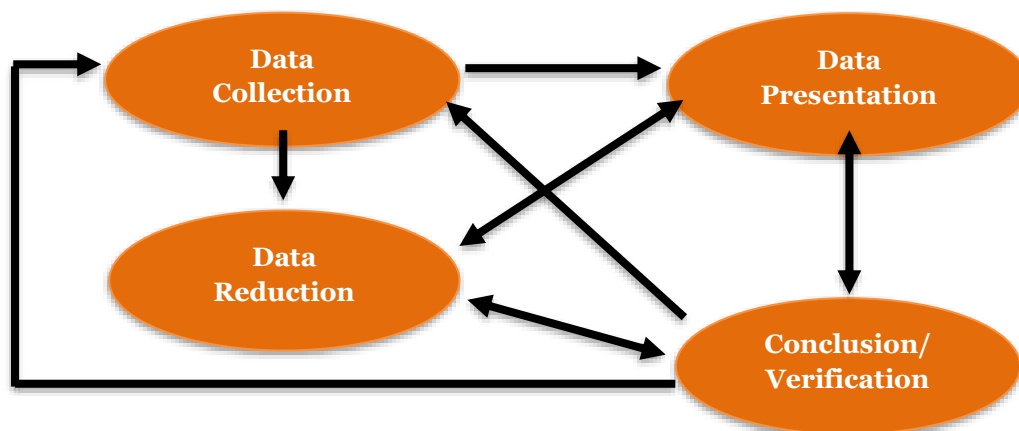
In general, the above illustrates the phenomenon that occurs in all regions in Indonesia. The phenomena that occur before regional elections cover the emergence of problems within the bureaucracy, for example, the politicization of the bureaucracy, the mobilization of State Civil Apparatus, and honorary employees which led to dualism in the bureaucracy, the commercialization of positions, the threat of transfer or dismissal of positions for those who were deemed not taking the side of a certain incumbent or candidate, politicizing state facilities, compensation for positions, and politicizing the recruitment of new employees (Martini 2010). Besides, another aspect is the weak law enforcement carried out by the Election Supervisory Board.

During its development, it is clear that politics still shows a strong influence on the local government bureaucracy (Dagang and Thomas Didimus 2004). It is considered to violate the rules and authorities of laws, government regulations, ministerial regulations, and Election Supervisory Board regulations regarding the prohibition of State Civil Apparatus, Indonesian Military, and National Police members

from participating in practical politics including regional elections. The phenomenon illustrates that State Civil Apparatus dare to violate those rules regardless of the impact of their actions. However, as State Civil Apparatus, it causes contradiction and vulnerability to not be neutral because the regulations stipulate that State Civil Apparatus still get the right to vote (Tamma 2018). Based on the elaboration above, this study aims to identify the neutrality of the bureaucracy in the regional elections.

**2. METHOD**

This study used a descriptive qualitative approach. This approach is a way of solving problems that are investigated by describing the current condition of the subject or object of the research which can be in the form of institutions, society, and others based on evidence (Sugiyono 2017). This study focuses on secondary data obtained from mass media and articles issued on the government and Election Supervisory Board’s websites. The data were collected through 2 stages, namely, observation and documentation. The obtained data were analyzed using a data analysis technique proposed by Miles & Huberman.



Source: (Miles and Huberman 1994).

**Figure 1. Data Analysis Technique**

**3. RESULTS AND DISCUSSION**

The government bureaucracy is a great force as its activities touch the order of human life. The policies carried out by the bureaucracy have major impacts on the aspects of human life. Thus, humans cannot be separated from government bureaucratic activities (Friday 2020). It means that the bureaucracy is required to remain professional in carrying out its duties and functions as a state instrument for realizing excellent service. Furthermore, bureaucracy is also required to remain neutral in the presidential, regional, and legislative election processes (Aang Kunaifi 2020). The neutrality of the bureaucracy is the government's effort to avoid conflicts of political interest in the process of socialization participation and mass mobilization (Tamma 2018). Meanwhile, referring to the findings

of the Election Supervisory Board in the 2019 election, there were many violations committed by State Civil Apparatus, Indonesian Military members, and the National Police member (Kartini 2019). Added to this, the Indonesia Corruption Watch (ICW) identified evidence of violations in the form of bureaucratic involvement in the 2005 and 2010 regional head elections and legislative elections (Isna 2016).

Neutrality refers to impartiality, which means neutrality in politics, decision and policymaking, public services, and State Civil Apparatus management (Sofian Efendi 2018). To measure the neutrality of the bureaucracy, this study used the four indicators above, namely neutrality in politics, decision and policymaking, public services, and State Civil Apparatus management.

Neutrality in politics means an objective, fair, and unbiased bureaucracy without State Civil Apparatus involvement in practical political elections (Sofian Efendi 2018). This is an obligation for all civil servants in carrying out their duties and functions because bureaucracy and politics have a different rationale (De Vries 1999). The results showed involvement of State Civil Apparatus in regional elections to win the incumbent candidate as indicated by the great number of State Civil Apparatus who become the campaign team of the incumbent candidate. Besides, the internal meeting discussed work programs and giving appeals, invitations, calls to win the incumbent candidate due to the predetermined commercialization of positions.

Furthermore, state facilities were used in political activities. This was done in a structured, systematic, and massive manner in each government agency. Even, it showed a unilateral revocation of authority against State Civil Apparatus that is considered to be impartial to the incumbent candidate. The dismissal of the honorary employees who are considered not taking the side of the incumbent candidate. Bureaucratic officials should be appointed and dismissed professionally by considering their career system and eligibility, but the reality showed that the appointment and dismissal tend to be influenced by politics regardless of their potential and performance (Rakhmawanto and Ajib 2017).

This action is a serious violation committed by State Civil Apparatus which does not reflect professional, subjective, and neutral bureaucracy (Sofian Efendi 2018). The bureaucracy should carry out its duties as a public servant because bureaucracy is an inseparable part of the state, instead of becoming an interventionist bureaucracy by taking responsibility and being recognized as prerogative rights by the authorities (Siddiquee 1999).

Besides the neutrality aspect of politics, there is a neutrality aspect of decision and policy making (Sofian Efendi 2018). In this case, the neutrality is free from conflicts of interest, either personal or groups (Aziz and Michael 2020). The decision and policymaking do not intimidate certain individuals or groups, but it prioritizes public interests (Sumangando, Liando, and Undap 2020). The result of the research showed a conflict of interest in the internal bureaucracy which made the public services ineffective and efficient, for example, the bureaucracy only focuses on carrying out the incumbent's

interests and neglecting the main task of the bureaucracy.

Then, concerning the politicization of the bureaucracy refers to the bureaucrats in carrying out policies that benefited incumbent candidates, for example, the distribution of social assistance for the poor is always said as the assistance from the incumbent candidate. The bureaucracy has gone out of its corridors as state instruments that should uphold the principle of the State Civil Apparatus neutrality (kemenkeu.go.id n.d.). Based on the findings, social assistance is considered important so that it is distributed very quickly and precisely when approaching the general and regional election period. However, when the elections were over, the distribution became slower and more difficult for the community. The impact is that bureaucracy adds more problems for the community. Policies are designed because of problems occurring amid the public, not because of group or authority's interests (Levi-Faur and Vigoda-Gadot 2006). The bureaucracy has the power to generate policies when the authority wisely run their roles (Levy 2009).

In terms of the neutrality aspect in public service, neutrality means that there is no discrimination due to differences/similarities in ethnicity, religion, race, and customs including political views (Sofian Efendi 2018). The result of the research on the aspect of public service showed two models. First, public services were carried out quickly and precisely for family, relatives, groups of political officials, or the incumbent. This model has been practiced since the incumbent's inauguration up to before the second election. Services are considered crucial for people who have to go through a relatively long process which takes a longer time.

The second model was the discrimination against the community, groups, and certain individuals who do not take the side of the incumbent. The services provided tend to be more complicated and procedural. It seems that civil registration and permit services have relatively long and complicated service with a time-consuming procedural process. Even though the main task of the bureaucracy is to provide excellent service without differentiating one from the other which is in line with the demands and needs of the community for responsive and efficient services (Dwimawanti 2004). The bureaucracy as a state instrument should be able to provide good public service to the community (Enggarani 2016).

In the last aspect, the management of the State Civil Apparatus (ASN) (Sofian Efendi 2018), management refers to carrying out policies and programs that already exist in the context of career development, starting with talent mapping and analysis based on competence and performance. Indeed, the government agency already has a policy related to objective and transparent promotion and transfers based on the suitability of qualifications, competencies, and performance. However, the findings showed that career development is uneven and unfair due to other factors, for example, differences or similarities in ethnicity, race, religion, and customs including political views. The promotion or transfer is done unilaterally, for example, based on closeness, partisanship, involvement, appeals, and calls to win the incumbent, not based on transparency. This is reinforced by the existence



of regulations governing the authority of regional heads in the promotion and transfer of State Civil Apparatus (Pratama 2017). It resulted in ineffectiveness and unprofessional attitude in carrying out its work as a bureaucracy both in the central and regional government (Octaleny 2019).

The four aspects of bureaucratic neutrality explained above are not implemented according to existing regulations, so the bureaucracy tends to commit violations. Based on the findings above, to achieve bureaucratic neutrality, such as neutrality in politics, decision and policymaking, public services, and public management (Sofian Efendi 2018), this current study contributes to the addition of indicators in other aspects to strengthen the neutrality such as law enforcement. Law enforcement refers to the authority given directly by the State Civil Apparatus Commission (KASN) to the election supervisory board at the regional level and provision of criminal, civil, and administrative sanctions to civil servants who commit violations. This is considered important to accelerate and simplify the law enforcement process because law the State Civil Apparatus Commission (KASN) tends to be ineffective and requires a longer time in law reinforcement. Moreover, the revocation or elimination of regulations governing the Personnel Development Officer (PPK) for political officials such as ministers and regional heads (KASN 2019). It needs to be done to avoid intervention to the bureaucracy so that the bureaucracy becomes more professional, accountable, and neutral in carrying out its duties and functions as State Civil Apparatus (Sumangando, Liando, and Undap 2020).

#### 4. CONCLUSION

There are violations committed by State Civil Apparatus in all government agencies. Consequently, bureaucrats no longer carry out their duties and functions as public servants due to political interests, for example, in the aspect of neutrality in politics, mobilization of State Civil Apparatus, and honorary employees to win incumbent candidate. It is because of a large number of State Civil Apparatus who join the team for winning the incumbent. Even, the internal meeting for discussing work programs is often followed by appeals, invitations, calls to take the side of the certain incumbent candidate. They practice it due to the predetermined commercialization of positions. Further, some state facilities are used in political activities in a structured, systematic, and massive way in government agencies.

On the aspect of neutrality in decision and policymaking, there is a conflict of interest in the internal bureaucracy causing less effective and efficient public services as the bureaucracy is preoccupied with conflicts of political interest, for example, the bureaucracy only focuses on carrying out all the interests of the incumbent and neglecting its main task. Furthermore, in terms of politicization of the bureaucracy, the bureaucrats have provided benefits to the incumbent, such as in the distribution of social assistance for the poor, they explained it as assistance from the incumbent.

Then, the neutrality aspect of public service shows two models of public service. First, public services are carried out quickly and precisely for family, relatives, groups of political officials, or the incumbent. Second, discrimination against the community, groups, and certain individuals who are considered not taking the side of the incumbent. Thus, the service provided tends to be complicated and very

procedural, for example in civil registration service and permit service with a relatively long, complicated, and time-consuming procedural process.

In terms of the last aspect of management of the State Civil Apparatus, the career development activities are uneven and unfair due to other factors such as differences or similarities in ethnicity, race, religion, and customs, including choices in political views. The promotion or transfer of position is carried out unilaterally based on closeness, partisanship, involvement, appeals, and calls to win the incumbent, not based on transparency.

This research contributes to strengthening the neutrality of the bureaucracy by recommending other aspects to measure neutrality, such as law enforcement and the elimination of the Personnel Development Officer (PPK) for political officials. This is considered important to create a professional and accountable bureaucracy that upholds the principle of neutrality.

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