

MODEL OF NEUTRALITY SUPERVISION POLICY IMPLEMENTATION STATE CIVIL APPARATUS IN THE 2019 PRESIDENTIAL AND VICE PRESIDENTIAL GENERAL ELECTIONS

Sarjiyati, Anik Tri Haryani, Bambang H. Sutrisno

Abstract— The research aims to analyze the Implementation Model of the Neutrality Supervision Policy for State Civil Servants in the 2019 Presidential and Vice Presidential Elections. This research uses a qualitative approach with a case study method. The concrete case chosen in this research is the 2019 General Election for President and Vice President in the district/city of the former Madiun Residency. The data in this research were obtained from observations, in-depth interviews, and policy product documents related to monitoring the neutrality of the State Civil Service. The research findings show that the implementation model for the policy of monitoring the neutrality of the State Civil Apparatus in the 2019 Presidential and Vice Presidential general elections in the former Madiun Residency Regency/City area can generally be categorized as good

Index Terms — policy model, supervision, state civil service, general elections

1. PRELIMINARY

The reform of the government's political system was marked by the establishment of a new policy in fostering the State Civil Apparatus (ASN). In principle, the new policy directs ASN's political attitude from previously having to support certain political groups to being neutral or impartial. In the life of democracy in Indonesia, the neutrality of ASN is nothing new. The issue of ASN neutrality has always been an actual issue in the life of the state, especially before the implementation of the democratic party. The actual issue of ASN neutrality in the implementation of the democratic party occurred because of public concerns about ASN's partiality towards one of the regional head candidate pairs.

ASN neutrality is currently an issue that has received a lot of attention. This is caused by the many violations by ASN employees against the principle of neutrality. These violations occurred, especially before, during and after the regional elections which took place in 2015, 2017 and 2018. The issue of ASN neutrality is something that will

continue in the future and is strategic, because of the holding of elections for legislative members and president/vice president in 2018, 2019, as well as the fourth wave of simultaneous regional elections in 2020 and the fifth wave in 2024. Meanwhile, ASN employees are required to be neutral so they can carry out their duties professionally, therefore enforcing ASN neutrality is very important.

The issue of ASN neutrality in the democratic party has actually occurred since the first General Election (Pemilu) in 1955. The issue of ASN neutrality becomes increasingly real and complex when there is no legal instrument that is comprehensively able to resolve this issue. Until finally, Law Number 8 of 1974 concerning Neutrality of State Personnel emerged, which in fact was the first civil service law. All matters relating to ASN are regulated in Law Number 5 of 2014 concerning State Civil Apparatus, including the issue of ASN neutrality. In Article 2 of the Law it is stated that the implementation of ASN policies and management is carried out based on principles, one of which is the principle of neutrality. The principle

of neutrality in this law means that every ASN employee does not take sides from any form of influence and does not take sides in anyone's interests.

It is hoped that the neutrality of the State Civil Apparatus (ASN) can be implemented well in holding General Elections, both Presidential and Vice Presidential Elections, Regional Head Elections (Pilkada), Central and Regional Legislative Elections. Why is that? because the State Civil Apparatus is a public servant who exists independently and cannot take sides with anyone. When general elections are held, State Civil Apparatus sometimes get carried away by the political atmosphere and are involved in being forced to side with one of the election contestants.

Violations of the neutrality of the State Civil Service can also be seen if one of the contestants in the election is related or comes from their family, so that the rules that should be obeyed are thrown away and simply violated. It is not surprising that there are many violations in the implementation of elections, especially in the presidential and regional elections. The holding of the General Election was marred by acts of involvement that were deliberately carried out either directly or indirectly by the State Civil Apparatus to support one of the Presidential and Vice Presidential candidates and Regional Head candidates as well as legislative member candidates.

The neutrality of ASN is an important pillar in the continued implementation of a successful and efficient government. Therefore, ASN as an element of the state apparatus must be able to provide services to the community in a professional, honest, fair and equitable manner. The neutrality of ASN in the Election of Regional Heads and Deputy Regional Heads is very essential considering that there is a prohibition on ASN from playing an active role in the activities of the Election of Regional Heads and Deputy Regional Heads. The ASN neutrality policy is stated explicitly by including its provisions in Law Number 5 of 2014 concerning State Civil Apparatus in Article 2.

The latest legislation issued regarding ASN neutrality is Circular Letter Number: B/94/M.SM.00.00/2019 concerning Implementation of State Civil Apparatus (ASN) Neutrality in Presidential and Vice Presidential Elections (Pilpres) and Legislative Elections (Pileg) Year 2019. In a letter addressed to the Personnel Development Officials (PPK) of the Central Agency and Regional Agencies, the Minister of PANRB emphasized that ASN must be neutral, impartial

from any influence and not favor the interests of anyone. The Circular also stated clearly and unequivocally that "ASN is obliged to avoid conflicts of personal, group or group interests, namely in the case of ASN being prohibited from taking actions that lead to taking the side of one of the candidates or actions that indicate involvement in practical politics/affiliation with political parties." Further in the Men PANRB Circular, it is "ASN must uphold the honor of the state, government, and the dignity of ASN, and are prohibited from becoming administrators and/or members of political parties." It was further explained that "ASN are prohibited from providing support to candidates for President/Vice President, the House of Representatives, the Regional Representatives Council, or the Regional People's Representative Council."

Empirical research related to the neutrality of the State Civil Service has been carried out by several scientists. Sanjaya, et al (2020) conducted research in Banten. The research findings show that the State Civil Apparatus in Banten Province in the 2019 General Election proved not to be neutral by siding with one of the presidential and vice presidential candidate pairs.

Sumangando, et al (2020) conducted research in Manado. The research findings show that the State Civil Apparatuses reported to the State Civil Apparatus Commission in the 2019 General Election stages in Manado City, namely the former Head of Mapanget District initials (AM), former Head of Bunaken District initials (KL), Bunaken District staff initials (RS), former Head of South Wenang Village with initials (LI), former Head of South Wenang Village with initials (KO) have proven to be not neutral.

Sutrisno (2019) conducted research in Surakarta, Sragen, and Bantul. The results of the research show that members of the State Civil Service indicated that they were not neutral regarding the elections. The reasons for this are personal closeness or kinship, the promise of the position offered, and low public awareness of the applicable legal products.

The results of this research are quite worrying, considering that the government has established various policy instruments in recent years which include State Civil Service policies in Law No. 5 of 2014 concerning ASN, Republic of Indonesia Government Regulation Number 53 of 2010 concerning Civil Servant Discipline. In Government Regulations, Article 1 states that what is meant by Civil Servant discipline is the ability of

Civil Servants to comply with obligations and avoid prohibitions specified in statutory regulations and/or official regulations which, if not obeyed or violated, will be subject to disciplinary punishment. What is called a disciplinary violation is any speech, writing or action of a civil servant that does not comply with obligations and/or violates the prohibitions on civil servant disciplinary provisions, whether committed inside or outside working hours.

The government through Joint Decree of the Minister of PAN RB, Minister of Home Affairs, Head of BKN, and Head of Bawaslu Number 05 of 2020, Number 800-2836 of 2020, Number 167/KEP/2020, Number 6/SKB/KASN/9/2020, Number 0314 , has also issued a policy of monitoring the neutrality of State Civil Service employees in holding the simultaneous regional head elections in 2020.

Based on empirical data and various problems that occur in the field, this research aims to analyze the policy implementation model for monitoring the neutrality of State Civil Service employees in the Regional Head election in Madiun Regency, especially in 2020. The theory that will be used is the George Edward model policy implementation concept III (in Agustino, 2016), which offers four factors in implementing public policy, namely: communication, resources, disposition or attitude of implementers, and bureaucratic structure.

Based on the description of the background of the problem, the aim of this research is to analyze the Implementation Model of the Neutrality Supervision Policy for State Civil Apparatus in the 2019 Presidential and Vice Presidential Election.

2. RESEARCH METHODS

This research uses a qualitative approach with a case study method. Concretely, the case chosen in this research is the 2019 General Election for President and Vice President, especially in the context of implementing the neutrality monitoring policy for State Civil Service (ASN) employees. Meanwhile, the data collected in this research was obtained from observations, in-depth interviews, and policy product documents related to monitoring ASN neutrality. In-depth interviews were conducted with several parties, including the Regency/City Election Supervisory Agency (Bawaslu), Madiun Regency/City Civil Service Agency, Regency/City ASN and the community

who have the right to vote and be elected in the former Madiun Residency. The selection of some informants was carried out randomly taking into account their knowledge and understanding of the content and context of the research.

3. RESULTS AND DISCUSSION

Data analysis in this research focuses on the policy implementation model by George Edward III. According to George Edward III, indicators/dimensional models of policy implementation include communication, resources, dispositions, and bureaucratic structures. The results of the analysis of indicators/dimensional models for the implementation of the policy of monitoring the neutrality of the State Civil Apparatus are described below.

3.1. COMMUNICATION

Communication in the policy implementation model is one of the determining factors in conveying the message contained in each policy product. Effective communication will also help smooth policy implementation. Empirically, there are 3 basic policies for the neutrality of State Civil Servants, namely Law Number 5 of 2014 concerning State Civil Servants, Government Regulation Number 53 of 2020 concerning Civil Servant Discipline, and especially SKB 4 Ministers concerning Guidelines for Supervising the Neutrality of ASN Employees in the Implementation of Elections General.

Due to the unknown policy of monitoring the neutrality of the State Civil Apparatus, knowledge and understanding of the Guidelines for Supervising the Neutrality of ASN in the Implementation of Presidential and Vice Presidential Elections is also very doubtful. In fact, the policy product explains in detail the contents of monitoring the neutrality of the State Civil Apparatus, including who the organizers are, their respective duties and responsibilities, up to sanctions for various types and levels of violations of ASN neutrality. In addition, the proportion of outreach carried out by Bawaslu related to ASN neutrality is still relatively low.

Based on the analysis of research data as described above, it can be concluded that the communication factor as a model for implementing the neutrality monitoring policy of the State Civil Service is generally quite good.

3.2. RESOURCES

Resources play an important role in every policy and program promoted by the government, including the policy of monitoring the neutrality of the State Civil Apparatus (ASN). Resources in the concept that was coined by Edward III refers to human resources and financial resources. Judging from the capabilities of the resources, it can be seen that the assigned personnel have adequate knowledge and good skills in carrying out their duties. Meanwhile, related to the resources of facilities and infrastructure, he also assessed that they were relatively adequate. A fairly spacious office, operational vehicles, computers, Wi-Fi and cellphones to view ASN neutrality from Facebook, Instagram and Twitter accounts, and WA statuses are also available, all existing supporting facilities are used as optimally as possible.

Based on observations, it was also found that the number of human resources involved was relatively small compared to the very wide scope of the work area. So far, they have worked well with the help of work supporters, namely staff, then supervised by socialization and regular monitoring. Furthermore, it can also be noted that there is no special task force to monitor the neutrality of ASN, because the supervisory function is attached to Bawaslu.

Based on information obtained from the State Civil Apparatus, all of them understand their role as state servants who should not side with one pair of candidates (paslon). Although it does not rule out the possibility that there are couples who are supported, they try to be neutral and it is only a personal secret regarding support. Overall the ASN who were questioned stated that there was no ASN mobilization from certain parties. However, there are still ASNs, although small, who state that there are still efforts from certain parties to get votes, especially from ASNs by mobilizing ASNs in the Presidential and Vice Presidential Elections. For example, by conveying sweet promises through direct communication or via WhatsApp chat which concretely leads to nepotism.

Based on observations and information from the public, it can be seen that they are aware of their role in maintaining ASN neutrality by helping to supervise, although it is still relatively passive and not very optimal. Meanwhile, in terms of the ability of the Regency and City Governments to maintain and enforce the neutrality of ASN in the 2019 Presidential and Vice-Presidential Election, only a small number of informants (the public) stated that they were doing well enough. Meanwhile, others

stated that there was still quite a lot of bureaucratic politicization and ASN that were not neutral when the 2019 Presidential and Vice-Presidential Election took place, although it was not so blatant.

Facilities and infrastructure resources are also relatively adequate. Meanwhile, from the results of observations made, Bawaslu and the Personnel Agency have committed to carry out their duties to the fullest extent possible to provide understanding, supervise and take action against ASN who deviate, in every implementation in the field. However, there were still indications of non-neutrality from ASN as stated by 1 ASN from Madiun Regency and 2 people from Madiun Regency. This practically violates Article 2 (professionalism and neutrality points) on the principle of implementing ASN policy and management and Article 31 letter a namely maintaining ASN neutrality in the ASN Law Number 5 of 2014. Meanwhile, when analyzed from the side of financial resources, the resources allocated by the government to implement the policy of monitoring the neutrality of the State Civil Apparatus in Madiun Regency can be considered quite adequate.

Based on the analysis of the research data as described above, it can be concluded that the resource factor in the implementation of the policy of monitoring the neutrality of the State Civil Apparatus is generally good.

3.3. DISPOSITION

Disposition is one of the determinants of policy implementation. This is because it relates to the attitude tendency or commitment of implementers in implementing the policy. Based on the information submitted by Bawaslu, so far all Bawaslu members are required to maintain a commitment to always be independent, there is no other interest other than providing good performance to supervise and take action if there is a finding of neutrality of the State Civil Apparatus. However, there is no reward and punishment mechanism because it is the duty and obligation of the Bawaslu to work properly and optimally.

From the side of the State Civil Apparatus, the ASNs interviewed stated that they always maintained their commitment to remain neutral in the Presidential and Vice-Presidential Election as well as Regional Head Elections in the former Madiun Karesinan area. Even though he has support for one pair of candidates, he has never expressed his support for one of the presidential and vice presidential pairs. The three of them also

knew about the potential for sanctions or punishments that could befall at any time if they were not neutral.

From these various explanations, it can be analyzed that the disposition dimension has been relatively running well. This is based on empirical facts that all informant entities which include the leadership of Bawaslu, BKPP, and ASN understand the urgency to be neutral in elections and have the awareness to participate in overseeing the supervision of ASN neutrality.

However, calls for neutrality would be better if accompanied by a reward and punishment mechanism. This mechanism needs to be more massively echoed from the leadership level, in order to have a spirited impact on other staff. In the policy of monitoring the neutrality of ASN in the 2019 Presidential Election there are various types of neutrality violations, such as social media campaigns/socialization, attending declarations of pairs of prospective candidates/candidates participating in the regional head election, taking photos with prospective candidates, being a speaker/source person in political party activities. Also various threats of sanctions/penalties that can befall civil servants who are not neutral, such as moral sanctions for private statements/open statements, moderate disciplinary punishment, severe disciplinary punishment, up to dishonorable discharge.

Based on the research data described above, it can be concluded that the disposition dimension in monitoring the neutrality of the State Civil Apparatus is going quite well.

3.4. BUREAUCRATIC STRUCTURE

Bureaucratic structure is related to the suitability of the bureaucratic organization which is the organizer of public policy implementation. In implementing the policy of supervising ASN neutrality in Madiun Regency in the 2019 Presidential and Vice Presidential Election, the main implementer was Bawaslu Madiun Regency.

This is as mandated in Article 101 of Law Number 7 of 2017 concerning General Elections, that one of the duties of Regency/City Bawaslu is to supervise the neutrality of the State Civil Apparatus, the neutrality of members of the Indonesian National Army, and the neutrality of members of the Indonesian National Police.

The results of field observations show that Bawaslu's internal organizational structure has so far been well organized and structured, starting from the Chair of Bawaslu as well as divisions and

regional coordinators. Each has its own main tasks and functions in carrying out its duties. City and Regency Bawaslu also coordinate quite intensely with the sub-district level Panwaslu, as well as with BKPP regarding the prevention and handling of ASN involved in neutrality violations.

Based on the description above, it can be concluded that the composition of the bureaucratic structure established to carry out the policy of monitoring the neutrality of the State Civil Apparatus in the former Madiun Residency is generally quite good.

4. CONCLUSION

Based on data analysis and discussion, it can be concluded that the implementation model for the policy of monitoring the neutrality of State Civil Apparatus in the 2019 Presidential and Vice Presidential general elections in the former Madiun Residency Regency/City area can generally be categorized as good.

5. ADVICE

Based on the conclusions of the research results, the following suggestions can be conveyed:

1. Activities to disseminate legal regulations related to the neutrality of the State Civil Service in Elections should continue to be increased in the quantity of activities and the quality of their implementation.
2. Policy implementers should give rewards to State Civil Servants who act neutrally and punish State Civil Servants who violate and do not act neutrally.
3. The quantity of coordination between regional coordination should be increased so that activities can be achieved properly and optimally.

REFERENCES

BOOK

- Agustino, L. 2016. *Dasar-Dasar Kebijakan Publik (Edisi Revisi)*. Bandung: Alfabeta.
- Edward III, George. C. 1980. *Implementing Public Policy*. Congressional Quarterly Press.

Komisi Aparatur Sipil Negara. 2020. Laporan Kinerja Komisi Aparatur Sipil Negara 2020. Jakarta.

Mokoagow, S. 2016. Pelanggaran Netralitas Aparatur Sipil Negara Dalam Pemilihan Umum Kepala Daerah. *Lex Administratum*, 4(4).

Rahman, A., Sahar, A. R., Putra, F., & Diliawan, R. 2018. Does Leadership Background Matter In Performance Of Local Government? 2018 Annual Conference of Asian Association for Public Administration: "Reinventing Public Administration in a Globalized World: A Non-Western Perspective" (AAPA 2018), 541-550. Atlantis Press.

Sanjaya, H., Yulianti, R., & Habibi, F. 2020. Netralitas Aparatur Sipil Negara Dalam Pemilihan Umum Tahun 2019 di Provinsi Banten.

Selatan, B. K. T. 2020. Laporan Komprehensif Pemilu 2019. Bawaslu Kabupaten Madiun. Kabupaten Madiun.

Sudrajat, T., & Hartini, S. 2017. Rekonstruksi Hukum atas Pola Penanganan Pelanggaran Asas Netralitas Pegawai Negeri Sipil. *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*, 29(3), 445-460.

Journal

Asbudi, A. (2020). Pencegahan dan Penindakan Pelanggaran Netralitas Aparatur Sipil Negara (ASN) Oleh Bawaslu Kota Palopo Pada Pemilu 2019. *Journal I La Galigo: Public Administration Journal*, 3(2), 9-17.

Furqon, E. 2020. Kedudukan Komisi Aparatur Sipil Negara dalam Menjaga Netralitas Aparatur Sipil Negara pada Pemilihan Umum 2019 Ditinjau dari Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum (Studi Kasus Pada Pemilu 2019 di Provinsi Banten). *Ajudikasi: Jurnal Ilmu Hukum*, 4(1), 15-28.

Jayanti, N. P. 2019. Netralitas Peran Aparatur Sipil Negara Dalam Kebijakan Publik dan Pemilihan Umum. *Jurnal Analisis Kebijakan*, 3(1).

Rahman, A., Zebua, W. D. A., Satispi, E., & Kusuma, A. A. 2021. Policy Formulation in Integrating Vocational Education Graduates with the Labor Market in Indonesia. *Jurnal Studi Pemerintahan*, 12(3), 331-371.

Sudrajat, T., & Karsona, A. M. (2016). menyoal makna netralitas pegawai negeri sipil dalam undang-undang nomor 5 tahun 2014 tentang aparatur sipil Negara. *Jurnal Media Hukum*, 23(1).

Sumangando, R. C., Liando, D., & Undap, G. (2020). Netralitas Aparatur Sipil Negara di

Pemerintahan Kota Manado Dalam Pemilihan Umum Tahun 2019. *Jurnal Eksekutif*, 2(5).

Sutrisno, S. (2019). Prinsip Netralitas Aparatur Sipil Negara Dalam Pemilihan Kepala Daerah. *Jurnal Hukum Ius Quia Iustum*, 26(3), 522-544.

Wahyuni, T., & Permadi, R. N. (2018). Penguatan Kode Etik Organisasi Dalam Mewujudkan Netralitas ASN. *Jurnal Administrasi Publik*, 14(2), 151-162.

Watunglawar, M. N. (2017). Perwujudan Asas Netralitas Birokrasi Dalam Undang-Undang Nomor 5 Tahun 2014 Tentang Aparatur Sipil Negara. *Fairness and Justice: Jurnal Ilmiah Ilmu Hukum*, 15(1), 70-88.

Wulandari, N., & Adianto, A. (2020). Kinerja Komisi Aparatur Sipil Negara Sebagai Lembaga Pengawas Netralitas Aparatur Sipil Negara. *Jurnal Humaniora: Jurnal Ilmu Sosial, Ekonomi Dan Hukum*, 4(1), 166-171.

LAWS AND REGULATIONS

Republik Indonesia. 2014. Undang-Undang Republik Indonesia Nomor 5 Tahun 2014 Tentang Aparatur Sipil Negara.

Republik Indonesia. 2017. Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum. Lembaran Negara RI Tahun, (182).

Keputusan Bersama Menteri PAN RB, Menteri Dalam Negeri, Kepala BKN, dan Kepala Bawaslu Nomor 05 Tahun 2020, Nomor 800-2836 Tahun 2020, Nomor 167/KEP/2020, Nomor 6/SKB/KASN/9/2020, Nomor 0314.

INTERNET

<https://si-asn.bawaslu.go.id/wp-content/uploads/2022/08/Modul-Netralitas-ASN.pdf>.

Diakses pada tanggal 23 Agustus 2023, pukul 20.40 WIB.

<http://jatim.bawaslu.go.id/>. Diakses pada tanggal 26 Agustus 2023, pukul 21.35 WIB.

<https://madiun.bawaslu.go.id/>. Diakses pada tanggal 26 Agustus 2023, pukul 23.10 WIB.