

Civil Servant Neutrality on 2019 General Election in Indonesia

Dede Sri Kartini

Theoretically, bureaucracy should be neutral from political affairs. This neutrality should be implemented by current regime. In fact, ASN (civil servant) is prohibited to get involved in political activity such as attending political campaign and activity (including non-campaign activity such as taking picture with the campaign participant, etc). According to researchers, this ban is similar with as if the ASN is prohibited from having political preferences, and this is contrary to the nature of humans as zoon politicon (political being). Besides, neutrality also embraced non-civil servant whom has be in charge on governmental institution such as Village Head (Kepala Desa) and his/her apparatus, including Village Council (Badan Permusyawaratan Desa). Even if it is prohibited, in 2019 general election, the Election Supervisory Board (Bawaslu) found 1096 cases violation which is committed by ASN, TNI and Polri. The discussion of this research will only focus on civil servant disobedience on neutrality towards political affairs. How neutrality regulation affected ASN? Why does it difficult to actualize ASN neutrality. The research question will be answered by the library method of studying the rules relating to ASN neutrality and also books on bureaucracy and politics. This research shows that rule according to neutrality on Law no 5 in 2014 related to ASN only mentioned that ASN is prohibited to be member and political party committee. However, the rules below which are reinforced by Law No. 7 of 2017 concerning Elections keeps ASN from having political preferences, even the ranks

Dede Sri Kartini. Civil Servant Neutrality on 2019 General Election in Indonesia. *Central European Journal of International and Security Studies* 13, no. 4: 397–410.

© 2019 CEJISS. Article is distributed under Open Access licence: Attribution - NonCommercial 3.0 Unported (cc by-nc 3.0).



of village government are treated the same as ASN. Another thing that makes the ASN neutrality difficult is that the career position of an ASN is determined by the Regional Head who is a political official who acts as a PPK (Officer of Staff Assessment). The rules that exist after the issuance of Law No. 5 of 2014 concerning ASN should be revised and PPK should be the Regional Secretary not the Regional Head.

Keyword: election, bureaucracy, neutrality, ASN.

Elections are an instrument of democracy to form a government, this is where the process of obtaining government leaders is legalized. In the democratic political structure, the struggle and implementation of power is carried out with certain rules of the game as outlined in the laws and regulations below (Etzioni dan Halevy, 2011).

In Indonesia, all chief of government is obtained by election methods, started from Chief of Government in National level until Chief of Government in village level, whom public are heavily participated to directly vote. When election is finished, government cycle is operated by bureaucracy system led by political officers whom winning the election. Thus, political and bureaucratic officials are viewed as one entity, the bureaucracy will not run without politics, so political officials will be in vain without bureaucracy, because no one runs election campaign promises of political officials

Campaign promises could only be realised when bureaucracy system interpreted into Medium Term National Developing Plan (Rencana Pembangunan Jangka Menengah Nasional /RPJMN) for National level and Medium Term Regional Developing Plan (Rencana Pembangunan Jangka Menengah Daerah /RPJMD) for Province, City or District level. In the RPJMN and RPJMD policies are gathered by government leaders (the President and the Regional Head), while the bureaucracy is the executor of these policies.

As mentioned by Rockman (1992), if we discussed about bureaucracy and power, the word "bureaucracy" refers to the executives as governmental organs. Bureaucracy finally has three main: first, bureaucracy as a form of common organisation. Weber explains this definition, and then bureaucracy is being intended to government and private organisation. Second, bureaucracy is a form of public or private administrative organs. We often use this word to refer to parts of state administration, such as the organisation of a department, function

lines within departments or other government institutions. From this understanding, the issues discussed are coordination, supervision and autonomy, the task of the bureaucracy is to make and implement policies. Thus the word “bureaucracy” consists of bureaus that interact with each other. Third, bureaucracy is people who sit in government permanently (civil servants). This group of people can be seen from various angles. If what is seen is the first group, then it refers to a group of administrative elites, if those who are seen by the second group are given attention to civil servants. From this lowest level, institutional affairs (officialdom) where the frequency of power is carried out when state employees meet the population, norms within the institution are the legitimacy and appearance of the state. With the selection of ASN in this paper, the author uses the third perspective of the Rockman.

Dede Sri
Kartini

Research Question

This research seeks to answer why is it difficult to implement neutrality on ASN in the 2019 general elections?

Research Methods

This study uses a qualitative approach with library study methods. Literature studies are conducted by studying various regulations such as laws, government regulations, circulars from agencies, news both through trusted and printed online, and books relating to bureaucratic theory and elections. Thus, the source of data in this study is documentation (Creswell, 2012).

Discussion

Unlike Weber whom interprets bureaucracy could be found on several organisations, Smith (1988, p. 9) limited the definition of bureaucracy as administrative governmental component from a political system (state, nation, city, region, etc) and public policy implementation.

As political phenomenon, bureaucracy as defined by John Stuart Mill is an activity to organize power. Beside Mill. Another writer also analysed bureaucracy as political power such as Hegel, Marx, Mosca, Michels, Weber and Laski. For example, Harold Laski categorised “bureaucracy” word in *Encyclopedia of the Social Sciences* with negative meaning : *”Bureaucracy is the term usually applied to a system of government the control of which is so completely in the hands officials that their power jeopardizes the liberties of ordinary citizens”* (Hill, 1992.p, 2).

Max Weber in *Economic and Society* journal writes bureaucracy had been an important thing in political power by examine social phenomenon as follows:

1. As an instrument in engaging authority relationship in rational organisation, bureaucracy in the past and now become the first tools of power for someone to control its apparatus.
2. The position of power can build bureaucracy always becomes bigger, so that in normal conditions it is difficult be defeated
3. In the modern state, the government really needs bureaucracy, and it is inevitable to avoid bureaucracy, whether it is in parliamentary or monarchy form.
4. In observing the growth of state bureaucracy and its increasing role in power, how to ensure power implementation is well-supervised effectively

Based on social phenomenon stated by Weber, how does Indonesia manage its bureaucracy, as it implemented in the followings rule, will be discussed below.

Modern bureaucracy has opposite nature with democracy (1996.p, 189), as recognised by Katz and Kahn, that politic should be naturally contained democratic character. It means, bureaucracy should be naturally being separated from politic, they cannot intervene on each other's. Being separated from politic means bureaucracy arena has silver linings with politics. ASN working performance is supervised by bureaucrat officers not by political officers. Thus, when an ASN get promoted, it is determined by bureaucrat officers not by President or Chief of Regent. But based on ASN management rule, according to Peraturan Pemerintah Republik Indonesia No. 7 in 2011 regarding on Civil Servant Management, Pejabat Pembina Kepegawaian has authority to assign rank, mutation and dismissal of ASN and its management supervisory in government institution (Article 1 verse 17).

Who is PPK as mentioned above? According to the Law, President has highest authority for ASN supervisory and has a right to appointment, transfer and dismissal of civil servants. The president can delegate his authority to the minister, the head of the institution in a non-ministerial government agency, the secretary general at the secretary of state institutions and non-structural institutions, the governor and bupati / mayor. According to researchers, from the various recipients of the authority, the most vulnerable to violations of ASN neutrality is the governor and regent / mayor. This is reinforced by

BKN, that out of 990 cases of violation of neutrality carried out by ASN as many as 99.5% of violators of ASN neutrality from January 2018 to March 2019 are employees in regional agencies (<https://nasional.kontan.co.id/news/bkn-995-employee-neutrality-asn-status-agency-regional-violator> , accessed on June 14, 2019, at 19:05).

The above incident shows that the Regional Head carried by a political party uses his authority to intervene in the bureaucracy to ask for political support to the bureaucratic apparatus which is subordinate in position, so it does not rule out the occurrence of dyadic patron client relations (Liddle, 1996). This means that when the Regional Head requests support from his apparatus, then when support is given the apparatus will be “rewarded” with a promotion for example.

Wilson and Goodnow made a dichotomy between politics and administration (Darwin, 1996). Politics deals with policy making, while administration deals with policy implementation. As an implementation institution, bureaucratic systems and procedures must be developed efficiently, among others, with hierarchical bureaucratic structures, impersonal rules, and career development systems that can guarantee the development of the professionalism of their apparatus. The purpose of developing this concept is to ensure the effectiveness of a democratically developed government. This means that democratic political mechanisms must be supported by a professional bureaucracy so that all political policies decided can be implemented efficiently. If the PPK is Regional Head, how can a political official guarantee the professionalism of his apparatus?

The rule according to neutrality as mentioned by Law No 5 Year 2014 as explained below:

“In order to maintaining ASN neutrality from political party influence, and ensuring wholeness, compactness, and unity of ASN, and can focus all attention, mind and energy on the task, which is charged, ASN is prohibited from being a member and or administrator of political parties.”

From this explanation, it can be implied that neutrality is defined only as prohibition to become members and or administrators of political parties. Ironically, government regulations under the law have locked the ASN to not have political preferences, namely sympathy for political parties or candidates that can be realised by participating in campaigns when the ASN is on holiday. The rules relating to ASN neutrality are Government Regulation (PP) Number 53 of 2010 con-

CEJISS
4/2019

cerning Civil Servant Discipline, Government Regulation Number 11 of 2017 concerning Management of Civil Servants and ahead of the 2019 Concurrent Election, the two regulations are supported by Law No. 7 of 2017 concerning Elections and Perbawaslu Number 6 of 2018. Although other laws and regulations were born after PP Number 53 of 2010, which is related to the discipline of civil servants, it is still used to translate the principle of neutrality. The following are the contents of the article about the discipline used to translate the principle of neutrality:

Civil servant is prohibited to:

1. Giving supports to President/ Vice President candidates, House of Representatives in National and Regional candidates (DPR and DPRD), or Regional Representatives Council (DPD) candidates
 - a. Participate as executor in the campaign events
 - b. Become the participant by wearing party attribute or civil servants attribute
 - c. As participant by mobilize another civil servants, and/or
 - d. As participants by using state facilities
2. Giving supports to President/ Vice Presidents candidate by:
 - a. Create decision and/ or action whom benefitted or bring disadvantages on one candidates during campaign periods, and/ or
 - b. Conducting activities which directed to civil servant's partisanship towards candidates before, during and after campaign period includes: meetings, invitations, **appeals**, and delivery of goods to civil servants inside the working unit, family members and society
3. Giving supports to , House of Representatives in National and Regional candidates , or Regional Representatives Council (DPD) candidates by submitted letters of support with copy of ID card or Resident Registration Certificate according to the Laws
4. Giving supports for Regional Head/ Vice Regional Head, by:
 - a. Participating in campaign activity to support Regional Head/ Vice Regional candidates
 - b. Utilizing facilities related to ranks in campaign activities

- c. Create decision and/ or action whom benefitted or bring disadvantages on one candidates during campaign periods, and/or
- d. Conducting activities which directed to civil servant's partisanship towards candidates before, during and after campaign period includes: meetings, invitations, exclamation, and delivery of goods to civil servants inside the working unit, family members and society

*Dede Sri
Kartini*

From this prohibition, there is a poin that is difficult to be proven i.e.: appealing to family member to support election candidates. Who will supervise ASN in domestic territory?

In Order to maintaining neutrality in 2019 general election and still committed to place its role and function proportionally, and also participating to positively contribute in unity of NKRI, Chief of BKN (State Personnel Agency/ Badan Kepegawaian Negara) released an appeals as follows:

1. According to Article 2 Law No 5 /2014 concerning to ASN
It is stated that in policy making and civil servants management, strongly attached in neutrality aspect. "Neutrality" is defined as each civil servant does not take side from every aspect of influence or do not take side of anyone's interest.
2. Civil servants are prohibited to give support to President/ Vice Presidents candidate by:
 - a. Participating in campaign activity to support Regional Head/ Vice Regional candidates
 - b. Utilizing facilities related to ranks in campaign activities
 - c. Create decision and/ or action whom benefitted or bring disadvantages on one candidates during campaign periods, and/ or
 - d. Conducting activities which directed to civil servant's partisanship towards candidates before, during and after campaign period includes: meetings, invitations, exclamation, and delivery of goods to civil servants inside the working unit, family members and society
3. By giving support to President or Vice President as mentioned in number 2, including activities whom directly conducted or not , including the usage of social media such as Twitter, Facebook, WhatsApp, BBM, Line, Instagram , Blog etc
4. In accordance with this condition, it is ordered to all civil servants to obey the law as mentioned in number 1,2,and 3

5. All Senior High Officials, High Primary Leadership Officers, Administrators and Supervisors had to monitor their subordinate in order to maintain neutrality in President and Vice President
 6. Civil servant who disobey the law in number 1,2, and 3 will receive disciplinary sanction
2. Civil servants are prohibited from providing support to candidates for President and Vice President by:
 - a. Involved in campaign activities to support candidates for President and Vice President;
 - b. Use facilities related to positions for campaign activities;
 - c. Make decisions and or actions that benefit or harm one of the candidate during the campaign period; and / or
 - d. Conducting activities that lead to partiality of the candidates who are participants of the Election before, during and after the campaign period including meetings, solicitation, appeals, appeals or the provision of goods / money to civil servants in their work environment, family members and the community.
 3. That the provision of support to candidates for President and Vice President as referred to in number 2, covers activities carried out directly or indirectly including using social media such as Twitter, Facebook, WhatsApp, BBM, Line, SMS, Instagram, Blogs, and its kind.
 4. In connection with this matter, all civil servants are ordered to comply with the provisions referred to in number 1, number 2 and number 3.
 5. To all Senior High Officials, the Primary High Leadership Officers, Administrators and Supervisors must supervise their subordinates in order to maintain neutrality in the implementation of the Presidential and Vice President Elections.
 6. Civil servants who do not comply with the provisions referred to in number 1, number 2, and number 3 above are sentenced to discipline.

The appeal is similar to PP No. 53 of 2010, only has been adjusted to the conditions of the 2019 simultaneous elections, namely the development of social media as an instrument to spread support to election participants. In addition, the 2019 simultaneous election also added rules for non-civil servants specifically prohibitions for village officials and members of village consultative bodies to be involved as executors

or campaign teams (Law No. 7 of 2017 concerning Elections Article 494).

Katz and Kahn recognised that politics should have a democratic character and an authoritarian bureaucracy (Darwin, 1996). Democracy has a populist character, which means that decisions taken pay attention to the voices of many people, for example the demands of demonstrators on the streets, also to occupy the leadership of political parties one do not require special education and expertise. As long as he gets the most support from the people, his political position is legitimate. Whereas bureaucracy has a hierarchical character, which meaning that between superiors and subordinates have contractual relationships, that is, individuals want to sacrifice their freedom by being obedient to the organisation because of rewards in the form of salaries and status, which already set. In a neutral bureaucracy the obedience of a subordinate to a superior based on the formal mandate of the superior, not because of the tradition or charisma he has. Thus, subordinates can say **no** to tasks that must be carried out outside their responsibilities.

The dominant value in politics is justice. Thus, equality of rights and decision-making that participate should be prioritised. Decisions or policies taken by politicians should be in accordance with the demands of the people, and politicians must account for all policies taken to the people because they are *elected officials* (elected officials of the people). To be able to carry out the daily tasks of government, civil servants are required to have knowledge, skills and abilities (KSA) to produce government goods and services. Civil servants will only become *human capital* only if they have experienced planned and tiered human resource development through education, *on-the-job training*, staff schools, and mutation or transfer of tasks to various fields of government (Darwin, 1996)

As the government's hand, the bureaucratic apparatus must realise that he is not a ruling government employee but a state employee, two different but inherent statuses that must be embedded in the civil service. So do politicians, he is only a temporary official who occupies a political position because he is elected by the people. For this reason, it must be realised that he uses the bureaucracy to implement the policies he outlines, but the bureaucracy is not his personal property so that he can use it at will.

The origin of politicians and bureaucratic apparatus is indeed different, political positions are obtained through the election process

*Civil Servant
Neutrality on
2019 General
Election*

thus has support, while bureaucratic positions are obtained because they are appointed so that the person has bureaucratic power, expertise and institutional position, not a voter mandate (Gruber, 1987). Thus, it is very important to separate the bureaucratic arena and the political arena, placing the Regional Head as PPK is an action for the entry of politics into the bureaucracy.

Bureaucracy is an institution that permanently serves the community, while politicians are party representatives who certainly have a moral burden to serve the interests of their population. Do not let the bureaucracy be damaged by people who come and then take power only for a temporary

The difference between democracy and bureaucracy as listed briefly in the table below:

Table 1

Viewpoint	Democracy	Bureaucracy
Character possessed	Populist	Hierarchies
Dominant value	Justice	Efficiency
Basis	a. Value of equality and role b. Decision making is participatory	Differences in status and role
Position	Politicians' wisdom based on the demands of the people and accountable to the people	The flow of decisions and orders flows from the top (leader) - down (subordinates) and the flow of accountability flows from the opposite direction

Source: processed from Darwin, 1996: 189

From the matrix above it appears that the characters are opposite, but both must be present in modern government. For this reason, so that the relations between the two will maintain their respective arenas, then the rules should not allow "politics" to enter the bureaucratic arena. Indonesia through its set of rules actually invites politics to influence the bureaucracy, it is not surprising that if these rules are not changed so then the ASN neutrality problems will continuously appear

in every elections, because after all ASN is an object as well as a subject in bureaucratic reform (Putranto, 2009).

Bureaucratic and democratic relations in the form of matrices were also put forward by Carifio (Turner and Hulme, 1997) below:

Dede Sri
Kartini

Table 2

Power Distribution in Society	Power Distribution in Government	
Democracy	Executive Ascendant 1 Democratic Political Regime Control Bureaucracy	Executive Sublated 2 Bureaucracy Dominates Democratic Political Regime
	3 Bureaucratic Subordination To Authotarian Political Regime	4 Authotarian Political Regime Shares Power with Bureaucracy
Authoritarianism		

Source: Carifio, 1992 modified by Turner and Hulme (1997)

Turner and Hulme (1997: 95-95) explain the matrix as follows:

In cell 1 we have ‘the legally expected interaction of a political leadership and bureaucracy in a democracy’, whereby the political regime maintain control over what bureaucracy does. Cell 2 delineates a ‘bureaucracy-dominated democracy’ where the bureaucracy is ideally participatory and non-hierarchical, dealing directly with public interest groups representing racial, gender and class minorities. Cell 3 despite bureaucratic subordination under authoritarian leadership. The final cell 4 in especially common in military regimes that secure the willing participation of the bureaucracy in government.

When we analyse the relationship between democracy and the bureaucracy using the matrix from Carrifio above, Indonesia is in cell 1 because of the rules that control the bureaucracy. Politics is indeed democratic like competitive elections involving various political parties (Tohari, 2013) but the bureaucracy is still intervened by politics.

Democracy in Indonesia is still in the stage of procedural democracy or formal democracy. It is this democracy that will ignore structural conditions and perpetuate the dominance of the power of the local

elite (Tohari, 2013). Procedural democracy can be explained in two conditions, first, democracy is an almost technical matter, meaning that there is no relationship between democracy and economic and welfare issues. For this view, democracy and the economy cannot be mixed up, each has a different problem. This kind of democracy is often called liberal democracy that is democracy where all of its devices are derived from liberal ideology. Democracy will work well if the institutions and procedures are well developed, and everyone runs it well. This kind of democracy does not question why when there is a change of power there is always a group that enjoys power with good welfare, but on the other hand there are groups that do not enjoy power with a low level of welfare. This view of democracy adheres to the fulfillment of civil and political rights, while the fulfillment of economic, social and cultural rights is not considered important. The winners are those who have controlled more resources, so this type of democracy is the winner's democracy.

Second, democratic actors are the main elements for Democratisation and democracy. These actors fight for the values and practices of democracy. According to Moore as quoted by Tohari (2013), democracy will be realised when there are bourgeois or middle class groups that are adequate and have an awareness of the importance of democracy. For his statement, Moore is famous for the slogan no bourgeoisie no democracy. Thus, democracy is determined by how many people live and "believe in" democracy and practices it well and orderly whether people are prosperous or not is a matter to be concerned later.

The third perspective is the hope from the author that substantive democracy is present in Indonesia, democracy is not just a competitive election routine, civil political rights and the Realisation of political institutions. But democracy also meets structural requirements which include economic, social and cultural capital (welfare) for anyone and also everyone can enter the arena of political contestation. For adherents of this type of democracy, in addition to political and civil rights, guaranteeing economic, social and cultural rights is a condition for a democracy. How much of these rights are fulfilled will determine the level of people's welfare. Without guarantees for these rights, democracy will be trapped in the oligarchy of the bourgeoisie.

Procedural democracy that fosters and nourishes the strengthening of local elites, gets stronger when supported by rules like what is happening in Indonesia today. The descendants of certain families who

hold positions as Regional Heads control some regions. There are districts that are almost 20 years controlled by certain families, this has the potential to dominate the bureaucracy, and the regent by the rule is the Pejabat Pembina Kepegawaian.

Conclusion

Political conditions may change according to the polarisation of support for the party, but this condition should not interfere with the bureaucracy that requires structured turnover and prioritizing expertise. After all, for the creation of democratic government a strong bureaucracy is needed, bureaucracy is the hands of the government but does not belong to the government, it belongs to the state. As the existence of an eternal state, with people who govern may change, so does the bureaucracy.

The rule that states that the Regional Head is a Pejabat Pembina Kepegawaian (PPK) has the potential to be misused, making it difficult to neutralize ASN from politics. It would be better if PPK is the Regional Secretary who is also a bureaucratic official.

Translating neutrality should not eliminate the political preferences of an ASN, so the current restrictions should be reviewed. A prohibition against ASN for the Concurrent Election ahead has led ASN to become a voter who made his choice without consideration and limit ASN to obtain political information.



DEDE SRI KARTINI is affiliated with the Department of Governmental Science, Universitas Padjajaran, Bandung, Indonesia, and can be contacted at dede.sri.kartini@unpad.ac.id.

References

- Creswell, J. W. (2012). *Research Design : Pendekatan Kualitatif, Kuantitatif, dan Mixed, Edisi Ketiga*. Yogyakarta : Pustaka Pelajar.
- Darwin, M. (1996). "Pengembangan aparatur Pemerintahan Indonesia" in Riza Noer Arfani (ed.), *Demokrasi Indonesia Kontemporer*. Jakarta : Rajawali Pers.
- Etzioni., & Halevy. (2011). *Demokrasi dan Birokrasi : Sebuah Dilema Politik*. Yogyakarta : Asram Foundation
- Gruber, J. (1987). *Controlling Bureaucratic: Dilemmas in Democratic Governance*, Berkeley : University of California.
- Hill, L. B. (1992). "Public Bureaucracy and the American State" in Larry B. Hill, *The State of Public Bureaucracy*. London : M.E. Sharpe, Inc.,
- Liddle, R. William. (1996). *Leadership And Culture In Indonesian Politics*. Sydney : Allen and Unwin

Civil Servant
Neutrality on
2019 General
Election

- Putranto, A., & Sulistyono T. (2009). *Pengelolaan Kepegawaian (PNS) sebagai Key Leverage Reformasi Birokrasi di Indonesia* in Agus Pramusinto dan Wahyudi Kumorotomo. *Governance Reform di Indonesia : Mencari Arah Kelembagaan Politik yang Demokratis dan Birokrasi yang Profesional*. Yogyakarta : Gaya Media
- CEJISS
4/2019
- Rockman, B. A. (1992). "Bureaucratic, Power, Policy and the State" in Larry B. Hill (ed), *The State of Bureaucracy*, ME. Sharpe, Inc., London.
- Smith, B.C, (1988). *Bureaucracy and Political Power*, St. Martins Press, Inc., New York.
- Tohari, A. (2013). *Keluar dari Demokrasi Populer*. Yogyakarta : PolGov
- Turner, M., & David, H. (1997). *Governance, Administration & Development making The State Work*. New York: Palgrave

Website

<https://nasional.kontan.co.id/news/bkn-995-pelanggar-netralitas-asn-berstatus-pegawai-instansi-daerah>, Accessed on June 14th 2019, at 19.05.